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House of Representatives

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 25, 1998.

I hereby designate the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Henry E. Eisenhart, National Chaplain, The American Legion, Washington, D.C., offered the following prayer:

Almighty God, we stand before You in prayer, entreating Your presence in this House of Representatives.

We thank You for America, for the privileges we have, the rights we cherish, the freedoms we enjoy. Bless these Representatives while they reflect on the historic past, shape our destiny today, and focus on the challenges and opportunities of a new century. Stimulate them to think clearly, speak cautiously, and act courageously on complex issues for the betterment of the people. Endow them with wisdom to legislate discreetly and discerningly for a safer and stronger Nation and for peace and justice in our world.

Empower the legislators not only upon what they are doing, but also upon what they ought to be doing for God and country. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. LEWIS) come forward and lead the House in the Pledge of Allegiance.

Mr. LEWIS of Kentucky 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

INTRODUCING GUEST CHAPLAIN, REVEREND HENRY E. EISENHART

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

Mr. GREENWOOD. Mr. Speaker, I rise to welcome and to introduce our guest chaplain for today, Reverend Henry Eisenhart. He is the National Chaplain of the American Legion, and I want to thank him for his thoughtful words this morning.

Mr. Speaker, I would like to tell my colleagues a little bit about Reverend Eisenhart. He is a lifelong resident of Pennsylvania. He graduated from Muhlenberg College with a bachelor of philosophy degree in 1942, and he was inducted into the United States Army Corps, where he served with honor and with distinction. He was part of the landing at Oran, North Africa on January 27, 1943. He was attached to the 51st Troop Carrier Squadron and the 62nd Troop Carrier Group. He served valiantly in some of the most desperate and critical battles, campaigns, and air offenses of the war in Tunisia, Sicily, Naples-Foggia, Po Valley, the Northern Apennines, the Balkans, Rome-Arno, and southern France.

Following his discharge in 1945, Reverend Eisenhart entered the Lutheran Theological Seminary at Mount Airy, Pennsylvania, where he received a bachelor of divinity degree in May 1948 and he was ordained into the Gospel of Ministry of the United Lutheran Church of America. He continued his graduate studies to earn a master of sacred theology degree in May 1952.

Four congregations have had the privilege of being ministered by Reverend Eisenhart prior to his retirement in 1982.

In retirement, Reverend Eisenhart's desire to serve has not diminished. He is a 36-year member of the Wallace Willard Keller American Legion Post 232 and he has been Post Chaplain since 1963. Additionally, he has served as Pennsylvania State Chaplain of the American Legion from 1989 to 1997. He was named chairman of the Patriotic Religious Memorial Service for the 75th National Convention of the American Legion held in Pittsburgh, Pennsylvania in 1993. And most recently, he was appointed National Chaplain of the American Legion for the Legion year 1997–1998.

I am not surprised, Mr. Speaker, that he received the ''Good Thing You Do Award'' for outstanding and dedicated services rendered to the Pennsylvania American Legion.

It is fitting this morning that we honor Reverend Eisenhart for his lifelong devotion to serving his country, his community, and for his untiring service to the Word of the Lord.

It is, thus, with great pleasure that I welcome the Reverend Henry Eisenhart to the House today and offer him heartfelt thanks on our behalf for leading us in prayer this morning as our guest chaplain.

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EXECUTIVE PRIVILEGE

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

Mr. DELAY. Mr. Speaker, according to press reports, the President has invoked executive privilege to avoid explaining some of his actions in the White House. And for the record, neither George Bush nor Ronald Reagan ever invoked executive privilege during their tenure in the White House.

If the President is allowed to use executive privilege regarding current events, I can only wonder what other ways would he use executive privilege. Would he cite executive privilege to avoid explaining his plans to spend the surplus? When people ask him his real thoughts about cutting taxes, will he simply say executive privilege? And when it comes to his opposition to education savings accounts, the President could cite executive privilege. It is better than admitting he is a pawn of the teachers' unions.

Mr. Speaker I urge the President to rethink his use of executive privilege. It sets a terrible precedent.

DEMOCRATS OFFER REAL CAMPAIGN FINANCE REFORM

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

Mr. PALLONE. Mr. Speaker, the Republican leadership has scheduled a sham campaign finance reform bill for consideration this week. The Republican bill would not achieve reform even if it passed. But the Republicans have include a poison pill, an antilabor provision, just to make sure that the bill does not pass.

The GOP campaign finance charade would allow wealthy individuals to contribute more money. It would make it more difficult for workers to organize and for the National Labor Relations Board to stop employers from violating labor laws.

Democrats, on the other hand, will offer a substitute bill, essentially the McCain-Feingold legislation that includes real reform, including a ban on soft money. Democrats offer real reform that gives average working families an equal voice in the political system and limits the influence of wealthy special interests in our political process.

REALLY PUT SOCIAL SECURITY FIRST

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to compliment the President for saying let us put Social Security first. I would like to compliment Senator MOYNIHAN for moving the solutions of this issue to the front burner. I would like to invite my colleagues to really put Social Security first by co-sponsoring a bill with me today.

The bill that I will be introducing accomplishes two major objectives. Number one, it provides that the money that we are borrowing from the Social Security trust fund this next year be marketable certificates. Instead of the nonmarketable IOUs, they would be marketable so we could, in effect, take it around the corner to the local bank anytime the Trust Fund needed that money for paying benefits.

The other provision takes some of the surplus money and allows younger workers on a ten year pilot to invest some of that surplus money in their own 401(k)—Thrift savings-type retirement accounts. That will help in the long term to keep Social Security solvent and let these workers accrue more wealth than they would have under the current system.

Mr. Speaker, I invite my colleagues to look at this bill and consider cosponsorship.

CONGRESS BETTER START DOING SOMETHING ABOUT JOBS

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

Mr. TRAFICANT. Mr. Speaker, every day the American people are told how great the economy is. I do not buy it. Let us check the scoreboard. In 1995 900,000 Americans filed for bankruptcy. In 1996 1,100,000 filed for bankruptcy. And last year 1,400,000-plus filed for bankruptcy. Total bustout ''morgueville,'' belly up. A 20 percent increase in one year.

What is worse, our kids are moving to Mexico to find work. They cannot find it around here. Take Boeing, for example, please. They laid off 18,000 workers since December. What is next, Congress? Will we be told that El Nino is good for the economy?

Beam me up.

Mr. Speaker, I think Congress better start doing something about jobs in America.

AMERICAN TAXPAYERS' MOST DREADED DAY: APRIL 15

(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, the countdown is on. The tax clock is ticking. The nightmare of all nightmares to American workers: The tax man is coming.

That is right. Just 3 short weeks from today is the American taxpayers' most dreaded day: April 15. This day looms on the calendar each year as an ominous reminder of the crushing burden of the current Federal Tax Code. And while the IRS smiles behind closed doors, American workingmen and women are struggling to keep pace with an out-of-control Federal agency.

Over the next 21 days, taxpayers across this country will spend many sleepless nights and work countless hours in an attempt to figure out exactly how much of their hard-earned money must be sent to the government.

Heaven forbid the amount is off by a single cent, causing the taxpayer to face the unbridled wrath of the IRS.

Mr. Speaker, the time is now to enact comprehensive tax reform. Sweet dreams, Mr. and Mrs. America.

AN ACCURATE COUNT OF EVERY AMERICAN IS ESSENTIAL IN THE YEAR 2000 CENSUS

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

Mr. DAVIS of Illinois. Mr. Speaker, as we prepare to take the census in the year 2000, I want to take just a moment and underscore the importance of this issue. I also want to commend and congratulate the gentlewoman from New York (Mrs. MALONEY) for her leadership in keeping this issue before the American people.

Mr. Speaker, let us remember that every person must count; therefore, every effort must be made to count each and every citizen. We must be able to avoid the massive undercounts that we experienced during the past 2 decades, especially among poor and minority population groups. Just as we have been able to count the huge crowds that have turned out to greet the President on his visit to Africa, we must be able to count each and every citizen of this country.

Sampling is the most effective way, the most cost-conscious way, and the most assured way that will let us make it happen.

□ 1015

TIME FOR VICE PRESIDENT TO COME CLEAN ABOUT FUND-RAISING EVENT

(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, it is time for a little quiz. What is the difference between a community outreach event and a fund-raiser? We really would like to know. But maybe the Vice President can help us. How about this one? What is the difference between a finance-related event and a fund-raiser? Or how about the difference between an event for donor maintenance and a fund-raiser?

It is a time for the Vice President to come clean about the legal event, whatever euphemism we want to use to describe it, that was held on April 29, 1996, in California. Maybe the Vice President can help us with the problem we are having trying to understand how an event organized by Maria Hsia, who is a fund-raiser, which raised $55,000, is not a fund-raiser?

Mr. Speaker, we do not need an MBA, we do not need a CPA, we do not need a Ph.D. in economics to see when a professional fund-raiser raises $55,000 at a finance-related event we are talking about a fund-raiser.

Leaving the shredded documents and money laundering aside, what exactly is the Vice President's explanation about this sordid affair?

CAMPAIGN FINANCE REFORM

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

Ms. KILPATRICK. Mr. Speaker, last week the Committee on House Oversight, of which I am a member, reported out a bill called campaign finance reform. What a sham. The bill, among other things, increases the limits that an individual could give a party from $20,000 to $60,000. Now, who does that benefit?

I put an amendment in at that time, and will again on the floor if the Committee on Rules allows, to strike section 1, which would ban labor unions and nonprofits from educating their people, their members, on what Federal legislation and otherwise they need to know about before they vote.

How is that campaign finance reform, campaign finance reform that the people want to take all the money out, $600 million raised last year, soft money and hard money from the Republican Party, $60 million from Democrats, Republicans and Democrats. Too much money.

American voters want to participate and they do not want to have to have $75,000 to do so.

TIME TO SCRAP AMERICAN TAX CODE

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

Mr. CHABOT. Mr. Speaker, an American who goes abroad can brag about a lot of things about our country, but one thing he cannot brag about is the American Tax Code.

Mr. Speaker, just look at what has happened over the last 75 years. Back in 1913, the Tax Code was 14 pages. Now it is 3,500 pages. From 14 pages to 3,500 pages. That is not progress in my book. The Tax Code is 3,500 pages of incomprehensible regulations, exemptions, loopholes and other absurdities just to figure out how much we, as citizens, owe Uncle Sam.

I suspect that an American who goes abroad will have a long list of things to be proud of, but that list will not include our Tax Code. The Tax Code is not logical. It is virtually incomprehensible and it is not fair. It is time to scrap the Tax Code in favor of a simple, low tax rate that will be the envy of the world.

PROFESSIONAL FOOTBALL TEAM IN HOUSTON

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

Mr. GREEN. Mr. Speaker, the owners of the National Football League voted Monday to provide Cleveland with an expansion franchise, the 31st NFL team. The Cleveland team will be known as the Browns and will begin playing in 1999.

Congratulations to Cleveland and the gentleman from Ohio (Mr. STOKES); they are finally going to get a football team. Last year the gentleman from Ohio introduced H.R. 2699 after losing their professional football team. He wanted to protect cities from losing their professional sports teams. I cosponsored this bill.

Sports are a way in which people identify with their hometown and take pride in their hometown. As a Member of Congress from Houston, we also lost our team last year. When we think of Houston, we think of oil. We think maybe of the Houston Oilers. Do we really think of the Tennessee Oilers?

Houston is the fourth largest city. There should be a professional football team in Houston. I hope the NFL owners will even the number to number 32 and approve an expansion team to Houston.

Again, congratulations to Cleveland. Hopefully, with this example of an expansion franchise, we might just see another football team in Houston again soon.

TIME FOR AMERICA TO CRY OUT AND PRAY FOR HER CHILDREN

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

Mr. LEWIS of Kentucky. Mr. Speaker, it is time for America to weep and mourn. It is time for America to cry out for her children. ''A voice was heard,'' as Jeremiah said in the Old Testament, ''in Ra'mah, lamentation, and bitter weeping; Rachel weeping for her children because they were no more.''

Mr. Speaker, Jonesboro, Arkansas, is the third small community in recent months to experience a tragedy of wholesale slaughter where children are killing children. Yes, Mr. Speaker, it is time for America to cry out and pray for her children.

Every day almost 3,000 teenage girls get pregnant, over 1,000 teenage girls have abortions, over 4,200 teenagers contract a sexually transmitted disease, 135,000 children carry guns or other weapons to school, 10 children are killed by guns, 6 teenagers commit suicide, and 211 children are convicted of drug use, every single day.

It is time for all of us who call ourselves Americans and love our children to be outraged, outraged at a morally corrupt culture that is alien to every tried and tested moral structure that traditionally has undergirded our Nation.

NATIONAL DO-NOTHING DAY ON CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, without a doubt, this Congress today can go down in history as the biggest do-nothing Congress in memory. It has done less work on this floor in 3 months than the ordinary American would do in 3 weeks. Indeed, if we really think about all the important issues that have been taken up here, this Congress could have met for 3 days and gone home.

Having achieved the ability to do nothing better than anyone else noticed in this country, this Gingrich Congress will tomorrow declare ''National Do-Nothing Day'' on campaign finance reform. I see for years they have been promising to do something to fix the corrupting influence of campaign dollars, and tomorrow they will devote a couple of hours to talking about it and then doing nothing. They have cut off any real debate on proposals, not only of Democrats, but some of the Republicans who came forward with specific proposals to fix this perverted, broken system.

This Gingrich Congress defends doing it the same old way to let the tobacco companies come in here and dump billions of dollars into this corrupt system.

TIME FOR CONGRESS TO CUT MORE SPENDING, CUT MORE WASTE, ELIMINATE MORE BUREAUCRACY

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

Mr. HEFLEY. Mr. Speaker, the only outrages bigger than those coming out of the West Wing of the White House are those coming out of the left wing of the White House. Just listen to their latest warning about letting people keep a little more of their own money.

The White House, only 2 years after calling Republicans extremist for wanting to balance the budget and cut taxes at the same time, now thinks that the tax cuts would be dangerous, irresponsible, and bad policy. This is the same White House that has proposed billions and billions of dollars in new spending programs in their latest budget.

Can anyone please tell me why it is that multibillion dollars of new spending programs will not endanger the balanced budget, but tax cuts will? Can anyone please explain to me why Congress should not cut more spending, cut more waste, eliminate more bureaucracy so that American families might be able to keep more of their own money?

The tax package Congress passed last year was only a first step. It is time for us to take more steps in that direction.

''SO-CALLED'' CAMPAIGN FINANCE BILL

(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, I hope the Republican majority does not think that they can actually pass off their ''so-called'' campaign finance bill as genuine reform. The American people are much smarter. All they have to do is pick up the morning papers where newspaper editorial boards are calling their bluff.

The New York Times titles their piece ''Campaign Finance Charades'' and says, ''Next, GINGRICH has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system.''

The Times calls this bill ''sham legislation dressed up to look like reform.'' The Times is not alone. The Washington Post editorial, titled ''Mocking Campaign Reform'' says, ''The leadership has put together a mock reform bill to create the impression of action, but none of the risk.''

We can go on and on and on. The League of Women Voters, Common Cause, every public group that has focused in on trying to clean up the campaign finance reform system agrees that the Republican proposal is a sham.

Let us pass McCain-Feingold II.

TAX REFORM

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

Mr. KNOLLENBERG. Mr. Speaker, when considering the tax burden imposed on the American people today, I am reminded of an observation that was made by Mark Twain: ''What's the difference between a taxidermist and a tax collector? The taxidermist takes only your skin.''

According to the nonpartisan Tax Foundation, the average American family is now paying more in taxes than they spend on food, clothing, and shelter combined. That, I believe, is an outrage. Working families should be allowed to take care of their basic needs before being required to finance the whims of politicians.

Last year's tax cut did improve the situation, but more work needs to be done. If we exercise the courage and discipline to cut wasteful spending and make the Federal Government more efficient, the American people can have some of their money back.

Mr. Speaker, let us do the right thing. Let us cut taxes again, this time for everybody, so working Americans can then keep more of their hard-earned money. They can spend their money better than we can. Let us allow them to do so.

CAMPAIGN FINANCE REFORM

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

Mr. SNYDER. Mr. Speaker, a year ago many people in this House, in a bipartisan fashion, adopted the principle of let us do the doable, and began talking about putting together bipartisan campaign finance reform bills that deal with the problem of the large soft money donations. Instead, the Republican leadership has adopted the principle of let us kill the killable, and will put up a bill tomorrow that is a bill in name only, campaign finance reform.

They have put in provisions that have caused the League of Women Voters to call it a travesty, Common Cause to call it a hoax, the Washington Post to call it a mockery, and the New York Times to call it a charade.

This Republican bill is not leadership, it is not campaign finance reform, it is an embarrassment to this House.

TAX RELIEF FOR MIDDLE-CLASS AMERICANS

(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, the Republican Party stands for tax relief for working Americans. We know middle-class families are getting killed by paying 50 percent of their income in direct and indirect tax, and what they get in return for those taxes suggests that the Government mocks their hard work that went into the earning of their wages.

But the possibility of enacting middle-class tax relief this year appears to be quite remote. The reason is because the President and the liberals here in the House refuse to cut spending. They refuse the means by which tax cuts are put on the table.

The President and his liberal allies in Congress do not believe that any more can be cut from the $1.7 trillion budget, for they believe all those wonderful, big government programs are more important than giving middle-class families some real tax relief; and they do not want to offend their special interests that keep them in power.

Mr. Speaker, I think it is time to put the average middle-class American before the special interests. Let us rid the Government of more wasteful programs and fight for tax relief for middle-class Americans.

THE FIX IS IN

(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, the fix is in. After the Republicans have spent millions of dollars in campaign finance investigations, now the Republican leadership has crafted their own campaign finance reform bill. It comes to the floor tomorrow. The fix is in. It is not bipartisan. It is not reform. It is designed to fail.

This Republican leadership bill attacks unionized workers, it triples what wealthy individuals can give to candidates who are political parties in hard money. They say it bans soft money, but they are wrong. It does not. It allows the soft money races to go on at the State party level. The Freshman Task Force developed a bipartisan bill. It was a good bill. The Republican leadership will not let it come to the floor.

Mr. Speaker, the fix is in. Vote against the Republicans so-called campaign reform bill when it comes up tomorrow.

DREAM OF A DRUG-FREE AMERICA

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, the poet Carl Sandburg once wrote that ''Nothing happens unless first a dream.''

Today, as we confront the issue of drugs, I urge my colleagues to dream of a nation without drugs. Imagine schools where our children are not told it is cool to be high. Imagine streets where drug pushers are nowhere to be seen. And imagine a world where the scourge of drugs has been eliminated for good forever.

The issue of drugs deserves our immediate attention. In the 1990s, teenage drug use has nearly doubled. Nearly half of all 17-year-olds in our communities today say they can buy marijuana within an hour. That is not a problem. That is a crisis.

The good news is that today communities all across America are beginning to dream again and families are beginning to hope again. Why? Simply because millions of American families are more determined than ever to win the war on drugs. I believe our dream of a drug-free America can become a reality if we pursue a strategy based on simple principles. First, face the reality of drugs.

Principles such as empowering families to effectuate change. And principles such as protecting the victims and punishing the criminals.

Mr. Speaker, the drug crisis is real and rising. But I have always believed that what is wrong with America can be cured by all that is right with America. And that's why I am so pleased to be a member of the Speaker's Task Force for a Drug Free America.

I believe the war on drugs is one that can be won, must be won, and will be won, if only we have the courage to dream of a drug-free America. Together, we can save America from the scourge of drugs. One day at a time. One neighborhood at a time. And one child at a time.

LET US GET REAL CAMPAIGN FINANCE REFORM OUT ON THE FLOOR

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

Mr. HINCHEY. Mr. Speaker, the American people and most of the Members of this Congress agree that the most important issue currently facing our country is reforming the way we finance campaigns. Earlier this year, the Senate defeated campaign finance reform when the leadership over there engaged in a filibuster. Now the leadership in this House is bringing a bill to the floor which is a complete hoax.

Here is what Common Cause has to say about the bill. ''Under the Republican leadership bill, tobacco companies could continue to launder soft money through the State parties in order to influence Federal elections, as they did in 1996. And under the Republican leadership bill, medium mogul Rupert Murdoch could again run $1 million in soft money through the California Republican party, as he did during the 1996 campaign while he was seeking favorable treatment in Washington on Federal communications legislation.'' He succeeded, by the way.

The great Republican Abraham Lincoln said, ''You can't fool all the people all the time.'' Let us stop fooling around and get real campaign finance reform out here on the floor.

□ 1030

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT

(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, how absurd are things in America today. Try this. Today we will vote on a bill that requires employees who work for a company to actually spend 50 percent of their daily job working for that company. You heard me. Under this legislation, if you work for Wal-Mart, you must spend half your weekly 40 hours, 20 hours a week, actually working for Wal-Mart.

Think about that. When I was a kid, my dad made me cut the grass. What would he have done if I cut half of it and then we went fishing? That would have been a lively conversation. What if you were at a restaurant and the waitress served half the people that you are eating with. Or what if a football player on a breakaway punt return crosses the 50-yard line and stops for a coffee break?

The idea is ridiculous. But listen to this. The Democrats oppose it. H.R. 3246 is not even a reality check, but a halfway measure to correct a half-baked idea that a half-brained Washington bureaucrat botched all the way.

CAMPAIGN FINANCE BILL

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

Ms. MCCARTHY of Missouri. Mr. Speaker, our guest chaplain today called upon us to find the courage to make the tough decisions before us for the sake of the American people. A timely blessing indeed, for this week we will consider campaign finance reform.

I support a bipartisan measure to reform the process. But the Republican leadership will present us with a very partisan campaign finance measure which contains some of the very worst ideas on campaign finance reform. The so-called Paycheck Protection Act is completely unbalanced and will not work. The Voter Eligibility Verification Act discriminates against voters, is deeply flawed, is not needed, will not work and has nothing to do with campaign finance reform.

The Republican bill also does nothing to ban soft money and raises contribution limits for donations to Federal candidates. This bill takes a giant step in the wrong direction. This has been called a charade, a sham. Mr. Speaker, let us vote on the real thing for the sake of the American people.

THE STATE OF NATIONAL SECURITY

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

Mr. CUNNINGHAM. Mr. Speaker, yesterday the Committee on Appropriations went forth on, quote, emergency supplementals in different areas. One was for IMF, the other was U.N., one for emergency spending, and the state of defense. Let me talk about the state of defense.

In 30 years, Mr. Speaker, our national security is the worst and the lowest I have ever seen it. We have gotten there because Somalia, Haiti and Bosnia policies set forward were not paid for. They have cost $16 billion out of an already low defense budget. Those dollars come out of operation and maintenance of a 1950s budget.

The other problems that we have in emergency spending, we have got to find some offsets for those. It is going to be difficult in the upcoming weeks to find those offsets so we do not break the budget. Alan Greenspan has said if we break the budget caps, then the economy we have, the interest rates and everything else is going to go down. We need to work together to find those offsets, Mr. Speaker.

ALL GUNS SHOULD HAVE TRIGGER LOCKS

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

Mr. SCHUMER. Mr. Speaker, our thoughts and our tears and our prayers are with the families of Jonesboro, Arkansas. No parent, no child, no school should have to suffer this way. I beg every parent with a gun in the home and every gun manufacturer to please, please listen.

There are two ways that children get a gun. They either take it from their home without their parents' knowledge or they steal it from a neighbor. You lock your car. You lock your home. You should lock your gun. Every gun should be sold with a childproof trigger safety lock that only the parents know how to unlock.

A borrowed gun, a stolen gun should be a harmless gun. Please, make your gun useless to others. Make it harmless with a trigger lock. I am asking every parent who owns a gun to purchase a trigger lock today and make your gun safe. I am asking all gun manufacturers to include a trigger lock with every gun sale.

SUPPORT SCHOOL CONSTRUCTION BILL

(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, I rise today to call on my colleagues to join me to pass legislation to build new schools for all of education and for all of our children. Yesterday I taught a class to a group of sixth graders in Terrell Lane Middle School in Louisburg in my district. It was part of my Give a Teacher a Break program.

As superintendent for 8 years of my State schools, I know I probably have spent more time in public schools than any other Member of this Congress. I know what it takes to improve education for our children.

Mr. Speaker, we must make the investment necessary to strengthen our public schools. We must provide resources to assist our communities in the drowning enrollment growth they are facing. And we must have the foresight to target these funds to the areas that we know will experience tremendous growth of the baby boom echo in the near future. I am drafting school construction legislation that will accomplish these goals. My bill will provide $7.2 billion in school construction for States and communities that are growing. My bill will be paid for by the same offset others would use to finance their risky private school voucher scheme.

CAMPAIGN FINANCE REFORM SCAM

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

Mr. LEWIS of Georgia. Mr. Speaker, here is what the New York Times has to say about the campaign finance reform bill Republicans will bring to the House floor this week: ''Newt Gingrich has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system.''

Here is what the Republican bill will do, among other things. It would increase the amount of money rich individuals could contribute to a candidate from $1,000 to $2,000. It would increase the amount of money a rich individual could contribute to a political party from $20,000 to $60,000, and it would increase the total amount a rich individual could contribute to candidates and parties from $25,000 to $75,000; $1,000 to $2,000, $20,000 to $60,000, $25,000 to $75,000.

That is the Republican campaign finance reform. If you think there is not enough money in politics, this is the campaign finance reform bill for you.

This bill is a scam, it is a sham, it is a shame and a disgrace. The Republican majority ought to be embarrassed to bring this bill to the floor.

CAMPAIGN FINANCE REFORM

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

Mr. TIERNEY. Mr. Speaker, the moment of truth is upon us. It is showdown time today in the Rules Committee on campaign finance reform.

Last November, the Speaker of this House promised the House a very fair bipartisan vote on campaign finance reform. The question is, will the Committee on Rules live up to that promise when it meets today?

Certainly, Mr. Speaker, the deck against passing reform is stacked. The bill that the Republicans are putting forth today is in no way reform. It is in fact deform. We will not have a chance to vote on real reform nor will we have a chance to vote on anything but a half-baked concoction of campaign finance deforms that are going to be offered to us in a so-called Thomas bill.

Just this week the chairman of the Rules Committee indicated that he wants to allow a vote on a substantive campaign finance bill in addition to the Thomas bill. I urge the Speaker, I urge the Rules Committee, to fulfill the promises that have been made last fall. Give us a fair bipartisan vote on campaign finance reform.

COPYRIGHT TERM EXTENSION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

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. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes. 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. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Points of order against the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII for failure to comply with clause 7 of rule XVI are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first of any series of questions shall be 15 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 (Mr. SHIMKUS). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 390 is a modified open rule providing for the consideration of H.R. 2589, the Copyright Term Extension Act. The purpose of this legislation is to extend the term of copyright protection in all copyrighted works, that have not fallen into the public domain, by 20 years.

House Resolution 390 provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on the Judiciary as an original bill for the purpose of amendment and provides that it will be considered as read.

The rule further provides that first-degree amendments must be preprinted in the CONGRESSIONAL RECORD. This will facilitate their prompt consideration. Last Wednesday, March 18, the chairman of the Committee on Rules announced on the House floor that the rule for the copyright extension bill may require the preprinting of amendments. I believe that this was ample notice to Members who are interested in offering amendments on this measure.

In 1995, the European Union extended the copyright term for all of its member states by 20 years, from life of the author plus 50 years to life of the author plus 70 years. Therefore, this is not a new issue. As the leader in the export of intellectual property, I think it is important that the United States extend the copyright term as well.

The rule waives points of order against the amendment by the gentleman from Wisconsin (Mr. SENSENBRENNER) printed in the CONGRESSIONAL RECORD and numbered 1 for failure to comply with clause 7 of rule XVI which prohibits nongermane amendments. The Sensenbrenner amendment involves an issue that has some degree of controversy, dealing with songwriters, restaurants and small businesses. However, to be fair to those with other viewpoints on the issue, it will be possible for Members who wish to amend the Sensenbrenner amendment to be able to do so without any special protections.

In addition, the rule provides for the Chairman of the Committee of the Whole to postpone votes during the consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe House Resolution 390 is fair rule. It is a modified open rule for the consideration of H.R. 2589, the Copyright Term Extension Act. I believe the underlying bill is very important. As for the music issue, I think Members will have the opportunity to vote for the amendment by the gentleman from Wisconsin or alternatives proposed by other Members. I think this is a judicious way to handle the issue. I urge my colleagues to support this rule.

I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from North Carolina (Mr. COBLE) for their hard work on H.R. 2589 and would urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 390 is a fair rule. I urge its adoption.

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

□ 1045

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

Mr. Speaker, I rise in reluctant support of this rule, but I do support H.R. 2589, the Copyright Term Extension Act. H.R. 2589 seeks to provide important protections for American copyright holders in the world marketplace. This legislation will extend the term of

copyright protection for works created after January 1, 1978, for life of the author plus 70 years after death, bringing this protection into line with the standard in the European Union. This is an especially important protection for U.S. intellectual property since this parity will ensure that American works will receive copyright protection equal to that received in European countries for European-produced intellectual property. Because European countries are huge markets for U.S. intellectual property, this protection is worth hundreds of millions of dollars for works produced by Americans.

Mr. Speaker, this rule allows only for the consideration of any germane amendments to the committee substitute which has been printed in the CONGRESSIONAL RECORD. There is no reason for the preprinting requirement since the underlying bill is relatively free of controversy, and it is for that reason that I only reluctantly support this rule. However, the rule also provides for consideration of a nongermane amendment by the gentleman from Wisconsin (Mr. SENSENBRENNER) by waiving the provisions of clause 5, rule XVI against it. Further, the rule does allow for the consideration of germane amendments to the Sensenbrenner amendment, and it is anticipated that the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) will offer a substitute to the Sensenbrenner amendment. Because these amendments relate to music licensing and not directly to the issue of copyright protection extension, the germaneness waiver is necessary.

In order that the House may proceed to consider this important legislation, Members should support this rule. In the future, however, I would hope that open rules might be truly open and not bound by unnecessary preprinting requirements.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Florida for giving me this 2 minutes, and also thank the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) for providing this open rule containing a waiver which may be necessary to protect a process supported by the chairman, the gentleman from Illinois (Mr. HYDE), and subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), and the leadership of the House. The rule guarantees this body the opportunity to provide balance to the underlying bill, the Copyright Term Extension Act, with a modest package of relief for America's small business.

The supporters of fairness in music licensing, which is the subject of my amendment, believe it complements the Copyright Term Extension Act quite fittingly. The underlying bill extends the term of copyright for an additional 20 years, thereby permitting copyright owners to continue to commercially exploit works that are beginning to fall into the public domain.

My amendment suggests the need to balance this generous expansion of rights, which the gentleman from Texas (Mr. FROST) estimates to be worth hundreds of millions of dollars for copyright owners, with a set of reforms designed to level the playing field for the users of intellectual property.

Again, I thank the Committee on Rules for offering this open rule enabling a fair debate and an up-or-down vote on my amendment.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the Copyright Term Extension Act makes an important correction in our existing law to ensure that the intellectual property of artists across this land is protected, that it is not raided and misappropriated by people around the world to their benefit, without compensation to the original owner.

It is therefore particularly contradictory and ironic that this rule will attach and permit attachment to this protection of intellectual property, what many people have come to call the Music Theft Act, a measure that is a separate freestanding piece of legislation that has nothing to do with copyright extension, but is being attached to the most convenient vehicle to steal the intellectual property of thousands of small businesspeople who are song writers in this land.

This Music Theft Act is based on a very simple premise: If one cannot get someone else's property for free, then pass a law to allow them to steal it from them. It is particularly ironic that this Music Theft Act is being considered here on the floor of Congress at a time when we have just completed the great South By Southwest Music Festival that pulled together hundreds, indeed thousands of people interested in the music industry and what it contributes to the enjoyment of life here in America and how it spreads our American culture literally around the globe.

In my home city, the city of Austin, Texas, where that South By Southwest Music Festival pulled people from around the world to enjoy and build on the success of our music capital, our claim to be the ''loud music capital of the world,'' we have hundreds of songwriters who are small businesspeople who rely on the income that they earn from their songwriting to support themselves. They work hard creating a product that all of us enjoy, and when someone else uses or enjoys their product, they expect to make a profit just like any other business. When Joe Ely or Shaun Colvin or Tish Hinojosa go downtown to play at a club, they do not do it for free. That is how they earn their living. And the same thing ought to apply when music is being broadcast by one of those artists in a restaurant. If a business owner is using a song writer's property to help that business, then it ought to compensate the person that provides, that provided the benefit to them, the songwriter who is responsible for creating the work.

Let us be real clear about what we are discussing. The songwriter's property is just that; it is property every bit as real as a trade name, every bit as real as the script for a movie or for a new book, every bit as real as a new phone system or a copying machine. Music is the property of the songwriter who created it. And when music helps attract people to a restaurant, and that is what this is all about is the desire of the National Restaurant Association to take someone else's property for free, they may not offer any free lunch around America but they are willing to take for free the property of someone else to help them promote their profits in the restaurants.

Supreme Court Justice Oliver Wendell Holmes had it right when he wrote many years ago ''It is true that music is not the sole object, but neither is the food. . . . The object is a repast in surroundings that give a luxurious pleasure not to be had from eating a silent meal. If music did not pay, it would be given up . . . Whether it pays or not, the purpose of employing it,'' the music, ''is profit, and that is enough. ''

And that is what is at stake here today, the right of thousands of small businesspeople who are creative, who write music, to earn an income from doing so.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to a distinguished gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for yielding me the time, and it may surprise and scare the gentleman from Texas (Mr. DOGGETT) but I actually agree with him on this issue and he is shocked. I agree with him on several issues: on South By Southwest; it is an incredible festival. But more importantly, I agree about what he is talking about are property rights, and I think it is very interesting. It is usually us Republicans hurling charges at Democrats, saying that they do not respect property rights enough and that they are Socialists because they believe the government and others can intervene in their own property rights. And yet I find it to be very, very ironic today, as we come to the floor and debate a bill that is going to gut the property rights of artists, that apparently the belief on the amendment actually is the belief that property rights are only important if there are supporters' property rights.

I think the gentleman talked about Shaun Colvin, a young songwriter. Last night she performed in Washington, D.C. She is 5 months pregnant, she

won a Grammy; she is still struggling. She is not rich, she is not wealthy; and there is going to be an attempt to make these musicians out to be rich and famous rock star types. They are not.

There are a lot of struggling people who have been working 15, 20, 30 years, working their entire life to build property, intellectual property that is every bit as dear to them as real property in our districts. And so for us to just gut their ability to earn a living because of problems they have done is absolutely ridiculous.

So I thank the gentleman for his statements, and I am greatly distressed that apparently some people in this Chamber only respect the property rights of nonsupporters.

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

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

Mr. DOGGETT. Mr. Speaker, I am so pleased to see that not all of the concern for music on the Republican side is expressed by the singing Senators and that there are other musicians and lovers of music on the Republican side that recognize this is basically a property rights issue.

Mr. SCARBOROUGH. This is an issue that was very important to Sonny Bono, and in fact is one of the issues that he talked about the most when he was here on Capitol Hill, because Sonny understood, he had been struggling his whole life to create songs, to create something that mattered, that would have a lasting impact, that is going to last long after Sonny has been gone. And so it is not just myself, Sonny recognized it, there are other people who recognize that if we are for property rights, real property rights, we should be for intellectual property rights too.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 390 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. 2589.

The Chair designates the gentleman from Alabama (Mr. EVERETT) as Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. DIAZ-BALART) to assume the Chair temporarily.

□ 1058

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. 2589 to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, with Mr. DIAZ-BALART (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

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

Mr. Chairman, I rise in support of the bill, H.R. 2589, the Copyright Term Extension Act, reported by the Committee on the Judiciary by voice vote, without objection. This important and significant bill will give to the United States economy 20 more years of foreign sales, revenues from books, movies, records, and software products sold abroad.

We are, Mr. Chairman, by far the world's largest producers of copyrighted works, and the copyright industries give us one of our most significant trade surpluses.

□ 1100

Our most valuable economic resource is no longer our industrial power and natural resources, but the creative potential of the minds of our citizens.

While our creativity holds America's greatest promise for the future, it is also our most fragile commodity, fragile because while difficult and expensive to produce and market, it is relatively easy and inexpensive to copy and to use for free.

We must ensure that foreign markets are open to our intellectual property exports, and just as importantly, that our copyright industries be given reciprocity and the opportunity to compete. That is what this bill is all about, Mr. Chairman.

The European Union countries, pursuant to a directive, have adopted domestic laws which would protect their own works for 20 years more than they protect American works. This bill would correct that by granting to United States works the same amount of protection which, under international agreements, requires reciprocity.

Under the current law, most works receive copyright protection for the life of the author plus 50 years. In the case of works made for hire, such as a movie, the copyright term typically endures for a period of 75 years from the year of its publication.

H.R. 2589 would bring the term of copyright protection from the life of the author plus 50 years to the life of the author plus 70 years and of works made for hire from 75 to 95 years from the date of publication.

Trade surpluses are not the only benefit of term extension. It is also good for consumers. When works are protected by copyright, they attract investors who can exploit the work for profit. That, in turn, brings the work to the consumer who may enjoy it at a movie theater, at a home, in a car, or in a retail establishment. Without that exploitation, a work may lie dormant, never to be discovered or enjoyed.

Now, of course, copyright protection should be for a limited time only. Perpetual protection does not benefit society. But extending the term to allow a property owner to hand that property down to his or her children or grandchildren is certainly appropriate, it seems to me, and grants the benefits of exploitation for that limited time.

I urge all my colleagues, Mr. Chairman, to vote yes on this bipartisan, noncontroversial legislation.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I am delighted to appear, along with the gentleman from North Carolina, chairman of the Subcommittee on Courts and Intellectual Property. I should note that this bill is also strongly supported by the chairman and ranking member of the Committee on the Judiciary.

The responsibility to protect intellectual property is a very important one. As the gentleman from North Carolina has indicated, there are both cultural and economic reasons for doing so. The cultural reasons are probably more familiar to people, so we stress sometimes in this debate the economic reasons, not because we think the cultural reasons are less important, but the economic reasons are not always fully understood.

In an evolving world economy, there are areas where Americans will do less than they have in the past. We will make unsophisticated products in far less amounts than we used to in an internationally competitive world. We all know that. People can lament it, people can support it, but it is an unchangeable fact. There is simply not going to be in the future, as there already has been, a diminution in American products of a relatively simple and uncomplicated era.

On the other hand, America's comparative advantage in the world has been growing in the intellectual property area. We not only enrich much of the rest of the world culturally, but we enrich ourselves economically by the production of songs and movies and a whole range of other things.

Much of our effort is, in fact, to protect our intellectual property against theft overseas. Members are familiar with this in the cases of piracy and counterfeiting. What we do here is to try to make sure, in part, that the people who do the actual creation share in these riches. And they are not people who are in the multibillion dollar category exclusively and, in fact, not even primarily.

Frankly, for the wealthiest of the creators and performers, the additional copyright term is relatively unimportant. This becomes important precisely for those who make a living as a song writer, but do not get rich at it, who make a living in these areas. What we do here is to enhance the stream of income that goes to support their creative efforts.

One part of this bill that is particularly important, that was worked out in a bipartisan way, in fact, says, in cases where the creative person, the song writer, the artist, the writer of the book, where for a variety of reasons that person may have signed away some of his or her rights, to the extent that we are creating a new set of values here in this 20-year extension, we have urged that this be renegotiated and that the creators be given a share of the additional 20 years. We will be monitoring that carefully. I am confident that we will see the creator is better treated.

Yes, many people write songs and write books because of their love of the creative process. Love of the creative process is a great thing. But great as it is, it is kind of hard to support a family on it. It is kind of hard to sustain that.

What we are saying is, we want to encourage creativity, not simply as a hobby, not simply as something that people who are independently wealthy can do on their own time, but as a way for people to earn a living to support themselves and their families.

This bill is an important step precisely for those who are not in the wealthy category, precisely for those who are trying to earn a living day-today by writing songs, by writing books. This enhances their ability, and it particularly is relevant when we talk about the 20-year extension, about their obligation that they feel to deal with their families.

We are talking here about people earning and then being able to transfer to their families, to later generations, this kind of writing. It is a very important piece of legislation.

There is an overwhelming consensus on the part of the Committee on the Judiciary, which as some of you might have noticed is not always united. The Committee on the Judiciary has, indeed, recently been overdescribed as a source of contention and as a place for fighting.

I must say that, having served on the Committee on the Judiciary for 18 years, I have yet to see the first pie thrown. I keep reading with some disappointment that it is a locus for food fights. They seem to have them when I am absent. I am going to insist that I be invited to the next one; I have got my own seltzer bottle, and I am ready to come.

But precisely because the Committee on the Judiciary is composed of people who are prepared to engage in the most vigorous democratic debate when issues divide us, I think it is noteworthy that here there is an overwhelming consensus that for cultural reasons, for economic reasons, as a matter of fairness, as the gentleman from Florida was saying as I came in, we have come forward with a bill that protects the right of the creative people in our society, who so enrich the rest of us, to benefit some from that creativity.

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

Mr. COBLE. Mr. Chairman, I thank the gentleman from Massachusetts for his opening statement.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, today I rise in support of H.R. 2589, the Copyright Term Extension Act, if, and only if, my amendment to ensure fairness in music licensing passes.

H.R. 2589 provides a very generous windfall to the entertainment industry by extending the term of copyright for an additional 20 years. That is 20 years more that they can commercially exploit works that would otherwise fall into the public domain.

Mr. Chairman, the Constitution I read suggests the need for balanced intellectual property rights between its creators and users. When the mechanisms designed to ensure that balance are broken, it is the duty of Congress to act.

Passage of the amendment which I will offer later on today will provide that balance. It sends the message that the voice of the tavern keeper in Boston, Massachusetts, Greensboro, North Carolina, or Milwaukee, Wisconsin is just as important as the parade of celebrities that Hollywood has trotted out to support expanding its rights by passing term extension and oppose my efforts to enact the modest reforms I seek for small business.

The amendment which I will offer is a compromise version of my legislation, H.R. 789, the Fairness in Music Licensing Act and is a key vote for the NFIB, the National Restaurant Association, the National Association of Beverage Retailers, and the many other small business associations.

They support my amendment because it ensures fairness by providing for local arbitration of rate disputes, so small businesses do not have to go to New York City and hire an expensive attorney to contest a rate that may involve several hundred dollars.

They support my amendment because it prevents small businesses from being forced to pay every music licensing society a fee for music already paid for several times over.

Let me make this point: Under my amendment, nobody gets a free ride. The creators of intellectual property are paid. My amendment only provides for the exemption for a retailer who has a TV set on or a radio set on where the creators of the intellectual property have already been paid a licensing fee by the TV or radio station or the other broadcast media.

We should stop the double-dipping, and we should stop the harassment of small business operators over the type of programming that they have no control over. It does not provide an exemption for tapes or CDs or live music performances such as has been described earlier.

The same groups oppose a window-dressing amendment to be offered later on today by the gentleman from Florida (Mr. MCCOLLUM). That amendment is unanimously opposed by America's small businesses because it reflects a rejected proposal from failed negotiations. It contains no local arbitration, and it excludes the vast majority of America's small businesses from any relief from the music-licensing monopolies.

Make no mistake, the McCollum substitute to my amendment is the music monopolies' amendment. The McCollum-ASCAP-BMI substitute is a key vote, no, by the same groups I just identified in support of my amendment.

Next time, Mr. Chairman, you walk down Main Street in a town in your district, walk with your head held high knowing that you did the right thing for small business. Do not cozy up to the same folks who have been abusing small businesses in your district and mine for years by supporting the McCollum amendment, because it substitutes the interest of Main Street for the interest of the music monopolies.

In the name of balance and support for Main Street U.S.A., vote no on McCollum and yes on Sensenbrenner.

The CHAIRMAN. The Chair now recognizes the gentleman from Massachusetts (Mr. DELAHUNT) as the new controller of time for the minority.

Mr. DELAHUNT. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

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

Mr. Chairman, I rise in strong support of the bill H.R. 2589, Copyright Term Extension. As I believe my colleagues know, Congress is obliged under the Constitution to protect intellectual property or, to be precise, to secure for limited times to authors the exclusive right to their respective writings.

My colleagues may be less familiar, however, with the fact that the U.S. also has international obligations to protect copyright. In 1989, the United States, in a long-overdue move, became a member of the Berne Convention, the century-old international treaty mandating copyright rules for member countries. Under the ''rule of the shorter term,'' member countries are only obliged to protect the work of foreign authors to the same extent that they would be protected in their country of origin.

Herein lies the problem. Under current U.S. law, copyright term for most works is life of the author plus 50 years. For works made for hire, such as motion pictures, the term is 75 years. However, in 1995, the European Union extended copyright term by 20 years. If we fail to extend our copyright term as well, our intellectual property industry would lose millions of dollars in export revenues, and the U.S. balance of trade would suffer commensurately.

European Union countries would not have to extend to American works the additional 20-year protection that they have already extended to European works. This is an outcome we can and must prevent by passing H.R. 2589.

Later in the debate we will be addressing an amendment that I strenuously oppose, to be offered by the gentleman from Wisconsin (Mr. SENSENBRENNER). That amendment would do great harm to the integrity of copyright law, and I will speak to it at the appropriate time.

□ 1115

But I do not want us to lose sight of the significance of H.R. 2589 to America's intellectual property interests, both at home and abroad.

Mr. COBLE. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN (Mr. EVERETT). The gentleman from North Carolina has 21½ minutes, and the gentleman from Massachusetts has 22½ minutes.

Mr. COBLE. I thank the Chairman.

Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me this time. I certainly agree with the gentleman that H.R. 2589 is very important for the copyright protection of this country. However, and I will speak to this issue a little bit later on during the debate of the Sensenbrenner amendment, but a few things were said that need to be addressed.

The gentleman from Wisconsin (Mr. SENSENBRENNER) talked about how the McCollum music machine amendment would abuse small businesses. He talked about fairness in music licensing. He talked about ''a windfall.'' He talked about ''commercial exploitation.''

Now, we talk about double-speak; who is using the property rights of whom to sell beer, to sell food, to sell products in the taverns that he spoke about in Anytown, USA? My restaurant owners in northwest Florida certainly understand the importance of music in setting a mood in a tavern, in setting a mood in a restaurant. They also understand what would happen if they turned the music off. Mr. Chairman, that is the choice they all have if they do not want to use a product.

And I hear this talk that somehow supporting property rights now is anti-small business. I was elected by small business. Some of my biggest supporters throughout northwest Florida own small restaurants and own nightclubs, and own other things that come under this bill, and they all understand that what sells their product is the mood that they set.

The gentleman from Texas was talking about how music was a backdrop. It is. It is a backdrop for these small businesses. Not only is it the sound track of our lives and of the movies that we watch, but it is also the restaurants that we go into. It sets the mood. And yet, we have an amendment to this very, very important bill that would absolutely gut the right of those people that are making the property that helps people set the moods to sell the products in these small businesses that are extraordinarily important to me.

Let me state again the backbone of my political support comes from small businesses, not from PACs, certainly not from unions, not from people who want more regulation, and not from people who want this Congress to interfere in goodwill negotiations. My people, my supporters, are small business people that talk about property rights, and they do not talk about property rights only when it suits them politically. They talk about property rights for everybody.

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

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

Mr. DOGGETT. Mr. Chairman, if I understand what the gentleman is saying, then if someone develops a very successful restaurant and they think it contributes to have some music playing there, they do not expect to get the electricity for free, they do not expect to get the recording device for free, but some of them apparently think that they can take the property of the song writer and get that for free.

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, I do not think it is they. I think it is a very small number of people in Washington, D.C. Because again, people that own the restaurants in my district understand. I have talked to them about this. I would not come on the floor without talking to people that support me.

They understand, if one pays for the carpet to set a mood and one pays for the wallpaper to set a mood and one pays for the lighting to set a mood, they also understand the most important thing, again, in music is the property rights.

Mr. DOGGETT. Mr. Chairman, if the gentleman will continue to yield, if one of those successful restaurants in the gentleman's district has a famous name, I could not take that name and open up right next door without stealing their property, could I?

Mr. SCARBOROUGH. Mr. Chairman, the gentleman is exactly right.

Mr. DOGGETT. Mr. Chairman, is that not the same thing as stealing the works of people that have devoted significant time to creating something we all enjoy?

Mr. SCARBOROUGH. Again, reclaiming my time, it certainly does, and I remember hearing Sonny Bono talk about this, hearing him over and over again. He wrote us Dear Colleague letters, he talked about it nonstop.

Everybody has this image of Sonny Bono as some guy that just sort of stumbled into 7 or 8 gold records, that he just somehow, in the late 1960s stumbled into 7 gold records and a number 1 and number 2 TV show that he produced. That is not the case.

Sonny told me his story, because we were on the Committee on National Security together. He told me his basically hard-luck story about going out to Los Angeles in the late 1950s, about working hard around the clock. I do not know how many people here know who Phil Spector is, but he ran around doing errands for Phil Spector, getting coffee, emptying his garbage can, do everything he could do, writing songs, to get an opportunity to make a little bit of money.

What Sonny told me then was, he said, the great thing is now, it is something that is going to help my kids. Sonny did not realize just how pathetic his words were going to be, to help his kids a lot sooner unfortunately than any of Sonny's friends would have liked it to be.

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

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

Mr. DOGGETT. Mr. Chairman, so what the gentleman is saying is, most of the song writers in America, they do not begin their careers at the Grammy's or in the movies or on television. It is hard work, and for every Sonny Bono, there are thousands of other song writers out there that are song-writing on the side, and they are out maybe working for one of the small businesses whose misguided association has promoted this bill.

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, the gentleman is exactly right.

Last night, again I met one of the gentleman's constituents, Shawn Colvin. Now, Shawn Colvin just won a Grammy, and everybody thinks she is at the top of the world because she won the Grammy. I saw her last night, she was in a dressing room.

Mr. DOGGETT. Mr. Chairman, if the gentleman would continue to yield, the gentleman has good taste, better than I realized.

Mr. SCARBOROUGH. Mr. Chairman, again reclaiming my time, she was in a dressing room smaller than the bathroom of many Members in the Rayburn Building, and I will guarantee, she will not make as much money as a song writer as any Member in this Chamber today.

I wrote down the words, when we are hearing about music machine and Hollywood stars and blah, blah, blah, I mean this sort of rhetoric to make this thing seem, gee, this is going to really help the wealthy people. It is not going

to help the wealthy people. They are going to be making the majority of their money on other things, on videos, selling the CDs.

This helps the people like Ms. Colvin who is 5 months pregnant, who certainly, if she was wealthy, would be sitting at home watching TV instead of running around trying to make a little bit of money. This helps Ms. Colvin, and this helps other people that are struggling to get by so that they can work, so that they can devote their life to creating artistic works that enhance the quality of life for all of us.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield further?

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

Mr. DOGGETT. Mr. Chairman, I want to extend an invitation to the gentleman to come down to Austin, Texas, at some time other than the campaign season, of course, and enjoy her where she sounds the best. But whether we have Shawn Colvin on the radio or Jerry Jeff Walker or any other fine artist from down there in central Texas, the average cost of using that kind of music. To the small business, when they talk about balance, it is only about a buck and a half a day; is it not?

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, it is very minimal. I have to say again, I want to finish how I began because people seeing the gentleman from Texas and I go back and forth talking, it might scare some of my natural constituents.

I am a friend of small restaurant owners, I am a friend of small businesses. My voting record over 3 or 4 years has shown that. In fact, I think the gentleman has called me a right-wing extremist because of a lot of my votes on less taxes and less regulation, less Federal spending. But I also recognize that small business people are people that are song writers, they are people that are doing things that may not fit our national constituency, and they deserve protection as much as landowners deserve protection.

If we want to talk about something that really hits home with me in my district, because I am always fighting for property rights, stopping extremists from coming in and having improper takings, I think we can apply that to this situation where we have an amendment in the Sensenbrenner amendment that constitutes nothing less than an improper taking; and where there is a taking, there needs to be just and full compensation, and our Constitution says that. That is why I think this does violence to the Constitution's provision and the Fifth Amendment. It talks about eminent domain, it talks about just taking, it talks about property rights.

That is why I think the far more sensible approach is the approach taken by the distinguished gentleman from Florida (Mr. MCCOLLUM). I will be supporting his amendment. I ask every single Republican and Democrat that cares about property rights, that cares about small business owners, that cares about the things that we have been talking about we care about for the past 4 years to support Chairman MCCOLLUM on his amendment when it comes up later on, because it is the wise, the fair alternative.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume to say that listening to the colloquy between the gentleman from Florida and the gentleman from Texas, I do not know how, but it might be appropriate to redesignate the bill before us as the Sonny Bono Act.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Texas (Mr. DOGGETT).

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

Last week at the Austin Music Awards down at the South by Southwest Music Gathering, we had people from all over the world, and of course we had to spotlight a little local talent, so the band that was playing is Ray Benson's Asleep At the Wheel, and I think what the gentleman from Florida and I are trying to do, from very different, perhaps, political perspectives on some other issues, is to be sure that this Congress is not asleep at the wheel today.

Mr. Chairman, the basic thrust of the legislation that we are debating today is very positive. We are saying that whether one is an author or one is a music artist, that one's property ought not to be stolen in China or in Europe or someplace else where people take advantage and pirate American works. It is a major problem. This Copyright Extension Act is basically sound legislation that tries to protect the creative work of the American people wherever it might be used around the globe.

But as we reach out to protect our citizens around the globe, we have a group, a special interest group that has come in here to the Congress and said, well, we want to hang on a little amendment to this, and our little amendment is something called the Musical Fairness Act. We cannot get it passed on its own, but we want to stick it on this good bill and kind of put it in there.

It reminds me of another one of our Austin song writers, the late Stevie Ray Vaughn. To call this the Fairness in Musical Licensing Act is to remind me of that line from his song called the Garden of White Lies, ''They are pulling wool over our eyes,'' because that is what this is all about.

It is about pulling wool over our eyes, as we consider a good bill, to tack on a very bad bill that could not pass on its own because it basically is contrary to a long series of American court decisions and American recognition that just because one cannot touch property, a trade name, a musical work does not mean it is not very real property that deserves to be protected by our Congress. And those who would steal this property know that they cannot get away with it under our existing law, so they want it legalized in the amendment that is being offered today.

□ 1130

Most of the people that are going to be hurt by this musical theft amendment are not even full-time songwriters. They work for small businesses and large businesses across this country, and on the side they apply their creativity talent. Less than 10 percent of the American Society of Composers, Authors, and Publishers earn their living full-time from the music that we all enjoy. They are only getting a little supplemental income and hoping that one day they can become a Sonny Bono, or they can become a Willie Nelson.

The small compensation that current law requires of those that use that music to pay is modest, indeed, compared to the benefit they derive. It has been estimated that it costs about $1.58 a day to get the benefits of all of those members of the American Society of Composers.

Goodness, do you know in Austin, Texas, you cannot even get a bowl of tostados and a little guacamole on the side while you are enjoying this music for $1.58. It is not unreasonable to ask that there be some compensation to encourage the kinds of musical genius that we have, not only in Austin but across this land.

I have heard from literally hundreds of musicians in this country, many of them, of course, from Texas, who have urged the defeat of this Musical Theft Act, and who recognized that it represents a deprivation of private property rights.

It is so ironic that some of the people who have spoken out in favor of private property rights on this floor would now authorize the taking of private rights from the musicians that create so much of what adds to the quality of our life, and obviously, flows to the benefit of people, regardless of the party label that they wear when they come on this floor.

As with any debate, there is room for some middle ground. Indeed, there have been extensive negotiations over this issue, trying to reach a reasonable balance. A reasonable balance is not to give the authority to steal the property rights of our musicians. But, for example, there is a discussion that has gone on that exempts over 65 percent of all the drinking establishments in the United States and creates 12 regional sites for arbitration of disputes.

On this proposal, actually there was agreement reached with the National Licensed Beverage Association, but the National Restaurant Association will not have any of it. Why pay something when you can change the law and get it for nothing, seems to be their approach. So they have been unwilling to join those reasonable organizations that would respect private property rights and recognize they ought to

have to pay something for them, because they want it all their way.

What we are asking today is that we approve the base legislation, the very positive, bipartisan legislation that is being presented here today, but not attach to it something that has nothing to do with it, that is completely contrary to the purposes of this legislation, and will only serve to take away the rights, the creativity, of artists across this land.

I would urge the rejection of that amendment, and the whole concept of trying to reach some balance is not achieved by this Musical Theft Act, but by the very reasonable approach that follows the agreement with the National Licensed Beverage Association that our Republican colleague, the gentleman from Florida (Mr. MCCOLLUM) is going to offer, an approach that provides a change in the law for small businesses, but recognizes that there are many other small businesses out there involved in the music industry that need protection, too, and will draw a reasonable balance and not permit the theft of music creativity.

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

Mr. Chairman, let me put another oar in the water. I was not even going to get into this, but the die has been cast. The gentleman from Florida (Mr. SCARBOROUGH) addressed it very adeptly.

I resent the fact that this is being portrayed as big business versus little business. It is not true. I will compare my voting record supporting small business men and small business women with anybody on this floor. As far as being a friend to the restaurateurs and the restaurants across my district, ask any of them down there. I can assure the Members that they will say that I have spoken favorably for them.

They do a good job. Songwriters do a good job. Must we, in this era of conflict, have to be opposed to one? Can you not be for the songwriter and the restaurateur? It seems to me that you can be. Some people, I think, are incapable of that in this current climate and in this era. They must be opposed to one. They cannot embrace both, they have to reject one. I think that is poppycock. I think the gentleman who will come on next is going to have an amendment that will exemplify that spirit of compromise, and that spirit of embracing both parties to this affray.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM), a member of the full committee, who will have a subsequent amendment on this matter.

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

Mr. MCCOLLUM. Mr. Chairman, I thank the chairman for yielding time to me.

First of all, I would like to point out that we are here today primarily to pass copyright extension. While we are going to be having this huge debate over the songwriters' music licensing fees, and I am going to offer a substitute amendment that has been already widely discussed out here, we do not want to miss the point that hundreds and thousands, and more than that, hundreds of thousands, really, of various parties in this country, individuals, businesses, and so forth, who have copyright interests in books, in music, in TV videos, in movies, and all kinds of various productions that are copyrighting, whatever you can have a copyright for, anything that you write that you copyright on, are in great need of a copyright extension that is the underlying part of this bill; that is, to lengthen the life of how long your property right is protected, how long can you get royalties or money for the reproduction, the publishing of the book, if you will, if you want to put it back in the old-fashioned term of art; how long will you and your family be able to get royalties for that, and when will it become public property to which you have lost your personal property right.

We have been waiting around for quite a long time, 5 or 6 years, to get this bill to the floor of the House, simply because there has been this big dispute between the restaurants of this country and their primary association and the songwriters and their primary association over the so-called music licensing issue. We need to resolve that.

When I come out here in a little while, after the gentleman from Wisconsin (Mr. SENSENBRENNER) has offered his amendment, that is going to basically exempt all restaurants and businesses from having to pay a fee that has been paid for years and years to the associations for the songwriters' benefit, for every playing of a radio or TV rebroadcast of their music, when I come out here in a few minutes to offer my substitute, the debate is going to be about certain ways you go about giving some relief to some restaurants or some businesses further than they already have today.

There is already an exemption in the law, it has been there a long time, for any business of under 1,055 square feet. So if you have a really tiny business, you want to play the radio or have your television and music on, you do not have to pay a licensing fee.

The average fee out there on music licensing for restaurants they have to pay now is about $30 a month, which for the larger restaurants is not a very big deal. For some small restaurants it is a big deal. What we have worked out that the gentleman from North Carolina (Chairman COBLE) I believe is going to support and the gentleman from Illinois (Chairman HYDE) of the full Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS), is an amendment to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

That is basically the compromise. That we think is where we have gotten the product after 5 years of discussion, as close as we can get it when the two parties would not come to an agreement, to a technical agreement.

So it is truly a compromise amendment that I am offering. It would exempt 65 to 70 percent of all restaurants who are currently paying music licensing fees from ever having to pay it, my substitute would. That is a pretty big hunk of it. That is certainly all the smaller restaurants and quite a number of restaurants of much larger size.

It would exempt all restaurants, regardless of size, from having to pay these fees they have always paid to songwriters if they have as many as six speakers to broadcast the radio around in their shop, or fewer, or if they have four televisions or fewer. So a lot more are going to be picked up. It is hard to measure how many have that. You can limit the number of speakers you have in your restaurant and get exempted altogether from paying fees that you have currently been paying.

But more importantly, perhaps, than what it does in that regard, it provides some balance, because as the gentleman from Florida (Mr. SCARBOROUGH) has pointed out, songwriters are small business men, too. We are out here trying to protect small business men and give exemptions to the truly small restaurateurs of this country, but also protect the songwriters so they continue to be able to get their livelihood.

There are thousands of songwriters, most all of whom get their entire income and livelihood from the royalty fees they get from the copyrighted songs that they write, yet their average income is somewhere under $10,000 a year for a songwriter. That is pretty darned small. They are not the wealthy people of this Nation. The fees they get from the use of their songs in these restaurants, especially in the larger chains that are out there, is very important to them.

As I said, it is about $30 a month that the restaurants pay. It goes into a pool of money these associations have, and then those associations of songwriters spread the money around and pay a proportionate share to all the songwriters who are members. I think that is really important to protect. That is what my amendment would do, to allow them to continue to have some money from this source from the larger restaurants in this country. That is, again, the compromise, the balance, in here that is involved.

I also would like to point out that most songwriters never get a big hit. If they get a big hit, a few of them do make some money. I am sure there will be somebody out here sometime today pointing out some of those people who do. But for every songwriter that gets a big hit and makes a lot of money, there are literally a thousand others for every one of those who do not. That is what this legislation protects are those thousand others, thousands of others, who do not ever get the big hit.

Last but not least, there is a compromise in what I am going to offer out here in a little while dealing with the question of complaints we have had for some time about the fact that restaurants in particular, small businesses, have had to go a long way, to New York, to go appeal a fee dispute with these associations collecting the music licensing fees, because there is a rate commission set up to do it.

What the gentleman from Wisconsin (Mr. SENSENBRENNER) would provide would be that there would be arbitration in every locality around the country. That would provide uniformity. That would be expensive the other way around.

What we have tried to do in a compromise is say we will set up a provision for circuit riders from this rate commission to go around to the sitting seats of all 12 Federal judicial circuits to sit regularly to settle these disputes, so people do not have to travel as far.

I think what I am offering in a little while out here truly is the compromise substitute. Let us do it now so we can get on with the main, underlying thrust of this bill, and that is copyright extension. That is what we are here about today. It is long overdue. We cannot afford to have this dispute between the restaurants and the songwriters tie up this legislation any longer. The bill, underlying bill, is too important. I urge my colleagues to both vote for my substitute when the time comes and vote for the underlying bill.

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

Mr. Chairman, I rise in strong support of the underlying bill. I think it is important to understand that this bill is not simply a means to encourage American creativity and to protect the products of that creativity. Just as importantly, it is about the future of our national economy. I suggest that is not an exaggeration.

Most importantly, it is about our balance of trade, a balance of trade that for some time has registered a substantial deficit, a deficit that exploded last month as a result of the financial crisis in Asia, and according to most economists, a deficit that will continue to escalate because of that crisis.

Mr. Chairman, we cannot afford to not pass this bill if we hope to control this burgeoning trade deficit and protect our national economic well-being. Furthermore, it is essential that the Sensenbrenner amendment that we will be considering shortly be defeated and the McCollum-Conyers substitute pass. Otherwise our trading partners will claim that Congress has enacted an overly broad exemption to our copyright laws that violates our international treaty obligations. If we do not defeat the Sensenbrenner amendment, not only will this be unfair to songwriters, but it will further exacerbate our trade deficit.

America is the world's leading producer and exporter of copyrighted products. The entire world clamors for American software, American movies, American television programs, American videos, American literature, and American music. Just these core copyrighted industries produce a surplus of $50 billion annually in our trade with the rest of the world.

Just imagine what our trade deficit would be if that $50 billion annual surplus were at risk or declining. Imagine how many well-paying American jobs would be jeopardized in just these industries, which create new jobs for American workers at nearly three times the rate of the rest of the economy.

□ 1145

Well, if we want to avoid that disastrous scenario, we must pass this bill; because if we are to maintain American leadership and retain our comparative advantage in this aspect of international commerce, we must adapt to changing international standards of copyright protection, and this bill does just that.

The emerging world standard for the term of copyright protection in Europe and throughout most of the developed world is the life of the author plus 70 years. In 1995, the European Union adopted this standard, but only with respect to works that enjoy comparable protection in the country of origin. This means that until the United States extends its copyright term to 70 years from its current term of 50 years, U.S. works will not be entitled to protection for the full term accorded to works in the European markets. If this situation persists, it will put our creative industries at a serious competitive disadvantage and will substantially and adversely affect our overall trade posture. Rather, we should foster and nurture our creative industries for the sake of our economic future.

So, Mr. Chairman, I urge my colleagues to vote for American prosperity. Support the bill as amended by the McCollum-Conyers substitute.

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

Mr. COBLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), a member of the Committee on the Judiciary.

Mr. GALLEGLY. Mr. Chairman, I thank the gentleman from North Carolina (Mr. COBLE) for giving me the opportunity to speak today in support of this important piece of legislation.

In February of last year, I introduced a copyright term extension bill which is almost identical to the legislation we are considering here today. This legislation extends the term for copyrighted products by 20 years. This will allow the U.S. copyright term to keep pace with the term of European countries that are now our main competitors for copyrighted products such as motion pictures and music.

In 1995, the European Union required member Nations to extend the copyright term to life of the author plus 70 years. This is 20 years more than is currently granted to the U.S.-based copyrighted works. Moreover, under the rules of an international treaty, most of our economic competitors are not required to give U.S. works the same term of protection as they give their domestic works if the U.S. has a shorter copyright term.

The European Union has exercised this rule and now requires EU member States to limit protection of U.S. works to the shorter term granted in the United States. Let me emphasize this point: Under a current European Union directive, member nations are actually required to discriminate against American copyrighted works. The result, unless this bill becomes law, is to place our copyright industries at a competitive disadvantage with other nations, threatening the incomes of U.S. authors, artists, songwriters, and other copyright holders.

As many of my colleagues know, our copyright industry employs over 6 million Americans and is one of the fastest growing segments of our economy. Moreover, with estimated foreign sales of over $53 billion last year, the copyright industry is one of the few areas in the U.S. actually enjoying a healthy trade surplus.

Copyright term extension has enjoyed strong bipartisan backing and is supported by a wide-ranging coalition in the current Congress. Among many of the groups that support term extension legislation are the Songwriters Guild of America, National Academy of Songwriters, the Motion Picture Association of America, the Intellectual Property Law Section of the American Bar Association, the Recorded Industry Association of America, National Music Publishers Association, the Information Technology Association of America, and many, many others.

Mr. Chairman, I would like to congratulate the gentleman from North Carolina (Mr. COBLE), my friend and colleague, the chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, for recognizing the importance of the copyright industry to the U.S. economy and the need to update our copyright law to the current legal and competitive climate faced by the U.S. from countries throughout the world.

Mr. Chairman, I urge my colleagues to support this commonsense yet very critical piece of legislation.

Mr. CONYERS. Mr. Chairman, I urge my colleagues to support this amendment which is a fair and balanced compromise to the current dispute surrounding music licensing. This dispute really revolves around big business seeking an exemption to paying public performance royalties for radio, television and other broadcast in their restaurants. Copyright owners have the exclusive right to authorize others to publicly perform their works. When a commercial establishment turns on the radio or television, that is a public performance of another's intellectual property.

Why should all commercial establishments be exempted from licensing fees? Representative SENSENBRENNER's amendment is far from a fair approach to music licensing. His amendment would create a carve out for all commercial establishment using music via any transmission, not just standard radio and TV broadcast. Adopting this provision would mean an outrageous give away of music by allowing big restaurants to stop paying a mere $1.58 a day! Meanwhile ninety percent of music writers make less than $10,000 a year! Most songwriters don't perform, so licensing fees are critical to their incomes. This amendment is a direct big business attack on the livelihood of songwriters.

My amendment, offered with Representative MCCOLLUM, represents provisions of an agreement which the parties came close to at the end of recent negotiations. The McCollum-Conyers substitute expands the current exemption from music licensing to cover all restaurants of less than 3,500 square feet, excluding parking lots, no matter what kind of radio or television devices are being used. It also exempts restaurants of 3,500 square feet or larger if they use only four television sets and six speakers, with no more than four speakers in one room and reasonable television screen sizes. This compromise offers a fair approach by providing a broad exemption to small businesses and protecting royalties of songwriters.

Many of you have heard the song, ''I Heard It Through the Grapevine'' which has been recorded by the Temptations, Gladys Knight and the Pips, Marvin Gaye and many others. But I bet you have never heard of Barrett Strong, the songwriter. Music licensing fees collected by performing rights organization (e.g. BMI, ASCAP and SESAC) is the only income Mr. Strong receives from his creative work. Don't let big businesses ''rip off' artists!

It is time to end this long dispute—but not by giving away artists' rights to just compensation for their creative works. I urge my colleagues to vote for the McCollum-Conyers substitute.

Mr. HOYER. Mr. Chairman, I rise in strong support of the legislation, in strong support of the McCollum amendment, and in opposition to the Sensenbrenner amendment.

The Sensenbrenner amendment is nothing short for a ''takings'' provision. I have heard a lot about taking. This is about taking, whether to or not to. It would force songwriters to provide their music for free to restaurants and others. These restaurants then, in turn, use this music to enhance their business.

How is this fair? For the thousands of songwriters, composers and music publishers, this amendment is a two-fold insult. First, it says to them, ''Your hard work and creative talent aren't worth protecting.'' Then it says, ''And by the way, it's not worth a dime either.''

My colleague, Stephen Foster died a pauper. Why did Stephen Foster die a pauper? Because the product he created was not popular, was not wanted, was not used? No. Because Stephen Foster put his product on the table, it was eaten—if you will—listened to, more appropriately, but not paid for. And so Stephen Foster, one of the great songwriters of America, and indeed the world, died a pauper because the world enjoyed his music but did not compensate him for his music.

The McCollum amendment tries in a reasonable way to get at what is a problem that is by some perceived as cataclysmic and by others perceived as procedural. It is a reasonable alternative. It is one that I will support. But if it does not pass, I will as strongly as I know how oppose this legislation, even though I believe its underlying 20-year extension of the copyright protecting one's property is appropriate.

Mr. Speaker, I have been and always will be opposed to any legislation that infringes upon the property rights of anyone. I cannot digest ''taking'' someone else's hard work from them for free. This amendment is an affront to the tens of thousands of individuals who spend a lifetime trying to sell their work in a competitive and sparsely rewarded field—especially after considering the cost benefit analysis.

It is estimated that the restaurant business is a $289.7 billion industry, while thousands of songwriters draw an income that is minuscule in comparison and subsist largely off of royalties. Music licensing fees account for less than one percent of expenses for a full service restaurant, and the average cost for a restaurant business that uses music is $1.58 a day—equivalent to one draft beer.

Mr. Chairman, let me make it plain: we are considering stripping individuals of their intellectual property rights over what boils down to a mug of beer.

Mr. Chairman, I would hope that my colleagues who in fact have some property that we put in the public sphere, not expecting remuneration, at least not in money, the remuneration we expect is votes when we put our property, our ideas, our thoughts, our opinions in the public wheel. But when a songwriter sits down to create art, that songwriter does so for their own personal enjoyment, but they also do so with the expectation that if someone wants to use their product, they will do in a capitalistic society what we expect, and that is to compensate them fairly for that.

The previous speaker spoke about the problem with small business. Government does not require a small business in America to turn on the radio in their place of business or to turn on the television in their place of business, not one. They do so because they think to some degree it enhances the ambiance of their establishment, and I agree with them. And if they thought curtains did or tablecloths did or pretty windows did, they would have to pay for all of those increases to the ambiance of their establishment. If the restaurant pays for the hamburger, it should also face the music and pay for the licensing.

I have a lot of restaurants in my district and in my State. I understand some of them are concerned, and I believe that the McCollum amendment tries to reach out to them and say yes, we understand there is a problem, let us try to solve it and let us try to solve it where there is a meeting of the minds. And in fact, I understand there was a meeting of the minds until one party thought perhaps they could win without agreement. I do not know that; I have heard that.

But let us, as we vote on the Sensenbrenner amendment, remember Stephen Foster, remember that Stephen Foster gave us so much, this Nation and this world, enriched our lives, enriched our culture, enriched our enjoyment, and let us not say to the Stephen Fosters of the world what they do is not worth us compensating them for it.

Let me share with you part of a concise perspective offered by former Chief Justice Oliver Wendell Holmes: ''If music did not pay, it would be given up. If it pays, it pays out of the public's pocket. Whether it pays or not, the purpose of employing it is profit, and that is enough.''

I would hope that we would defeat the Sensenbrenner amendment, pass the McCollum amendment and pass the bill.

Mr. HYDE. Mr. Chairman, I rise in support of the bill H.R. 2589, the ''Copyright Term Extension Act,'' reported by the Committee on the Judiciary by voice vote, without objection.

This is an important bill for our economy. It will mean 20 more years of foreign sales revenue coming back into the United States for our intellectual property products sold abroad. We are by far the world's largest producers of intellectual property and it is one of our most significant trade surpluses.

Copyright is a property right. It is meant to be handed down by its creator to his or her children and grandchildren. This amendment provides for a small extension in the term of copyright which will allow the heirs of our nation's creators to benefit from the work of their family members. Writing a song or a novel is no less significant than contributing to a family business to be passed on to those we choose.

The Berne Convention for Literary and Artistic Works, of which we are a Member, has a provision called the ''Rule of the Shorter Term.'' It states that a country need not give a foreign work any more protection than that work is given in its country of origin. The European Union countries recently adopted the term for copyright that we propose in this bill, life of the author plus 70 years. Under the Berne Convention, they need not give American copyrighted works the benefit of that term, but may limit protection in their countries of our works to our current term of life of the author plus 50 years. That, of course, means that their works are protected in their countries for 20 years longer than our works are protected in their countries. While that may be good for their products, it is not good for ours.

I am proud of the fact that American creators and owners of creations have made the U.S. the dominant producer in the world of copyrighted material. It reflects the ingenuity of our people and indicates that through freedom and democracy, people will use their powers of creativity for their own benefit and, consequently, for society's benefit. This bill will maintain our dominance and continue to allow for the exploitation of that creativity which brings it to consumers for their enjoyment.

I want to say a special word about the creative community that is the bedrock of our great film and television business. I refer to the screenwriters, the directors and the performers. Through their respective guilds, they have consistently supported the extension of the copyright term, and have asked that they be specifically made beneficiaries of the extension. In particular, they requested remuneration during the new term for those who currently receive no residuals and no royalties for films made before 1960. These films include such masterpieces as Casablanca, The Best Years of Our Lives, and Sunset Boulevard.

This bill does not give them that because the Committee believes that private negotiation between private parties is always the best place to start when determining remuneration. I am certainly a believer in the marketplace. But this bill does contain a very strong and

very serious admonition, a ''Sense of the Congress,'' that urges film studios and the guilds to voluntarily negotiate what remuneration screenwriters, directors and performers of pre-1960 films shall receive for the new term. Congress will be watching the negotiations. I expect that both sides in good faith will negotiate a fair outcome, and it will certainly not be taken lightly if the ''Sense of the Congress'' is not turned into a contractual reality.

Mr. Speaker, this is a good and balanced bill which will ensure our global competitiveness while urging fair compensation for the creators who, with the investors and owners, make great copyrighted works our national treasures.

I urge my colleagues to support this fine legislation.

Mr. CONYERS. Mr. Chairman, I rise in strong support of H.R. 2589, the ''Copyright Term Extension Act''. This bill will allow the United States to keep pace with the copyright terms of European countries that are our main competitors for copyright products such as motion pictures and music.

In 1995, the European Union harmonized the copyright term in its member countries at a minimum of life plus 70 years—20 years longer than the term in the United States. By directive, EU countries will not provide copyright protection for U.S. intellectual property in Europe beyond what our own law provides. This approach is known as the ''rule of the shorter term.'' As a result, absent congressional action, U.S. copyright owners will not receive income from uses of their works during the 20 additional years of protection available in European countries and will therefore be at a relative disadvantage to their European competitors.

Changes in technology that have increased the commercial value of works created many years ago. In music, for instance, copyright owners are now digitizing musical works and reissuing them to a receptive market. A short copyright term is harmful to works of art and music whose value may not be recognized until many years since they were initially created.

The world loves American-made music, movies, computer software and books. Creators of these works should not be placed at a competitive disadvantage in overseas markets. American intellectual property is the most sought after abroad and is one of the few bright spots in our balance of trade. By acting on copyright extension, Congress will be furthering American innovation and protecting American jobs.

H.R. 2589 also includes a carefully crafted, balanced library exemption that ensures that the legitimate needs of the libraries are met. In addition the ''fair use doctrine'' is unaffected by the bill. Therefore, users continue to enjoy the full benefits of ''fair use'' under Section 107 of the Copyright Act.

I urge all Members to support extending the copyright term which will protect American creators and keep U.S. copyright laws in proper balance domestically and abroad.

Mr. COBLE. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

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 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:

H.R. 2589

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 ''Copyright Term Extension Act''.

SEC. 2. DURATION OF COPYRIGHT PROVISIONS.

(a) PREEMPTION WITH RESPECT TO OTHER LAWS.—Section 301(c) of title 17, United States Code, is amended by striking ''February 15, 2047'' each place it appears and inserting ''February 15, 2067''.

(b) DURATION OF COPYRIGHT: WORKS CREATED ON OR AFTER JANUARY 1, 1978.—Section 302 of title 17, United States Code, is amended—

(1) in subsection (a) by striking ''fifty'' and inserting ''70'';

(2) in subsection (b) by striking ''fifty'' and inserting ''70'';

(3) in subsection (c) in the first sentence—

(A) by striking ''seventy-five'' and inserting ''95''; and

(B) by striking ''one hundred'' and inserting ''120''; and

(4) in subsection (e) in the first sentence—

(A) by striking ''seventy-five'' and inserting ''95'';

(B) by striking ''one hundred'' and inserting ''120''; and

(C) by striking ''fifty'' each place it appears and inserting ''70''.

(c) DURATION OF COPYRIGHT: WORKS CREATED BUT NOT PUBLISHED OR COPYRIGHTED BEFORE JANUARY 1, 1978.—Section 303 of title 17, United States Code, is amended in the second sentence by striking ''December 31, 2027'' and inserting ''December 31, 2047''.

(d) DURATION OF COPYRIGHT: SUBSISTING COPYRIGHTS.—

(1) IN GENERAL.—Section 304 of title 17, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (B) by striking ''47'' and inserting ''67''; and

(II) in subparagraph (C) by striking ''47'' and inserting ''67'';

(ii) in paragraph (2)—

(I) in subparagraph (A) by striking ''47'' and inserting ''67''; and

(II) in subparagraph (B) by striking ''47'' and inserting ''67''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)(i) by striking ''47'' and inserting ''67''; and

(II) in subparagraph (B) by striking ''47'' and inserting ''67'';

(B) by amending subsection (b) to read as follows:

''(b) COPYRIGHTS IN THEIR RENEWAL TERM AT THE TIME OF THE EFFECTIVE DATE OF THE COPYRIGHT TERM EXTENSION ACT OF 1997.—Any copyright still in its renewal term at the time that the Copyright Term Extension Act of 1997 becomes effective shall have a copyright term of 95 years from the date copyright was originally secured.'';

(C) in subsection (c)(4)(A) in the first sentence by inserting ''or, in the case of a termination under subsection (d), within the five-year period specified by subsection (d)(2),'' after ''specified by clause (3) of this subsection,''; and

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

''(d) TERMINATION RIGHTS PROVIDED IN SUBSECTION (c) WHICH HAVE EXPIRED ON OR BEFORE THE EFFECTIVE DATE OF THE COPYRIGHT TERM EXTENSION ACT OF 1997.—In the case of any copyright other than a work made for hire, subsisting in its renewal term on the effective date of the Copyright Term Extension Act of 1997 for which the termination right provided in subsection (c) has expired by such date, where the author or owner of the termination right has not previously exercised such termination right, the exclusive or nonexclusive grant of a transfer or license of the renewal copyright or any right under it, executed before January 1, 1978, by any of the persons designated in subsection (a)(1)(C) of this section, other than by will, is subject to termination under the following conditions:

''(1) The conditions specified in subsection (c)(1), (2), (4), (5), and (6) of this section apply to terminations of the last 20 years of copyright term as provided by the amendments made by the Copyright Term Extension Act of 1997.

''(2) Termination of the grant may be effected at any time during a period of 5 years beginning at the end of 75 years from the date copyright was originally secured.''.

(2) COPYRIGHT RENEWAL ACT OF 1992.—Section 102 of the Copyright Renewal Act of 1992 (Public Law 102–307; 106 Stat. 266; 17 U.S.C. 304 note) is amended—

(A) in subsection (c)—

(i) by striking ''47'' and inserting ''67'';

(ii) by striking ''(as amended by subsection (a) of this section)''; and

(iii) by striking ''effective date of this section'' each place it appears and inserting ''effective date of the Copyright Term Extension Act of 1997''; and

(B) in subsection (g)(2) in the second sentence by inserting before the period the following: '', except each reference to forty-seven years in such provisions shall be deemed to be 67 years''.

SEC. 3. TERMINATION OF TRANSFERS AND LICENSES COVERING EXTENDED RENEWAL TERM.

Sections 203(a)(2) and 304(c)(2) of title 17, United States Code, are each amended—

(1) by striking ''by his widow or her widower and his or her children or grandchildren''; and

(2) by inserting after subparagraph (C) the following:

''(D) In the event that the author's widow, widower, children, and grandchildren are not living, the author's executors shall own the author's entire termination interest, or, in the absence of a will of the author, the author's next of kin shall own the author's entire termination interest, on a per stirpes basis according to the number of such author's next of kin represented. The share of the children of a dead next of kin at the same level of relationship to the author eligible to take a share of a termination interest can be exercised only by the action of a majority of them.''.

SEC. 4. REPRODUCTION BY LIBRARIES AND ARCHIVES.

Section 108 of title 17, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h)(1) For purposes of this section, during the last 20 years of any term of copyright of a published work, a library or archives, including a nonprofit educational institution that functions as such, may reproduce, distribute, display, or perform in facsimile or digital form a copy or phonorecord of such work, or portions thereof, for purposes of preservation, scholarship, or research, if such library or archives has first determined, on the basis of a reasonable investigation, that none of the conditions set forth in subparagraphs (A), (B), and (C) of paragraph (2) apply.

''(2) No reproduction, distribution, display, or performance is authorized under this subsection if—

''(A) the work is subject to normal commercial exploitation;

''(B) a copy or phonorecord of the work can be obtained at a reasonable price; or

''(C) the copyright owner or its agent provides notice pursuant to regulations promulgated by

the Register of Copyrights that either of the conditions set forth in subparagraphs (A) and (B) applies.

''(3) The exemption provided in this subsection does not apply to any subsequent uses by users other than such library or archives.''.

SEC. 5. VOLUNTARY NEGOTIATION REGARDING DIVISION OF ROYALTIES.

It is the sense of the Congress that copyright owners of audiovisual works for which the term of copyright protection is extended by the amendments made by this Act, and the screenwriters, directors, and performers of those audiovisual works, should negotiate in good faith in an effort to reach a voluntary agreement or voluntary agreements with respect to the establishment of a fund or other mechanism for the amount of remuneration to be divided among the parties for the exploitation of those audiovisual works.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The CHAIRMAN. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

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?

AMENDMENT NO. 2 OFFERED BY MR. COBLE

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

The Clerk read as follows:

Amendment No. 2 offered by Mr. COBLE:

Page 4, line 9, strike ''of 1997''.

Page 4, line 24, strike ''of 1997''.

Page 5, line 12, strike ''of 1997''.

Page 6, line 4, strike ''of 1997''.

Page 6, strike line 17 and all that follows through page 7, line 4 and insert the following:

''(D) In the event that the author's widow or widower, children, and grandchildren are not living, the author's executor, administrator, personal representative, or trustee shall own the author's entire termination interest.''.

Insert the following after section 5 and redesignate the succeeding section accordingly:

SEC. 6. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

''Sec.

''4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

''§ 4001. Assumption of contractual obligations related to transfers of rights in motion pictures

''(a) ASSUMPTION OF OBLIGATIONS.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this Act and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

''(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

''(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

''(b) FAILURE TO NOTIFY.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

''(c) DETERMINATION OF DISPUTES AND CLAIMS.—Any dispute concerning the application of subsection (a) and any claim made under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

''180. Assumption of Certain Contractual Obligations ..... 4001''.

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

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

There was no objection.

Mr. COBLE. Mr. Chairman, this amendment will make technical changes to further clarify who owns the termination interest in a copyrighted work when an author passes away, and provide for the proper transfer of contractual obligations when a copyright is transferred.

Regarding the transfer of contractual obligations provision, I would like to clarify the meaning of a certain term. The ''reason to know'' language is intended to be interpreted in light of common sense and industry practice. Because many motion pictures made in the United States are produced subject to one or more collective bargaining agreements, the distributor would ordinarily perform some check on whether the motion picture is subject to such an agreement. The provision would not, however, require a burdensome or exhaustive examination. Publicly available information that indicates a work's status, such as records of a guild's security interest in the motion picture filed with the copyright office, would ordinarily provide ''reason to know'' within the meaning of the act.

Mr. Chairman, this amendment is noncontroversial and as best I can determine is not opposed, and I urge my colleagues to support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from North Carolina (Mr. COBLE) is right. It is not controversial and there is no opposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The Clerk read as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 1, insert before section 1 the following:

TITLE I—COPYRIGHT TERM EXTENSION

Strike section 1 and insert the following:

SEC. 101. SHORT TITLE.

This title may be referred to as the ''Copyright Term Extension Act''.

Redesignate sections 2 through 5 as sections 102 through 105, respectively.

In section 105, as so redesignated, strike ''this Act'' and insert ''this title''.

Strike section 6 and insert the following:

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

Add at the end the following:

TITLE II—MUSIC LICENSING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Fairness in Musical Licensing Act of 1998''.

SEC. 202. EXEMPTION OF CERTAIN MUSIC USES FROM COPYRIGHT PROTECTION.

(a) BUSINESS EXEMPTION.—Section 110(5) of title 17, United States Code, is amended to read as follows:

''(5) communication by electronic device of a transmission embodying a performance or display of a nondramatic musical work by the public reception of a broadcast, cable, satellite, or other transmission, if—

''(A)(i) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains less than 3,500 square feet, excluding any space used for customer parking; or

''(ii) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains 3,500 square feet or more, excluding any space used for customer parking, if—

''(I) in the case of performance by audio means only, the performance is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area; or

''(II) in the case of a performance or display by visual or audiovisual means, any visual portion of the performance or display is communicated by means of not more than 2 audio visual devices, if no such audio visual device has a diagonal screen size greater

than 55 inches, and any audio portion of the performance or display is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area;

''(B) no direct charge is made to see or hear the transmission;

''(C) the transmission is not further transmitted to the public beyond the establishment where it is received; and

''(D) the transmission is licensed.''.

(b) EXEMPTION RELATING TO PROMOTION.—Section 110(7) of title 17, United States Code, is amended—

(1) by striking ''a vending'' and inserting ''an'';

(2) by striking ''sole'';

(3) by inserting ''or of the audio, video, or other devices utilized in the performance,'' after ''phonorecords of the work,''; and

(4) by striking ''and is within the immediate area where the sale is occurring''.

SEC. 203. BINDING ARBITRATION OF RATE DISPUTES INVOLVING PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Section 504 of title 17, United States Code, is amended by adding at the end the following new subsection:

''(d) PERFORMING RIGHTS SOCIETIES; BINDING ARBITRATION.—

''(1) ARBITRATION OF DISPUTES PRIOR TO COURT ACTION.—

''(A) ARBITRATION.—(i) If a general music user and a performing rights society are unable to agree on the appropriate rate or fee to be paid for the user's past or future performance of musical works in the repertoire of the performing rights society, the general music user shall, in lieu of any other dispute-resolution mechanism established by any judgment or decree governing the operation of the performing rights society, be entitled to binding arbitration of such disagreement pursuant to the rules of the American Arbitration Association. The music user may initiate such arbitration.

''(ii) The arbitrator in such binding arbitration shall determine a fair and reasonable rate or fee for the general music user's past and future performance of musical works in such society's repertoire and shall determine whether the user's past performances of such musical works, if any, infringed the copyrights of works in the society's repertoire. If the arbitrator determines that the general music user's past performances of such musical works infringed the copyrights of works in the society's repertoire, the arbitrator shall impose a penalty for such infringement. Such penalty shall not exceed the arbitrator's determination of the fair and reasonable license fee for the performances at issue.

''(B) DEFINITIONS.—(i) For purposes of this paragraph, a 'general music user' is any person who performs musical works publicly but is not engaged in the transmission of musical works to the general public or to subscribers through broadcast, cable, satellite, or other transmission.

''(ii) For purposes of this paragraph, transmissions within a single commercial establishment or within establishments under common ownership or control are not transmissions to the general public.

''(iii) For purposes of clause (ii), an 'establishment' is a retail business, restaurant, bar, inn, tavern, or any other place of business in which the public may assemble.

''(C) ENFORCEMENT OF ARBITRATOR'S DETERMINATIONS.—An arbitrator's determination under this paragraph is binding on the parties and may be enforced pursuant to sections 9 through 13 of title 9.

''(2) COURT-ANNEXED ARBITRATION.—(A) In any civil action brought against a general music user, as defined in paragraph (1) for infringement of the right granted in section 106(4) involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the prior public performance of one or more works in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by such society for such performance, the dispute shall, if requested by the general music user, be submitted to arbitration under section 652(e) of title 28. In such arbitration proceeding, the arbitrator shall determine the appropriate rate and amount owed by the music user to the performing rights society for all past public performances of musical works in the society's repertoire. The amount of the license fee shall not exceed two times the amount of the blanket license fee that would be applied by the society to the music user for the year or years in which the performances occurred. In addition, the arbitrator shall, if requested by the music user, determine a fair and reasonable rate or license fee for the music user's future public performances of the musical works in such society's repertoire.

''(B) As used in this paragraph, the term 'blanket license' means a license provided by a performing rights society that authorizes the unlimited performance of musical works in the society's repertoire, for a fee that does not vary with the quantity or type of performances of musical works in the society's repertoire.

''(3) TERM OF LICENSE FEE DETERMINATION.—In any arbitration proceeding initiated under this subsection, the arbitrator's determination of a fair and reasonable rate or license fee for the performance of the music in the repertoire of the performing rights society concerned shall apply for a period of not less than 3 years nor more than 5 years after the date of the arbitrator's determination.''.

(b) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—Section 652 of title 28, United States Code, is amended by adding at the end the following:

''(e) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—In any civil action against a general music user for infringement of the right granted in section 106(4) of title 17 involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the public performance of any musical work in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by the society for such performance, the district court shall, if requested by the general music user, refer the dispute to arbitration, which shall be conducted in accordance with section 504(d)(2) of title 17. Each district court shall establish procedures by local rule authorizing the use of arbitration under this subsection. The definitions set forth in title 17 apply to the terms used in this subsection.''.

SEC. 204. VICARIOUS LIABILITY PROHIBITED.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

''(f) A landlord, an organizer or sponsor of a convention, exposition, or meeting, a facility owner, or any other person making space available to another party by contract, shall not be liable under any theory of vicarious or contributory infringement with respect to an infringing public performance of a copyrighted work by a tenant, lessee, subtenant, sublessee, licensee, exhibitor, or other user of such space on the ground that—

''(1) a contract for such space provides the landlord, organizer or sponsor, facility owner, or other person a right or ability to control such space and compensation for the use of such space; or

''(2) the landlord, organizer or sponsor, facility owner, or other person has or had at the time of the infringing performance actual control over some aspects of the use of such space, if the contract for the use of such space prohibits infringing public performances and the landlord, organizer or sponsor, facility owner, or other person does not exercise control over the selection of works performed.''.

SEC. 205. CONFORMING AMENDMENTS.

Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the definition of ''perform'' the following:

''A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc. The 'repertoire' of a performing rights society consists of those works for which the society provides licenses on behalf of the owners of copyright in the works.''.

SEC. 206. CONSTRUCTION OF TITLE.

Except as provided in section 504(d)(1) of title 17, United States Code, as added by section 203(a) of this Act, nothing in this title shall be construed to relieve any performing rights society (as defined in section 101 of title 17, United States Code) of any obligation under any consent decree, State statute, or other court order governing its operation, as such statute, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be enacted, issued, or agreed to after such date.

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to actions filed on or after such date.

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

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

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, the amendment that I offer today is the culmination of nearly 4 years of effort to provide relief for the small business community from the unfair music licensing system administered by the performance rights monopolies.

My involvement in this issue stems from the tactics of an ASCAP operative who circumnavigated a lake in my district, hitting up every bar or restaurant with the standard take-or-leave-it proposition. Needless to say, I received a number of calls from perplexed and outraged owners. The tactics of ASCAP's representative prompted me to make a more thorough investigation of how these performance rights organizations function and who, if anybody, controls their behavior.

What I learned was an eye opener. ASCAP and BMI, the two largest music licensing societies, are virtual monopolies operating under consent decrees administered by the Justice Department. Unfortunately, the Justice Department's priorities have been elsewhere, allowing the two monopolies to

operate with impunity. The conduct of these monopolies has prompted 22 States to adopt code of conduct laws. Given the licensing society's' record of heavy-handed action, a Justice Department that has looked the other way, and a Federal law that is either ambiguous or clearly skewed, now is the time for Congress to act.

My amendment incorporates three of the core principles embodied in my original bill, H.R. 789, the Fairness in Music Licensing Act. First it eliminates the most unfair aspect of the current system. Under the consent decrees, any business in the United States that wishes to dispute a licensing fee with ASCAP or BMI is forced to travel to New York City, hire a New York attorney, and fight it out in the Federal District Court for the Southern District of New York, the so-called rate court.

My amendment establishes local arbitration of these rate disputes so no one is coerced into accepting a license rate simply because it would be foolish to spend thousands of dollars to travel to New York to challenge the licensing monopolies and their litigation war chest.

Let me point out that the current law requires that these disputes be resolved in court. My amendment takes it out of court, eliminates the necessity of hiring an attorney, and has local arbitration decide the issue.

Second, the amendment updates the existing home-style exemption. Under the amendment, businesses whose public space is 3,500 square feet or less would be exempt from paying royalties for playing the radio or TV unless they charge admission. Those over 3,500 square feet would be exempt if they had two TVs or less and no more than six speakers.

It is important to note that the exemption provided in my amendment does not, and I repeat, does not apply to live or recorded music where the proprietor controls the content. Only TV and radio broadcasts for which the broadcaster has already paid the royalty are exempt.

Let me give an example of how far down the food chain the licensing societies go in pursuit of royalties. A marching band plays a song during the half time of a football game. First the stadium pays the licensing society to use the song played by the band. Then the national TV network pays to broadcast the song. Next the local TV station pays to broadcast the song. Then the local cable system pays for the song again. And finally, the bar in Pewaukee Lake, Wisconsin pays for airing the song on TV. That is right. The music licensing societies are paid five times, five times for the right, the one playing of one song. That is a scam and that is what my amendment reforms.

The provision also exempts retailers of stereos and television sets who under existing laws must pay licensing fees simply to demonstrate that their product works so that a customer may buy it. You go into your local appliance store to buy a TV. The proprietor turns the TV on so that you can see the quality of the picture. And because the proprietor did that to sell the TV, they have to pay ASCAP under this current law. My amendment eliminates that.

And finally, the amendment protects landlords and convention owners from vicarious liability for music licensing fees for music played by a tenant or an exhibitor.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

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

Mr. SENSENBRENNER. Mr. Chairman, many of our communities do operate convention centers and they lease out space. If somebody turns on a TV set because they are selling a product or asking to go on vacation someplace, then the city or the owner of the convention center gets hit up for a licensing fee because they could not turn the hand of the tenant on the dial to turn the TV set off.

Mr. Chairman, while considering the underlying bill, we have suggested that Congress is the appropriate place for the expansion of the scope of copyright expansion of business' obligations to pay additional fees. Meanwhile, the licensing societies and their defenders in the Congress claim that this body has no role in the music licensing debate where the central issue is a proposal to perhaps modestly diminish their ability to extract fees. But the Constitution itself suggests the need for balanced intellectual property rights. That is precisely what my amendment accomplishes.

Mr. Chairman, I urge my colleagues not to stand aside and permit this Congress to do the bidding of the copyright holders who seek a one-way street to expand their rights while denying balance and fairness to the small business users of intellectual property. My amendment is supported by virtually every small business organization in the country, including the NFIB, the National Restaurant Association, the National Retail Federation, home builders, florists, and the list goes on.

In the name of balance and in the name of America's small business, I ask my colleagues for an ''aye'' vote on the Sensenbrenner amendment.

□ 1200

AMENDMENT NO. 3 OFFERED BY MR. MCCOLLUM TO AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The Clerk read as follows:

Amendment No. 3 offered by Mr. MCCOLLUM to Amendment No. 1 offered by Mr. SENSENBRENNER:

In lieu of the matter proposed to be inserted as title II, insert the following:

TITLE II—MUSIC LICENSING EXEMPTION FOR FOOD SERVICE OR DRINKING ESTABLISHMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Fairness In Music Licensing Act of 1998.''

SEC. 202. EXEMPTION.

Section 110(5) of title 17, United States Code is amended—

(1) by striking ''(5)'' and inserting ''(5)(A) except as provided in subparagraph (B),'';

(2) by adding at the end the following:

''(B) communication by a food service or drinking establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier, if—

''(i) either the establishment in which the communication occurs has less than 3500 gross square feet of space (excluding space used for customer parking), or the establishment in which the communication occurs has 3500 gross square feet of space or more (excluding space used for customer parking) and—

''(I) if the performance is by audio means only, the performance is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space; or

''(II) if the performance or display is by audiovisual means, any visual portion of the performance or display is communicated by means of a total of not more than 4 audiovisual devices, of which not more than one audiovisual device is located in any 1 room, and no such audiovisual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space;

''(ii) no direct charge is made to see or hear the transmission or retransmission;

''(iii) the transmission or retransmission is not further transmitted beyond the food service or drinking establishment where it is received; and

''(iv) the transmission or retransmission is licensed by the copyright owner of the work so publicly performed or displayed;''; and

(3) by adding after paragraph (10) the following:

''The exemptions provided under paragraph (5) shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph (5) shall not be diminished in any respect as a result of such exemption''.

SEC. 203. LICENSING BY PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

''§ 512. determinations of reasonable license fee for individual proprietors

''In the case of any performing rights society subject to a consent decree which provides for the determination of reasonable license fees to be charged by the performing rights society, notwithstanding the provisions of that consent decree, an individual proprietor who owns or operates fewer than 3

food service or drinking establishments in which nondramatic musical works are performed publicly and who claims that any license agreement offered by that performing rights society to the industry of which the individual proprietor is a member is unreasonable in its license fee as to that individual proprietor, shall be entitled to determination of a reasonable license fee as follows:

''(1) The individual proprietor may commence such proceeding for determination of a reasonable license fee by filing an application in the applicable district court under paragraph (2) that a rate disagreement exists and by serving a copy of the application on the performing rights society Such proceeding shall commence in the applicable district court within 90 days after the service of such copy, except that such 90-day requirement shall be subject to the administrative requirements of the court.

''(2) The proceeding under paragraph (1) shall be held, at the individual proprietor's election, in the judicial district of the district court with jurisdiction over the applicable consent decree or in that place of holding court of a district court that is the seat of the Federal circuit (other than the Court of Appeals for the Federal Circuit) in which the proprietor's establishment is located.

''(3) Such proceeding shall be held before the judge of the court with jurisdiction over the consent decree governing the performing rights society. At the discretion of the court, the proceeding shall be held before a special master or magistrate judge appointed by such judge. Should that consent decree provide for the appointment of an advisor or advisors to the court for any purpose, any such advisor shall be the special master so named by the court.

''(4) In any such proceeding, the industry rate, or, in the absence of an industry rate, the most recent license fee agreed to by the parties or determined by the court, shall be presumed to have been reasonable at the time it was agreed to or determined by the court. The burden of proof shall be on the individual proprietor to establish the reasonableness of any other fee it requests.

''(5) Pending the completion of such proceeding, the individual proprietor shall have the right to perform publicly the copyrighted musical compositions in the repertoire of the performing rights society, and shall pay an interim license fee, subject to retroactive adjustment when a final fee has been determined, in an amount equal to the industry rate, or, in the absence of an industry rate, the amount of the most recent license fee agreed to by the parties. Failure to pay such interim license fee shall result in immediate dismissal of the proceeding, and the individual proprietor shall then be deemed to have had no right to perform the copyrighted musical compositions in the repertoire of the performing rights society under this section from the date it submitted its notice commencing the proceeding.

''(6) Any decision rendered in such proceeding by a special master or magistrate judge named under paragraph (3) shall be reviewed by the presiding judge. Such proceeding, including such review, shall be concluded within 6 months after its commencement.

''(7) Any such final determination shall be binding only as to the individual proprietor commencing the proceeding, and shall not be applicable to any other proprietor or any other performing rights society, and the performing rights society shall be relieved of any obligation of nondiscrimination among similarly situated music users that may be imposed by the consent decree governing its operations.

''(8) For purposes of this section, the term 'industry rate' means the license fee a performing rights society has agreed to with, or which has been determined by the court for, a significant segment of the music user industry to which the individual proprietor belongs.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding after the item relating to section 511 the following:

''512. Determinations of reasonable license fee for individual proprietors.''.

SEC. 204. DEFINITIONS.

Section 101 of title 17, United States Code, is amended—

(1) by inserting after the definition of ''display'' the following:

''A 'food service or drinking establishment' is a restaurant, inn, bar, tavern, or any other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space is used for that purpose, and in which nondramatic musical works are performed publicly.'';

(2) by inserting after the definition of ''fixed'' the following:

''The 'gross square feet of space' of a food service or drinking establishment means the entire interior space of that establishment and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.'';

(3) by inserting after the definition of ''perform'' the following:

''A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc.''; and

(4) by inserting after the definition of ''pictorial, graphic and sculptural works'' the following:

''A 'proprietor' is an individual, corporation, partnership, or other entity, as the case may be, that owns a food service or drinking establishment. No owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, Internet service provider, online service provider, telecommunications company, or any other such audio-visual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, or owner of any other establishment in which the service to the public of food or drink is not the primary purpose, shall under any circumstances be deemed to be a proprietor.''

SEC. 205. CONSTRUCTION OF TITLE.

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this title, as it may be amended after such date, or as it may be issued or agreed to after such date.

SEC. 206. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this title.

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

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

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, we are going to have a serious dispute today in some detail about how we deal with music licensing, but let me tell my colleagues what my amendment is all about. It is all about what is called compromise. It is all about the fact that for about 5 years now we have been debating, maybe a little longer than that, how to get a copyright extension bill out which affects thousands of people and all kinds of businesses totally unrelated to what the Sensenbrenner amendment is about.

The reason we have had that debate is because the restaurant owners of America have wanted to be exempted from some long-term fees that they have had to pay song writers for playing their music in their restaurants, and the song writers and their associations that collect the fees have been resisting that. And we have arbitrated and tried to get dispute settlements and all kinds of things.

The gentleman from North Carolina (Mr. COBLE), who is my subcommittee chairman, and the gentleman from Illinois (Mr. HYDE), who is my full committee chairman, and the gentleman from Michigan (Mr. CONYERS), who is our ranking member, and the gentleman from Massachusetts (Mr. FRANK) have all worked hours and hours trying to get agreement between these parties on something so we could move this bill ahead.

Well, we never got there. But this amendment I am offering is essentially where those gentlemen think the compromise ought to be. It is true compromise.

What it does is this: It provides that most of the restaurants of this country, the vast majority, will be exempted from paying this fee, so the small businessman will not have to pay it anymore. It is about $30 a month, they tell me, for each restaurant, and the big restaurants are still going to have to pay it. I think that is fair because that is the property right of the song writer that he or she has invested their entire livelihood in.

In fact, what it boils down to, if we talk about song writers, is that, and there are thousands of them out there, very few of them ever have a big hit. The few that do are not terribly worried about it, but the thousands that do not average under $10,000 a year in income, average under that. So they are really very small business people, and their primary livelihood, their only livelihood, frankly, comes from the royalties on their songs. And royalties pay gradually.

Many, many different times, as the gentleman from Wisconsin (Mr. SENSENBRENNER) correctly pointed out, these songs are played, reproduced at different levels, and a little bit here or a little bit there, penny here or penny there, is paid into a royalty house that

distributes money to these folks that only nets them out, after all is said and done, for everything they write in a given year about $10,000 overall in the whole Nation.

And the restaurants are a big part of that. And if we take away, as the Sensenbrenner amendment does, virtually all restaurants in the United States paying these fees and lots of other businesses too, we have taken away a big hunk of that $10,000 that the average song writer gets in the United States from his or her work product each year.

But my amendment is going to go to exempting small businesses. It is the compromise to do that. It does it by using the same 3,500 square feet number that the Sensenbrenner amendment does to exempt, but it does it on a gross square footage level, which is a lot more reasonable to do, where we talk about the entire restaurant, whether it is made up with kitchens or bathrooms or whatever, not trying to get in there and be more obtrusive, that I do not think most restaurants would want, and trying to measure out every restaurant to figure out just exactly how much this or that or the other restaurant has in the way of square footage for the actual eating space.

It takes what will probably be on the books in the local community with the ordinances that they have and the zoning requirements and all, so we can clearly see, without having to go in there and take a tape measure, how much are you going to base the fee upon?

Anyway, the net result of this dispute is that we exempt, as I say, 65 or 75 percent in my amendment, whereas his does virtually all the restaurants in the United States.

If a restaurant has 6 or fewer speakers for broadcasting on radio or television or 4 or fewer televisions, my substitute amendment will exempt that restaurant no matter what size it is, no matter what size it is. That seems very reasonable.

But at the same time we provide balance. Besides making these changes that exempt a lot of restaurants, we provide balance in the compromise amendment to the song writers because we protect their property rights so they get something back from the larger restaurants. And we recognize they do not always have the big hit by giving them this protection.

By the way, my amendment would increase the exemptions by about 406 percent over what they are now. I think now there are very few that are exempted. But we also provide some balance in terms of the access to the courts and to the rate dispute settlement process that has been discussed. Right now there are problems in the fact that the rate commission that decides various disputes over whether this fee or that fee should be paid when a restaurant owes is set up in New York and everybody has to go to New York. That is expensive.

Granted, almost all the small restaurants are being exempted, but even the larger ones, we do not want them to have to go to New York. We do not want any other business to have to travel that far from home. So we set up a provision in the substitute amendment that the circuit seat of every one of the Federal judicial circuits, that is, 12 of them, where the Federal circuit courts sit, there will be a circuit rider from that rate commission travel out there periodically so rate disputes can be heard.

But we will have uniformity. We will not go to the arbitration in every local hometown that the Sensenbrenner amendment proposal would do.

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

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

Mr. McCOLLUM. Mr. Chairman, so what I am trying to do in this substitute is fairly straightforward; it is to provide an opportunity for the Members to vote on as close as we can get it to where the dispute has been put in terms of compromised negotiations over all of these 5 years.

When it became ripe here in the last couple of weeks, we did not get this to closure. Frankly, the restaurants want more. Frankly, the song writers would like to have it more their way. But the reality is, this is truly a compromise that will provide my amendment, my substitute, provide relief for the truly smaller restaurants, 65, 70 percent of all restaurants in the United States never have to pay these licenses fees again; provide easy access to courts, to settling these disputes closely in the geographical area, and protect the property rights of the song writers so the song writers can still get some money, some income, since most of them do not have a whole lot, from the larger restaurants and the larger establishments. That is what it is all about.

I urge a vote for my substitute as the reasonable alternative and compromise.

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

Mr. Chairman, first of all, this McCollum amendment is no compromise. It was the last offer of the music-licensing monopolies, ASCAP and BMI, in the negotiations which broke off and has been rejected unanimously by all the organizations that support my amendment. The adoption of the McCollum amendment will not fix the problem with music licensing.

I would like to give a little comparison between the two. First, the McCollum amendment does not provide for local arbitration. Any business owner or proprietor that wishes to contest a rate demand by ASCAP and BMI still has to go to court and hire a lawyer.

Now, instead of having to go to New York, the McCollum amendment has the cases heard by a Special Master in each of the 12 circuits. That does not reduce the cost to a proprietor who wishes to contest something that he feels unreasonable. Going to San Francisco from Pocatello, Idaho, or to Atlanta from Kissimmee, Florida, or to Chicago from Superior, Wisconsin, is going to cost a lot of money and the meter ticks; and local arbitrations in the Sensenbrenner amendment will solve that.

Secondly, the McCollum amendment only covers certain restaurants and not other music users, whereas, my amendment is universal. Only bars and restaurants are covered by the McCollum amendment, not funeral homes, the dentist's office, florists, the Main Street appliance store. They still are subject to the same type of harassment by ASCAP and BMI that my amendment seeks to eliminate. So unless our funeral home or our dentist's office has got a restaurant or a bar license, then we do not get the exemption. So it is very narrowly targeted.

Third, the McCollum amendment is poorly targeted and would include parts of a restaurant where music is not played. For example, the 3,500 square feet contained in the McCollum amendment includes the bathroom, the broom closet, the refrigeration area, the storage area and the like, instead of the 3,500 square feet in my amendment, which is just where the music is played. If we want to pay a royalty fee or have to pay a royalty fee, we ought to pay a royalty fee where people can listen to the music rather than where there is no music.

The McCollum amendment also does not apply to all music licensing societies in its circuit rider provision. It only provides to ASCAP and BMI, which are the subject of the consent decrees that were entered many years ago. Bob Dylan is not a member of ASCAP and BMI, and if one of his tunes comes up on the radio or the TV, the McCollum amendment does not apply, and the restaurateur or the bar owner or the other retail proprietor is subject to the existing law. The Sensenbrenner amendment does not have that defect.

There is no freedom from vicarious liability in the McCollum amendment. So our city's convention center or a big hotel which is open for various types of exhibitions is on the hook because one of their tenants that they have leased space out to happens to turn on the TV when licensed music is played. The Sensenbrenner amendment gets rid of the vicarious liability, and that is a protection for hotels as well as for the municipalities that operate convention centers and the like.

The McCollum amendment circuit rider adjudication provision is only as good as the Department of Justice consent decrees. If the DOJ gets rid of the consent decrees, then everything goes back to New York City. And DOJ has done that on many complicated areas, the most prominent of which is the AT&T litigation consent decree.

The McCollum amendment only applies to a restaurant owner who does not own any other business besides his restaurant. So if the restaurant owner is into something else, the McCollum amendment does not apply. It would go back to the existing law which is so strongly objected to.

And finally, under the McCollum amendment, an appliance store dealer who sells radios and TVs would still have to pay royalties for music that comes across the TV when he turns them on to sell them. The Sensenbrenner amendment does not do that.

I think that the McCollum amendment is a sham. It is a fig leaf that really does not solve the problems that have caused this issue to come to the Congress. And finally, I would like to point out that there are those who say that passing the Sensenbrenner amendment is going to take away the income of poor, starving artists. If they believe ASCAP's figures, only 14 cents of their revenue on the dollar comes from fees from bars and restaurants. My amendment does not exempt live performances, big nightclubs——

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

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

Mr. SENSENBRENNER. And establishments that play their own recorded music, their own CDs and tapes.

My guess is that the exemption that my amendment proposes might reduce ASCAP's and BMI's fees by as much as 5 cents on the dollar, but they will be able to pick that up with the 20-year term extension that is contained in the underlying bill.

Vote for balance, vote against McCollum and vote for Sensenbrenner.

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

Mr. Chairman, I have done everything I could to stop the Sensenbrenner amendment except threaten to sing myself; and I would ask my colleagues to spare the House that kind of circumstance by supporting the amendment the genuine compromise and moderate approach that the gentleman from Florida (Mr. MCCOLLUM) has offered as a substitute to the Sensenbrenner amendment.

A lot was just said about it. But I think that the bottom line that most people in this House and across the country would want to know about is that if it is approved, if this McCollum music licensing amendment substitute is approved, 65 percent of all the eating and drinking establishments in this country will be exempt, their problems will be taken care of.

Already the national licensed beverage folks have agreed to something very, very similar, if not exact, to the amendment that the gentleman from Florida (Mr. MCCOLLUM) is offering. The same amendment would exempt audio sound systems with fewer than 6 speakers and would exempt video systems with 2 television sets. So there is ample room for agreement.

I am troubled frankly by some of the provisions in this amendment. I would like to leave the system largely as it is at present. But I think that trying to achieve some balance is a realistic compromise, my colleague has come forward with a reasonable amendment.

We do need to focus, though, on what a failure to adopt his amendment is really all about. You see, there really is not any free lunch, we have all heard that, and if the restaurants across this country were to offer one free lunch after another, we know full well that they would go out of business because they have to earn a profit on their labor and on their services.

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The same thing is true with reference to those who offer something to our community through song writing and through their creative spirit. I believe that those same folks deserve to have their property protected just as much as the restaurant owner or any small business in this country.

I think one of the reasons we see some of our colleagues tending to put our songwriters in a different category is that we often think of them as the rich and famous. We think of famous artists like Willie Nelson and Jimmy Dale Gilmore, we think of people coming star-studded in the limousines and the designer clothes to the Grammys and the other celebrations of music like our South by Southwest Music Festival down in Austin. But the truth of the matter is that most of our artists are out there working somewhere else and doing a little creative work on the side and these revenues which are only costing the restaurant or the small business that uses this work product about $1.58 a day, those revenues are vital to that creative spirit.

I think not only of the famous groups there in Austin, but one that is becoming a little more famous, the Austin Lounge Lizards. They have a hit called ''Newt the Gingrich.'' If they want to play that over in the Republican Conference to add a little bit more tranquility and a little ambience, they would be permitted under the McCollum amendment to do that without having to pay any licensing fee. I think it would be worth $1.58 a day to them to do that. But in the spirit of compromise, they would be exempted from this. And struggling groups like that and the members of that band who will be up here I think later in the spring to play in Washington, they work full-time at other jobs.

We ought to recognize the creative genius that they bring, that they are not driving the limousines, they are in the cowboy boots and they are driving the pickup trucks down in our area, and that they have property rights that deserve to be protected, not stolen as would be accomplished by the Sensenbrenner amendment if it were adopted in full.

I quoted from this earlier, but I think it is important to note that even going right up to the Supreme Court of the United States, the importance of music and music rights has been recognized. It was Supreme Court Justice Oliver Wendell Holmes who said it is true that music is not the sole object but neither is the food. The object is a repast in surroundings that give a luxurious pleasure, not to be had from eating a silent meal.

If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough. Indeed it is. It is a very real quantity. As Justice Holmes wrote in the language of an earlier era when this right was recognized, the songwriter contributes something to the restaurant or the small business or the convention that uses that songwriter's product, that is very real. It would not be used at all if the person using it did not think that it would bring more profit.

The CHAIRMAN pro tempore (Mr. GUTKNECHT) The time of the gentleman from Texas (Mr. DOGGETT) has expired.

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

Mr. DOGGETT. Mr. Chairman, I want to be wholly bipartisan, as the gentleman from Florida (Mr. SCARBOROUGH) and I have been on the party line, but I would just close in being truly bipartisan on the issue of music by making reference to a songwriter from outside of Austin, a fellow named Don McLean, who wrote ''American Pie.'' The first verse goes like this:

A long, long, time ago
I can still remember how that music used to make me smile
And I knew if I'd had my chance
That I could make those people dance
And maybe they'd be happy for a while
But February made me shiver
With every paper I'd deliver
Bad news on the doorstep
I couldn't take one more step
I can't remember if I cried
When I read about his widowed bride
But something touched me deep inside
The day the music died.

What this amendment is all about is to ensure that the creative genius of our songwriters does not die, at least protected in part with the moderate, reasonable approach that the gentleman from Florida (Mr. MCCOLLUM) has advanced here today.

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

Mr. Chairman, I rise in support of the McCollum amendment. I would like to bring up the name of our very dear, departed colleague Sonny Bono. Sonny Bono was someone who got very involved in this issue. He felt very strongly about it. Sonny Bono had a very unique perspective on this issue. He was a restaurateur, and he was also a songwriter.

I believe that as we look at this issue, that Sonny would have supported what I do believe is a compromise. The gentleman from Wisconsin (Mr. SENSENBRENNER) indicated this

is not a compromise, but as I have talked to lots of people on this issue, it seems to me that this is in fact a compromise. Obviously not everyone agrees to it, but it is a compromise.

What does it do? It actually increases, as the gentleman from Texas said, the number of exemptions by 400 percent, to 65 percent of those restaurants that actually will be exempt. That is information that was provided to us by the Congressional Research Service.

There is another issue here that is rather troubling to me, and that is as we deal in this global economy today, which obviously is getting smaller and smaller and smaller as we have found from the trip of the President to Africa who was there touting the agreement which we just passed in this House last week on expanding new trade opportunities with sub-Saharan Africa, it seems to me that as we look at that very important issue which we as Americans continue to argue in behalf of, that being intellectual property, the fact that when an individual has an idea, a concept, that person should be remunerated for that. If we were to pass the Sensenbrenner amendment, it would send, I believe, a terrible signal to our global trading partners that we as a nation are not going to be there on the front line arguing in behalf of intellectual property.

Mr. Chairman, I am strongly supporting the McCollum amendment. Frankly, I do not think it is the very best measure but I am in support of it as a compromise. It is a compromise that many of our friends in the entertainment industry seem to be accepting.

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

Mr. DREIER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, as the gentleman knows, as part of that compromise, we have actually increased from what the gentleman from Wisconsin (Mr. SENSENBRENNER) is offering the exemption for up to four TV sets instead of two in a restaurant which actually is very sizable. We have doubled the number. That was something that, quite frankly, the music industry really did not want us to do. We have tried to go out. That is beyond the discussion point where this was a couple of weeks ago. There has been a big effort at that.

Also, the gentleman from Wisconsin has taken away some liability that the owner of a space that might be renting it has whenever they might be improperly showing, say, Titanic or something, so you do not any longer get a fee. It is kind of clever, the owner who might know about this.

Last but not least, he has come along also and done some other things that are kind of in the grass back there. He has managed to come to the position of saying even the music channel like Muzak, even if you play that, and that is what you are playing from a transmission other than radio and TV, which is all that we were discussing before we got to today in these debates between restaurants and music writers.

Mr. DREIER. If I could reclaim my time, I would say maybe the gentleman went even further than I might have in this negotiating process. I will nevertheless continue to support the amendment.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, on this question about whether or not this is a compromise, and the gentleman has mentioned our late colleague Sonny Bono who worked so hard for this, he frankly thought this went much too far. He wrote a letter to the Registrar of Copyrights expressing his opposition to the notion of giving away on the square footage that he felt it might undermine our international negotiating process.

I say that simply for those who would deny that this is a genuine compromise. There were people who were strong supporters of the original bill who thought it went too far.

Mr. Chairman, I am supportive of it because I think it is a reasonable approach, but I do want to validate the point he made. This is a genuine compromise. Mr. Bono in fact thought it had gone too far.

Mr. DREIER. Mr. Chairman, I thank the gentleman for his contribution on that. I would simply say that the only argument that we will be able to use with our international trading partners is the fact that we have been able to come to a compromise with those who do in fact hold that intellectual property here.

I urge strong support of the McCollum amendment as a compromise. I hope very much that we will finally be able to put to rest this battle which has been going on for literally years and recognize the very important rights of talent that exists in this country.

Also in closing, I see our former colleague Carlos Moorhead has just come into the Chamber. He deserves a great deal of respect for his work on this copyright legislation, which he has pursued for a long period of time. Resolving this whole overall bill, it will be a great day for this institution.

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

Mr. Chairman, much has been made about the ability of the performing rights societies, principally ASCAP and BMI, to drive a hard bargain. They have been described as monopolies. I would just simply quote a great South Boston philosopher, Paddy McPhagan, who clearly would say in these circumstances, ''Give me a break.'' These organizations are not monopolies. They are trade associations, collective bargaining units, if you will, which enable authors and composers to negotiate contractual terms that are fair and are equitable. It is absurd to suggest that the thousands of songwriters who belong to these trade associations could ever negotiate a contract on their own.

I understand why the restaurant association would want to focus on the market power of ASCAP and BMI, but I think it is important to remember what this issue is really about. It is about the people that are part of these trade associations, the songwriters who create American music. They are mostly people whose songs we all know by heart but whose names none of us, or most of us, would not even recognize. As Mac Davis testified at our hearing, the people who write the songs are the low men on the totem pole, the tiny names in fine print and parentheses under that star's name on the label, the last guys to get credit and the last guys to get paid. They are the ones who create the music that fuels an industry that pours millions of dollars into our economy and generates millions upon millions of dollars in taxes. Yet the songwriters get the smallest piece of the pie, pennies, if you will.

Mac Davis is one of the lucky ones. He is a renowned songwriter. His musical gifts have been recognized and he has done extremely well. But most songwriters write hundreds of songs over the course of a long career before they achieve financial success, if they ever do. George David Weiss, who is the current President of the Songwriters Guild and one of America's truly great songwriters, commissioned a study that established that 10 percent of his colleagues are able to earn a living writing songs. He quoted a study that was done in 1980 and I am quoting now.

> Song writing is an occupation which has a high degree of risk, a high degree of failure, a low chance of success and in general miserly rewards.

Like all true artists, they do what they do because they love it. When it comes to being compensated for their labors, they are willing to accept the verdict of the marketplace. But what they cannot accept is having their work stolen from them, and that is what the Sensenbrenner amendment would do. I urge my colleagues to vote for the McCollum amendment.

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

Mr. Chairman, we have heard a number of different artistic products quoted this afternoon. I think that is probably appropriate in this context. I remember when I was growing up I was a big fan of the show All In The Family. I remember one time somebody said to Archie Bunker, who was of course the lead character in that show, to those old enough to remember, they said, ''The times they are a-changing, Arch,'' quoting a Bob Dylan song. He said, ''Yeah, and every time they do they turn around and kick me in the rear end.''

That is how I think the small businesses of this country continually feel. They are ganged up on by big government, by big business, by monopolies,

whether you call them trade societies or artistic units or whatever, by the big people who come in and nick them for a little money here and there and under circumstances where even if they tentatively or theoretically have some rights under the law, they cannot do anything about it.

The politicians always say, ''Yeah, small businesspeople, we love you. You're the backbone of our economy, the backbone of our communities.'' Now we get a chance to do something to help these people, to vindicate their efforts, to vindicate their efforts to achieve the American dream, and we have difficulty doing it.

Let us talk about what the real-world situation is here. It is a dentist or somebody who runs a funeral home or somebody who runs a small restaurant. They have some speakers in the background and they carry a local radio broadcast. Somebody comes in from BMI or ASCAP and has a beer or sits there in the waiting room and listens for a little while and writes down some songs and then asks to see the manager and says, ''You're playing music that we've licensed. You owe us a hundred dollars a month. Here's the contract. Sign it. If you don't think you owe us or if you don't think you owe us that much, you can do something about it. You can go to the Southern District of New York and file suit in Federal court and try and vindicate your rights under the law.''

□ 1230

And they know and we know and everybody knows that is not going to happen. That is what the Sensenbrenner amendment is designed to fix. We have been trying to fix it for years. Even the supporters of the McCollum amendment admit we need to fix something here, we need to do something about the situation.

Now the reason I support SENSENBRENNER and not MCCOLLUM comes down to a couple of things, a couple of the biggest things. First is, the McCollum amendment does not cover everybody who is in the situation, only covers some restaurants. How many? Sixty-five, 70, 55; I do not know if it does not cover all of them, and it does not cover the funeral homes or the florists or the dentists' shops, so this will not be the end of it if we pass Sensenbrenner. They will be coming back because they are manifestly being treated in an unjust fashion where they cannot vindicate their rights under the law.

And the other problem with the McCollum substitute is that it requires these small businesspeople to go to circuit court in the seat of where? In the city where the circuit court is headquartered. Might as well be the Southern District of New York or Honolulu or Russia or the Moon. If one lives in North Dakota or South Dakota they cannot go to St. Louis, where the Eighth Circuit Court of Appeals is located, and try and vindicate their rights to be only charged $80 a month like the guy next door instead of $100 a month. And again, we all know that. It will not make any difference. We will be right back where we started from if we pass McCollum instead of the Sensenbrenner amendment.

Mr. Chairman, there is a lot of interest at stake here. That is why these things are hard, and that is why Members honestly feel differently about these kinds of issues, because we have a conflict of interest. It is important to protect the intellectual property rights, as my friend from California talked about, people who write songs, and protect them not just here but all over the world. We need to protect them in sub-Saharan Africa as well. But there is another interest, the interests of these small businesspeople who stake everything on their investments in their small business, for whom that is their life. They are interested in being treated fairly. That is important too, and we ought to recognize that.

I agree there is no such thing as a free lunch, and we have all learned that in a lot of different endeavors and a lot of different circumstances. But how many times does one have to pay for lunch? Go to a restaurant, pay for it once. Every situation where a small business owner is playing radio music, that license has been paid for at least once by the radio operator, sometimes twice, three or four times if it is a TV broadcast.

Let us deal with this issue. Let us admit what we all know. Incidental use of this music by people who are not charging admission, who do not have a jukebox, who do not have a CD player, they are too small on the chain for us to go out and get them in a way that is fair and a way that is appropriate and a way that allows them to vindicate their rights when they feel they have been treated unfairly.

We can solve this issue and solve it now. Let us pass the Sensenbrenner amendment. Let us be fair to the small businesspeople.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield for a moment?

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I have great respect for the gentleman, and I have followed him on a lot of issues in our committee and on the floor.

Mr. TALENT. Reclaiming my time, so far the gentleman is fine.

Mr. SCARBOROUGH. But I am going to ask a question or two that the gentleman may not be fine with.

Mr. Chairman, the gentleman has said that we need to do something, we need to protect the property rights of these people.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from Missouri (Mr. TALENT) has expired.

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

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

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, the gentleman from Missouri said something needs to be done, he said that the property rights need to be protected, he said that they need to do something, and yet he was talking about endorsing an amendment that is a black-and-white, an all-or-nothing approach where absolutely nothing is done. Their property rights will be absolutely eviscerated.

So my question to the gentleman is, as somebody who I have seen for 3 or 4 years respect property rights, where do we go from here? If my colleague supports an amendment that will destroy all property rights then what does the gentleman propose we do next?

Mr. TALENT. Mr. Chairman, reclaiming my time, of course the gentleman knows I am not supporting an amendment that destroys all property rights, and the gentleman is setting up a premise that is a false premise.

The copyright is vindicated in every case because it is paid for at least once, sometimes it is paid for twice, sometimes it is paid for three times. And now if the gentleman will indulge me, let me ask him a question: Does he expect a tavern owner or a dentist who lives in Fargo or who lives in Nebraska to be able to come to St. Louis to vindicate his right maybe to pay 20 or 30 or $40 less? Why is the gentleman afraid of an arbitration procedure, which is what we have in the Sensenbrenner amendment?

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. TALENT) has expired.

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

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

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I am not afraid of an arbitration process, and I like the McCollum idea that we are actually taking it out of New York and moving it across the country. What I fear is that the gentleman is setting up an arbitration system that has absolutely no supervision from any court above it. The gentleman is going to be talking about the wild, wild West where somebody in Fargo could make a decision that has absolutely nothing to do with the rate system that happens in Atlanta, Georgia or California. We would not do that with our Federal court system; why would we do it with this?

Mr. TALENT. Reclaiming my time, Mr. Chairman, a local arbitration procedure with a neutral expert master at arbitration is the only way to permit these issues to be heard and give everybody a chance to have their rights vindicated.

Mr. HOYER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in strong support of the legislation, in strong support of the McCollum amendment, and in opposition to the Sensenbrenner amendment.

This amendment is nothing short, referring to the Sensenbrenner amendment, of a taking. I have heard a lot about taking. This is about taking, whether to or not to. It would force songwriters to provide their music for free to restaurants and others.

My colleagues, Stephen Foster died a pauper. Why did Stephen Foster die a pauper? Because the product he created was not popular, was not wanted, was not used? No. Because Stephen Foster put his product on the table, it was eaten, if my colleagues will, listened to, more appropriately, but not paid for. And so Stephen Foster, one of the great songwriters of America, and indeed the world, died a pauper because the world enjoyed his music but did not compensate him for his music.

The McCollum amendment tries in a reasonable way to get at what is a problem that is by some perceived as cataclysmic and by others perceived as procedural. It is a reasonable alternative. It is one that I will support. But if it does not pass, I will as strongly as I know how oppose this legislation, even though I believe its underlying 20-year extension of the copyright protecting one's property is appropriate.

Mr. Chairman, I would hope that my colleagues who in fact have some property that we put in the public sphere, not expecting remuneration, at least not in money, the remuneration we expect is votes when we put our property, our ideas, our thoughts, our opinions in the public wheel. But when a songwriter sits down to create art, that songwriter does so for their own personal enjoyment, but they also do so with the expectation that if someone wants to use their product, they will do in a capitalistic society what we expect, and that is to compensate them fairly for that.

The previous speaker spoke about the problem with small business. Government does not require a small business in America to turn on the radio in their place of business or to turn on the television in their place of business, not one. They do so because they think to some degree it enhances the ambiance of their establishment, and I agree with them. And if they thought curtains did or tablecloths did or pretty windows did, they would have to pay for all of those increases to the ambiance of their establishment.

I have a lot of restaurants in my district and in my State. I understand some of them are concerned, and I believe that the McCollum amendment tries to reach out to them and say yes, we understand there is a problem, let us try to solve it and let us try to solve it where there is a meeting of the minds. And in fact, I understand there was a meeting of the minds until one party thought perhaps they could win without agreement. I do not know that; I have heard that.

But let us, as we vote on the Sensenbrenner amendment, remember Stephen Foster, remember that Stephen Foster gave us so much, this Nation and this world, enriched our lives, enriched our culture, enriched our enjoyment, and let us not say to the Stephen Fosters of the world what they do is not worth us compensating them for it.

I would hope that we would defeat the Sensenbrenner amendment, pass the McCollum amendment, and pass the bill.

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

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

Mr. HYDE. Mr. Chairman, I do not intend to take the full 5 minutes, but I do want to say that I support the McCollum amendment. I have great respect and admiration for Mr. SENSENBRENNER who has worked long and hard on this issue, and admirably so. It is regrettable that over 3 years of discussions have not resulted in a negotiated settlement. This is something that should have been agreed to and negotiated, but I guess it was not meant to be. But the McCollum-Conyers substitute, it seems to me, is a reasonable and balanced alternative to the issue of music licensing, and of some importance is the Congressional Research Service finding that the McCollum substitute will exempt over 60 percent of all restaurants in the United States from paying music licensing fees to songwriters for music played over radio and television to their customers.

This is small business week on the floor of the House. We are considering important legislation to help preserve the strength of the most important sector of our economy which employs more Americans than any other, and the amendment of the gentleman from Wisconsin includes an exemption for large chains and corporations who are able to pay their fair share of licensing fees to songwriters, many of whom I might also mention, are small businesses themselves; I am speaking of the song writers.

The McCollum substitute concentrates on true small businesses, those restaurants and bars under 3,500 gross square feet. That constitutes over 60 percent of the restaurants in America. The substitute also exempts restaurants larger than 3,500 gross square feet as long as radio and television music is not played over too many speakers. This will protect larger restaurants that only play radio and television music in bar areas.

There is much more to be said, and I will put that in the statement that will appear in the RECORD, but if this could not be resolved, could not be negotiated, then I prefer the solution proposed by the gentleman from Florida (Mr. MCCOLLUM).

Mr. Chairman, I rise in support of the McCollum/Conyers substitute to the Sensenbrenner amendment to H.R. 2589, the ''Copyright Term Extension Act,'' and urge the House to support the substitute.

I believe the McCollum/Conyers substitute presents Members with a reasonable and balanced alternative on the issue of music licensing. According to the Congressional Research Service, the McCollum/Conyers substitute will exempt over 60% of all restaurants in the United States from paying music licensing fees to songwriters for music played over radio and television to their customers in order to enhance their businesses.

This is ''Small Business Week'' on the floor of the House. We are considering important legislation that will help to preserve the strength of a sector of our economy which employs more Americans than any other. The Sensenbrenner Amendment includes an exemption for large chains and corporations who are able to pay their fair share of licensing fees to songwriters, many of whom, I might also mention, are small businesses themselves. The McCollum/Conyers substitute concentrates on true small businesses—those restaurants under 3,500 gross square feet. That constitutes over 60% of the restaurants in America. The substitute also exempts restaurants larger than 3500 gross square feet as long as radio and television music is not played over too many speakers. This will protect larger restaurants that only play radio and television music in bar areas.

In addition to including large chains and corporations, the Sensenbrenner exemption also includes within its scope music that comes from sources other than radio and television. Surely, we do not want to prevent songwriters from getting just compensation for property that has not already been broadcast publicly for private enjoyment.

As you know, negotiations on this issue have been ongoing in the Judiciary Committees of both the House and the Senate for almost 3 years now. One of the problems that Mr. SENSENBRENNER rightly attempts to correct is the fact that small business owners have to travel to New York City if they have a dispute about the rate they are being charged to play music in their establishment. This is unfair and needs to be rectified. The Sensenbrenner Amendment goes too far the other way, however, by being just as unfair to the three performing rights organizations by forcing them to arbitrate in any town in America. The McCollum/Conyers substitute is a compromise that will allow litigants to dispute rates in 12 places around the country where the seats of our U.S. Courts of Appeals are located.

I also want to mention the relevance of our international obligations. Under the Trade-Related Aspects of Intellectual Property Agreement, and the Berne Convention, the United States may also restrict copyright to a point where it does not affect an author's ability to own his or her work. I believe, along with the United States Trade representative and the Secretary of Commerce, that the Sensenbrenner Amendment may violate these treaties which are the law of our land. We cannot allow ourselves to be unsuccessful defendants under the dispute mechanism of the World Trade organization on this issue which may lead to retaliation in areas other than intellectual property such as agriculture or resources.

The United States makes more money internationally from intellectual property than from almost any other sector of our economy. It is

one of our most prized trade surpluses. We must be cautious and balanced in affecting our ability to persuade other nations to protect U.S. intellectual property. It is difficult to force others to live up to intellectual property agreements if we do not live up to them ourselves.

Let us not forget that this is about taking someone's property. The Constitution makes it clear that Congress has a duty to encourage creativity by allowing for just compensation. I believe that the McCollum/Conyers Amendment carries out that purpose while meeting our international obligations and protecting small businesses who cannot afford licensing fees or travel to New York to dispute an unfair rate. The Sensenbrenner Amendment violates that incentive, our international obligations, and reaches beyond the constituency it purports to protect.

I urge my colleagues to vote for the McCollum/Conyers substitute to the Sensenbrenner Amendment.

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

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

Mr. BERMAN. Mr. Chairman, this is an issue raised by the gentleman from Wisconsin (Mr. SENSENBRENNER)—let me indicate initially that I rise in strong support of the McCollum substitute and very strong opposition to the Sensenbrenner amendment—and it has been an issue that has been around the Committee on the Judiciary for a very, very long time. And it came to us initially as stories of a series of abuses, real or perceived, reported by owners particularly of restaurants and bars about things they were required to do. One, they could not get access to repertoire. The McCollum amendment provides that, which I think in practice is now already being provided. It makes it very clear in its provisions that every performing rights organization will have to list every piece of music with every writer on the Internet, with access to the general public, to the owners and proprietors of the store.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield on that point?

Mr. BERMAN. Yes, I yield to the gentleman from Florida.

□ 1245

Mr. MCCOLLUM. Mr. Chairman, I think that is really important because you have two different organizations. Sometimes smaller restaurants do not want to have to pay a fee to two different outfits. So they have the list. They do not have to pay the fee to two different outfits. They can just play the music of the group that that organization publishes. The gentleman from California's point is really well made.

Mr. BERMAN. But this was central to the complaints that has initiated the whole fight that has been going on for, I think, 8, 10 years in the Committee on the Judiciary.

Secondly, it was always put in the context of the small restaurant or the small bar. I never thought that I would see the day when I would be coming forward to support an amendment that would exempt establishments of 3,500 square feet or under from paying any single fee to a performing rights organization for the use of their music.

The gentleman from Missouri (Mr. TALENT) made an eloquent statement. But when you examine some of his points, he said I do not want a free lunch for anyone. But this is a free lunch. He said the music has already been paid for, not by the people who are using it, by the stations that have decided to broadcast it. He is now creating a new public performance of that music.

If it is just incidental, which is the way the gentleman from Missouri put it, if it is just incidental to the main purpose of their business, then if they do not want to pay the small amount annually they paid in order to use that music, they turn the radio off. It is very, very simple. It is incidental by its own terms. If it is incidental, it is essential.

I would suggest the music is used as part of creating an atmosphere which encourages customers to come and patronize that restaurant, and I would suggest it is appropriate to ask them to pay for that just as much as they would pay for any other aspect of it.

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

Mr. BERMAN. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I have a copy of the McCollum amendment that appears at page H–1448 of yesterday's RECORD, and I do not see any provision guaranteeing consumers access to repertoire anywhere in the McCollum amendment. Perhaps I am in error, and the gentleman from California can enlighten me.

Mr. BERMAN. Does the gentleman want to take this one at a time?

Mr. SENSENBRENNER. The second thing is, what we are talking about here is TV and the radio. And how is the proprietor of the retail establishment to know what song is going to go on next so he can look up whether this is licensed by ASCAP or BMI? There is no way he can do it.

Mr. BERMAN. Mr. Chairman, I was not saying the gentleman is simply an agent of the restaurant and bars. He used to catalog a series of things he felt were wrong with the way music was paid for, and that it was very difficult for people who had to pay for music to find out just which of the performing rights organizations had the music, and that was part of his whole series of criticisms.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM) to answer the gentleman from Wisconsin's initial question.

Mr. MCCOLLUM. Mr. Chairman, the fact is that, technically, the gentleman from Wisconsin is right. There is nothing in my bill about the repertoire because it is already on-line. The point I think the gentleman from California (Mr. BERMAN) is making, which I was trying to amplify, is the fact that that was the reason why the people came from the restaurants to originally complain that started the whole history of this, is they could not get and figure this out. Now they can.

The BMI, ASCAP, those associations of songwriters have gone and put it on-line so people do not have that complaint anymore. That is the basic reason. It does not need to be in the bill.

Mr. BERMAN. Mr. Chairman, I think I should then also correct myself. The version of the amendment that I read yesterday on the airplane had some very specific provisions. Apparently they are not in here now.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield for one second?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, just to address the second point, you do not have to call the radio stations now, and he knows that. You do not have to call the radio stations now anymore. There is now digital servers.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from California (Mr. BERMAN) has expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. SCARBOROUGH. If the gentleman will continue to yield, if you want to hear the Beatles 24 hours a day, if you want to hear jazz all day, you can hear jazz all day through these digital servers. That is one of the really dangerous things about this bill is it expands beyond radio and TV and goes into this vast new universe that they know is coming down the road.

Mr. BERMAN. Mr. Chairman, does the gentleman from Florida mean the bill or the Sensenbrenner amendment?

Mr. SCARBOROUGH. I am sorry, the Sensenbrenner amendment. But these servers will also be able to provide the restaurant owners in the future services that will allow them just to pipe in music by BMI or just to pipe in music by ASCAP. And that technology is available today and certainly will be used, I predict, in the next few years to make it easy for restaurant owners to do that.

So it is a very easy thing to do. It is very doable. You do not have to call your local radio station to see what the play list is. And I suspect that most of the people that were behind this amendment know that already.

Mr. BERMAN. Mr. Chairman, continuing, there was one point, though, that I have not heard discussed so far. The Sensenbrenner amendment simply is not an amendment that exempts some restaurants and bars. It exempts all retail establishments.

But it does a number of other things. It fundamentally changes the whole concept of vicarious and contributory

infringement of copyright. It contains a provision which, if applied, would affect the situation like this. I own a number of theaters. I lease those theaters to people who are showing unauthorized pirated works. And I am exempt from any liability and charging money for patronizing those particular works.

They exempt from any liability the owner of the property that is leased, thereby eliminating any incentive that that landlord has when he leases his studios or facilities to put in provisions to ensure that the lessee does not engage in infringing conduct, does not go out and do public performances without paying the people who wrote the music.

That is a huge and gaping loophole which will lead to a great deal of improper activity that could easily be deterred if you just simply retain existing concepts of contributory and vicarious liability.

I think that is another huge weakness in the amendment of the gentleman from Wisconsin. The McCollum amendment undoes the effect of that amendment, and, therefore, it should be supported.

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

Mr. Chairman, I am a cosponsor of H.R. 789, the Fairness in Music Licensing Act, which has bipartisan support of over 157 Members of Congress. While I wish that it were what he was offering today on the floor, I believe this compromised amendment by Mr. SENSENBRENNER is fair and balanced.

The Sensenbrenner amendment is balanced because it does several key things. One, it levels the playing field for businesses that use music. These business owners will now have a way to settle their disputes with music licensing societies without having to go to rate court in New York City. We have heard about different options under this but that is an important change.

Two, it will allow businesses of a certain size, 3,500 square feet or less where the speakers are located, and that is important, because it isn't just a question of where the diners are sitting, it is a question of your storage, your kitchens, and receiving areas as well are located to be exempt from copyright royalties when they play TVs and radios, which is important to remember it is TV and radio music. If a business is over 3,500 square feet, it may be exempt if it plays only two TVs and has no more than six speakers.

The Sensenbrenner amendment is fair because it does not change the law with respect to other kinds of music that a business may use. For example, a restaurant that has live music or plays CDs will not be covered by this Sensenbrenner exemption. These restaurants will still have to pay copyright royalties.

Two, it does not change the law with respect to penalties. If a business is found to be violating copyright law, the penalty is a severe $20,000 per violation. That is, a business caught stealing copyrighted music is still liable under the Sensenbrenner amendment.

I wanted to add a couple of comments based on some of the debate here. We are kind of getting lost here, whether Stephen Foster would have died a pauper, which I find quite a stretch into this debate. This is really about individuals who go to eat at restaurants.

There is a mythology that businesses pay taxes. Businesses are pass-through agents. What we are really talking about is whether we are going to increase the cost of eating out for diners, or whether diners are going to have less ambience, so to speak, or any music in the background at all.

What we are forgetting here in a debate between different financial interests are the actual consumers of America. Are we in Congress going to, in effect, pass a food and beverage tax increase in this Congress? Are we going to have little music police going around to try to see how restaurants are enforcing that? Because that is the net that will happen.

Either we will have the sounds of silence, perhaps some restaurants will broadcast sounds of silence brought to you by your local congressmen, if this passes. Are we going to have the sounds of silence here in the restaurants, or are we going to have higher food prices?

That is really what we are debating here today. We are not debating starving artists versus starving restaurant owners. We are debating what is going to happen to consumers in the restaurant business.

It kind of frustrates me in this debate. It is not a matter of just the rich and famous as we hear these things are put together, but, rather, rich and famous on other sides who are trying to, in effect, hit the consumers at restaurants.

We have also heard that, in fact, restaurant owners could try to figure out which licensing company is doing this by going to digital. My friend, the gentleman from Florida (Mr. SCARBOROUGH) made that point.

I am sitting here as a small business owner myself thinking this is not possible. I mean, in effect, businesses will decide probably not to offer the music or, in fact, they have not only the licensing fee cost, but the cost of the people that try to track that licensing fee.

So we really are talking a significant potential increase, not just a marginal increase in the cost of doing business. Restaurant owners are already hammered by our Congress in minimum wage increases, in marginal inspection type increases.

As we have more and more two-parent working families, more and more people are eating out. This is really a question of the financial pressures we are going to put on families just because of radio and TV broadcast, which, in fact, already are going through a process of paying for these fees. And it is a secondary market.

One other comment I wanted to make as far as Congress itself. We constantly have this cuteness. I think it would be very interesting for somebody in the media to go through Members of Congress' records. When constituents call in, many Senators and House Members put them on hold, and there is music there.

I would be very interested to see whether, in fact, the copyright laws are being violated by the Members who have stood up here and said the restaurant owners should pay. Are they paying the starving artists in their offices because they are part of a branch of an institution that has 535 offices in it? Are they paying the fees to the starving artists if they have music going over their system from a radio station? I really question whether that is being done in many cases.

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

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

Mr. CALVERT. Mr. Chairman, I am glad the gentleman from Indiana brought up these points. I thought I would come on down as a person who was in the restaurant business or used to be in the restaurant business before I came to this body.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 3 additional minutes.)

Mr. CALVERT. If the gentleman will continue to yield, I have heard some discussion about 60 percent of the restaurants would be exempt on the 3,500 square foot gross. Now, I know from my experience in the restaurant industry, many restaurants today are fast food establishments, and if you are adding that restaurant to the component, which I believe it is, I suspect that the number of dining restaurants, sit-down establishments is much lower than the number that is being thrown out here today.

I point out another subject. When I was in the restaurant business, I paid ASCAP and BMI fees because I had live entertainment, and I used to tape music. So if I used FM radio on the interim, it would not have raised my BMI or ASCAP fees at all.

But those restaurants that just have FM radio, public access, and television, which are very few, by the way, it seems to me the only reason that we pursue the Sensenbrenner amendment and not the McCollum amendment.

From my perspective, real estate companies who have background music, or you mentioned dentists' offices, moving around to pursue collecting fees from these businesses is, I think, poor business on their part, but certainly intrusive to all small business.

I would encourage everyone here to vote against the McCollum amendment and vote for Sensenbrenner.

Mr. SOUDER. Mr. Chairman, reclaiming my time, I would hope that there is an understanding in general when it is background music and not primarily, something that is the primary business of the company that is playing the music.

But there is an understanding that this helps promote, to some degree, the music involved with the individuals, and they are not going to be helped by restaurants going silent. They are not going to be helped by higher prices in restaurants either. That is really what I have a question about in this Republican controlled Congress. Are we, in effect, going to pass another backdoor tax increase?

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

Mr. Chairman, to begin, I want to answer the question posed by the gentleman from Indiana about whether Members of Congress who play music when people are on hold are paying ASCAP.

My understanding of this bill is that you incur that obligation if you are charging people, that is, if you are selling them a meal. So I assume those Members who have charged people to call them would owe ASCAP money. So if you have a separate line for contributors, then you better talk to ASCAP.

For those of us who do not charge our constituents to call us, I think we are probably not in this situation. Although I do not play music on my phone, I do not sing or dance for my constituents, I have more mundane services I try to perform for them.

But I would say to the gentleman, if you are charging people to call you, then you better be in touch with BMI and ASCAP.

□ 1300

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana. A microphone will probably help. The gentleman will not be charged for using it.

Mr. SOUDER. Mr. Chairman, my understanding is that it is a violation of Federal copyright law if one is not paying a licensing fee, whether or not it is for profit.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, if the gentleman is simply playing it in his office.

Let me put it this way to the gentleman. There is a commercial nexus here. No, not every time one turns on the radio and someone else listens does one have to pay the fee. If one turns on the radio in one's office and people wander in to talk, one does not owe them a thing, and that is the point that some of the opponents I think are missing here.

This is a charge for people who are charging the public to come in. Owners of businesses are not irrational, they do not do things randomly, at least not as a whole. When the owner of a restaurant plays music, he or she does it to enhance the attractiveness of the restaurant; it is part of the package of things that bring people in. And what we are saying is, yes, if you are going to use other people's work product to enhance the attractiveness of your commercial establishment, you should pay them something.

I was surprised to hear this referred to as a tax. I thought a tax was when one collected the money for the government. I do not think enforcing an obligation that one private owner owes another is a tax. People play the music in the restaurants or elsewhere because it brings in more customers. If not, there would not be a problem.

People say, well, it would cost more for the consumer. That is true. And if one could get one's food for free, it would be cheaper for the consumer. If one could get people to work for free, that would be cheaper for the consumer.

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

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

Mr. SCARBOROUGH. Mr. Chairman, there is a misperception with what the gentleman said, and knowing the gentleman, I know that he did not intend to make this mistaken statement, but he is talking about, it is going to be a new back-door tax increase, it is going to be a new expense. The gentleman was talking about a new expense.

It is not a new expense. It is existing, it is already there. In fact, even this compromise language subtracts how much restaurants would have to pay a hundredfold.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I think the gentleman is correct. We are talking about enforcing the existing obligation, and I guess if we agreed with the gentleman, we would have to assume that if the amendment of the gentleman from Wisconsin would pass, restaurant prices would drop, because suddenly they would not owe as much.

I do not think anyone in this building believes that.

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

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

Mr. BERMAN. Mr. Chairman, I guess if the gentleman from Wisconsin had offered an amendment saying that everyone who owns a restaurant gets to deduct 50 percent of their lease price, the gentleman from Indiana would say, in a Republican-controlled Congress, we have to support that amendment; otherwise, we will have an unnecessary tax increase on the patrons of that restaurant.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I think the gentleman is right. We are talking about an existing obligation.

But I want to talk about what it is all about. What we are saying is, if one earns money in part by playing music, then one should share some of that with the people whose music one is playing. There was reference to the fact that well, it might be played on one television on the local station and the network will charge in the long term; yes, because they want to make money off of it. Yes, the network makes money off the program, they sell advertising, and then the local people do it. This notion that there should only be one source of revenue for each program does not comport with reality.

This is the principle: If one is enhancing one's own money-making ability, which is a good thing, by playing music and increasing the attractiveness of one's place, one owes some small percentage. The gentleman calculated that it would only be about 5 percent of income.

Well, I do not think any of us think a 5 percent reduction in income is a minor or trivial matter. If we were talking about .005, maybe we would be in that category, but a 5 percent reduction in one's income seems to me a significant factor, and we ought not to be doing it.

I want to stress one other very important point here which will cause problems if we adopt the amendment of the gentleman from Wisconsin. We spend a lot of time, overwhelmingly supported in this Congress, in trying to enforce American intellectual property rights overseas.

The CHAIRMAN pro tempore (Mr. Gutknecht). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. Frank of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. FRANK. Mr. Chairman, as was pointed out by the gentleman from Florida, the amendment of the gentleman from Wisconsin, unlike that of the gentleman from Florida, abolishes the doctrines of vicarious and contributory liability here.

What that means is that if one is not the one who is actually playing the music, even if one is facilitating that in various ways through one's economic arrangements with them, we cannot go after them and they may have deep pockets.

Here is the problem. If the United States Congress, in this, so substantially diminishes this notion of contributory and vicarious liability and exempts people who are making money by playing other people's music, or maybe showing other people's movies, or in other ways using other people's products, if we exempt them in some ways, we drive a hole in our efforts to enforce American intellectual property rights overseas that is enormous.

Think what the People's Republic of China could do with the amendment of the gentleman from Wisconsin. All they would have to do is say, okay, we are going to take these principles that the American Congress has adopted; there will be no vicarious and contributory liability. If you catch the individual, that is fine; otherwise, no, there is

no liability. And if it is only incidental to some other use, there is going to be no liability.

We severely threaten our ability to protect one of the major sources internationally by which America profits, and that is intellectual property.

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

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

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. Let us follow that a little further.

If a company in Russia proliferates missile technology in Iran, we are not going to make the Russian Government responsible. They did not make the decision, it was just some company in Russia. It undermines every aspect of enforcement here when we eliminate the major inducement to do something to ensure the law is not violated.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, let me stress that because the doctrines of contributory and vicarious liability are not obscure, what they say is, if one has rented the premises to people, and as I read the amendment, even if one has rented the premises and one knows what they are using them for and one knows there is this symptomatic effort to violate other people's rights, one is not at all liable.

I ask Members to think what the People's Republic of China and other notorious abusers of intellectual property rights could do with these principles, and I guarantee the Members that if we enact these into law here in the United States House of Representatives, efforts by the United States Trade Representative or any others to enforce intellectual property overseas goes down the drain.

We are talking about movies. We are talking about books. We are talking about music. We are talking about a number of very important efforts. I do not think that this is an enormous burden.

By the way, we have heard from restaurant owners. People have said, well, it is a problem for appliance owners, this one, that one, convention centers. Nobody has heard from the convention centers of America complaining about this.

What this amendment does, the underlying amendment of the gentleman from Wisconsin is to make it very, very difficult for us internationally to defend our intellectual property rights. The gentleman from Florida has responded sensibly to the complaints of restaurant owners. He exempts most restaurant owners. He says, if one is a larger restaurant and playing this music enhances one's ability to make money, one will share a little with those who created it. That is a reasonable approach.

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

Mr. Chairman, about 8 or 9 months ago, 4 or 5 of us from the Subcommittee on Courts and Intellectual Property were chatting one night, and in the group was the late Sonny Bono. One of the Members, I do not recall his identity, but one of the Members said to Sonny, Bono, you are a restaurateur, you are a song writer. Who do you support on this issue?

Sonny said, can we not support both? He said, must I reject one in favor of the other?

And I said to him, amen, Sonny.

The gentleman from Florida (Mr. MCCOLLUM) has crafted such a compromise, a compromise I am told that the song writers and the restaurateurs, neither of whom is completely ecstatic, but both of whom can live with.

I have said before, Mr. Chairman, I am a friend of restaurants in my district. Restaurateurs speak to me frequently, and if anybody accuses me of trashing restaurants just because I am supporting the McCollum amendment, I will meet him in the back lot, because that is simply not the case. But restaurateurs come to me and say, this issue is important, but there are other issues that are far more vital to us as operators of restaurants than music licensing. You all get that over with, and there will be other issues on our agenda that we want you to visit before you adjourn in the fall.

We had conducted 2 hearings on this, Mr. Chairman. Fair and open-minded, we invited all parties who had interest in the matter to appear. The second hearing occurred in Washington last July. One of the witnesses, a tavern and restaurant owner from Mr. SENSENBRENNER's home State of Wisconsin, in his testimony in response to a question, he admitted that his gross earnings for the current period were in excess of $400,000, and he furthermore admitted that his payment to play music was $500. Some of the folks almost fell out of their respective chairs when he announced that his gross was over $400,000, yet he was only required to pay $500.

Now, I am not suggesting, Mr. Chairman, that that gentleman typifies restaurant and tavern owners around the country; I am suggesting that he was the witness who was selected to appear by the coalition that the gentleman from Wisconsin (Mr. SENSENBRENNER) represents.

Now, Mr. Chairman, these are issues that talk about big business versus little business. That is not the case at all, and I tried to portray that earlier. I think both sides of the aisle have portrayed it, Republicans, Democrats, liberals, conservatives, mugwumps, if there are any, everybody has come to the plate on this.

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

Mr. Chairman, I rise to express my strong opposition to the amendment of the gentleman from Wisconsin (Mr. SENSENBRENNER) and also my strong support for the McCollum amendment.

The Sensenbrenner amendment would be devastating to our Nation's song writers. Rather than deny their right to make a living, Congress should recognize the importance and significance of these gifted and talented individuals. As a Representative from Nashville, Tennessee, or as I might say it, Music City, USA, I am deeply concerned about this amendment's effort to compromise the intellectual property rights of our song writers and assault their ability to make a living.

Mr. Chairman, this amendment devalues the achievements and diligent efforts of our song writers and musicians. The property rights of any individual should not be considered secondary to the rights of others. For Congress to single out song writers would send a signal to both the American creative community and to the world at large that intellectual property no longer holds any value in the United States.

John F. Kennedy once said,

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. I look forward to an America which commands respect throughout the world, not only for its strength, but for its civilization as well.

Songs are born in any number of magical and mystical ways. But what might appear to take 15 minutes to create often takes 15 years of hard work, sacrifice, dedication, practice, and persistence. We should be rewarding these creators and not punishing them by the Sensenbrenner amendment.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment and support the McCollum substitute amendment in an effort to uphold intellectual property rights for all.

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

Mr. Chairman, I just want to say that I always thought that we were great when we got behind Radio Free Europe and others, and I thought we had free radio here in the United States. It is a shame to me that we are even arguing over this.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas for yielding.

The gentleman from North Carolina, when he gave his statement, referred to the testimony of a Peter Madland who used to be the President of the Tavern League of Wisconsin, talking about how big his place was and how much his gross income was.

□ 1315

But what the gentleman from North Carolina did not tell us, and he would not yield to me so I could enlighten him, is that under the Sensenbrenner amendment, Mr. Madland's establishment would not be exempt from paying ASCAP fees.

He testified before the subcommittee of the gentleman from North Carolina (Mr. COBLE) on July 17, 1997, that he has 20,000 to 25,000 square feet in his establishment. It is a big bar. I have never been there, it is in the district represented by the gentleman from Wisconsin (Mr. OBEY). But the exemption contained in both the McCollum amendment and the Sensenbrenner amendment goes to 3,500 square feet, and Mr. Madland's establishment is way over that. He does not get a free ride. He is going to pay the same ASCAP fee as he has paid before because he has a big establishment.

For the gentleman from North Carolina, having presided over the hearing where Mr. Madland testified on how big his establishment is, to make a representation that this major operator was going to get a free ride I think is regrettable.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

I want to formally apologize to my friend, the gentleman from Wisconsin. Oftentimes, Mr. Chairman, in the heat of debate we become embroiled, and I should have yielded to him. But I assume, I would ask the gentleman from Wisconsin (Mr. SENSENBRENNER), that he is not suggesting that my testimony was inaccurate, or is he?

Mr. SENSENBRENNER. If the gentleman from Texas will yield to me, Mr. Chairman, absolutely not. The gentleman from North Carolina (Mr. COBLE) might have forgotten that Mr. Madland testified on how big his establishment is, and might not have made the connection with the exemption contained in the Sensenbrenner amendment.

I am just here to inform the gentleman from North Carolina that Mr. Madland would not be exempt, and representations that the operator of that big an establishment, whether it is in Chetek, Wisconsin, or anyplace else in the country, would be exempt, that person simply has not read what is in the text of the Sensenbrenner amendment.

Mr. Madland pays, and anybody else that has that big an establishment would pay under my amendment.

Mr. COBLE. If the gentleman would continue to yield, Mr. Chairman, I just wanted to apologize to the gentleman from Wisconsin (Mr. SENSENBRENNER) and to the Members. I should have yielded, but we are embroiled in this, and for that purpose, Mr. Chairman, I want to get that on the record.

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

Mr. Chairman, I want to talk about a couple of issues that have been brought up. The first has to do with what a good friend of mine, the gentleman from Indiana, talked about. He talked about the back-door tax increase. Again I want to reiterate to my friends who may be listening to this, this is a red herring. It is not a back-door tax increase. It is one small business owner paying another small business owner for their property, for using their property.

Secondly, there will be no increase in payments. This is talking about an existing payment that has to be done.

He also talked about the phone system. I think it is very important to realize, we talked about incidental use, or we talked about using music to enhance business, to make more money. There are marketing firms out there that actually get paid to tell dentists what type of music to play on their phone systems. I know, because I have a father-in-law who is a dentist. There are marketing firms who pay people to tell law firms what type of music to play on their phone systems to help them lure more business, more money.

It is a means, music is a means to make more money. I think it is unconscionable that all these people that have stormed Capitol Hill in the name of property rights in 1994, just 4 years later want to take away property rights from others, when it is clear that this property is being used to make a profit.

I wonder if these bar and tavern owners that are so offended about five different entities actually using the same property to make money would be that offended when they charge five people to come into their restaurant to use the same property, or 500 people? Or how about the Titanic? If we have theater owners who allow people to see the Titanic four or five times, do they pay once and get a free pass for the other four times they see it? Absolutely not. This is ridiculous. They are red herrings.

Unfortunately, a process was set up where reasoned people could get together, could compromise, and regrettably, one party did not want to compromise.

We have heard, talking about apologies on the floor, we have heard the McCollum amendment called ''a sham,'' when most reasoned people have said that the McCollum amendment was where the two parties were going before one party went aside.

We also heard somebody talked about property rights for songwriters being ''a scam.'' That is not the case. We have also heard people parade up to the microphone saying they have to go to New York, they have to hire a godawful New York attorney. That is not the case anymore. The McCollum amendment makes sure that we have boards go throughout the land.

For those people to suggest that we set up an arbitration system with absolutely no oversight whatsoever, we are talking about a wild, wild West judicial system with no oversight, with no guidance, and would lead to the most bizarre, inconsistent, crazy results. It is dangerous.

I hear people coming up to the microphone saying, well, there is no such thing as a free lunch. Yet, they turn around and advocate an amendment that provides a free lunch. We hear people coming up talking about how the small restaurants will be hurt.

Let me tell the Members, again, it needs to be reiterated, CRS has estimated a 406 percent increase in restaurants exempted under this provision. There is 406 percent of restaurants that will be exempted under this provision. Only the largest restaurants will pay any fee. The average paid is $30 a month, $30 a month.

When I hear people come up talking about how this is going to be crushing to small business, it is laughable. Small business is using this property to make a profit. I am a capitalist, I am a supporter of small business. I talk to the restaurant owners, I talk to the restaurant owners that elected me, talk to the people that I fought against the minimum wage for, talk to the people that I fought for to eradicate the capital gains tax.

I believe in free enterprise. I believe in the free market system, and I believe that if somebody has a product that helps somebody else make money, then I am all for it. Get it out in the marketplace. But let us forget this free market concept. Let us support the amendment offered by the gentleman from Florida (Mr. MCCOLLUM), and let us make sure people get paid fairly for their property rights.

Let us make sure we do not send the wrong message to China. China feels very, very free in taking our property rights, be it CDs or software. I do not hear anybody here saying Microsoft should only charge once for their program. I have yet to hear one person say that. Yet, it is the same concept. If you can copy a Microsoft program over and over and over again without paying Microsoft, what is the difference there? It is the same exact thing.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SCARBOROUGH) has expired.

(By unanimous consent, Mr. SCARBOROUGH was allowed to proceed for 3 additional minutes.)

Mr. SCARBOROUGH. Mr. Chairman, I ask my conservative brethren that came here in 1994 fighting for property rights, if they were to fight for Bill Gates' right to make sure that he protects what is his to protect, then we do the same thing for the small, struggling songwriter.

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

Mr. SCARBOROUGH. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. He has eloquently expressed where we are at this point.

I just wanted the gentleman to yield to bring out the fact that we are near the end of this debate, we may have one or two more speakers. The bottom line is that what I am offering truly is

a compromise. I would like to make the point, and drive it home, that a great many restaurants are going to be exempted by my amendment. We have already talked about a 400 percent increase over the current law.

These folks have been paying, restaurants have been paying these royalties, these fees for years. This is nothing new. We are talking about exempting 75 or 80 percent of those restaurants. I think probably it will be even more, because in this amendment we bumped up from what the negotiated status was, which is what I am trying to offer, pretty much, here; we bumped up the number of television sets you can have in a restaurant that get you exempted, no matter what your square footage is, to four. If you have six speakers in the restaurant you are exempted, no matter what your square footage is, how big you are. I think that takes care of anything but really big restaurants.

So I do not know what the squabble is about. We need to pass a copyright extension bill, we need to get this debate passed, and we need to do what the gentleman has suggested, and that is protect the property rights interests of both the small business restaurateur and the small business songwriter. Adopting the McCollum amendment substitute to Sensenbrenner will do that. His will not do that. It is not fair. I thank the gentleman for yielding time to me.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for his amendment.

I am reminded by the remark the gentleman from California said a few minutes ago, that a lot of people would be absolutely shocked that they would be coming to the floor voting for legislation such as the gentleman's, an amendment such as that of the gentleman from Florida (Mr. MCCOLLUM), because we have compromised so much, and yet we are still told that is enough.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, on the international side, people have said the restaurant owners should not have to pay because someone has already paid for this once, the national TV, et cetera.

Put that doctrine in the hands of the Chinese or others overseas and you say to them, okay, as long as something was once paid for in America, this book, this movie, this recording, this CD, then I can sell it without paying the owner, and you have destroyed our capacity to defend American intellectual property overseas.

Mr. SCARBOROUGH. It would be absolutely devastating to the computer industry, the software industry. It is a dangerous, dangerous precedent.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, there has been a lot of rhetoric on both sides of this issue. Let me just take a quick moment to try to summarize where we are, please.

The main bill that we are debating today is the Copyright Extension Act. What that does is extend the copyrights for music and film in this country to the same level of other countries around the world. If we do not do this, then the United States is going to lose hundreds of millions of dollars in revenue from other countries that should come in to the United States.

That is very reasonable, and I think most everybody agrees with that. But then, unfortunately, the gentleman from Wisconsin (Mr. SENSENBRENNER) has taken this noncontroversial bill and added a completely unrelated, very controversial amendment.

What the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) basically says is that unlike the present and the past, that restaurants and bars should not have to pay for the music or the royalties for the music that they play in their establishments, which amounts to just a little over $1.50 a day.

It really is somewhat amazing that the gentleman from Wisconsin, who is a strong property rights advocate, it is really ironic, he would never say that these same bars and restaurants should not have to pay the supplier for the chairs and tables, for the paint on the walls, for the chandeliers, or for anything else that helps them make the atmosphere for that particular restaurant or bar. However, for some reason they should not have to pay $1.50 a day for the music, knowing that if this $1.50 is not worthwhile, if the music does not enhance their establishment, they can turn it off. Nobody is telling them they have to play it. Only that they need to pay for it if they use it, like the tables and chairs.

Mr. Chairman, the gentleman from Florida (Mr. MCCOLLUM) has come along and introduced an amendment to that of the gentleman from Wisconsin (Mr. SENSENBRENNER), a compromise, and is trying to bring some rationality to this issue. He is, the gentleman from Florida (Mr. MCCOLLUM), exempting the smallest bars and restaurants in the country; as a matter of fact, two-thirds of the restaurants and bars in the country, which is a very reasonable amendment. Because we have to remember, if the songwriters are not paid, they cannot produce the songs, and when they do not produce the songs, the music is going to stop.

I would like to share with the Members a song that one of the songwriters back home has written about this issue. I say to my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), I am going to spare him me singing this, so I am going to read it here for the gentleman.

It is ''Dear, dear, U.S. Congress:

''Some merchants want to use my song, but they don't want to pay me, and I think that is wrong. How would you like to have a job where you work hard every day, you love what you are doing, but you don't get any pay? I can't give away my songs for free 'cause this is the way I feed me and my family. And if you merchants disagree, that's fine. Go write your own songs, just don't use mine.''

Now, Mr. Chairman, let me ask the Members today to keep the music. Do not stop the music from coming forward. I support a very reasonable compromise offered by the gentleman from Florida (Mr. MCCOLLUM) to keep the music for all America.

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

Mr. Chairman, this is a debate that involves small business, and I think all of us who believe in the American way and in driving the American economy understand that small business is the backbone of that culture that drives the American economy.

Too often this Congress dumps on them: more regulations, higher mandated wages, taxes that are too high. So we have people, for example, that are running small restaurants in this country that are asking us not to dump on them one more time.

☐ 1330

In my hometown of San Antonio, small businesses and restaurants are at the forefront of job creation and economic opportunity. Anyone who has visited San Antonio and the River Walk know how these small businesses enhance my town's premier tourist attraction.

These businesses cannot afford in many cases any more ruinous fees. This amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER), which I am supporting, provides a reasonable compromise to protect jobs while protecting the copyrights of artists.

Simply put, the Sensenbrenner amendment makes needed changes in Federal law by providing for local arbitration of music licensing fee disputes. Small businesses will no longer be forced to travel across the country to New York to make their case. They could not afford to do that anyway. Today's small business has no local recourse. This is a more than reasonable compromise the gentleman from Wisconsin is offering in his amendment.

The amendment does not fully exempt businesses from paying royalties or change existing penalties. It merely recognizes that changing technology makes some of the current fees unfair and represents a double charge for licensing.

Mr. Chairman, I cosponsored H.R. 789, the Fairness in Music Licensing Act, because I believe it represents a responsibility compromise. I urge my colleagues to please join me in voting for the Sensenbrenner amendment, which will help ensure that small business remains the engine driving our economy.

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

Mr. Chairman, I rise to oppose strongly the Sensenbrenner amendment and to support the McCollum amendment to the Sensenbrenner amendment.

The Sensenbrenner amendment would be essentially a license for restaurants, taverns, and other establishments to use songwriters' work product, their property, without paying for it. It would be a license to steal from America's creative community and, therefore, I must oppose it vigorously.

The late Justice Oliver Wendell Holmes said that, ''It is true that the music is not the sole object, but neither is the food,'' referring to a restaurant.

> The object is the repast and surroundings that give luxurious pleasure not to be had from eating a silent meal. If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough.

Mr. Chairman, several people have said, and I will say it for myself, that I never thought I would come before the House, advocating support of an amendment that would exempt an establishment as large as 3,500 square feet. The McCollum amendment, frankly, I think goes far too far. But it is acceptable to the songwriters. I do not think they are getting as fair a deal as they ought out of it, but I will support it as the best we can get.

Mr. Chairman, I looked at this issue very carefully when I was a member of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, and I remember coming to several conclusions after hearing from both sides. The first conclusion is the question of equity. Ninety percent of songwriters make less than $10,000 a year. Many make more, but are still struggling. The average restaurant pays $400 to $450 a year for songwriter fees. The average income of the restaurant makes that a small proportion, a very small proportion, and yet for the songwriters it is very important. So as a matter of equity, when something is very important for one side as a percentage of their income and very small for the other, it makes sense to go with the side that we would really hurt if we went the other way.

Second of all, and here I fail to see how some of my friends on the other side of the aisle can even think of supporting this amendment, we are talking here about private property. We are talking about private arrangements between one group of property owners, the songwriters who own the songs that they have produced, and another group of property owners, the restaurant owners who want to purchase the use of those songs.

I am not a total believer in the efficacy of the free market in all circumstances, unlike some of my friends on the other side of the aisle. But I do believe that before the government should come in and pass a law dictating the terms of an arrangement between property owners, before we should come in and say some can use that music for free and some must pay, there has got to be a very, very strong showing of the public policy necessity. There has got to be a showing of why the free market and private negotiations cannot work its will to the best interest of the economy and the people of the country, as it usually does. One has to make a showing why the free market cannot work in a situation before we ask for government regulation.

What do we have here? We have some people coming in, some people who are normally great supporters of private property rights and against regulation and, based on nothing at all, saying let us dictate the terms of the arrangement and say to the restaurant owners they can use the other people's property for free.

Why? What is the necessity? Why do we not trust the market to work this out? Why do we not trust the songwriters and the restaurants to negotiate deals as they have for the last, I do not know, 70 or 80 years?

I see no reason. We hear that here it is a question of secondary use; that they have already paid once for it. Well, so what? So what? I would not be permitted, none of us would be permitted to purchase a CD or a tape of a movie, purchase it, go in and pay $15 for a tape of a movie, and then going go to my machine and making a lot of tapes of it and selling those. None of us would be permitted to do that. We are using that property, and it is exactly the same thing.

So on these grounds I do not see why we should pass any amendment at all on the subject. I will reluctantly go along with the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) as a reasonable compromise, and certainly more reasonable than an attempt, frankly, to appropriate the songwriters' property for free, for the benefit of restaurant owners.

Mr. Chairman, I love restaurant owners. I have plenty of them in my district. But they are not entitled to the free use of other people's property. Period. So I urge my colleagues to oppose the Sensenbrenner amendment and support the McCollum amendment to the Sensenbrenner amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but I rise in support of the McCollum-Conyers substitute and in opposition to the Sensenbrenner amendment.

I want to address two issues quickly. Number one, I do not think this is an issue of big business against small business or a small business issue. It seems to me that restaurants are small businesses, but music writers are also small businesses. So either way we vote on this, we are going to be trying to support, as all of us I believe do, small business in this country.

The second is an argument that I have heard a number of restaurant owners advance from time to time that music is just background music, and we ought not be obligated to pay for it, even though we are using somebody else's work product. And my typical response to that is, if what they are saying is true, if this is of no benefit to their company, if this is truly background music, cut it off. And if they cut it off, then nobody obligates them to pay for the use of it.

So I just think, as a matter of fairness and equity, that a person who has written a song and dealt with that song and put it in the stream of our intellectual property ought to be compensated for the use of it. And I think the McCollum amendment represents a reasonable approach to it. I have some concerns about it also, but I will support that substitute and vote against the amendment offered by the gentleman from Wisconsin.

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

Mr. WATT of North Carolina. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for his remarks and support him in his support of the McCollum-Conyers amendment. I think the gentleman hit the nail on the head when he talked about that these are small businesspeople, all of the folks who write songs, who write music for a living. This is an important work. It brings great joy and great dignity to our society. They pour their heart and soul into their work.

Mr. Chairman, I am just finishing a book called Lush Life, the story of Billy Strayhorn, one of the great song people of our time. And reading that gives a sense of the dignity and the tough work, but the joyous work of these individuals. And it just seems to me that they need as much protection as the folks who own the bars and the restaurants and all the other facilities that we have talked about.

So I thank the gentleman from North Carolina (Mr. WATT) for his comments and his remarks, and I hope that we will adopt the McCollum-Conyers amendment this afternoon.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2 of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a recorded vote may be taken without intervening business on the Sensenbrenner amendment.

The vote was taken by electronic device, and there were—ayes 150, noes 259, not voting 22, as follows:

[Roll No. 68]

AYES—150

Abercrombie
Ackerman
Allen
Baldacci
Becerra
Berman
Bliley
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Callahan
Canady
Capps
Carson
Clay
Clayton
Clement
Coble
Costello
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Dreier
Ehrlich
Engel
Eshoo
Evans
Fattah
Fazio
Filner
Foley
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefner
Hilleary
Hinchey
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jenkins
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Paul
Pease
Pelosi
Poshard
Radanovich
Rahall
Rivers
Rogan
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Scarborough
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Stokes
Stupak
Tanner
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Wamp
Watt (NC)
Waxman
Wexler
Wise
Yates

NOES—259

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Inglis
Istook
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald
Payne
Rangel
Riggs
Rothman
Royce
Schiff
Stark
Waters

□ 1400

The Clerk announced the following pair:

On this vote:

Mr. McDermott for, with Mr. Rangel against.

Messrs. SMITH of Texas, HULSHOF, DICKS, FOX of Pennsylvania, PICKETT, THOMPSON, BATEMAN, COX of California, CUMMINGS, BERRY, Ms. STABENOW, Mrs. FOWLER, Mr. UPTON and Mr. FARR of California changed their vote from ''aye'' to ''no.''

Messrs. GUTIERREZ, MOAKLEY, SHAYS, Ms. LOFGREN, Mr. STOKES, Mr. RUSH, Mrs. MORELLA, and Mr. HINCHEY changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

RECORDED VOTE

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

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 297, noes 112, not voting 22, as follows:

[Roll No. 69]

AYES—297

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt

Torres	Watkins	Whitfield
Traficant	Watts (OK)	Wicker
Turner	Weldon (FL)	Wise
Upton	Weldon (PA)	Wolf
Visclosky	Weller	Wynn
Walsh	Weygand	Young (AK)
Wamp	White	Young (FL)

NOES—112

Abercrombie	Hilliard	Nadler
Ackerman	Hinchey	Oberstar
Allen	Hoyer	Olver
Becerra	Hyde	Ortiz
Berman	Jackson (IL)	Owens
Bonior	Kelly	Paul
Brown (CA)	Kennedy (MA)	Pease
Brown (OH)	Kennedy (RI)	Pelosi
Capps	Kennelly	Pombo
Clay	Kildee	Radanovich
Clement	Kilpatrick	Rivers
Coble	LaFalce	Rogan
Cummings	LaHood	Roybal-Allard
Davis (IL)	Lampson	Sabo
DeFazio	Lantos	Sanchez
DeGette	Levin	Sanders
Delahunt	Lewis (GA)	Scarborough
DeLauro	Lofgren	Schumer
Deutsch	Lowey	Serrano
Dingell	Luther	Shays
Dixon	Maloney (NY)	Sherman
Doggett	Manton	Skaggs
Dooley	Markey	Slaughter
Dreier	Martinez	Stokes
Engel	Matsui	Stupak
Eshoo	McCarthy (MO)	Tanner
Fattah	McCarthy (NY)	Tauscher
Fazio	McCollum	Tierney
Filner	McGovern	Towns
Forbes	McKinney	Velazquez
Frank (MA)	Meehan	Vento
Furse	Meek (FL)	Watt (NC)
Gejdenson	Meeks (NY)	Waxman
Gephardt	Menendez	Wexler
Gilman	Miller (CA)	Woolsey
Gordon	Mink	Yates
Gutierrez	Moakley	
Hastings (FL)	Morella	

NOT VOTING—22

Brown (FL)	Jackson-Lee (TX)	Payne
Cannon	Jefferson	Rangel
Cardin	Johnson, E. B.	Riggs
Conyers	Kleczka	Rothman
Ford	McDermott	Royce
Gonzalez	Millender-McDonald	Schiff
Harman		Stark
Houghton		Waters

□ 1414

The Clerk announced the following pair:

On this vote:

Mr. Kleczka for, with Mr. McDermott against.

Mr. MOAKLEY, Mr. FORBES and Mrs. KELLY changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on Rollcall Nos. 68 and 69, I was unavoidably detained on other business and unable to be present in the House Chamber. Had I been present, I would have voted ''no'' on No. 68 and ''yes'' on No. 69, respectively.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any other amendments?

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

The committee amendment in the nature of a substitute, 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. GIBBONS) 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. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, pursuant to House Resolution 390, 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 adoption of the amendment.

The amendment was agreed to.

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

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2589, COPYRIGHT TERM EXTENSION ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Clerk be authorized in the engrossment of the bill, H.R. 2589, to insert ''Sonny Bono'' before ''Copyright Term Extension Act'' each place it appears; in other words, the bill bear Sonny's name.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE FURTHER CORRECTIONS IN ENGROSSMENT OF H.R. 2589, SONNY BONO COPYRIGHT TERM EXTENSION ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2589, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3310

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to take my name off of H.R. 3310 as a cosponsor.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2500

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 2500, the Responsible Borrower Protection Act.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3246, FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–463) on the resolution (H. Res. 393) providing for consideration of the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2515, FOREST RECOVERY AND PROTECTION ACT OF 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–464) on the resolution (H. Res. 394) providing for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXTENDING THE VISA WAIVER PILOT PROGRAM

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

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. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General. 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. The bill shall be considered as read. No amendment to the bill shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. 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 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2578, it shall be in order to consider in the House S. 1178. It shall be in order to move that the House strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2578 as passed by the House.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Mr. Speaker, yesterday the Committee on Rules met and granted a modified open rule to H.R. 2587, which provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary.

The rule also provides that no amendment to the bill will be in order unless it has been preprinted in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on the postponed question if a vote follows a 15-minute vote.

The rule provides for one motion to recommit, with or without instructions.

Finally, the rule provides that after passage of the House bill, it will be in order to insert the House-passed language into the Senate bill number.

Since 1986, the visa waiver pilot program has allowed tourists from our closest allies to enter the United States for up to 90 days without a visa. In order to participate in the program, a tourist must first purchase a round trip ticket, must not pose a safety threat to United States citizens, and must abide by all of the waiver program's rules and regulations.

H.R. 2578 would extend the visa waiver pilot program through September 30, 1999, and will require the Attorney General to collect data on nonimmigrant aliens who unlawfully remain in the United States.

Mr. Speaker, the visa waiver pilot program enjoys broad, bipartisan support. In fact, the program has been so successful that under today's open rule we will consider amendments to extend the program to countries such as Greece, Portugal, and South Korea.

I urge all of my colleagues to support this open rule.

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

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

Mr. Speaker, I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time. This rule will allow a debate on H.R. 2578, which is a bill to extend the visa waiver pilot program. As my colleague has described, this rule provides 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House, provided that amendments have been previously printed in the CONGRESSIONAL RECORD.

The bill extends for 2 years the visa waiver pilot program started in 1988 and said to expire April 30, 1998. Under the program, tourists and business travelers from some countries can come to the United States for up to 90 days without a visa.

□ 1430

The program is intended primarily to assist the U.S. terrorism industry. The bill is fairly easy to understand. The Committee on the Judiciary approved it by voice vote. I would urge a vote on the rule.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank both sides of the aisle for bringing the legislation forward. I know that in the case of Greece, Greece has been our ally for a long time. I recently went with the Chairman on my first trip ever in 7 years to Greece. I know the problems associated with an ally of ours, just the fact of trying to get a visa. Since my wife is Portuguese, of course I support that as well.

I would like to thank the gentlewoman from North Carolina (Mrs. MYRICK) and the Members on the other side of the aisle for the legislation. It is good legislation and a long time overdue.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CHAMBLISS). Pursuant to House Resolution 391 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. 2578.

□ 1432

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. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, with Mr. SUNUNU 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. Let me first explain the bill; then I want to very quickly yield to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

Mr. Chairman, H.R. 2578 extends the visa waiver pilot program. The visa waiver program allows business visitors and tourists to enter the United States without obtaining a visa. Currently, 26 nations have qualified as visa waiver countries.

Normally, a consular officer conducts a face-to-face interview with a visa applicant to check for fraudulent documents and to weed out individuals who do not plan to leave the United States before their visas expire.

Since the visa waiver program removes the ordinary visa requirement, there is very legitimate concern that those intending to violate our immigration laws, and perhaps more serious

crimes inside the United States, could very well abuse it.

The security of the program currently rests on two standards. First, to become eligible, a nation must have a visa refusal rate of less than 2 percent. Second, to remain in the program, a nation must have a visa overstay rate of less than 2 percent. The INS has been unable to calculate specific visa overstay rates for close to 5 years, so there is no reliable way to determine if a country should, in fact, remain in the program.

The only reasonable course of action is to extend the visa waiver program for 2 years, as the administration recommends, so that the administration can implement reforms that will allow it to determine those visa overstay rates.

To encourage these efforts, this legislation includes a provision requiring the INS to collect data regarding visa overstays and to report such data to Congress.

Pending this review, the Attorney General, as well as the State Department, has strongly endorsed an extension of this program, with no amendments to change the standards for entry.

I urge all of my colleagues to support this bill and oppose any amendments that would lower the standards and thus increase illegal immigration in the United States.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims, for being so kind as to yield to me and to the gentleman from North Carolina (Mr. WATT) for his deference, too, which I appreciate.

I am pleased to speak in support of this legislation which extends the visa waiver pilot program. Under this program, the United States allows short-term visitors for business or pleasure, with passports from 26 designated countries, to travel to the United States without first obtaining visas abroad. Visa waiver substantially facilitates international travel and greatly benefits the economy of the United States, with over 12 million visitor arrivals under the program in 1996.

Designation as a new visa waiver program country under current law necessitates, along with other requirements, low nonimmigrant visitor refusal rates for nationals of the particular country. That rate, calculated over the last 2 fiscal years, must average below 2 percent and must remain below 2.5 percent for each of those years. In other words, the general requirement of consular screening abroad can only be waived when the U.S. consular officers rarely deny visitor visas to a country's nationals as demonstrated by objective criteria.

It is important to retain such criteria undiluted at this time as a safeguard against potential immigration law abuses. The legislation before us adheres to that principle. INS officers, Immigration and Naturalization Service officers, at ports of entry, of course, will continue to check everyone seeking admission, including visitors under the visa waiver program.

Visa waiver, properly limited, encourages leisure and business travel from low-fraud countries while permitting the State Department to concentrate consular resources where they are most needed. It is a good program. It advances U.S. interests. I urge my colleagues to support its extension.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the remarks of my friend, the gentleman from Illinois.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

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

Mr. DELAHUNT. Mr. Chairman, I rise in support of this bipartisan amendment, which would broaden the visa waiver pilot program to make tourists from Portugal and Greece eligible to participate on equal terms with their European neighbors.

These two countries are presently the only members of the European Union who do not benefit from this program, and it is high time that Congress corrected that inequity.

There is only one fair justification for excluding these or any other countries from the waiver program: namely, where there is a high rate of abuse. Yet there is no evidence that visitors from Portugal are any likelier than others to overstay their welcome in the United States once their visas have expired. In fact, the evidence refutes any suggestion that there has been an increase in illegal immigration from Portugal in recent years.

Yet the continued exclusion of these countries from the pilot waiver program creates a hardship for the many visitors who wish to come to this country and enhance our local economies. It creates a hardship for the many families in this country with relatives in Portugal who seek to travel here to see them.

Many of those families are from southeastern Massachusetts, where the Portugese-American community has made enormous contributions to our local heritage. These citizens and their family members overseas deserve to be treated fairly, and I urge my colleagues to vote for the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2578, a bill to extend the visa waiver pilot program and to require the collection of data regarding the visa overstay rates of nonimmigrants who visit the United States.

The visa waiver pilot program was first authorized in 1986. The principles and goals of the program are sound: to save government resources while promoting tourism to the United States.

The program was based on the presumption that when visa abuse is very low from a given country, it is better to shift resources away from U.S. consular posts in that country and toward consular posts where the risk of visa fraud is more likely.

I do not believe that any of us are interested in seeing the visa waiver pilot program expire. The impact on the State Department, which would have to redeploy key resources, would be enormous. The potential negative impact on U.S. travel and tourism would be immeasurable.

I understand that the chairman will offer an amendment to extend the program until the year 2000 to make it a true 2-year extension of this pilot program. I will support that amendment, but only because the bill, as currently drafted, includes provisions which will require the Attorney General to implement a program to measure visa overstay rates for all visitors to the United States.

Currently, a country is eligible to participate in the visa waiver program if it has a visa refusal rate lower than 2.5 percent for the preceding 2 years and if other criteria are met.

The other criteria include having machine-readable passports, reciprocity for American tourists, and a low risk of compromising the law enforcement interest of the United States.

In non-State Department jargon, the words visa refusal rates refer to the percentage of tourist visa applications that are denied in a given country. Visa applications are refused when U.S. consular officers, often using subjective factors, race or class-based profiles, decide whether someone is likely to overstay a visa or not.

A resident at the U.S. consulate in San Palo, Brazil highlights the irrationality of reliance on visa refusal rates for participation in the visa waiver program rather than objectively measured overstay rates, which this bill will allow us to gather information to implement.

In the instance in Brazil, the Brazilian consular officers were using criteria, a code on the application that illustrates the point that I am making. The code on the application was a code which says LP, which stood for ''looks poor.'' These same consular officers were instructed to carefully review any visa application from persons living in regions of Brazil which were predominantly black or Asian.

The net effect of this careful review was that few Brazilians of African or Asian ancestry ever got visas to visit the United States. We only found out about this because one of the consular officers refused to follow this process. When he did, the State Department fired him. When the State Department fired him, he sued them. Finally, last week, a U.S. Federal District Judge ordered that he be reinstated in his job.

Because of the subjectivity of visa rates, visa refusal rates generally, I

firmly believe that we must move toward a policy where participation in the visa waiver pilot program is conditioned not on subjective factors, but on objective criteria. That objective criteria should be low visa overstay rates, not low visa refusal rates. Simply put, countries whose nationals enter the U.S. but then fail to leave should not be allowed to participate in a visa waiver pilot program.

Whether that country is Europe or Africa, the same criteria ought to be applicable. Likewise, countries whose nationals enter the U.S. and then leave as they have committed to do and are obligated to do should be given the presumptions the visa waiver program gives to them. Their visa overstays should be the criteria.

We must stop presuming, based on whatever subjective stereotypical or irrational criteria we are using, that one group or another is more or less likely to overstay their visa and stay in the United States. We should have some objective criteria.

Of the 26 countries currently authorized to participate in the visa waiver program, 21 are European countries. Part of that is because we are now using subjective criteria. Many have requested that we make our visa waiver pilot program a permanent program.

□ 1445

The Chairman's amendment will extend that by 2 years, rather than just into 1999 as the current draft of the bill will do.

I will support the Chairman's amendment, but I should be clear that so long as participation in the program is based on subjective rather than objective criteria and, therefore, potentially discriminatory criteria, I would oppose any efforts to make this Visa Waiver Program a permanent program.

On the other hand, Mr. Chairman, if we move to a point where participation is based on truly objective criteria, the amount of overstays in this country, I will be among the first to seek to make this program a permanent one.

Mr. Chairman, this bill moves us in that direction by significantly, under its provisions, directing the INS to gather information that will allow us to measure visa overstays and not just be a slave to visa denials. I, therefore, encourage my colleagues to support this bill.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to make the point that today we have a very rare alignment where we have the Justice Department, the State Department, the administration as a whole, as well as the full committee chairman of the committee of jurisdiction and the subcommittee chairman of the subcommittee of jurisdiction all in favor of this bill, but all opposed to any weakening amendments that would expand this program to include any other country; and the reason for this bipartisan alignment that would oppose any weakening amendments is simply because of our very, very serious concern that expanding the program would lead to a dramatic increase in illegal immigration to America.

Mr. Chairman, what I would like to do is to read into the RECORD the statement of administration policy that we just received yesterday. These are direct quotes. ''The administration would oppose any changes to the current program criteria used to determine country participation in the Visa Waiver Program. The current program criteria are objective, non-country-specific, and help to maintain the security and law enforcement interests of the United States.''

From Attorney General Janet Reno we have a letter that says, ''I ask you to join me in supporting pending legislation that will extend the Visa Waiver Program for 2 years in its current form; that is, without amendments.''

We have another letter from the Department of Justice saying that ''The Department also endorses the recommendation that the qualification criteria for designating countries to participate in the Visa Waiver Program not be changed at this time.''

And a letter from the State Department says, ''As laid out in existing law, the criteria for participating in the program, which are objective and not country specific, have worked out extremely well. The established requirements have ensured that only low-fraud, low-risk countries have been designated as participants.''

Mr. Chairman, I have to admit that at some times in the past the administration has, in fact, politicized the immigration policy. But today we see an administration willing to take a principled stand, willing to stand for and protect the integrity of the immigration process by supporting this extension without any weakening amendments to include any other countries.

Mr. Chairman, I think that we should compliment the administration for their stand and support their recommendation, as well as the recommendation of many of us who are concerned about increased illegal immigration in America, were we to bring any other countries into this Visa Waiver Program, until we have additional data.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands, Ms. CHRISTIAN-GREEN.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT), for yielding to me.

Mr. Chairman, today I rise to join my colleagues on the Travel and Tourism Caucus in strong support of H.R. 2578, which will extend the visa waiver pilot program, as well as provide for the collection of data related to the overstay rates for visitors.

Mr. Chairman, the visa waiver pilot program deserves all of our support because it has served our country well. It is a carefully crafted program which was created in 1988 to allow for hassle-free travel between the country and countries offering similar privileges to U.S. citizens for periods of 90 days or less for business or pleasure, without having to obtain a visa.

At a hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary, witnesses from the Clinton administration and the travel and tourism industry testified that the failure to extend the visa waiver pilot program would cause disruptions in State Department operations and hamper business travel and tourism in the United States. In addition, neither the State Department nor the INS reports a significant level of violations on the part of persons entering the United States under the current Visa Waiver Program.

Mr. Chairman, the visa waiver pilot program works and continues to deserve our support. More than 46 million international travelers visit the United States every year, providing a boost of $84 billion in spending to our economy. Many of the small businesses in the districts of my colleagues, and mine, benefit directly from these visitors; and they will feel the effect of lost revenue and jobs if this program is not renewed.

In closing, I want to also mention that my staff and I for some time now have been exploring the possibility of extending a similar Visa Waiver Program to the neighboring eastern Caribbean islands of my district of the Virgin Islands. Allowing the residents of Antigua, St. Kitts, Dominica and the other Caribbean island nations to visit the Virgin Islands for short periods, to shop and for other commercial activity, would mean a tremendous boost to our fragile economy. This is similar to the Underwood amendment, which I also support.

Mr. Chairman, this is a good bill. I urge all of my colleagues, in a bipartisan spirit, to support the passage of H.R. 2578 and extend this program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me go into a little bit more detail as to why so many of us, including the administration, feel that if we expand the program to include any other country, it will increase illegal immigration in our country.

While the United States, as we have seen in the past couple of years, has increased security along our land borders, we have found out that those who want to enter illegally are increasingly looking for other avenues, such as coming in through visa-waivered countries.

State Department visa officers who issue the visas are in fact our first line of defense against illegal immigration. Through face-to-face interviews with

the visa applicants, the consular officers can weed out individuals who do not plan to leave the United States when their visas expire. Just as Border Patrol agents defend our land borders every time a Border Patrol agent apprehends an illegal alien, so our consular officers defend our borders every time they deny a visa to an individual who would have stayed in the United States illegally and would have overstayed their visa.

Mr. Chairman, the INS, through their Border Patrol agents, last year apprehended 1.6 million illegal aliens. Consulate officers denied visas to 1.5 million foreign applicants, almost the exact same number apprehended in the United States by the Border Patrol agents. Without our visa screening, therefore, we would have at least 1.5 million more illegal aliens in the United States, and perhaps many times that number.

Mr. Chairman, a lot of people do not realize that 40 percent, or at least 40 percent of the number of illegal aliens in this country today did not cross the border illegally; they came in on a tourist visa or a business visa and then overstayed that visa. That is 40 percent of our illegal alien problem in America today. If we eliminate a visa screening process for additional countries, we are simply going to be asking for more illegal immigration.

I have to say also that one of the particular problems we have with admitting a country like Portugal is that the problem will be worse with that country than with any other visa-waivered countries. Today, there are 26,000 people in the United States who are here illegally and who came from Portugal. If we did not have a visa program for individuals coming from Portugal and if the visa program was eliminated and if Portugal became a visa-waivered country, think how many times that 26,000 illegal alien number from Portugal we would have in the country today.

So clearly it does not make any sense to give a country that already has so many people who have already come in illegally, to give any special consideration to not have to go through the visa process.

Finally, I have to say to many of my colleagues, and I know there are several who support expanding the program, that I am surprised by their stand; and it is not clear to me why any individual who has supported reducing illegal immigration in the past by their votes in Congress would support an expansion of this program when so clearly that expansion would mean an increase in illegal immigration.

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

Mr. WATT of North Carolina. Mr. Chairman, would the chair advise us to how much time remains on each side?

The CHAIRMAN (Mr. SUNUNU). The gentleman from North Carolina has 19 minutes remaining; the gentleman from Texas has 20 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 7 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

I take the time today to express my strong support for H.R. 2578, which is of vital importance to many areas that rely on tourism, including my own home island of Guam where we get over 1.2 million tourists a year, many of them from Japan.

Today I want to speak about an amendment that I have printed in the RECORD which I will explain in the course of general debate now and withdraw later on. I want to take the time to explain exactly what I am trying to do.

Guam has a Guam-only Visa Waiver Program which is separate from this general Visa Waiver Program. In our Guam-only Visa Waiver Program, visitors are allowed to come from countries like Japan, Korea, and Taiwan for 15 days, and there are 14 other countries on that list.

One of the issues that always affects the people of Guam, which has a large number of Philippino Americans, is how to deal with family events; and what we have been proposing and what we have been working towards with a locally organized task force for the past 4 years is to set up a pilot project within the scope of this Guam-only Visa Waiver Program, to run a pilot project for 1 year, allowing 100 citizens of the Philippines to come in under a Visa Waiver Program per month and to determine subsequent to that whether such a program can be realistically enforced on a longer-term basis.

This has been done through a lot of discussions, and my own efforts in personally observing and discussing the process with officials in the U.S. embassy in Manila and trying to work through with local INS officials on Guam.

The program that I envision, the pilot project that is mentioned in the amendment, envisions a family-based program in which citizens would be allowed to come for special family events. The program that we are outlining here says that no program will be in effect until a memorandum of understanding is signed between the U.S. Attorney General and the Government of Guam to make sure that the pilot project is conducted in a fair, efficient and effective manner; and at the same time, it also posits that if we get a 20 percent failure rate on any month, that the pilot project immediately come to a halt. So that is the basic outline of the project that we have.

Some of the questions that have been raised pertain to whether this will be a conduit for illegal immigration. I want to assure the Members of this House that the Guam-only Visa Waiver Program is in force by INS not only as people come into Guam, but as people leave Guam and go to Honolulu.

I dare say I am probably the only Member of Congress who has to show a passport to go from his home district to Washington, D.C. That is how stringent the process is. Maybe we ought to introduce legislation to exempt me from this burden, but it is accurate to say that the anomaly of the situation is such that there is a double-check.

So Guam-only visas are exactly that. They are only meant for Guam; they are meant for 15 days, it is not the 90 days that is in the general Visa Waiver Program.

□ 1500

We feel very strongly and we believe that if this program were family-based, based on sponsorship, based on a limited number, we would be able to obtain better data.

The visa refusal rate in the U.S. embassy in Manila is a general refusal rate. It does not track Guam visitors as a separate category. We think that this is a fair response to the problem. We think it is an honorable response, and we hope that we will be allowed to proceed with such a pilot project.

In recognition of the chairman's concerns about this, and the fact that perhaps it caught him a little unaware in the process of bringing up the general visa waiver program, I will not proceed with the amendment later on today, but I would like to ask the chairman if he would be willing to work with me over the next couple of weeks to see what we can do to make progress towards this pilot project.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding.

Let me reassure the gentleman that I am happy to work with the gentleman on this idea. Let me say, listening to the gentleman's explanation, which is an education for all of us, we have not had time to study the amendment. He makes many valuable points. Certainly the gentleman is doing an excellent job of representing his constituents.

I certainly recognize the need to try to expedite that free exchange and flow of trade, free trade and tourism between the countries as planned, and we look forward to hearing more about that in our subcommittee deliberations.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for that statement. I look forward to trying to make sure this works out for the people of Guam, in full recognition of the general provisions of the visa waiver program, and as well as making sure that it meets the concerns of the people of Guam.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding me the time. I thank the gentleman from Texas (Chairman SMITH) for bringing this very important bill to the floor.

Having heard the gentleman from Guam, we understand, certainly, his interests and obviously other countries'

interests in expanding the program, but we want to make certain as well that before we expand unlimitedly, that we provide the kind of safeguards that the gentleman from Texas (Chairman SMITH) has been asking for, to make certain that the programs do in fact work, that we do have a viable program, but that we do not unwittingly provide for a flood of illegal immigration, if you will.

I want to talk specifically about the bill the chairman has on the floor. It has been in existence 10 years. The visa waiver program has been an excellent tool for encouraging tourists to come to the United States. That has had a direct impact on virtually every region of our country. Whether you are on the West Coast of the United States, Florida, or Massachusetts, we have all benefited by the visa waiver program.

In fact, in 1996 alone 46 million international visitors came to the United States, and they spent more than $90 billion; $90 billion spent by 46 million international visitors. Those dollars translate into jobs in hotels, in airports, in train stations, in restaurants, in clothing stores, in nearly every sector of the American economy.

International tourists are so important that travel and tourism itself has become one of America's largest employers, directly employing 6.8 million Americans and generating a total travel-related payroll of $121.6 billion. Travel and tourism in fact ranks as the first, second, or third largest employer in fully 32 States and the District of Columbia.

The visa waiver program extends to more than 20 countries right now, including Japan, Germany, and the United States, and tourists from these countries have generated considerable dollars for us. Some 5 million Japanese, for instance, visited America in 1996, and they spent more than $10 billion while they were here.

Why do I keep underscoring numbers? Why do I keep talking about dollars? Because the jobs and the economy of the United States depend on a vibrant tourism industry. The visa waiver program has been part and parcel of that success.

As cochairman of the Congressional Travel and Tourism Caucus, along with my colleague, the gentleman from California (Mr. FARR), I strongly support the visa waiver program because of the benefits it provides to our economy through tourism. I strongly urge my colleagues, whose State economies all benefit from travel and tourism, to vote yes on the chairman's bill to keep this program alive.

Whether Members know it or not, and they should ask their local restaurant operator, ask their local hotelier, ask their local rental car agent, ask their local merchant, how many people come into their businesses on an annual basis that are from other countries? I think it will startle and surprise us, because not only is the Sunshine State of Florida a popular destination, but almost every State now is enjoying the economy from tourism.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. Chairman, I would like to commend the gentleman from Texas (Mr. LAMAR SMITH), the chairman of the Subcommittee on Immigration and Claims, for his work in developing this important legislation to extend the visa waiver pilot program. I would like to add parenthetically, Mr. Chairman, my particular thanks to the gentleman from Texas (Mr. SMITH) for his kindness, courtesies, and his consideration of the issues that I brought before him.

He has been accommodating in listening to concerns and suggestions those of us from Hawaii have expressed to him through hearings last year in which Hawaii Lieutenant Governor Mazie Hirono presented testimony for the State, as well as through discussions we have had in the Committee on the Judiciary's consideration of the bill, and in subsequent discussion.

I am engaging the gentleman from Texas (Chairman SMITH) today to further emphasize the importance not only of the changes the committee has recommended, but also of the need to expand the number of countries allowed to participate in the expedited entry procedures accorded visa waiver pilot program participants.

The committee has wisely recommended that the INS undertake compiling visa overstay rates for those countries of which we still require visas for entering the country, and I think the gentleman from Texas (Mr. SMITH) has made quite extensive remarks already on that subject.

I am certain that the Committee on the Judiciary will monitor closely expeditious implementation of the requirement. The INS has not been timely in completing an interagency report on reform issues which would have aided House consideration of this bill. I trust overstay statistics will be the basis for changes in the future by which countries will qualify for the waiver program based on how well foreign citizens comply with visa requirements, instead of the current system, under which qualification is based on the percentage of applications for visas which are rejected by the State Department.

Rejections are based on often subjective criteria, as was illustrated last week when a mediation panel found a U.S. consular official in the Sao Paolo, Brazil, visa office was unjustly dismissed from his position for having criticized the visa approval system as being vague and having inconsistent criteria used there, criteria such as labeling some non-immigrant applicants as ''looks poor,'' ''talks poorly,'' or ''looks rough.'' Moving away from such a seriously flawed system would be welcome.

Representing an area very heavily dependent on tourism, particularly on tourists from Asia, I and a number of others here in the Chamber have been working to bring South Korea into the visa waiver program. The Seoul embassy has the highest number of applications for non-immigration visa of any U.S. embassy. Approximately 600,000 visa applications were filed there last year, many of them for visitor visas.

This shows not only the importance of Korean travel to our country, but also the need to expedite the system for allowing Korean visitors into the United States for tourism, as well as for business and commercial purposes.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Hawaii, my friend, for his generous comments about me personally. They are appreciated. The only thing I can do is to reciprocate, and say that in my time in Congress I have met few individuals who have been as articulate and as persuasive in advocating their constituents' interests as has the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. Chairman, we have talked about this issue a number of times over the past months, probably because of the gentleman's persuasive powers and the merits of the case. I am hoping we can move forward in a substantive way in the near future as well. I particularly appreciate the comments of the gentleman from Hawaii. I understand the concerns that he and others have brought to the attention of the subcommittee.

I also want to acknowledge and thank the gentleman from Hawaii for his efforts in presenting the facts about Korea's eligibility for the visa waiver program. He has added greatly to our understanding of the program as it pertains to the Republic of Korea. He has moved us forward on the issue, and I believe that because of his work we are closer to a resolution that satisfies the requirements of all parties involved.

For a variety of reasons, we have not been able to get this bill yet through our subcommittee and to accommodate all of his interests. He has brought, however, not only reasoned but intense commitment to his constituents in the legislative process. I understand well the need to increase tourism, not only from Korea and Asia, but also from the rest of the world, to Hawaii as well.

I recognize the economy of Hawaii is very heavily dependent on tourism, particularly tourism and family visits from Asia, and that the State stands to benefit greatly if Korea was able to enter the visa waiver program. That is one of the reasons we have, on a bipartisan basis, mandated the compilation

of overstay statistics, so we can base participation in the program on sounder public policy than we are able to under the rejection rate criteria now required. It is necessary to remain under the flawed system until we can rationally deliberate and debate an alternative, which we expect to do.

The CHAIRMAN. The time of the gentleman from Hawaii (Mr. ABERCROMBIE) has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to also commend the gentleman from Hawaii (Mr. ABERCROMBIE) for his bringing this issue to our attention, and for his constructive proposals for reforming the program to allow South Korea entry into it.

This bill continues the program until October 1 of next year, and we will be reviewing the program as well as implementation of the system for compiling overstay statistics, and I hope we will be able to move forward at that time to decide whether countries like South Korea comply sufficiently with the aims and goals of the program.

Once again, I thank my friend, the gentleman from Hawaii (Mr. ABERCROMBIE) for his persistence in pursuing the interests of his constituents and the interests of Hawaii, and of course the interests of all of those who want to visit Hawaii as well.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

I am very grateful to the gentleman from Texas (Mr. SMITH) for his kind remarks, and I look forward to working with him and the administration in the future to address these matters, as well as the very legitimate concerns such as security that the chairman has raised.

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

Mr. FARR of California. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, visa waiver has nothing to do with credit cards, but it has a lot to do with small business. I stand in support of this, because as cochair of the Travel and Tourism Caucus, along with the gentleman from Florida (Mr. MARK FOLEY), we stand in bipartisan fashion to support the White House Conference on Travel and Tourism's recommendation to this House that we ought to expand the visa waiver program. I hope it is expanded.

Let me tell the Members why this is important to this country. Twenty-six countries now have the visa waiver program. This bill helps Main Street, U.S.A. Why? Because it brings people from other places, international visitors, to the United States. They spend $90 billion when they are here, money that is brought into this country to shop and visit places in America. They learn about our country. They learn about our culture. They visit this Capitol. They may be sitting upstairs right now.

We have over 46 million international visitors each year in the United States. They spend more in this country than all of the Americans spend when we go abroad, so our balance of trade in the tourism issue is in the $26 billion surplus.

We are winning with this program. It is good for Main Street, America. It is good for the United States Congress, because it helps, I think, visiting this country and understanding what makes it work at the local government, State government, Federal government level, it really helps people appreciate what democracy is all about.

The visa waiver program is one small step for getting us on more user-friendly terms with countries that we as Americans just take for granted, because oftentimes they require no visa for us to visit them. We should not require a visa for them to visit us, particularly when the error rate is so low. I hope we will adopt the amendment that will allow other countries to come into the program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to several of the Dear Colleagues that have been passed around among Members. I am talking particularly about several of these Dear Colleagues. There have been three now which have said the exact same thing.

□ 1515

They have made the point that every country in the European Union is a visa waiver country except for two, Portugal and Greece. But I want to say to my colleagues that just because countries are a European country does not mean that they are going to automatically get certain special treatment. There should be nothing magic attached to the fact that a country is in the European Union or not.

The fact that there are two countries that are not in the visa waiver program that are in the European Union simply points and underlines the fact that we do have objective criteria that determine whether or not a country is going to be a visa waiver country or not. What it shows is that we have the same standards that apply to every single country in the world. The countries that meet the standards are admitted and become part of our visa waiver system. The countries that do not meet the standards are not admitted, and it does not matter whether they are in Europe or some other continent.

The fact of the matter is that saying that two countries deserve to be admitted to the visa waiver program just because they are European, and that is the implication of these three Dear Colleagues, is implying that European countries are more qualified to be admitted than countries in South America or Asia or Africa. I hope that is not the intent of the drafters of what those Dear Colleagues meant. Nevertheless, that is the clear conclusion that any of us can draw when they say that the reason these two other countries, Portugal and Greece, should be admitted is because they are part of the European Union.

Again, there is nothing magic about being in the European Union. If any country in the world wants to become a visa waiver country, all they have to do is meet the very clearly delineated standards. We should not change the rules simply to guarantee an outcome that we might like to have. That would be a little like a teacher who wants to lower the passing grade from 50 to 40 just to be able to pass a particular student.

Mr. Chairman, we should not lower the standards for countries that want to become visa waiver countries, just like we should not lower the standards in our classrooms. It is not good for education and it is not good for our immigration process.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Chairman, I want to comment on what the gentleman from Texas (Mr. SMITH) just said about what our motives were for putting the two European countries, as if we were implicitly also condemning countries in Africa or Asia or South America by singularly referring to the European Union as like if every other country is part of it, then why should these two not be a part of it. That would be the same way as me saying that the gentleman's metaphor about the classroom meant that he does not think Greece and Portugal are up to grade. I would never question the gentleman's motivations to say that Greece and Portugal are not up to grade.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I think the gentleman did understand the point of my metaphor there, but if the countries have not met the standard that currently exists, we are not asking for special treatment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I appreciate the fact that the gentleman from Texas (Mr. SMITH) talked about standards, because implicitly in this bill the gentleman is begging the question. The gentleman is changing the standards in this bill. That is what everyone is talking about. The gentleman

is moving from that ''standard'' that he says is an objective standard, but readily admits is a faulty standard. The gentleman from Texas (Mr. SMITH) readily admits it is a faulty standard.

That is why we have got this bill, because this bill is going to move from an overall refusal rate to an overstay rate. It is a much more realistic measure of what we should be determining, which countries make it into the visa waiver program versus which countries do not.

So, Mr. Chairman, the gentleman from Texas (Mr. SMITH) himself is admitting that, well, it needs to comply with the standard, but then he is also saying that standard is no good anymore. That is exactly our point.

The idea behind this, if I might say so, is Portugal and Greece are two of our closest allies, and the fact of the matter is if we want to look at indices, and the gentleman from Texas (Mr. SMITH) has cited a few indices over there but I would be happy to cite some on our side, the fact of the matter is that between 1992 and 1996, illegal immigration, so to speak, from Portugal was on the decrease.

I do not know where the gentleman got his statistics, but I beg to differ. Let us call a truce, because the INS is giving the gentleman a set of statistics and they are giving us another set. But let us look at the objective facts. So far as Portugal is concerned, Portugal's economy is growing by leaps and bounds. Their unemployment rate is 4 percent lower than that of the old European Union. So what may have given cause for the State Department to be worried initially that the Portuguese were going to come over here to live, to get a job, has been refuted by the fact that the economy is so strong.

In terms of Greece, the fact of the matter is that there are more Greek Americans going over to live in Greece than there are Greeks coming over to live here in the United States. So we have two irrefutable facts, they are commonsense facts, and we lay them on top of the fact that we enjoy a good relationship with these two countries, and it is a terrible thing for our diplomacy to have two of our closest allies be rejected from a program which every one of our other allies in Europe is a part of.

Mr. Chairman, if we want to talk about refusal rates and Portugal and Greece not coming up to par, the fact of the matter is they are just on the cusp. And I might add, let us not argue about whether they make the standard or not, because the gentleman from Texas (Mr. SMITH) just admitted the standard is faulty.

The standard is based upon a way of measuring this that is based upon the refusal rate and not the overstay rate. The gentleman in his bill admits that we need to tell the Attorney General and the State Department to move towards this new standard, because the gentleman inherently acknowledges that the current standard is faulty.

Mr. Chairman, I look forward to offering an amendment with my colleagues, the gentleman from California (Mr. POMBO), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New Jersey (Mr. PAPPAS) to add Portugal and Greece. I look forward to a fuller debate when we get that amendment before the full House.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out to the gentleman from Rhode Island (Mr. KENNEDY) that this faulty data that he refers to is an interesting way to describe a requirement that he has in his own amendment. I am looking on page 2 of the gentleman's amendment where he says such refusal rate for nationals of that country during the previous full fiscal year was less than 3 percent. The gentleman is using the exact data that he criticizes.

But the point here is that at least we have the same requirements for every country. And the gentleman again talked about the two countries were the only countries not in the European Union. I am afraid the gentleman reinforces the point that I made a while ago, that we are giving special preference to countries because they are European countries, and it makes me concerned that we are discriminating against other countries that might not be European countries.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the gentleman from North Carolina (Mr. WATT), my good friend and colleague, said he is not going to bite on that argument. The fact of the matter is that because I am for Greece and Portugal does not mean that I am against Africa, South America and Southeast Asia.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, the reason that I will not budge from that argument is that the gentleman keeps using that phrase, that they deserve to get the visa waiver status because they are members of the European Union. If the gentleman will refrain from using that argument, I will refrain from pointing out that it might be discriminatory.

Mr. KENNEDY of Rhode Island. Mr. Chairman, if the gentleman will again yield, let us concede then that Greece and Portugal are two very close allies and let us take it from there.

Mr. SMITH of Texas. Mr. Chairman, again reclaiming my time, I agree with the gentleman that Portugal and Greece are close allies. We have many friends there. They are both great countries. Portugal is one of my favorite countries. It so happens I have two original oil paintings in my home of Portuguese sailing boats. I have a great affinity for both of those two countries. But that is not the issue here today.

The issue is whether we are going to lower our standards and expand the program, knowing that such an expansion is going to increase illegal immigration in America.

Mr. Chairman, a couple of people here today have tried to make the point that this is a so-called arbitrary process whereby we decide what countries are in the visa waiver program or not. First of all, I will refer my colleagues to the statements by the Attorney General herself, as well as by the State Department, as well as by the administration, all saying that we do have objective criteria.

I am a little surprised about that arbitrary charge, because that is, quite frankly, an insult to the consular officials who are career professionals, who have a lot of technical training and many years of experience. They are the individuals who, as I said, are on the front lines of trying to determine, when someone applies for a visa, whether they are likely to overstay their visa in the United States and, therefore, contribute to the growing illegal immigration population in America.

Mr. Chairman, the point is that these consulate officers are not flipping a coin to determine who gets in, who does not get in. They have this list of criteria that includes such things as whether they have family members in their home country that would help them be assured that they are going to return home; what the economy is like; whether individuals might be fleeing the home country economy that has gone sour because there is a better economy in the United States, and so on.

These are objective standards that are consistently and fairly applied to every country in the world. And I think it is regrettable that many of our allies today are not visa waiver countries. There are a lot of other countries that are just a notch away from Portugal and Greece, countries and allies like Israel. And I wonder why we have not included them if we are going to expand the program just a tiny bit. But apparently we are interested just again in those two countries, and perhaps because they are members of that sacrosanct European Union.

Mr. Chairman, I will end on the point that I think we should extend the program. We can all agree on that. But we should not expand the program because if we do so, then we are going to eliminate that screening process when individuals apply for visas from Portugal or Greece and, therefore, we are going to be in a position where all one needs is a passport to come to the United States, and we are going to end up with a lot more people coming in illegally and overstaying their period of time.

I think it is an interesting argument that the individuals make who want to expand the program, accusing the program of now being arbitrary and yet they also favor an extension of the program to the 2-year length of program. If the program is so arbitrary, it seems

to me they would not support an extension of the program for 2 years, but in fact they do.

Lastly, I just want to make the point, and again we cannot say enough about how great those two countries are, but unfortunately what we need to do is to encourage those countries to take steps so that they have a lower visa refusal rate, rather than lowering the standards and making a special dispensation for certain countries. The answer to those countries becoming visa waiver countries is to frankly have a better record, and they have control over what they do to determine that.

Lastly, Mr. Chairman, in the case of Portugal, I mentioned a minute ago that they have at least 26,000 individuals from that country who are in this country illegally. Those are 26,000 people that have overstayed their visas. If Portugal did not even have a visa screening program, how many times in that 26,000 would we have illegal individuals who were from Portugal who would then come to America? There is no answering that.

But we do have a comparison to make. That is, if we look at all the visa countries that we have today, almost all of those countries just had 1 or 2 or 3 or 4,000 individuals illegally in the country today. Portugal, with this 26,000 with the visa screening process, if we lift that screening process and just allow individuals to come with a passport only, it is very clear that Portugal, if it became a visa waiver country, would have an exponentially larger number of illegal aliens in the country than any other visa waiver country. That is why the administration opposes any weakening amendments, and that is why I think my colleagues should as well.

Now, in the case of Greece, we ought to be able to decide very quickly who has got the better data, and I would be happy to share mine with the gentleman from Rhode Island (Mr. KENNEDY). Our data is that Greece is going in the exact wrong direction. Their record is getting worse. The number of individuals who were denied visas this year in 1997 is greater than the individuals who were denied visas in 1996.

I have data from the INS and from the State Department which I will be happy to share with the gentleman from Rhode Island (Mr. KENNEDY), but we have one country, that is Portugal, that is going to be susceptible to a huge increase of illegal aliens in this country, and another country, Greece, where the record is going in the wrong direction. The risk is increasing, not decreasing. The figures are getting worse, not better. And if the trend would continue, they would not even qualify in a year from now for the visa waiver program.

The gentleman from Rhode Island (Mr. KENNEDY) says he has other data. Perhaps in the next minute or two we could exchange data, but mine come from the State Department and the INS.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good bill. It is good because we need a visa waiver pilot program. The idea of having a visa waiver program is a good idea.

□ 1530

It is good because we have in this bill the mechanism for making the Visa Waiver Program a substantially better program by gathering the information that we need on visa overstays, to set up a rational basis for which countries can participate in the Visa Waiver Pilot Program.

The gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO) are going to try to make the bill better by extending the bill's coverage to some other countries that ought to be included under the existing Visa Waiver Program.

So what I am recommending to my colleagues is that we support the bill, support the manager's amendment that will make it a 2-year extension, and support the amendment that is going to be offered by the gentlemen from Rhode Island and California so that we make it a better bill.

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

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The gentleman from Texas (Mr. SMITH) has 6 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has no time remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me respond to another Dear Colleague. I mentioned the 3 Dear Colleagues that seem to say we ought to give preference to Portugal and Greece because they are in Europe. This is another Dear Colleague that says that the Visa Waiver Program ''discriminates against Greece and Portugal.''

Let me reiterate and say that the Visa Waiver Program does not discriminate against anyone, it applies the same standards to every country in the world. And again I say, as I mentioned a while ago, to reward a couple of countries that have not met the long-established criterion that is objectively applied is like saying to a student who failed the test, we are going to keep lowering the passing grade until we pass you. That is not good for education; it is not good for immigration policy.

In the case of Greece and Portugal, two great, wonderful countries, they simply do not qualify. The amendment is not to carve out any kind of a special exemption for those countries. As I mentioned a while ago, it is interesting to me that the special exemption starts right before a number of our other allies, perhaps like Israel is, if we were going to expand the program, why not catch all the other allies? But the amendment is not to make any special exemption for any special country; it is for that country to take the steps itself.

Again, I double-checked my figures that were in discussion a few minutes ago and confirmed the fact that in the case of Greece, their record on visa refusals was, in fact, worse in 1997 and in 1996. So this amendment that we expect includes one country, Greece, which unfortunately has a record that is going in the exact wrong direction.

The likelihood of illegal immigration is increasing; it is not decreasing. And again, why admit a country that is going to increase illegal immigration?

I can understand why that might be in the interest of some of our friends in these other countries, but I would like for someone to explain for me why it is good for America to increase illegal immigration.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to say with respect to Greece, my colleague said Greece's refusal rate is higher than Portugal; yet their overstay rate, according to his statistics, is lower. And the point is that it is arbitrary.

Mr. SMITH of Texas. Mr. Chairman, let me reclaim my time and ask the gentleman to point to some figures that I believe he has, and these are the refusal rates tabulated by the Department of State; and he will see in fiscal year 1996, which is what I am looking at, the Greece visa refusal rate was 2.48. In fiscal year 1997, it was 2.81.

Now, it seems to me that 2.8 is greater than 2.4, and if that is the case, then the visa refusal rates were worse in 1997 than 1996. And I would stand by my statement, the record is getting worse for Greece, not better.

Mr. KENNEDY of Rhode Island. If the gentleman would yield further, according to the INS, their overstay rates are getting lower. So that proves the point.

Mr. SMITH of Texas. Mr. Chairman, the overstay rate has not been current for 5 years. That is why we all agree that we need to extend the program for 2 years and get the correct data from the INS. When we have the right data, then we will be in a better position. But the data that we have is over 5 years old.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas controls 2½ minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me conclude by saying once again that today our colleagues are seeing a rare alignment of orbits here where we have the Department of Justice, the State Department, and the White House itself joining many of us

in Congress who are Republicans in saying that we need to extend the program, but we need to oppose any weakening amendments. The primary reason for opposing those weakening amendments is because of the danger of increasing illegal immigration in America.

As I pointed out, unfortunately and regrettably, the country that seems to have let a lot of people into the country illegally is Portugal, 26,000 today. And that is why the visa screening process is in place. If Portugal becomes a Visa Pilot Program and it has an exemption for obtaining visas, then we are going to be in a situation where it is even easier for individuals from that country to come into the United States and stay illegally. That 26,000 figure is simply going to explode; we will have more illegal aliens from Portugal than any other visa exemption country.

Second of all, in the case of Greece, then their record is going the wrong direction. We should not be going in a direction that is going to continue to undermine the integrity of the immigration system.

One more point about Portugal. We have there, in the State Department as well, one of the real concerns that we have and that they have is that if Portugal became a visa waiver country, we would see a dramatic increase in child smuggling. The reason for that is that Portugal has passports that do not have the photographs of children on them; and just because a document or a passport is machine readable does not require that they have the photographs of the children. And that is one reason the State Department has also opposed admission of Portugal as a visa waiver state.

Mr. Chairman, I simply conclude by saying that we should not change our standards to accommodate specific countries. We ought to remember that we have a very clear analogy here, and that is, if we were a teacher, we are not going to change the failure grade 50 to 40 just to accommodate a specific student. We should not lower our standards in immigration policy just to accommodate a specific country.

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

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2578 is as follows:

H.R. 2578

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

SECTION 1. 2-YEAR EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking ''1997.'' and inserting ''1999.''.

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

The CHAIRMAN pro tempore. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

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 NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. SMITH of Texas:

Page 2, strike lines 1 through 5 and insert the following:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking ''1998.'' and inserting ''2000.''.

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Strike ''naturalization'' on line 2 and insert ''nationality.''

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

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, when the Committee on the Judiciary reported out H.R. 2578, the Visa Waiver Pilot Program was set to expire on September 30, 1997. The bill proposed to extend the program for 2 years until September 30, 1999; however, Congress acted in the Commerce, Justice, State appropriations bill for fiscal year 1998 to extend the program until April 30, 1998. Thus, in order that the House pass a full 2-year extension as originally planned, this amendment would extend the program until April 30, 2000.

So I urge my colleagues to support this amendment. I understand that there is no objection. I appreciate the support of my colleague, the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment and encourage my colleagues to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. POMBO

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

The Clerk read as follows:

Amendment No. 2 offered by Mr. POMBO:

Page 2, after line 22, insert the following:

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

''(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

''(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

''(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

''(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

''(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

''(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

''(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

''(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.''.

Amend the title so as to read: ''A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''.

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

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

There was no objection.

Mr. POMBO. Mr. Chairman, just to explain this amendment, what it does is it takes the refusal rate from 2 percent to 3 percent. Under that change, there are 2 countries that would currently qualify to be included in the Visa Waiver Program, those two countries being Portugal and Greece.

The refusal rate, just to explain to my colleagues exactly what that is, is that if they go in and apply for a visa,

if they are refused, that goes into the category in the refusal rate.

To explain that further, I recently had a friend of mine whose parents wanted to come over to this country in order to attend their granddaughter's graduation from high school, and they were refused a visa from Portugal to come into this country. Even though they own a home over there, even though they own a business over there, even though they have been to this country in the past and returned, they were refused. And because those two people were refused, we now need over a hundred other people who need to apply and get approved in order to keep the rate under.

So that is what the refusal rate is. What we are talking about is taking it from 2 people in 100 to 3 people in 100 that are refused under this arbitrary rate.

Furthermore, under the current rules, there are only 2 countries within the European Union that are exempted from the program, those being Greece and Portugal, because of the way that the numbers are currently done. I would argue that it is arbitrary in the manner that, sure, we are giving the people general guidelines of what they have to go by, but they make an arbitrary decision as to whether or not to refuse that at that time.

The chairman, in previous arguments, brought up that this may in some way increase crime and terrorism and illegal immigration by allowing Portuguese citizens to visit this country and by allowing Greek citizens to visit this country. Unfortunately, by some of the Dear Colleagues that have been sent out, we would read those and believe that somehow Portugal is an exporter of terrorism around the world, which I find personally very offensive and my family members find personally very offensive; it is not true. Nor is it true that Portugal is known as a country that exports babies around the world in some kind of child smuggling ring, for God's sake. But according to some of the Dear Colleagues that have been passed around here, unfortunately, we would believe that that is the case, and it is absolutely untrue and unfounded.

I think it is very unfortunate that anybody would have sent that out. But even if it was the case, even if it was the case, according to the law, the Attorney General, in consultation with the Secretary of State, may for any reason, including national security, refrain from waiving the visa requirement in respect to nationals of any country who may otherwise qualify for the designation at that time.

So if the Attorney General determines that, for some reason, Portugal or Greece should not qualify, that they increase terrorism and child smuggling around the world, they can withdraw the ability of Portugal to be in the program.

Furthermore, I do not understand, quite, the logic. There was debate previously about illegal immigration and how somehow Portugal, that if they are included in this, that that will increase illegal immigration. Well, I hate to surprise my colleagues, but we are talking about a legal program for people to legally come to the United States for tourism or business, to legally come in. We are not talking about illegal immigration, see, because people that are going to break the law are going to break the law and come in illegally.

That is what happens. That is how we end up with illegal immigrants to this country. What we are talking about here is allowing people to follow the rules and legally come into this country and visit their relatives or come here on legitimate business purposes. And just by a minor change in the current law, we would allow, at this point, people from Portugal and Greece to come in.

But it is not just an amendment for them; it is an amendment for anyone who would qualify under that new standard. Today it means Portugal and Greece. But if anybody else brings their arbitrary refusal numbers down to below 3 percent, they would then qualify to come in.

We also had data that has come out that says that Portugal has 26,000 people that have overstayed their visa, that Greece has 5,000 people that have overstayed their visa, that are illegally in this country. By the quoting from the chairman, the data that we have is 5 years old.

□ 1545

How can he bring this out and say that this has any bearing on the current status of the people that are coming over here from Greece or Portugal into this country today on legitimate legal tourism or legitimate legal business activities into this country? By the gentleman's own quote, the data is 5 years old and it is inaccurate. It is not good data. It really bears no argument in this. We can prove anything we want with facts.

I can bring out my facts that show how many people have come in and how many people have gone back and whether or not this program, in the facts, can bring Portugal and Greece under this program. But I think that the real point is the fairness of whether or not somebody from Portugal ought to be able to come into this country just like every other European country can, under a tourist visa or a legitimate business activity.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the gentleman from California (Mr. POMBO) in his effort to bring some fairness back into the visa waiver program with respect to Portugal. I also rise in support of the gentleman from New Jersey (Mr. PAPPAS) in his efforts to make sure that the visa waiver program is extended to Greece. These amendments will make changes that are long overdue in bringing two excluded members of the European Union, Portugal and Greece, into the visa waiver program.

The amendment is simple. First, the amendment is about fairness to our allies, two countries that have been there for our country throughout our history. It is important that we take a step forward in promoting this relationship. By doing that, we would bring a closer relationship to Portugal and Greece between our countries. These are countries that have made extraordinary steps forward in their efforts to be considered with the rest of the European Union in qualifying for this program.

Secondly, this amendment, as the gentleman from California (Mr. FARR) said, is about tourism. One would think by the way the opponents of this amendment would talk that illegal immigration from Portugal and Greece is somehow a drain on our economy. Come to Rhode Island. Come to any of the parts of this country where we are seeing lively groups of Greek American and Portuguese Americans reside in this country who come here for tourism, and you would find a very great economic impetus.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I would simply ask the gentleman, I think he is referring to legal immigrants because I assume he is not endorsing illegal immigration in America.

Mr. KENNEDY of Rhode Island. No.

Mr. SMITH of Texas. I thank the gentleman for yielding.

Mr. KENNEDY of Rhode Island. I would like to add, Mr. Chairman, that by the whole tone of this debate, by declaring Portugal and Greece not eligible for the visa waiver program, it sends a very chilling effect between the United States and our two closest allies that somehow they are not up to par, that we do not value them, that they do not meet the standard, as the gentleman has said himself in his opening remarks. I think that is a very destructive message to be sending to our very close allies.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. POMBO. I think it was an important point that the gentleman from Texas brought out. We are talking about legal immigration.

Mr. KENNEDY of Rhode Island. That is true.

Mr. POMBO. People who are legally coming to this country.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think it is so important that he says that because the fact of the matter is no one should confuse this debate for illegal immigration. Yet the way this amendment is being portrayed, he would have one believe

that we are trying to invite illegal immigration. The fact of the matter is these people who are coming to the United States to visit their families are coming here to this country and participating in our economy and growing our economy. Our economy is growing as a result of the strong relationship that we have between Greece and Portugal.

I might add, in addition to that, we need to make sure that we go forward with this amendment because it is an amendment about fairness and making sure that we have fairness extended to two allies that make up a very important part of our geopolitical relationship around the world, Portugal and Greece. We should make sure that they are not unfairly treated and allowed to join this program because of the nature of this program, which even the gentleman from Texas who is supporting the bill and opposing this amendment says is a program that is in need of improvement.

Mr. Chairman, in conclusion, let me say that we need to change this program. I applaud the efforts in this bill to change the underlying premise of this program, which means instead of doing it from a refusal rate measure, we are going to go to an overstay rate measure. It is a much more accurate measure for what we are trying to do with this program. In doing so, I think we will have a much more accurate representation of what the true facts are. Then in addition to that, I think if we pass this amendment by the gentleman from California (Mr. POMBO) and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. PAPPAS) and myself, we will be going a long way in improving relations with two very close allies to the United States of America. I think that that is something all of our colleagues in this House can certainly stand up and support. Like the gentleman from California (Mr. POMBO) said, this is about legal immigration.

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California (Mr. POMBO). As my colleagues can see, this issue attracts the attention of a wide spectrum of political ideologies. This is the case because of the importance of treating the citizens of our valued allies like Greece and Portugal with the respect this Nation should afford them. I find it wholly ironic that Greece, our NATO ally, is trusted with safeguarding our troops, trains with our military, utilizes our high technology equipment and has fought with us on every conflict this century, yet at the same time our country does not seem to think that citizens of Greece are safe or secure enough to enter this country without a visa like Germany, France or every other nation that is in the European Union except Portugal. This amendment is a common sense legislative fix that will protect America's relations with its allies and promote tourism and economic activity that follows with Greece and Portugal. This Congress should be encouraging tourism as a trade industry for us, and the existing 2 percent threshold makes it much more difficult for Greeks and Portuguese to visit our great country.

One of the problems this bill fails to take into effect is geography. In Greece the U.S. has two consulates, one in Athens and one in Thessaloniki. However, Greece is not a country with easy access to all its parts. The country is spread out among many islands, and the famous mountains of Greece make travel difficult for many. The United States does not make it easy to get to the consulate for a visa.

Moreover, I have been in communications with the U.S. State Department this past summer about my perception that we are trying to close down the consulate in Thessaloniki. The present facility was damaged in an earthquake many years ago and rumors abound about a diminished role or shutdown altogether of this consulate in the northern part of Greece. There are plans to move to another, less noticeable part of the community where the consulate may not even fly the U.S. flag. If closed or hours curtailed, the U.S. Government would be doing nothing to improve the situation.

This matter passed by unanimous consent in the other legislative body. Although we may generally get frustrated by the actions in the Senate, I think the record must reflect that if any one of the 100 Senators thought this 3 percent threshold was a bad idea, a Senator would have objected. No Senator did. They did not because moving this waiver from 2 to 3 percent only affects two countries, Portugal and Greece.

I must also note my disappointment at some of the veiled language and intimations of the proponents of the status quo. The Greeks and Portuguese are not terrorists or criminals, and I resent any attempts to suggest that this is the case. Rather, Greeks and Portuguese are hardworking, well respected and proud members of the world community. U.S. policy should treat them so. Greek Americans and Portuguese Americans are the local small businesspeople, families and neighbors from every district of this great country, and yes, even Members of Congress. They have helped make America the greatest Nation in the world. We ought to acknowledge this by passing this amendment.

Finally, I must note the irony of having this vote today, on Greek Independence Day. Later tonight a prescheduled special order on this important subject was scheduled. America was founded on the idea of democracy from Greece. The poet Shelley once wrote, ''Our laws, our literature, our religion, our arts have their roots in Greece.'' Failure to pass this amendment would dishonor this statement.

Rather than divide our American allies and constituencies, let us work together and resoundingly pass this well thought out amendment by the gentleman from California.

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

Mr. Chairman, I rise in support of this amendment. I think that it has been well crafted and it deserves our support. I listened very intently, Mr. Chairman, to the words of the gentleman from Texas with regard to his opposition to this particular amendment, and the basis, the premise of all this is the premise that the rate of refusal from 2 percent to 3 percent is really something we should not be doing. If my colleagues look at that number, if they look at the real definition of rate of refusal, they will know that it is very, very subjective. If they talk with any of the immigration agencies or authorities, they will find that the rate of refusal as such is based upon a lot of times the personality of the immigration person or the person looking at the passport, allowing that person to come in.

I had an experience just recently, my office deals with many different problems of immigration, where we had one person, a person who had a visa, a person went back to their original country, wanted to come back into the United States and for some unknown reason was refused a visa to come back in. I called just to find out why. The reason why? The gentleman just did not have time on the other side, this is from the American embassy, to pay attention to that person and just did not want to be bothered with it. The person then went to another person and got admitted.

That is what adds to the statistic that the gentleman from Texas is basing his opposition for this amendment on, which is totally wrong. It is fabricated. It is very, very subjective. But now let us take a look at the facts. Look at the facts about Greek Americans who are going back to their country of origin, to Greece. It is higher there than Greeks coming to America. Take a look at my State of Rhode Island, where we and the State of Massachusetts have one of the highest rates of immigration from Portugal. These people are hardworking, dedicated individuals who really have made a difference for our State and our country. What we are doing is we are saying to them, because of a subjective judgment by a bureaucrat on the other side, we are going to dismiss the opportunity for family members to come over on a short-term visa to visit their family, to visit this country and increase tourism to our States and our country.

This is wrong. As the gentleman from New Jersey (Mr. PAPPAS) said, it is wrong on the basic principles that we have founded our country. It is wrong on the basic principles of democracy. What we should be doing is providing a reasonable access for our allies, for

those people who have helped us time and time again, in all the world wars who have fought for us and helped us. But we are turning our backs on them because of some bureaucratic, subjective decision. This is wrong. Pass this amendment. Pass it now.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Pombo-Kennedy amendment to H.R. 2578. This amendment is narrowly drawn. It would raise the visa waiver program refusal rate from 2 to 3 percent. This would allow citizens of Greece and Portugal to travel to the United States for 90 days without a visa.

There has been a lot of incorrect information that has been circulated about this amendment. This amendment is not about immigration but rather about tourism and commerce. It would allow people from Greece and Portugal to travel to the United States, whether for business or pleasure, without getting a visa, just as those countries allow people from our country to come to their countries. Tourism from these countries would increase dramatically and help and benefit the American economy.

In fact, the first year that Argentina was in the program, tourism from that country to the United States grew by 11.5 percent. I am fortunate to represent Astoria, Queens, which is one of the largest Hellenic American communities in the United States. I know that they would like for their families to be able to come and visit them here in the United States without having to get a visa, just as they are able to travel to Greece without a visa.

It is very appropriate that this amendment is before us today, because this is the 177th anniversary of Greek independence. Greece is one of our oldest and strongest allies. They have fought by our side in every war this century. Their ideas of democracy and individual liberties became the foundation of our government. It is time that we extend to them the same courtesy that they extend to us. I strongly support this amendment. It is narrowly drawn. It will help tourism in this country.

□ 1600

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

Mr. Chairman, I think that the arguments being applied on the House floor as I stand in support of the gentleman from Rhode Island (Mr. PATRICK KENNEDY) and his amendment today is essentially this: The question of how immigration has served this Nation during the last many years, and what I am struck by in terms of this debate is that while we are asking for a narrow solution, I think it draws us to the broader argument of what immigration does for America.

In the instances of Portugal and Greece where, by the way, the United States Senate has already swiftly acted on this initiative, we are not only talking about great allies, but we are talking about people who regularly visit and then regularly and faithfully return. The truth is that for many of us who have large Greek constituencies or large Portuguese American constituencies, not only is it an opportunity for families to reunite for brief periods of time, but also I think is an opportunity to once again extend the argument that America warmly welcomes and receives the idea and notion of what immigration has meant in our history.

I have stood on this floor in debate in the past over the issue of immigration, and happen to believe, as one whose grandparents were immigrants to this Nation, that immigrants and immigration serves the purpose of this Nation very well. Technology allows for more instant communication, and now there is the opportunity here to allow Greek and Portuguese visitors to America to come with more regularity. In both instances, I think it is an example not only of cooperation but how in the long run this boosts the American economy.

When the gentleman from Rhode Island (Mr. KENNEDY) asked me today to join this debate I was enthusiastic about doing it, based upon the constituencies that I have had a chance to represent now for more than 2 decades in Springfield. We are still a Nation that honors the notion of immigration. It is hard work, it is principle, it is dedication, it is faith and family and friend that these people still celebrate. They could give all of us a lesson in patriotism and hard work.

We should adopt the amendment that is offered here today that the gentleman from Rhode Island (Mr. KENNEDY) is proposing, and we should do it with enthusiasm and we should do it on behalf of those millions of Americans who have come to this shore in the past, only to improve the circumstance with which we all live.

I am pleased to add my voice in support of this proposal.

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

Mr. Speaker, I rise in support of this amendment to raise the visa refusal rate from 2 percent to 3 percent to allow citizens of Portugal and Greece to participate in the visa waiver pilot program. Since 1998, travelers from 26 countries have enjoyed this program's privileges. These visitors have been allowed to travel to the United States for 90 days without a visa. Portugal and Greece are the only countries in the European Union whose citizens must have visas in order to travel to the United States. This requirement, Mr. Chairman, is outdated and requires modification.

In my district, from Worcester to Fall River, we have strong Portuguese American and Greek American communities. Members of these communities should be able to welcome visitors from their countries of origin, whether for business or travel, without burdensome administrative delays. During times of celebration or crisis, families should not have to face the uncertainty of the visa process. Participation in the visa waiver program is based on annual refusal rates of visa applications. For the past 2 years, the refusal rates for Greece and Portugal have declined considerably and will meet the proposed 3 percent level.

INS reports also indicate no documented increase in illegal immigration from these countries since 1996, and additional safeguards to prevent abuse will be enforced if this bill is adopted today.

Mr. Chairman, I urge my colleagues to support the Pombo-Kennedy-Frank-Pappas amendment which is so important to the Greek and Portuguese families, not only in my district but throughout the country. This is an important amendment, it is the right thing to do, and I urge adoption of this amendment.

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

Mr. Chairman, I also want to add my voice, together with those of my colleagues that have spoken here this afternoon and who are in the Hellenic and Portuguese Caucus, for offering this necessary amendment.

I firmly believe that the visa waiver program is important to allow citizens of eligible countries to enter the United States temporarily without a visa, whether it be for business meetings or simply to visit with their families.

Mr. Chairman, every country in the European Union participates in this waiver program; that is, with the exception of Portugal and Greece. It is a bit ironic that while we may applaud both countries for their booming economies and their low unemployment, we deny them participation in this program that helps tourism and facilitates travel to the United States.

For example, Mr. Chairman, last year the first year that Argentina was in the visa waiver program, tourism from that country to the United States increased by 11.5 percent. I think that we can expect the same type of results if we move forward in the way that has been suggested here.

I am a bit perplexed about the argument of those who would oppose, including Greece and Portugal, this visa waiver program. We do not believe that citizens of those countries are a threat to our public safety, certainly; we do not believe that they would increase illegal immigration; and we do not think there is any evidence of either of those events occurring.

We can all agree that the number of people that have overstayed their visas otherwise might be a serious problem, and the Immigration and Naturalization Service has the authority to identify people who have done so, but refusing both Greece and Portugal entrance into the visa waiver program, based on

inaccurate and out-of-date information, strikes me as discriminatory, unfair, and simply bad public policy.

Mr. Chairman, I represent a large number of people of Greek and Portuguese origin from Lynn to Peabody, Massachusetts, to Newburyport and Ipswich and Haverhill; and all the way through our district, people are proud of their heritage, and many feel slighted by this country's exclusion of them from the visa waiver program merely because the number of people in those countries who are refused a visa may be slightly more than the current rigid 2 percent refusal rate. These people have worked hard, and the countries have worked hard to bring those rates down and to decrease the overstay rates.

Mr. Chairman, I think that we should not continue to deny these allies and these people the opportunity to have members of their family, people with business interests coming in for the requisite period of time.

I strongly support the Pombo-Kennedy-Frank amendment that would raise the refusal rate to 3 percent. It will allow Portugal and Greece to participate in the program, will hopefully encourage other countries to improve their overstay and refusal rates, and the amendment simply affords these countries the fair treatment to which they are entitled and the rewards that their hard work and improving their overall economies and lowering their overstay rates have brought. It is time we recognize this hard work, Mr. Chairman, and I ask us and urge our colleagues to support the amendment.

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

Mr. Chairman, I guess the House is about to vote on the theory of the infallibility of the bureaucracy. The chairman of the subcommittee believes that when visa applications come, they are decided with a degree of precision and exactitude rarely equaled in American government. They are apparently perfect within a very small margin of error. Indeed, none of us has yet found a pollster in our own elections who could come closer to exactitude than the gentleman from Texas thinks can be found in the consular offices.

Now I think highly of the Consular Corps, I just do not get them quite as high as the gentleman from Texas, who appears to have gotten them celestial in their perfection and absence of error. People make mistakes. What we have is a situation where residents of countries strongly allied to our own, countries that share our democratic commitment, countries which have living amongst us relatives and friends, innocent citizens, clearly innocent citizens of those countries, are to be penalized because of errors that second parties make about third parties.

Now I understand the gentleman from Texas talked about overstays. Let us be very clear. If there are people who are overstaying, and the invincible bureaucratic officials know about it, why do they not make them go home? We are not protecting people who are here illegally. Nothing in this amendment diminishes one iota of the authority of the State Department and the Justice Department and anybody else they want to borrow to send the overstays home.

The question is this: I represent an area in southeastern Massachusetts 2,000 miles from the Azores. A large number of American citizens came from the Azores. They have friends and relatives in the Azores, as close to them as Denver is. They go back and forth to visit. People come for weddings, for funerals, for family events. There are charter flights that go back and forth. If one lives in one of the islands in the Azores, and the islands are spread out, which does not have a full-time consular official, and there is an emergency that comes up, someone dies, sadly, or there is some other need for you to come right away, maybe someone is ill and they are going to come sit with the children for awhile, these are the kinds of interactions we are talking about. They have got to go and get a visa. Why do they have to go and get a visa, which they would not if they lived in any of the other European countries? Because some other people may have been trying to do something which a consular official did not like, so you are punished.

We are talking about increasing the rate from 2 percent to 3 percent. It is simply not credible that 2 percent as opposed to 3 percent is some important qualitative difference. The gentleman from Texas apparently feels that 2 percent, that is absolutely the most, although I must say I guess neither the gentleman from Texas nor I were here when we first enacted this, and I would hate to be one of the residents of those countries who would have had to depend on him to enact the whole program in the first place. But the point is that it is there, and we are now saying at 2 percent, they come in at 3 percent, they cannot. What that means is if 97.8 percent of the people who apply are applying legitimately, and no errors are made, then they still have to go through the visa waiver situation.

Remember the visa waiver program does not mean they sneak in here unknown. We have records of who is here. We have every right we have under the bill to deal with overstays. The gentleman from Texas has in his legislation language saying let us get the data on overstays. Our amendment does not change it.

What our amendment says is this: There are a large number of American citizens of Greek and Portuguese ancestry who have friends and relatives with whom they would like to be able to visit, exchange visits, et cetera. Why, why would the House want so strongly to make it hard on them? What kind of determined attachment to bureaucratic norms insists on denying these overwhelmingly decent people a little convenience and a little ease? Is this great country threatened in some way with instability, with chaos, with economic ruin because we would go from 2 percent to 3 percent, allowing two fairly small countries in population to have a more easy interchange?

As the gentleman from California pointed out, people are trying to smuggle themselves in here. They do not need to get visas. This is not affected by that. And I understand the State Department does not want it, the Justice Department does not want it. No, bureaucrats do not want a lot of things that we do want. That is why we have the lawmaking power, and not them. That is why we make the decision about what is decent and what is compassionate.

So on the one hand, we have the citizens of this country who want a little ease and a little flexibility in seeing their relatives.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

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

Mr. FRANK of Massachusetts. Mr. Chairman, and on the other hand you have an insistence on attachment to unyielding, undeviating fealty to the notion of bureaucratic perfection. That is hardly worth inflicting this degree of inconvenience on so many decent Americans and their relatives.

I hope the amendment is adopted.

Mr. POMBO. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes.

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

There was no objection.

Mr. POMBO. Mr. Chairman, I would just like to close the debate by bringing us home to what the issue is that we are debating. We are debating going from 2 people in 100 being refused a visa to come to the United States as a tourist or on legitimate business purposes, and to go from 2 people out of 100 to 3 people out of 100 being refused and being refused on, I would argue, an arbitrary basis as to whether or not they meet an arbitrary standard that is set up by the person sitting across a desk from them.

Now I have not come at this with somewhat of a unique perspective from most of my colleagues, and I will fully admit I am the only Portuguese Member of the House of Representatives, of Portuguese descent. My grandparents immigrated here from Portugal, and I am very proud of that. But I can tell my colleagues that there is a difference between whether or not my relatives can come over on a tourist visa or not, and that does mean something to me and my family, and I think that this is a very important amendment.

□ 1615

I think that it is fair. All I am asking my colleagues to do is to allow people

to come in for legitimate reasons. We are not talking about illegal immigration. We are not even talking about legal immigration. We are talking about people coming into this country as tourists. We are talking about people coming into this country for legitimate business reasons. That is what we are talking about.

How this could possibly explode the illegal immigration into this country? How this could possibly explode terrorism into our country is beyond me, and I fail to follow anyone's logic who tries to make that argument.

What I ask my colleagues to do is to support a very simple amendment which would say that we are taking the refusal rate from two people in 100 to three people in 100. That would result in Greece and Portugal being included in the Visa Waiver Program. I ask my colleagues' support.

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

Mr. Chairman, let me tell my colleagues a story. On the upper east side of New York City, there is a textile shop. Its windows are nailed shut, and they are opaque with grime. Pedro, who is 10, and his sister, Amora, who is 8, labor in a single, dingy room 6 days a week.

This is part of a child-smuggling ring that entices children from Portugal to come to America. The children are promised an education, the parents are promised money, and neither promise is kept.

Six months before, a smuggler had flown to Lisbon to pick up Pedro and Amora. They were two of two dozen children that he had brought to the United States. This was possible because Portugal had become a visa waiver country and only a passport was now required to enter the United States.

While many countries require passports to have the photos of children, Portugal does not. Because of this and the ease with which Portuguese passports can be counterfeited, Pedro and Amora and the others were easily smuggled into the U.S. That is one reason why the State Department and the Department of Justice and the White House and many of us do not want this amendment to pass. We do not want smugglers to condemn Pedro and Amora to those sweatshops.

Mr. Chairman, I want to correct some misimpressions that may have been given in the short time that I have left. First of all, this debate is not about immigration. There are many aspects of immigration that are good for America. It is not about the countries of Greece and Portugal. They are wonderful countries, and someday, if they meet the criteria and meet the standards without lowering the standards, I hope they become visa countries.

It is not about individuals who are illegal aliens who are in this country today. The gentleman from Massachusetts actually has a greater faith than I do in the bureaucracy, because he seemed to imply that if someone was in the country illegally, they would be deported by the INS. In point of fact, only one out of 100 illegal aliens in the United States is ever deported by the INS.

The other problem mentioned was the difficulty of obtaining passports or visas in Portugal. Portugal is one of the few countries that has same-day service for walk-in applicants. It is one of the few countries that guarantees a return by mail within 3 days of those applications for visas.

Another misstatement that was erroneously made was the fact that the Senate already has adopted this. In point of fact, the Senate bill says that no new country can become a member of the Visa Waiver Program until we have a determination of visa overstay rates. We know that that time is at least 2 years away, and that that is why it is in conformity with the 2-year extension that we have in the bill at hand.

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

Mr. SMITH of Texas. I am happy to yield just very briefly because I have more I would like to say.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to have the gentleman join me in acknowledging that the gripping story he began with was, of course, an invention, has not happened, and was in fact mythic. Now, the gentleman is entitled to employ myth, but the story about what happened because Portugal is not in the Visa Waiver Program, since it is not in the program——

Mr. SMITH of Texas. I am reclaiming my time, Mr. Chairman, because my story had a point.

Yes, it was apocryphal, but yes, the point was that it could occur if Portugal was a visa waiver country. And I am not going to yield because I need to finish some comments I would like to make.

Mr. Chairman, the problem with Portugal and Greece is not the fact that they are not great countries. The problem, as recognized by the State Department and the Department of Justice and the White House, is that we should not lower our standards just to accommodate these specific countries. They can improve their records themselves. Then they can be admitted to the Visa Waiver Program.

In the case of Portugal, we have a country that already has 26,000 people in this country illegally, and that is with the visa screening process because they are not part of the Visa Waiver Program. If they become part of the Visa Waiver Program, how many more times that 26,000 illegal folks are we going to have in this country from Portugal?

The point is, we do not know, but it could be in the hundreds, and that is why, clearly, if we have a Visa Waiver Program in Portugal, we are going to contribute significantly, in fact, to the illegal population in America. Undeniably, if Portugal becomes a visa waiver country, there will be more illegal aliens from that country than any other visa waiver country.

In the case of Greece, again I repeat the point I made a while ago, that the record for Greece is worsening. The number of individuals who were denied their visas in fiscal year 1997 is greater than the number denied in fiscal year 1996. Their record is going exactly the wrong direction. Why we want to reward that country when their record is worsening, I do not know. But in any case, we should not weaken our standards.

Now, in the case of Portugal, and again it is a great, great country, but unfortunately, with their passport the way it is today, it does lend itself, as the State Department and Justice Department have told us and we have seen demonstrated from cables, it does lend itself to having its passports counterfeited; and it does lend itself to child smuggling simply because they do not have photographs of children. All that is required is the name and age. It is very, very easy for individuals to smuggle over the children from Portugal.

So, again, Mr. Chairman, the debate is not about whether people of Portugal or Greece are great people. That is undeniable. It is undeniable that these are great countries. But it is also undeniable that we are going to increase our illegal immigration problem in America if we lower the standards and admit countries so that they no longer have to obtain visas if they are coming to America.

It is also undeniable that if we lower these standards, we are going to increase the temptation for individuals to smuggle children into the country as well. It is also undeniable that if we pass this amendment, we are going to be admitting one country that will contribute to our illegal immigration problem and another country that has a record going in the exact wrong direction when it comes to lowering visa fraud rather than increasing it.

Mr. Chairman, I would simply urge my colleagues to oppose this amendment, support the underlying bill, and join the administration and many of us who are concerned about illegal immigration.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman from Texas acknowledging that he was being, as he said, apocryphal, a very nice word for ''made up.'' His incident that he began with is totally made up.

It is a little bit apocryphal, too, when he talks about the passport, because under this bill, to become eligible for visa waiver, you would have to change the passport to make it machine readable. So the current Portuguese passport would not be the

same. It would have to become machine readable.

The fact is that if there is an overstay problem, that should be dealt with by enforcement. And this notion that somehow there are these thousands of Portuguese children waiting to be smuggled, in fact, exists only in the apocryphal imagination of the gentleman from Texas.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I will be very brief. I just wanted to correct the gentleman from Massachusetts. The amendment actually says that the countries only have to be in the process of developing a machine readable passport, not that they actually have to have one so we still have the problem with counterfeiting passports, and we still have the problem with child smuggling as well.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let us just make it clear here, the idea is, the Attorney General still has discretion to reject these countries based upon any concerns that she may have with respect to these issues that, I might say, are ancillary.

You are talking process now with the machine. What we are talking is substance. We are talking about letting families come over here when their family members have a family event. If it is a happy event, they come over for that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I was not talking process. I was talking real people, real children who might be smuggled, real illegal aliens.

Mr. FRANK of Massachusetts. No, the gentleman from Texas was talking apocryphal real people.

Mr. SMITH of Texas. No. We were talking about individuals where there is a real threat.

Mr. FRANK of Massachusetts. The gentleman from Texas was talking about apocryphal real people.

Mr. SMITH of Texas. If you want to, the State Department has received a number of these cables that go into the problem in great detail.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield? Let us get clear here.

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let me just say here very quickly, if there is a problem, as the gentleman said, then that is a problem that needs to have law enforcement. If there is a problem with the fact that these people need to have the visa overstay enforced, that should be enforced. But the fact of the matter is, that does not negate the primary reason for this amendment.

And the primary reason for this amendment is to let two allies, Greece and Portugal, who have large numbers of family members here in the United States of America, be able to come over on a visitor's visa or a business visa for a temporary period of time, for 90 days or less, and not have to go through a bureaucratic process.

It means that we have got to let our families rejoin for family occasions and business people to come over for tourist reasons. And let us not confuse the gentleman's being hung up on bureaucratic procedure as a reason to preempt us from passing this important piece of legislation.

Mr. WATT of North Carolina. Mr. Chairman, let me just put this in perspective here.

I am in favor of this amendment. The reason I am in favor of it is that the whole notion of a visa refusal rate, if you understand that, means almost nothing, because if 100 people show up in an INS office and/or in a consular office, and two out of that 100 are refused a visa, then you have a 2 percent refusal rate. If three out of 100 are denied a visa, then you have a 3 percent refusal rate.

If the consular officer in that office is sitting there, and they have a criterion that says, I do not like people who look poor, or I do not like people who look black, or I do not like people who look a particular way, then the refusal rate may be 98 percent. It could be 100 percent.

The point I am making is that that is an irrational basis, a subjective basis, for setting up our whole Visa Waiver Program in the first place. So whether it is 2 percent or 3 percent, I cannot get all bent out of shape about it.

This amendment would move it from 2 percent to 3 percent.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, what everybody ought to focus on is that in this bill is the mechanism to move us from this visa refusal rate process, which is irrational, to a visa overstay process, which is a rational basis for determining whether a country ought to participate in the Visa Waiver Program.

Because once these people get into the country, if they do not go home, then I get real bent out of shape about that. When the time comes, they ought to be required to go home. And the visa overstay information would allow us to measure that and get to a rational basis. Right now, we have no rational basis.

So I do not have any problem whatsoever from moving the threshold from two out of 100 to three out of 100, because I know that there are some countries that are being denied 50 out of 100 on no rational basis whatsoever, in some cases, 75 out of 100 on no rational basis whatsoever.

We ought to support this amendment, pass this bill. Let us get the visa overstay information we need to implement a rational Visa Pilot Program, and we will all be a lot happier. People throughout the world will be a lot happier because we will have a rational basis for having a program.

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

Mr. Chairman, I rise in strong support of this amendment.

□ 1630

First of all, I want to speak in strong support of both the gentleman from California (Mr. POMBO) and the gentleman from Rhode Island (Mr. KENNEDY), who I always like to speak in favor of, and I speak in favor of this particular amendment.

I think it is important for us to recognize that the gentleman from Texas (Mr. SMITH), who has offered this bill, is trying to deal with a fundamental problem we have with immigration, and that is that the vast majority of illegal immigration has come into the country because of visa overstays; and that is why I did not vote for a lot of the legislation that came out as so-called ''immigration reform'' last year, because it did not deal with the fundamental issue.

I think that the gentleman from Texas (Mr. SMITH) ought to be congratulated for the efforts that he is making to try and deal with this important issue.

I just think that the particular oversight in this bill needs to be straightened out. If, in fact, we are dealing with visa overstays, I think we have to reform the process, but if we do not deal with visa overstays and we just deal with some bureaucrat that is sitting in some embassy somewhere around the world who is saying, this particular individual does not qualify, and we add up all of those circumstances and one gets a 2 percent denial rate and one gets a 3 percent denial rate and, therefore, we are going to eliminate the ability of these countries to go back and forth to see their families. I will tell my colleagues, every single Member of Congress has had to get on the phone at one time, and in my case, many, many times, with some bureaucrat sitting in some embassy somewhere around the world because some family has a very legitimate right to come to America and is being denied because some bureaucrat does not think they have every ''T'' crossed and ''I'' dotted.

We are not talking about vast numbers of illegal immigrants coming into America using this process. We are talking about a 1 percent difference; and that 1 percent difference is an opportunity for families to be reunited, it

is an opportunity to increase trade. We should deal with the fact that we in America make money off of immigration. This is a money-maker for the United States of America. It is a money-maker for the taxpayers, it is a money-maker for the Federal Government.

If the problem is the underlying issue of people that come here and stay illegally, then let us deal with that. We deal with that issue by dealing with overstays. And we ought to be tough on overstays, and if we have a bill and legislation that comes in here and gets tough with people that are breaking the law, I will support it. But let us not do it arbitrarily, because for some reason we do not want to get into opening up the bill; and then we are going to hurt people from only 2 countries, from Portugal and Greece.

Two of our Nation's proudest immigrant populations come from both Portugal and Greece. They have done so much to not only settle the United States of America, but make phenomenal contributions to our culture. We walk this very Capitol Building and see how many Greek and Portuguese immigrants are up on our walls.

This democracy is founded upon the Greek democracy, and for us to be breaking that tie and saying we are going from 3 percent to 2 percent, so therefore, we are going to make every Greek immigrant go through some massive bureaucracy is a ridiculous point of bureaucratic nonsense that I cannot believe that the gentleman from Texas, who is as clear-thinking and as forward-thinking as he is, would possibly oppose this amendment. Because I know that he fundamentally has already said, as I heard him in my office, he said that in fact he agrees that this bill should be stipulated to deal with the overstay issue, and he recognizes that the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), their amendment only deals with this issue because it has to do with the visa denial rate.

There is a huge difference between a visa denial rate and a visa overstay. Let us deal with the issue.

I would just hope that the gentleman from Texas (Mr. SMITH) might consider amending his opposition to this amendment and accept it and be done with it before we get to bringing everybody over here for a vote. I think that this is good legislation; I think it will help the bill, and I would be happy to see him see the light.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pombo-Kennedy amendment, although as the gentleman from Massachusetts (Mr. KENNEDY) who just spoke so eloquently highlighted the real problem, and the problem is that we are dealing with trying to just simply solve a problem with the existing formula by raising the 2 percent to 3 percent to take care of the Portuguese and the Greeks.

I am a member of the Portuguese caucus, so I rise to support this amendment on 2 scores: Because it is important, it is fair, it is just; because I feel that these 2 groups are entitled to this support.

Mr. Chairman, the issue that brings me to the floor to discuss this whole matter of visa waiver, however, is the very, very huge problem that I have with the Asian constituency that I must deal with almost daily. And there the issue of denials of visa, visa applications to come to America for whatever reason, are mind-boggling.

Almost every day I am writing letters to the embassies asking them for compassion, for consideration, for allowing people to come to Hawaii to visit a terminally ill parent; and they are virtually denied without really very much consideration, for economic reasons primarily, not enough earnings, no ownership of property, they do not own businesses.

But even in some cases where they own businesses and have very large personal wealth, they are still not permitted to come in. So the denial rate that occurs in many of these countries is a real problem as a prejudice in opening up opportunities for them to travel.

My State enjoys a very large multicultural society, and so we have people from all over the world who live in Hawaii. It just is simply unfair that in the Asian area so few of these individuals even with very solid and strong economic backgrounds are not able to come to visit.

As the gentleman from Massachusetts (Mr. KENNEDY) indicated, the visitor industry is an important industry. I call upon the people who belong to the tourist caucus to understand the importance of allowing people into the country to visit. Why is it that we are so afraid of the people coming in to visit, to spend their dollars, to enjoy themselves? Well, there is practically a band, a barrier to the entrance of these individuals from Asia at the current time, and it is a real difficult problem.

Mr. Chairman, what I am confronted with, with a great deal of pain and anxiety, is that the denials go to very, very compassionate situations, like somebody terminally ill. I have a doctor's certificate, I present that, and it is still not any good. When the person has already died and they are awaiting funeral services, the family is still not even allowed to come in to attend the funeral, and it is a very, very sad time. This is what we are talking about when we talk about visa denials.

So while we would have wanted to come to the floor, my colleague, the gentleman from Hawaii (Mr. ABERCROMBIE) and myself, to urge the extension of the Kennedy-Pombo amendment to include Korea, very strong allies, very supportive; we have committed ourselves to the defense of the people of South Korea, yet they have great difficulty in entering the United States for business, for pleasure, to visit their relatives, or to attend even funerals and to attend to people who are sick within their families. It is just extremely unfair.

Mr. Chairman, we were hoping for some way in which we could demonstrate that the denials of visas in Korea were becoming very, very low, and that they would qualify under this 3 percent factor. But as we all know in this House, there has been a complete rupture of the economy of many of the Asian countries, and they are suffering very, very gravely because of these difficulties. As a result, more and more people are being denied visa opportunities and opportunities to come for business or pleasure or whatever, and as a result, we would probably not be able to prevail under the 3 percent current level.

So, Mr. Chairman, I appreciate very much the efforts of the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), and I rise in strong support of this amendment, and I hope that the people who are guiding this debate will accept this amendment as just and fair and look to further changes in the law in the next session.

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

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

Mr. Chairman, I rise in support of the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578, the Visa Waiver Pilot Program Act. This amendment simply allows Greece and Portugal—and only Greece and Portugal—to participate in the Visa Waiver Pilot Program.

Let me make it clear that I have the highest respect for my colleague and friend from Texas, Chairman LAMAR SMITH. As a fellow subcommittee chairman, I know the rigors and demands of directing a panel, which contains an array of divergent views. It was his strong and determined leadership that allowed the House to pass historic and much needed reform of our nation's immigration laws in the 104th Congress.

We have an honest difference of opinion about whether Greece and Portugal should be allowed to participate in the Visa Waiver Pilot Program. Rather than rehashing the same arguments and issues that have already been debated, I want to focus on Greek citizens and why they want to participate in this program.

My staff in Clearwater, Florida, informed me that they have been approached by individuals who have faced difficulty entering the United States when a loved one has passed away. Currently, Greek citizens have to go to one of two U.S. consulates in Greece to initiate the application process to obtain a travel visa.

The simple logistics of travel are, in many cases, prohibitive to Greek citizens seeking temporary entry into the United States. The entire process can often take two weeks or more and requires considerable cost and effort.

I am dismayed that, in some arguments against this amendment, it has been insinuated that terrorism and domestic crime will increase in the United States if Greece and Portugal are permitted to participate in this program. It is important to note that Greece and

Portugal are the only member nations of the European Union to be excluded from the program *and* whose citizens *must* obtain a visa to enter the United States. Ironically, Americans do *not* need a visa to enter Greece.

Some of my colleagues believe that allowing Greece to participate in this program would lead to increased illegal immigration, because individuals would overstay their visas. In fact, the number of immigrants from Greece and Portugal who settle in the United States each year is not significantly higher than the number of Americans who establish residence in these countries.

I want to make one final point. It is my understanding that Chairman SMITH opposes this amendment because he believes the two percent refusal rate is a fair and equitable level.

In my judgment, we are quibbling about numbers, and very small numbers at that. The other body passed legislation which raises the refusal rate threshold to three percent. It unanimously approved an amendment to allow Greece and Portugal to participate in the Visa Waiver Pilot Program. We should do the same.

Tonight, I am conducting a special order in this chamber to commemorate the 177th Anniversary of Greek Independence Day. Today marks the day when Greece began restoring its democratic heritage after nearly four centuries of foreign oppression. I can tell you personally, as the son of Greek immigrants, that the Greeks share a love of the United States which may be unparalleled abroad. Greece and the United States share a common bond: an intense desire for freedom and democracy. It was, in fact, the ancient Greeks who forged the ideas upon which our nation was founded.

Greece has been our staunch ally for many years. We should reciprocate that treatment and approve the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578.

Mr. KLINK. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. POMBO. This amendment would increase the visa refusal rate from 2% to 3% which would allow Greece and Portugal to participate in the tourist visa waiver program. As of now, these two countries are the only two members of the European Union not included in the program. However, U.S. citizens visiting Greece, do not need a visa.

This is inappropriate treatment for a country like Greece which is one of the United States' best allies. Greece is one of only three countries outside the British Empire which has fought with the U.S. in every war this century. In fact, one out of nine Greeks gave their lives as American allies fighting the Axis powers and during the communist civil war which followed. Our nations' close relationship continues today.

Greece is and always has been a close friend and ally of the U.S. Bringing Greece into the visa waiver program would strengthen our ties. It would also be an appropriate gesture of good will for today, Greek Independence Day, to a country that gave this country the precious gift of democracy.

The Senate voted to end this program for Greece by increasing the refusal rate from 2% to 3% for the Visa Waiver Pilot Program. Now we in the House should do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Pombo amendment to H.R. 2578, the Visa Waiver Reauthorization Act.

This amendment would admit a slightly wider circle of countries to the program—those with a visa refusal rate of 3% or less—a level which I believe is more than justified.

In 1986, the Visa Waiver Pilot Program was authorized essentially on a ''trial run'' basis, under the very stringent control of a 2% visa refusal rate—averaged over two years—with no one year having a rate over 2.5%.

The visa waiver saves our embassies and consulates enormous amounts of time and appropriated funds. In 26 countries, our consular staffs are freed from processing visas in stable areas where there are virtually no visa refusals anyway. The visa waiver has made money for the United States by greatly boosting tourism and sparing visitors the inconvenience of traveling to a consulate and going through the red tape of applying for a visa that would likely be approved anyway.

Congress has recognized the success and benefits of this program and has repeatedly reauthorized the visa waiver program over the years. Yet I feel that Congress is just waking up to the fact that the program is overly strict in its means of measuring who can participate and who cannot.

The visa refusal rate is a poor indicator of a country's ability to participate responsibly in the U.S. visa waiver arrangement. Consular officers have far-reaching powers to deny visas. Indeed, a federal employment case recently brought to light that the consular officers in Sao Paulo, Brazil were expected to rely heavily on an applicant's race, appearance or manner in denying visas, which obscured whether the applicants actually and a motivation to return home on time.

To be fair to the State Department, I concede that consular officers cannot read minds or predict the future. They cannot know in advance whether or not a visa applicant will violate our immigration laws. But this uncertainty leads them to err too much on the side of caution and deny visas that may be a bit borderline.

A far more accurate indicator for whether a country should be eligible for visa waiver program is whether foreign visitors do in fact, overstay or violate our immigration laws.

For this reason, I applaud the provision in the main bill requiring the INS to collect data on persons who overstay their 90-day visa waiver period. This should be the benchmark, not a mere hunch on the part of a consular officer.

Mr. Chairman, I support raising the disqualification rate to 3% at this time. This will bring in Greece and Portugal now, and—I hope—South Korea before long.

My state of Hawaii has seen many affluent Korean tourists—and tour groups as well—who are quite interested in visiting Hawaii—and the West Coast as well—but who are discouraged by the visa process. Australia, and other countries get these precious travel dollars, because the South Koreans can enter there without a visa.

South Korea's tourism market is estimated at about billion dollars a year. The average visitor spends more than $2,000 in the U.S., not including airfare. The strong demand for U.S. visas has not escaped the notice of airlines and the rest of the travel and tourism industry. Like the European countries that do participate, the U.S. and South Korea have close historical ties, a military alliance, and a very strong trade relationship. In fact, South Korea is our sixth largest trading partner.

Much has been said about Greece and Portugal being the only European Union countries that are still ineligible for visa waivers. Allow me to point out that the refusal rate of 2% means that Japan is the only East Asian country now able to participate in the program. South Korea, whose visa refusal rates have been 3.75% and 2.87% in the last two fiscal years, will not be brought under the program, even if this amendment to raise the bar to 3% is adopted.

Despite that, Mr. Chairman, I feel this amendment is a step in the right direction, and I urge its passage.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 46, not voting 25, as follows:

[Roll No. 70]

AYES—360

Abercrombie	Cubin	Gutierrez
Ackerman	Cummings	Gutknecht
Allen	Cunningham	Hall (OH)
Andrews	Danner	Hamilton
Archer	Davis (FL)	Hansen
Armey	Davis (IL)	Hastert
Bachus	Davis (VA)	Hastings (FL)
Baldacci	DeFazio	Hayworth
Barcia	DeGette	Hefley
Barrett (NE)	Delahunt	Hefner
Barrett (WI)	DeLauro	Herger
Bartlett	DeLay	Hill
Bass	Deutsch	Hilleary
Bateman	Diaz-Balart	Hilliard
Becerra	Dickey	Hinchey
Bentsen	Dicks	Hinojosa
Bereuter	Dingell	Hobson
Berman	Dixon	Hoekstra
Bilbray	Doggett	Holden
Bilirakis	Dooley	Hooley
Bishop	Doolittle	Horn
Blagojevich	Doyle	Hostettler
Bliley	Dreier	Hoyer
Blumenauer	Duncan	Hulshof
Boehlert	Dunn	Hunter
Boehner	Edwards	Inglis
Bonilla	Ehlers	Jackson (IL)
Bonior	Ehrlich	Jenkins
Borski	Engel	John
Boswell	English	Johnson (CT)
Boucher	Ensign	Johnson (WI)
Boyd	Eshoo	Jones
Brown (CA)	Etheridge	Kanjorski
Brown (OH)	Evans	Kaptur
Burr	Everett	Kasich
Burton	Ewing	Kelly
Buyer	Farr	Kennedy (MA)
Callahan	Fattah	Kennedy (RI)
Calvert	Fazio	Kennelly
Camp	Filner	Kildee
Capps	Foley	Kilpatrick
Carson	Forbes	Kind (WI)
Castle	Fossella	King (NY)
Chabot	Fowler	Kingston
Chambliss	Fox	Klink
Chenoweth	Frank (MA)	Klug
Christensen	Franks (NJ)	Knollenberg
Clay	Frelinghuysen	Kolbe
Clayton	Frost	Kucinich
Clement	Furse	LaFalce
Clyburn	Ganske	LaHood
Coble	Gejdenson	Lampson
Coburn	Gekas	Lantos
Condit	Gephardt	Largent
Cook	Gibbons	Latham
Cooksey	Gillmor	LaTourette
Costello	Gilman	Lazio
Cox	Goode	Leach
Coyne	Gordon	Levin
Cramer	Goss	Lewis (CA)
Crane	Graham	Lewis (GA)
Crapo	Greenwood	Linder

Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—46

Aderholt
Baesler
Baker
Ballenger
Barr
Barton
Berry
Blunt
Brady
Bryant
Bunning
Campbell
Canady
Collins
Combest
Deal
Emerson
Fawell
Gallegly
Gilchrest
Goodlatte
Goodling
Granger
Green
Hall (TX)
Hastings (WA)
Hutchinson
Hyde
Istook
Johnson, Sam
Kim
Lewis (KY)
McCollum
Pease
Rogers
Roukema
Sanford
Shadegg
Smith (TX)
Snowbarger
Solomon
Stearns
Stump
Taylor (MS)
Watts (OK)
White

NOT VOTING—25

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDade
McDermott
Millender-McDonald
Payne
Rangel
Rothman
Royce
Saxton
Schiff
Schumer
Towns
Waters
Yates

□ 1701

Messrs. LEWIS of Kentucky, ADERHOLT, BAESLER, MCCOLLUM, BARR of Georgia and GILCHREST changed their vote from ''aye'' to ''no.''

Messrs. NEUMANN, ROHRABACHER and ENGLISH of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). Are there further amendments?

There being no further amendments, under the rule the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. SNOWBARGER, 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. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, pursuant to House Resolution 391, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

(Mr. GINGRICH asked and was given permission to speak out of order.)

ANNOUNCEMENT OF PASSING OF CONGRESSMAN STEVE SCHIFF

Mr. GINGRICH. Mr. Speaker, I have the sad duty to inform the House that earlier today, STEVE SCHIFF, our colleague, died in Albuquerque. All of my colleagues know he fought a very, very long and very courageous struggle against cancer.

I had an opportunity to talk just a few minutes ago with his wife, and the family is bearing up very, very well. His staff has been wonderful in a very difficult situation for over a year, and has done really courageous work in representing STEVE and representing the district.

Mr. Speaker, I would like to ask the House to join me in a moment of silent prayer for STEVE and his family, and then afterwards I will comment further.

Amen.

Let me just say, that Mrs. Schiff indicated they will decide later on this evening whether the funeral will be on Friday or on Monday. Obviously, the House will suspend for the purposes of the funeral, and we will invite Members who care to go, to go and join the family at that time.

It is a very sad time for all of us, and I think that those of us who knew STEVE well knew the integrity, the decency, the love for this country that he brought to the job of Representative, the degree to which he gave all of us honor in the way in which he served. And I know that all of my colleagues will want to reach out in their own way to the Schiff family and to the people of New Mexico and, in particular, as I said a minute ago, to the very fine staff who has just truly done heroic work over the last year under the most difficult possible circumstances.

I know that my colleagues will want to join in prayers for Mrs. Schiff and for the immediate family. We will report more as we learn more.

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

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I know on this side of the aisle, we join all of our colleagues on that side of the aisle. All of us, in losing a colleague, share the sadness and share the concern for our colleague's family.

Mr. Speaker, another one of our colleagues is grieving this day as well, as many probably know. The family of the gentleman from Maryland (Mr. CARDIN) lost their son, 30 years of age, last night and buried him this afternoon. So as we pray for our colleague and for the Schiff family, if we could remember the Cardin family as well, I know they would appreciate it. I thank the gentleman from Georgia (Mr. GINGRICH) for yielding.

Mr. GINGRICH. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland (Mr. HOYER) for briefing us and I thank the House for its attention.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would announce that following final passage of this bill, a resolution will be offered by the gentleman from New Mexico (Mr. SKEEN).

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 the third time, and was read the third time.

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

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 0, not voting 23, as follows:

[Roll No. 71]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps

Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald
Payne
Rangel
Rothman
Royce
Saxton
Schumer
Towns
Waters
Yates

□ 1726

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2578, the legislation just considered and passed.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 1178 is as follows:

S. 1178

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 ''Visa Waiver Pilot Program Reauthorization Act of 1997''.

SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.

(a) DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended to read as follows:

''(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

''(1) IN GENERAL.—The Secretary of State, in consultation with the Attorney General, may designate any country as a pilot program country if it meets the requirements of paragraph (2). In order to remain a pilot program country in any subsequent fiscal year, a country shall be redesignated as a pilot program country by the Attorney General in accordance with the requirements of paragraph (3).

''(2) QUALIFICATIONS.—The Secretary of State may not designate a country as a pilot program country unless the following requirements are met:

''(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

''(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

''(C) MACHINE-READABLE PASSPORT PROGRAM.—The government of the country certifies to the Secretary of State's and the Attorney General's satisfaction that it issues machine-readable and highly fraud-resistant passports to its citizens.

''(D) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States' law enforcement interests would not be compromised by the designation of the country.

''(E) ILLEGAL OVERSTAY AND DISQUALIFICATION.—For any country with an average nonimmigrant visa refusal rate during the previous two fiscal years of greater than 2 and less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and for any country with an average number of refusals during either such year of greater than 2.5 and less than 3.5 percent, the Attorney General shall certify to the Committees on the Judiciary of the Senate and the House of Representatives that the sum of—

''(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission at a port of entry during such previous fiscal year as a nonimmigrant visitor, and

''(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

''(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—The Attorney General, in consultation with the Secretary of State, shall assess the continuing and subsequent qualification of countries designated as pilot program countries and shall redesignate countries as pilot program countries only if the requirements specified in this subsection are met. For each fiscal year (within the pilot program period) after the initial period the following requirements shall apply:

''(A) COUNTRIES PREVIOUSLY DESIGNATED.—(i) Except as provided in subsection (g) of this section, in the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the sum of—

''(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

''(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

''(ii) In the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the Attorney General has made a precise numerical estimate of the figures under clauses (i)(I) and (i)(II) and reports those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year. As of September 30, 1999, any such estimates shall be based on data collected from the automated entry-exit control system mandated by section 110 of Public Law 104–708.

''(iii) In the case of a country which was a pilot program country in the previous fiscal year and which was first admitted to the visa waiver pilot program prior to September 30, 1997, the Attorney General may not redesignate such country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

''(B) NEW COUNTRIES.—In the case of a country to which the clauses of subparagraph (A) do not apply, such country may not be designated as a pilot program country unless the following requirements are met:

''(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

''(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

''(iii) COMMENCEMENT OF AUTHORIZED PERIOD FOR QUALIFYING COUNTRIES.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

''(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES.—For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under subparagraph (A)(i) (I) and (II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

''(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(1) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period.''.

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

(c) DEVELOPMENT OF AUTOMATED ENTRY CONTROL SYSTEM.—(1) As of the date of enactment of this Act, no country may be newly designated as a pilot program country until the end of the 30-day period beginning on the date that the Attorney General submits to the Committees on the Judiciary of the House of Representatives and the Senate a certification that the automated entry-exit control system described in paragraph (2) is operational.

(2) The automated entry-exit control system is the system mandated by section 110 of Public Law 104–208 as applied at all ports of entry excluding the land borders.

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of the Senate bill, S. 1178, and insert in lieu thereof the text of the bill, H.R. 2578, as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: ''A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2578) was laid on the table.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Wednesday, March 25, 1998, to file a report to accompany the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 27, 1998, TO FILE SUPPLEMENTAL REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure may file a supplemental report to the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes, at any time before midnight, March 27, 1998.

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

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE STEVEN SCHIFF, REPRESENTATIVE FROM THE STATE OF NEW MEXICO

Mr. SKEEN. Mr. Speaker, I offer a privileged resolution (H. Res. 395) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) is recognized for 1 hour.

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

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

Mr. SKEEN. Mr. Speaker, our great state of New Mexico is mourning the death of the gentleman from New Mexico (Mr. SCHIFF), one of our most distinguished colleagues of this honorable body we proudly call the United States House of Representatives.

STEVE has been suffering from cancer for nearly a year, and unfortunately this morning his fight came to a tragic end. Since STEVE became ill, we all prayed every day for his recovery. We prayed that he would win this tough battle so that he could once again join us in Washington and continue to do the work that he enjoyed and loved. STEVE was dedicated to his constituents and worked hard to represent their interests in Congress. Even in the face of this tragic situation, STEVE continued to put the needs and interests of his constituents and all New Mexicans at the forefront almost until the very end of his life. Even though his illness forced him to remain in Albuquerque, he continued to spend several hours a day in his district office and working at his home for the people of his district.

STEVE SCHIFF, who is survived by his wife Marcia and two children, Jaimi and Daniel, will be remembered with great fondness by the many people whose lives he touched as husband, as father, as friend and neighbor, as U.S. Air Force officer, and a distinguished public servant. STEVE was widely respected by everyone, including his political adversaries. This public admiration was due in large part to his reputation for being a man of integrity, his evenhanded approach as a public official, and for always standing by his word. All of us regret his untimely passing and the terrible emptiness his death leaves in our lives.

Thank you, STEVE SCHIFF, for caring so much, for trying so hard, and for doing so much for your district, your State and your country. I know that you will arise to the occasion for the two bell votes in heaven. God bless you.

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, it is with deep sadness we mourn the loss of our fellow New Mexican, Congressman STEVE SCHIFF. STEVE was highly respected in the House of Representatives on both sides of the aisle. STEVE was known for his keen mind, his absolute sense of fairness, and above all his integrity. As a friend and mentor, I share in the loss with his family. New Mexico and America have lost a patriotic son and a humble servant in STEVE SCHIFF. STEVE will be greatly missed.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for taking this moment to commemorate the loss of our mutual friend, STEVE SCHIFF. I knew STEVE years ago before he was involved in Republican politics. Actually he was a lawyer for the Democratic Party in the State capital of Illinois, Springfield, when I first encountered him. I took an immediate liking to him because he was very smart, he was very serious about government and was a very honorable young man. You can imagine my delight when I learned a few years later that he had become a Republican and was elected the State's attorney in his community in New Mexico and then ran for Congress and got elected. Again it was my good fortune to serve with him on the Committee on the Judiciary.

STEVE, as I say, was bright, he was serious. He brought to government a desire to make things better. He loved the law, yet he had a compassion, a sensitivity and understanding about people and their problems. He was always someone you could count on for a very thoughtful appraisal and analysis of difficult situations.

As the gentleman from New Mexico (Mr. REDMOND) just said, he will be sorely missed. I think it is St. John who said when you love somebody, they are no longer where they were, they are always where you are. It will be impossible to turn around and look at the seats and the spaces that are left for the members on the Committee on the Judiciary without imagining STEVE there and without missing him terribly, his wise counsel and his support.

A death is always beyond expression in terms of adequate language. Martin Luther King had a wonderful saying, the inaudible language of the heart. And so it is with the inaudible language of the heart that I extend to his family, whose loss is tremendous, because he was such a tremendous person and so his being taken from them is a tremendous loss. I extend to them my deepest sympathy. Life is a mystery and death is a mystery. The way he met a not terribly pleasant illness at the end was typically STEVE SCHIFF, brave, courageous, uncomplaining, hopeful. We remember you, STEVE. You have made us better people for having known you.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for setting aside time tonight to talk about our friend, our dear friend. When I think of STEVE, I think of his sense of humor. Perhaps not many people have mentioned that. He used to be in the cloakroom, he would have his time back there, he would have a small sandwich, he would have something to drink, we would talk and sit side by side. He and I came in together in 1988. We were elected in the 101st Congress. Our class is pretty small. We came in with George Bush when he was President. I think George Bush helped a number of us get in, but we had a very small class, so we would meet. There were about 16 of us. I think from the moment we all came together and we were with STEVE, we realized that there was something about him, something righteous. It was the way he either carried himself, the way he spoke, the way he looked, the countenance on his face. It was one of a righteous soul, somebody that you could trust, somebody that you could go into business with, somebody who would be your lawyer and as I understand he was a district attorney. You just sort of would gravitate toward STEVE and would listen to what he had to say and with that sort of twinkle in his eye, I remember that twinkle in his eye he had when he would look at you, you just know what he was saying was almost the gospel.

I extend my deepest sympathy and compassion for his family. I think that we are all going to miss him very much. Sometimes we kid each other, because I would vote and he would vote and we would compare each other and he would say, ''Well, there you go, CLIFF, you're voting with the right wing,'' and I would say ''There you go, STEVE, you're voting with the moderates.'' He said, ''No, it's not moderate, CLIFF. I'm voting as an enlightened Member of Congress.'' We had our side jokes.

I think tonight it is obviously a great deal of sadness we have that he is not with us. His tragic death is remembered tonight. I think he will be remembered for many, many years. I come to the House floor tonight to pay my respects and again offer my condolences to his family.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentlemen from New Mexico for yielding me this time.

Mr. Speaker, we certainly will miss one of the finest gentleman I think I have ever had the privilege of knowing in this body and anywhere else in America. I certainly have known a cross-section of people. The thing I guess that always struck me the most about STEVE SCHIFF is his inquisitiveness and his wanting to know what was going on and how sincere he was about it.

I have an office right up over the gallery here. I do not know how many times in the last several years that Steve would call and ask if he could have a few minutes just to come in and talk things over, not a particular subject, but he wanted to know what was going on and he wanted to know both sides of the issue. That is a remarkable

man, to be as fair as he was. I do not think that there was a partisan bone in his body. He was here to serve his State, his congressional district, and more than anything else to serve his country, which he did so admirably.

I thank the gentleman for offering this resolution. Again we are so sad to see him be taken away.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding me this time. I, too, Mr. Speaker, come to the well today with a heavy heart, remembering a wonderful life of our colleague and friend, Mr. STEVE SCHIFF from New Mexico. He was my subcommittee chairman in the 104th Congress in the Committee on Science. He was always thoughtful, always pleasant, one of the most intelligent Members of this body that I have come across. Soft-spoken, very effective, always going the extra mile.

I remember he came to Oak Ridge, Tennessee at my request to chair a field hearing of the Committee on Science. I just want to say that part of that arrangement was that I would at some point travel to New Mexico and participate in a field hearing there for him. Unfortunately, I will not have that opportunity. But as he breathed his last breath this day, our thoughts and prayers go out to his family and all those that crossed the path of STEVE SCHIFF. We were blessed with his relationship and his life. I just pray that the peace of God, the peace which passeth all understanding, will be with his family in the hours ahead as the United States House of Representatives mourns the loss of STEVE SCHIFF with his family in New Mexico.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I also rise with a heavy heart to pay tribute to a close friend, a good colleague, and a wonderful Congressman. During my maiden voyage in Congress after election in a special election, and you may recall that in a special election we jump right into the work, one of the subcommittees I was assigned was the one chaired by Mr. SCHIFF. He was an outstanding chairman and a very kind friend that was willing to show a freshman the ropes and was extremely helpful. But what struck me most throughout my brief acquaintance with him in the House was that he was absolutely totally honest. He was diligent, a straight arrow, a very fine person and a good example for all of us. It was a delight and a pleasure to work with him.

I, along with the gentleman from Tennessee (Mr. WAMP) and all my other colleagues, offer our prayers for him and his family. I think especially of his wife Marcia. We pray that she may enjoy the comfort of God during these difficult times and that his family will feel his presence as well. We certainly offer them our best. We pay tribute to STEVE for serving his country well in so many ways, but particularly in this Congress.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for offering this resolution in honor of a very special Member of Congress. I am pleased and saddened to join my colleagues in honoring the memory of STEVE SCHIFF. In this Congress, we have the protocol of referring to each other as the gentleman or the gentlewoman, the gentlewoman from our State, but STEVE SCHIFF was indeed a gentleman from New Mexico.

□ 1745

He was a quiet man, so unless my colleagues worked closely with him sometimes, they would not know the full force of his contribution to this body, and it was very, very significant.

People have said, I think almost every spokesperson has spoken about his honesty. He was a man of great integrity. I served with for many years, more years than I think we both would like to have served, on the Committee on Standards of Official Conduct with Mr. SCHIFF, and every single day there we learned from him.

As was mentioned, he was a prosecutor. He knew the law; we learned from him every day. And he was a person of very, very, very high standards. He served here with great dignity. With great dignity.

I think of many words to describe him: Integrity would be one; dignity another; intellect, a great intellect; and he was very, very proud of the district that he represented.

We used to vie to see who had the better district. I, of course, think San Francisco is the best district to represent, but he was certain it was Albuquerque. We both agreed that New Mexico deserved the name ''Land of Enchantment,'' it being a very special place. But he was very, very proud of his very special constituency in Albuquerque, and he served his constituents well.

His commitment to public service, his dedication to high ethical standards, and his great intellect were a resource not only to his constituents but to every Member who served with him on any committee.

One of the tragedies of today is that I know one person, BEN CARDIN, my colleague who also served with us, when we served together on a day-to-day very close basis on our subcommittee, and BEN and STEVE spoke the same language; they were both attorneys, the two others of us were not. So they had their own sympatico, and I know that BEN would love to be here to be a comfort to STEVE's family, and I know he will be in the future. But I think of all these people here, these two people would be a comfort to each other.

I am pleased to join my colleagues in extending my deepest sympathy to Marcia, to the Schiff family, and to say that we all will miss him very much for a long time to come, and though he is no longer physically with us here, his contribution has made an impact on us for as long as we serve in the Congress, and longer.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we have lost one of our beloved colleagues and one of my dear friends, STEVE SCHIFF, the gentleman from New Mexico.

I had the great honor of serving with STEVE when I first entered this body as a new Member of the House of Representatives on the Committee on Government Operations. STEVE grew to be, as I said, not only my colleague but my friend.

There are some things that you distinguish about individuals, and others have said it here today, but truly, in the very truest sense of the word, STEVE SCHIFF was a gentle man.

As my colleagues know, he was also a wise man, a wise man because I know so many, including myself, sought his counsel and we depended on him, his judgment, his wisdom and his great intelligence.

STEVE SCHIFF was also a tough man. If my colleagues knew STEVE, he was a tough individual with a tough prosecutorial background.

But most of all, he was a fair man, and that is something we all remember about STEVE.

Most of all we must remember, and I remember STEVE as a family man, and how his family must mourn him today and how we will all miss him because of his dedication to not only his congressional family, but his own family who has suffered such a great loss.

This afternoon and in the coming days, my prayers go out to STEVE's wife and his family and his many friends in his district, for we indeed have lost a great friend and a gentleman. The House of Representatives has lost indeed a great Member.

Mr. Speaker, we will all miss him, and I miss him as a friend.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, it is with great sadness that I rise to join my colleagues because of the loss of a great friend, STEVE SCHIFF. His life, however, is one to celebrate because he did so much good. He did good not only as a great Congressman, but he was a great prosecutor. Those men and women in law enforcement in New Mexico and across the country realize well that he was a great district attorney, United States Attorney; he was fair, honest, a crime fighter to be sure, but someone who would make sure that it was done in the right way. And because of his outstanding efforts, we have seen reductions of crimes in the areas where he worked, and we have seen other district attorneys and other prosecutors want to be in the field because of STEVE SCHIFF's outstanding efforts and outstanding accomplishments.

And he was a great Congressman. As a member of the Committee on the Judiciary, he helped write laws to improve our court system, helped write laws to protect the rights of individuals. As a member of the Committee on Government Reform and Oversight, where he was a leader, he led special investigations in the United States Government to make sure we root out fraud, waste, and abuse, and he did so in a very thorough and effective style.

His leadership was also shown as a great humanitarian. For those of us who had the privilege and honor to serve with him, we saw him as a role model, as someone who lived his life in an exemplary way, someone who is a great father, a great husband, great family man, and someone who wanted to give back to his district 1,000 percent. Everything he thought about was how can he help his constituents and how can he make this country better and stronger, safer and more fair.

And he was a great speaker. When he used to speak on the House floor right here or in committee, people listened because he always had something to say that hadn't been said before, or had not been said in a way that only STEVE could explain it. He knew how to marshal the facts, to research the law, and then to apply the appropriate persuasion to win his point, and he did that repeatedly, and that is why his legislation was passed, his amendments were passed, and the country is better, safer, and stronger because STEVE SCHIFF has been a Member of this House and made a difference for his home State of New Mexico as well as the country at large.

So I join my colleagues and all the residents of his wonderful State and across the Nation in saluting a great man who made a difference not only with his family and his friends and his community but to his country. He was a great patriot, and we will forever remember, as we have difficulty looking at this in the future, we would say to ourselves, what would Congressman SCHIFF do, and I am sure the answer will come to us swiftly.

We love you, STEVE. God bless you and your family.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank my colleague from New Mexico for yielding this time to me, and I echo what the gentleman from Pennsylvania (Mr. FOX) just said. He said, ''We love you, STEVE.'' STEVE is not with us here, but he really is still here with us.

STEVE is a classmate of mine. We got elected as freshmen together, and tomorrow night over at my house we are having a get-together, the class of 1988. We have been planning this for a long time. We have not had enough get-togethers of our class, and so even though STEVE has been seriously under the weather, we were hoping at least a few months back that he would be able to be there with us tomorrow night.

His office is right next door to mine, and we got together as freshmen routinely for many years, had an office together, and his seat is right next to me on the Committee on Government Reform and Oversight. When I go to the Committee on Government Reform and Oversight meetings now, I sit next to his empty chair, and the sign is still there for his name; we do not take it away. I just sit next to his empty chair and go back to my office and pass the open door to his office where his staff have been coming to work every day.

STEVE is not gone, really. I mean, STEVE is still here. He is only 5 years older than I am. This is not an old man who is passing on at the end of a long life. This is the same as somebody getting run over by a car or bus right in the middle of a very healthy and active life.

We know that he was a lawyer and prosecutor. And some people have in fact said, how does a Jewish lawyer from New Mexico end up representing Anglo Protestants and Hispanic Catholics? And people who ask that question are not from America, because that is the way America works. And, of course, STEVE was the perfect representative for New Mexico, and STEVE will always be the perfect model for a Representative back here.

But sometimes we forget that STEVE was a lot more than just a very able prosecutor and a very able lawyer on the Committee on the Judiciary, or a very able government reformer looking after ways to streamline the Federal Government and make it work better on the Committee on Government Reform and Oversight.

At the time of the Gulf War, when we had one of our best debates ever on the floor of the House, STEVE not only supported the decision that President Bush took to use force in the Gulf, but then as a colonel in the Air Force Reserves, he went there. He was in Turkey, he was in northern Iraq. He opposed President Clinton's sort of cockeyed Dayton plan for Bosnia, but once that decision was taken to send troops to Bosnia, he went to the mission op center at Aviano Air Force base in Italy and volunteered. That is what STEVE SCHIFF did.

He was a great defender of our national labs on the Committee on Science, and of course while we are always as Republicans looking for ways to save money and cut spending and so on, he was dedicated to making sure that that part of government which worked got more attention, and he firmly believed that that was true about our national labs.

He was tough on crime. We all know that he personally, single handedly, virtually pushed through Congress successfully the Sexual Crimes Against Children Act, and basically that was because he was a very tough and strong prosecutor. But he was also responsible for our 1996 crackdown on health care fraud.

Tomorrow night when my class of 1988 gets together, in the same way that I walk by that open door when I go back to my office and I sit next to that empty seat in the Committee on Government Reform and Oversight, we will have a seat at the table for STEVE, and he will be there with us.

Mr. SKEEN. Mr. Speaker, I have no other speakers on tap, and I would like to say good-bye, STEVE we will miss you.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to express my condolences to the family and friends of Congressman STEVE SCHIFF. We are all saddened by the loss of STEVE, and his presence and his efforts in this Chamber and on the Judiciary Committee will be missed.

I was fortunate to get to work with STEVE, because he and I shared an interest in law enforcement technology. STEVE saw that as criminals became more sophisticated, we in Congress had an obligation to provide our law enforcement officers with the best and most cutting edge equipment to combat crime. He worked tirelessly with the National Institute of Justice and Sandia Laboratories in New Mexico to support the research, development, and testing of critical and innovative technology, such as personalized guns. I recall participating in a press conference with STEVE and Pat Schroeder to report on progress toward developing these firearms, which can only be fired by their owners, and to unveil the first working prototype of such a gun. I recall how pleased STEVE was to know that this technology was moving forward, and that someday, police officers would not have to fear having their own weapons turned against them.

Despite STEVE's illness, he continued to support efforts to improve technology and to ensure that the important research being done by the National Institute of Justice in the area of law enforcement technology remains to be a priority. My office has worked with STEVE's and his staff on these issues, and I will continue to work here in Congress to see that these efforts continue.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL FOR FISCAL YEAR 1998

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

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet on Monday, March 30, to grant a rule which may limit the amendment process for the emergency supplemental appropriation bills for fiscal year 1998. Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, March 30, to the Committee on Rules, in Room H–312 of the Capitol.

Amendments should be drafted to the text of the committee print ordered reported by the Committee on Appropriations on Tuesday March 24. Copies of this committee print of the bill are available in Room H–218 of the Capitol right now.

The Committee on Rules strongly suggests that Members wishing to offer, and Members ought to listen carefully to this, Members wishing to offer amendments which would add spending to the bill, provide offsets for this additional spending in their amendment. And I would suggest that they adopt the amendments that would offset further spending in the Defense Department. I for one, as chairman of the committee, would not look kindly on those amendments.

Members should also use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1800

TRIBUTE TO THE HONORABLE STEVEN SCHIFF OF NEW MEXICO

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

Mr. WALSH. Mr. Speaker, I was a little bit late for the resolution regarding my classmate, colleague and very good friend, STEVE SCHIFF, and I wanted to have my remarks included with the other Members who spoke in that resolution.

STEVE was a remarkable man, someone who I got to know when I came to Washington. I served with him for 9 years, admired him, admired his honesty and his judgment, his dedication.

He is one of those many Members who comes here and who does not come here for the glory. He comes here for the service to the country, and he provided it in an exemplary way.

As I was coming into the Capitol and I looked up and I saw the flag at half-staff, and I thought what a tribute that is to him, how proud he would have been, how proud his family must be of him, how proud his State is of the service that he provided, how proud his friends must be of the service that he provided.

TRIBUTE TO THE HONORABLE STEVEN SCHIFF OF NEW MEXICO

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

Ms. LOFGREN. Mr. Speaker, I also would like to note with great sadness the passing of our colleague, STEVE SCHIFF. I was part of the 1994 Democratic freshman class from west of the Rockies. When I arrived here in Washington, I found what I guess can best be described as a tumultuous time. But Steve was there. He was like a beacon of light, someone who was willing to stretch his hand out across the aisle, someone who was always interested in moving for the good of the country, and not anyone who would let the tumultuousness of the time get to him.

I served with him on the Committee on the Judiciary and the Committee on Science. We also served together on the Subcommittee on Basic Research as well as the Subcommittee on Crime.

Steve was someone who had tremendous passion for science and what science could do for this country and for humankind.

As chairman of the Subcommittee on Basic Research, which I think he got to chair because of his district, his efforts went far beyond his district. They went into the future of humankind. He did a tremendous amount of good work for this Nation.

The country will miss him, and I will miss him personally. My prayers are with his wonderful family at this time of enormous loss for them, his district, and America.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). 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 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.)

TRIBUTE TO WHITNEY M. YOUNG HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few years ago, then Secretary of Education William Bennett made the statement that the Chicago public schools were among the worst in the Nation. I am pleased to note today, Mr. Speaker, that the Chicago public schools are making significant progress, and they are making progress towards the level of excellence of which we can, indeed, be proud.

I picked up the Chicago Sun Times this past Tuesday, and on page three of the headlines read: ''Whitney Young students Savor Triple Title Weekend.''

Please note that Whitney M. Young is a public high school in the City of Chicago in the Seventh Congressional District. Therefore, I commend and congratulate Gary Chico, Chairman, and the Chicago Board of Education, Superintendent Paul Vallas and his staff, the chairperson and members of the local school advisory council, Ms. Joyce Keller, principal, and her staff, and all of the outstanding students and their families.

Whitney M. Young High School was the first school to win the State of Illinois' academic decathlon, the State Class AA basketball championship, and the State sportsmanship award on the same day in the same year, Saturday, March 21, 1998.

Whitney M. Young is no stranger to winning the State academic decathlon. As a matter of fact, they have won it 13 years in a row. They have become the Michael Jordans, the Mozarts, the Marian Andersons, the John Hope Franklins, and the Bill Gates of education.

Whitney M. Young continues to produce a dynasty of superstars who excel year after year. Last November, Whitney Young played host to U.S. Services Academy Day for us at their school. There were 125 students in attendance from all over the Seventh district, Chicago and suburbs, asking questions about West Point, the Air Force Academy, Annapolis, all of the service academies.

I was, indeed, delighted to see so many students and their guidance counselors take hard looks at the superb educational opportunities offered by these outstanding institutions.

It is no surprise to me that public education can and does work. When people are committed and the resources are made available, Mr. Speaker, the sky is the limit. Ms. Joyce Kenner, principal of Whitney Young High School, understands this concept and practices it by allocating resources where they are needed the most and places people where they can do the most good. As a result of this, Whitney M. Young continues to excel.

We in the United States Congress must adopt these same principles and commitment to saving our public schools throughout America. We must commit to providing 100,000 new teachers, commit to rehabbing aging school buildings, commit to fostering learning in our classrooms. With our support, every public school in America is a potential Whitney M. Young High School.

Therefore, I again congratulate each of the outstanding Young men and women, their coaches and teachers, and again especially their principal, Ms. Joyce Kenner.

Public education can and does work when we provide adequate resources, have concerned parents interacting with well-prepared and committed professional teachers and staff, students who are seeking knowledge and opportunity. Mix it all together, and we get a Whitney M. Young High School, academic champions, athletic champions, and good sports, gentlemen and women. The pride of our State, we salute you Whitney M. Young High School.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Redmond) is recognized for 5 minutes.

(Mr. REDMOND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EAST ASIA ECONOMIC INSTABILITY AFFECTS U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I want to talk this evening for just a few minutes about the meeting of the Federal Reserve Federal Open Market Committee which will take place on Tuesday of next week, the 31st of March.

This is a very important meeting, as all of these meetings are, because the Federal Open Market Committee will in effect be setting short-term interest rates for the months ahead. Setting short-term interest rates is important because it governs so much of the lending that goes on, particularly the consumer lending that goes on in our country.

It is consumer lending and borrowing that affects so much of our economic circumstances, including the level of growth. So the interest rates which will be determined at this meeting of the Federal Open Market Committee on Tuesday are critically important.

The Fed has been saying, in effect, that they have been holding interest rates steady. That is essentially true. They have been holding them steady at about 5½ percent. When you factor in the very important fact that the consumer prices, in other words, the cost of living, has been going down, then you see that real interest rates have, in fact, been going up over the course of the last many months.

This chart here, I think, demonstrates that quite clearly. Beginning in 1997, the interest rates have gone up quite dramatically. And the indications are that, absent any change in Federal Reserve policy, real interest rates, that is interest rates as a function of inflation, as a function of the cost of living in our society will continue to go up as this chart here clearly demonstrates.

If interest rates go up, that means that the cost of many things will go up as people have to borrow to buy those things in our society. The Fed is excusing this raising of real interest rates by saying that there are indications of inflation in our economy.

□ 1815

But when we look closely at it, we discover that that is not the case at all.

Just today, an announcement came out of the Department of Commerce indicating that durable goods orders were down again, orders for durable goods, which are used in every aspect of manufacturing in our country have gone down, indicating that manufacturing is going to go down in the future because those durable goods orders are going down.

Consumer prices at both the retail and at the wholesale level continue to decline. There is absolutely no indication of any inflation anywhere in our economy, yet the Federal Reserve continues to allow interest rates to creep up. That is real interest rates, interest rates as a function of inflation.

Now, under ordinary circumstances, this would be troubling, and we would be upset with the Federal Reserve for allowing the cost of borrowing to continue to creep up this way. But we are now involved in a circumstance that is not normal at all; it is very unusual. That circumstance is the financial crisis that is sweeping across all the countries, virtually all of the countries, at least, of East Asia and the very complicated financial problems that exist in those countries, which are causing actual disinflation in East Asia, and even deflation in some places that is going to flood the marketplace of every other economy in the world, as much as possible, with these cheap goods. Therefore, that is going to cause additional economic problems here.

Indications are that the flooding of these cheap goods into our economy is going to cost us as much as 1 or 2 points in our economic growth and the cost could be even higher. We could experience economic growth of only 1 percent or even negative economic growth sometime later this year if the Federal Reserve does not act soon to reduce interest rates and prepare us for the onslaught of the consequences of what is taking place in East Asia.

Some other countries are preparing themselves for the consequences of these activities. For example, some of the OPEC countries recently realizing that the deflation going on in East Asia that is causing oil prices to drop have come together and they are reducing the amount of oil that they are producing, and that is going to raise oil prices a bit, but what they are doing is preparing their economies for the onslaught of this disinflation and even deflation that is coming across from East Asia.

Mr. Speaker, we need to do the same. The most important way that we can prepare ourselves for the effects of this disinflation and deflation is to lower interest rates, lower short-term interest rates at the next meeting of the Federal Reserve Federal Open Market Committee.

I am circulating a letter this week to all of the Members of the House of Representatives asking them to join me in a letter to the Federal Reserve, asking them to take into consideration the fact that durable goods orders are down again, to take into consideration the fact that consumer prices and wholesale prices continue to fall, and to take into consideration the fact that we are about to be hit by the disinflation sweeping across East Asia, and that is going to have a damning effect on our economy, and we need to act, and act soon.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

(Mr. EWING. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

H.R. 23, THE STOP SWEATSHOPS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, I rise today to bring to the attention of my colleagues a tragic event of yesterday and raise a call to action on a serious problem of today.

Today marks the 87th anniversary of what was, by many accounts, the worst factory fire in the history of our Nation, a fire that by the time it was finally quenched, had taken the lives of 146 women, many of whom would better be described as young ladies, girls as young as 13 years of age. The fact that 146 innocent lives were lost make the events of March 25, 1911, horrible, but it is the reason why these lives were lost that makes it a very tragic, a serious tragedy and a crime.

The fire occurred in the factory at the Triangle Shirtwaist Company, a woman's clothing manufacturer. The factory was little more than 500 women crammed together at sewing machines in a small building which now houses part of New York University, forced to stay at the machines for long hours at little pay. The tragedy was fostered by the fact that the room was packed well beyond its capacity and the doors were locked by the owners to keep the women at their machines.

Mr. Speaker, this is history being repeated today, a setting which led to the loss of 146 lives in 15 minutes. As great a tragedy as the Triangle Shirtwaist Factory fire was, the bigger tragedy is that the very conditions that led to it 87 years ago still exist. Despite what many think, sweatshops are not a thing of the past nor are they the domain of Third World nations. They exist right here in this greatest of all democracies.

Mr. Speaker, a 1994 General Accounting Office study estimated that New York City's famed garment industry may be populated by as many as 2,000 sweatshops. In Los Angeles and Miami, 90 percent, 80 percent of all garment shops are sweatshops; the Department of Labor officials have determined that in my own State of New Jersey, in the northern part of the State, 300 sweatshops, a figure that is actually on the rise as more and more sweatshops are migrating across the river from New York to New Jersey to take advantage of less expensive rents.

The continued proliferation of sweatshops is one of the greatest threats to the continued vitality of our economy and the rights of hard-working Americans. The honorable businesses that observe the Fair Labor Standards Act

and the other laws of this Nation that govern the workplace are put at serious competitive disadvantage when they are forced to compete with sweatshops that ignore all the laws, and then we have stars go on television and smile and say of their sponsored products, they know nothing about it.

How can we reasonably expect a company that pays its workers a livable wage and provides a safe workplace to compete with sweatshops? Such a notion is absurd. If we continue to allow these sweatshops to operate, who are the real losers? Our workers, the millions of hard-working Americans who will see their wages artificially repressed and their jobs lost as legitimate businesses are forced out of business by sweatshops.

Mr. Speaker, what does it say about us as a society if we are willing to allow sweatshops that treat humans worse than we would treat animals to continue to operate; sweatshops where children and women are forced to work 14 hours a day, overcrowded rooms at a fraction of the minimum wage? Mr. Speaker, if we are going to save jobs, especially those in the manufacturing industry, and ensure our workers appropriate conditions and pay, we must crack down on these illegal sweatshops.

I have joined with several of my colleagues to send a strong message by cosponsoring H.R. 23, the Stop Sweatshops Act. This important measure would hold any manufacturer legally responsible if it or one of its contractors operates a sweatshop.

Simply increasing the penalties is not enough. It is time for the Department of Labor to get off their fannies, to begin addressing the problem with the seriousness that this warrants. It is time for the Department to make exposing and putting sweatshops out of business a real priority.

Mr. Speaker, 87 years ago 146 young women died in what amounts to a senseless tragedy motivated by greed. We owe it to their memory to rid our Nation of sweatshops and those who endorse them, and fight against those who smile and say they know nothing about it when they endorse those products.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 5 minutes.

(Mrs. CUBIN addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

TRIBUTE TO FORMER CONGRESSMAN JIM HOWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 10 years ago today, March 25, 1988, Congressman Jim Howard passed away. It was a very sad day for us, for his friends and colleagues, his family, and for the country, because he had given so much and was at the height of his career as chairman of the House Public Works and Transportation Committee.

Mr. Speaker, I wanted to say these words tonight because I wanted to make sure that Jim and his tremendous legislative accomplishments are not forgotten. As his successor, representing most of his old district, I can point to many reminders back home of Jimmy's 24 years in Congress. There is the massive Jersey Shore beach restoration project, the rebuilding of Barnegat Inlet, the electrification of North Jersey Coast Rail Line, and Ocean County Community College.

There is the veterans outpatient clinic in Brick Township, the National Marine Fisheries Lab at Sandy Hook, the Computer Sciences Hall at Monmouth University, and Interstate 195 in Central Jersey, all of which carry his name as a reminder of his outstanding service to his district and to his State.

His contributions nationally were broad and lasting. As Chairman of the Surface Transportation Subcommittee from 1975 to 1981, he developed the ''Howard Plan'' which, for the first time, combined mass transit and highway legislation into one bill. It was an effort to give mass transit equal billing with highways and to better coordinate national transportation policy.

As chairman of the Committee on Public Works from 1981 to 1988, he championed, with the bipartisan help of the committee's current chairman and ranking member, the critical needs of the Nation's crumbling infrastructure. He undertook a bruising, but successful battle to raise the Federal gas tax to pay for the roads and the bridges that were deteriorating at an alarming rate.

He also championed highway safety, the 55-mile-per-hour speed limit, as well as anti-drunk driving and 21-year-old minimum drinking age laws that have saved many lives throughout the country. Perhaps most critical for his Jersey Shore district, he was an environmentalist who passed a tough clean water bill over a presidential veto. He set the timetable to end ocean dumping, developed a plan to end plastic floatables pollution and helped pass a comprehensive Superfund law.

In many ways, particularly in the environmental area, I am trying to carry on with some of these initiatives, because they are ongoing in nature and require a constant vigilance; and I have great respect for Jimmy's legacy and for that of his family. His widow, Marlene, his daughters, Kathy, Lenore and Marie, who is here this evening and is also a staffer on the Committee on Resources, and four grandsons, Brian, Jamie, Anthony and Joseph.

The love and support that Jim Howard received from his family was critical to his success in Congress and also at campaign time. He often talked about his first campaign in 1964, which was run from his kitchen table, using the entire family savings of about $5,000 at the time. His wife, Marlene, was the campaign manager, and my colleagues have to understand, this was a very risky venture for a grammar school teacher running in a district that had never gone Democratic for President and has not since that day in 1964 when Lyndon Johnson was elected and so was Jim Howard. His campaign slogan in 1964 was ''He cares about people, it's that simple.'' I think that really sums up why Jim was reelected each time against odds that often were overwhelming.

Mr. Speaker, I would like to include for the record two letters which I think paint a rich picture of the human side of Jim Howard, his wonderful sense of humor and his love of life. One of the letters is from Jimmy's daughter, Marie Howard Fabrizio, and the other is from Hayley Roberts Mullan of Belmar, New Jersey, which is the town in our congressional district where Jim grew up. Hayley has many childhood memories of her Congressman, which I would like to share and I include them for the RECORD at this time.

MARCH 25, 1998.

Congressman FRANK PALLONE,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR FRANK: On behalf of my mother Marlene, my sisters Kathy and Lenore, and all the Vetrano and Howard family, thank you so much for taking the time to remember and honor my father, Jim Howard, today on the tenth anniversary of his passing. Our hearts are filled with appreciation for this kind gesture.

Dad served in the House of Representatives for 24 years and he loved this House. He was a liberal Democrat from a fairly conservative Republican district. First elected in 1964, he remained in Congress until his death on this date in 1988. I believe he was continuously reelected because he was respected by Democrats and Republicans alike for his candor, and willingness to listen to different opinions and learn from them. I can remember several occasions when he came home and told us that he was going to come out on one side or the other of an extremely contentious issue and it would probably mean he wouldn't be reelected. If we asked why he had to take such a stand the answer was always the same—because it was the right thing to do. Not to do so was a totally foreign concept to him.

In the mid 1960's when he had only been in Congress for a short time, he came out against further U.S. involvement in the Vietnam war. A position that didn't put a young Congressman in a good light with the powerful Johnson White House nor with his district which strongly supported the war effort. It seems funny to think of it now, but his position in favor of allowing 18 year olds to vote, was an incredibly divisive issue at the time it was being considered. He told me he could not rationalize how the government could draft someone into combat but deny that person a say in who made such decisions. Of course, few were thrilled when as Chairman of the House Public Works and Transportation Committee, he pushed so hard for the 55 mile an hour national speed limit. He was most proud of that legislation because it was so immediately responsible for a large decrease in highway fatalities and incidents of paralysis, epilepsy and other medical problems resulting from head trauma.

My dad used to say that next to the clergy, he believed public service was the next highest calling. He strongly believed that government was not the enemy of the people but rather an instrument to be used to make life better for those living in the shadows of life, and to foster strength within our union by embracing the diversity among all Americans.

Clearly, he passed his love of Congress on to me. After 18 years of working here I can say I've been blessed with the opportunity to work for three Members who, although diverse in personality, remind me so much of the ideals I respected most in my dad. Senator Bill Bradley for his forethought; Congressman Mo Udall for his unfailing humor and ability to bring warring sides together; and Congressman George Miller for his keen intellect and unwavering courage to take on the most unpopular of issues simply because it's ''the right thing to do.''

Everyone who knew my dad, knows that he got involved in politics because of the vision of the Kennedys. When he met Senator Jack Kennedy and listened to his vision for America—he was hooked. He remained true to that vision throughout his entire life and proudly wore his PT 109 tie pin and carried a Kennedy half dollar with him every day as reminders of where he came from. Frank, I know in your campaign office you have a rather large picture of my father with then Senator Bobby Kennedy, but I'm not sure you know the story behind the big smiles they have. The picture was taken during my dad's first reelection bid in 1966. Senator Kennedy was recording a radio spot which referred to my dad as being named the Outstanding Freshman Congressman. After the recording, Senator Kennedy said, ''Gee Jim, that's pretty nice. What group picked you?'' to which my dad quickly responded, ''My staff. The vote was 6-to-4.''

His quick wit may be what I miss most of all. He tried to instill in his daughters the importance of being able to laugh at our own human foibles. I remember my first day working as an intern in a Congressional office. I must have been 16 or 17 years old and was sent to deliver something in the Senate. I was hopelessly lost when I suddenly saw several men coming my way. Without thinking, I grabbed the arm of one of the man and asked for his help. As I looked up—into Senator Ted Kennedy's face—I was mortified. He was actually being interviewed and my intrusion caused cameras to click off and writers to stop writing. As the other men laughed, the Senator couldn't have been nicer, and told me the direction I needed to go. I felt like such a fool but when I told the story to my dad, he laughted so hard that in no time we were both roaring with laughter.

My dad always felt so lucky to be here and never forgot that under the many titles he amassed—Honorable, Congressman, Chairman—he was just a young, Irish kid with a head full of dreams given the opportunity of a lifetime to come to Washington with his Italian wife from Asbury Park to represent their beloved Jersey Shore.

It's hard to believe that ten years has passed since I heard his voice, squeezed his hand, or kissed his cheek. An entire decade has passed since I heard him sing an Irish song, tell me he loved me, or saw the twinkle in his eye that was always followed by that crooked smile which indicated he just saw something very funny in an otherwise serious situation.

How well I remember that sunny March day at St. Catherine's when you served as a pallbearer for my dad. I know he was your mentor and you worried about filling his shoes but with the work you have done here, especially with regard to the environment and shore protection, he would be proud of you.

I try to keep my dad's torch alive inside of me by remembering his teachings to me to never forget where I came from, always remember that one person can make a difference and everyone must try, and to always find the humor in life and revel in it. You also keep his torch alive by continuing to represent the interests of the Jersey Shore with respect and enthusiasm.

Again, thanks to you and your wonderful staff, Nancy Fatemi for this most gracious of tributes to my dad's memory.

Fondly,

MARIE HOWARD FABRIZIO.

DEAR CONGRESSMAN PALLONE:

There's a saying I adore, but I don't know whom to credit:

''The world is filled with music for those who would hear it.''

Jim Howard ''heard'' the music and he helped others follow the rhythm. He was a family man—a man of integrity and values. He played his politics from the heart. He worked diligently for what he believed was right—even if it meant hitting a few sour notes along the way. He could always take a deep breath and continue his melody, usually without skipping a beat.

Jim many times was the conductor of Congress—heading committees, establishing ideas to help the district and country, yet never forgetting that without the ''musicians'' his music wouldn't be heard. He knew that with the correct accompaniment the music would be beautiful and sonorous.

He also knew when it was time to slow down the beat—even during a busy campaign. He would be out on the links teeing off, or watching cartoons with a child, or getting a group of people to hold hands and sway to the music of ''Sweet Caroline''. He would also take time out of a busy day to stop by a friend's house to show off the latest in technology ''toys'' or he would stop by a hospital to visit a friend's newborn baby.

These are all things that I remember about Jim Howard. I also remember at this funeral, during the 21-gun-salute the realization that not only was I loosing someone important in my life, but so was our country. I know his time on this earth was cut short and there were many things he hadn't finished yet. Hopefully, he's looking down on all of us and giving us guidance to continue his work. And hopefully, for him it's always sunny and he sinks every putt.

He was a husband, father, grandfather, friend, teacher, Congressman. Never once did he forget those who cared for him or abuse his power in the government to hurt others. He thought of others first and how his actions or works would affect them. And luckily, for us, he helped a young politician named Frank Pallone to continue his work. Another man who doesn't forget what he's learned and helps to pass it onto others. We've been a very lucky district indeed.

My only misfortune is that I was not of age to cast my vote for Jim Howard—I was seventeen when he passed away. But I leaned many things from him about politics and life. Politics didn't require ''dirty pool'' or opportunistic photo ops. Politics needed heartfelt belief in what was correct and proper. If you lived your life in that manner you didn't need to worry about winning an election—the people knew a kind, generous, and trustworthy person when they saw one. I am definitely a better person today for having known him and his legacy stays with me every day of my life.

Jim was like a second grandfather to me and I loved him and I miss him. But I know that one day I'll meet him again.

HAYLEY ROBERTS MULLAN.

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

Mr. PALLONE. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman for bringing this Special Order in recognition of our former Chairman of the Committee on Public Works, Mr. Howard. I do remember the gentleman working as a former staffer for the late Congressman Phil Burton.

I had the privilege of meeting Mr. Howard, and if there is anything that I would identify and remember best about this great gentleman, not only as a Congressman, but as the Chairman of the Committee on Public Works, was the fact that he cares for the working man. And if there is anything that I could remember well in my association with the late Congressman, Phil Burton, was Jim Howard's concern about the needs of the working people here in America.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I thank the gentleman for his remarks. I just want to say, Mr. Speaker, once again, that Jim Howard was my mentor. There are so many things that I try to emulate in his life, and I am very proud to be able to present this Special Order tonight, 10 years to the day of the anniversary of his death.

Mr. SHUSTER. Mr. Speaker, ten years ago today, Congress and the nation lost a true patriot. James J. Howard was a dear friend of mine and should be remembered as a tremendous public servant of the people of New Jersey, and of the entire country. For more than 20 years, the House knew Jim as a well-respected chairman who always put the health and safety of the American people above all else.

Jim was a colleague and predecessor of mine: a dedicated, resourceful Chairman of the House Public Works and Transportation Committee for more than eight years. Throughout the 80's, Jim was the driving force behind the major improvements that were made to our nation's infrastructure.

Jim fought for the principle that our infrastructure is one of the most crucial building blocks of our economy. He saw reliable highway systems, transit lines, air facilities, and water and sewage treatment capabilities, not as mundane subjects of public policy, but as a means to a better life for all. Better funding for highways and mass transit projects was secured because of Jim's work on the Surface Transportation Assistance Act of 1982. Work on the Airport and Airway Improvement Acts of 1982 and 1987 assured similar improvements for aviation.

Jim believed that a solid infrastructure meant economic health and more jobs for his constituents and America. Because of Jim's vision, we appreciate this concept today, and his old Committee is proud to continue his work.

Jim also knew that the goals he doggedly pursued had to be achieved at no risk to the people and to the environment. The 21-year minimum drinking age and speed limit laws for which he was responsible is clear evidence that safety of the American people was always among the foremost of his legislative concerns.

Water pollution, waste dumps, sewage contamination—Jim battled to rid his district and

the country of these and other such threats to public safety. I have every confidence saying that many people are living today because of Jim's efforts, and I think that's something that should never be forgotten.

Jim worked hard so that every American would have a better life. Looking back over the last 10 years, his legacy and enduring philosophy still drive the work of the Transportation Committee he so expertly piloted toward the 20th century.

Jim, we miss you and we thank you for all that you did for this country.

Mr. FROST. Mr. Speaker, I rise to remember Jim Howard on the tenth anniversary of his death. Jim Howard was a great American and he was a proud Member of the House of Representatives. He embodied the idea of public service and his love for his country, his state and district, and for this institution is a memory none of us who knew him will ever forget. His dedication to the public good, to the betterment of life for every man, woman and child in this country is a testament to his love for his Nation.

Mr. Speaker, today, in some circles, there is disdain for the kind of career legislator that was Jim Howard. He was an inside operator, a man who knew the rules, a man who knew how to get the job done. He fashioned a career from serving his constituents and his country and I, for one, think of his service to the United States as honorable and decent and well worth celebrating. Those who disparage public service should look closely at the record of achievement of a man like Jim Howard.

As Chairman of the then Public Works and Transportation Committee, Jim Howard was responsible for creating a coordinated program of highway and mass transit transportation to serve our cities and our rural areas; he was a champion of energy conservation as well as public safety on our nation's highways. He understood the need for expanding and upgrading the nation's airports and air traffic control system, and was a prime mover in the deregulation of the airline industry. His legacy also includes the landmark 1987 Clean Water Act, which was passed by the Congress after a hard-fought, but fairly-won, battle and which became law in spite of a Presidential veto. He was a man who knew what he stood for and fought hard for it.

Mr. Speaker, I am proud to have known Jim Howard. I appreciate the opportunity to salute him on this anniversary of his passing.

Mrs. MINK of Hawaii. Mr. Speaker, I rise tonight to remember a former colleague, the late Congressman James Howard, Democrat who served his State of New Jersey, and his Third District from 1965 until he died on March 25, 1988 at the age of 60 years.

Congressman Howard was first elected to the U.S. House in the fall of 1964 and took office in January of 1965. Until his election this district had been basically Republican. I was elected that same year. We had an entering class of nearly 100 members.

It was a historic Congress. Lyndon Baines Johnson was President. We enacted the first federal aid to education bill. We embarked on a War against Poverty. We made dramatic changes in the immigration laws. We provided help for young people going to college. We enacted Medicare. The list of achievements is long and impressive. It included things like Head Start, legal aid, aid to the elderly, new programs in housing and many others.

Jimmy Howard as he was affectionately known as a stalwart leader in all these enactments. He stood for his people in the Third District. He was dedicated and creative. He was loyal and hardworking. I considered him to be one of my best friends. We formed caucuses to create greater opportunities for freshman to have a say in policy. We worked hard to reform the House Rules to make it more open and democratic. He stood tall for civil rights, for women's rights and for human rights.

Jimmy Howard was a school teacher before he was elected to Congress. When he came to Congress he continued to use his background as a teacher and taught his colleagues about the importance of individual relationships and of the effectiveness of simple direct communication. He had a great wit and engaged the Congress in many provocative debates.

In 1975 he became a subcommittee chair in the Public Works Committee. He rose to the Chair of the full Public Works Committee in January of 1981.

One of his more notable accomplishments was the consolidation of mass transit with the highway legislation.

He was a very determined strategist and work ceaselessly to preserve the jurisdiction of his committees. He enacted the first 55 miles an hour speed limit on federal highways, which has probably saved the lives of thousands of people across the nation.

Congressman Howard was a constant legislator always on the outlook for ways he could make the highways safer. He worked hard to fight against drunk drivers and to fight for greater safety for child passengers.

In addition he is honored for his work to protect and preserve the environment. He fought against polluters and championed legislation to clean up toxic waste and keep dangerous chemicals out of our neighborhoods.

I am pleased to take this moment to note the life and accomplishments of this great legislator, my friend and colleague, The Honorable James T. Howard.

And in remembering Jimmy, I want to pay a special tribute and fond Aloha to his wife, Marlene and their children.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to honor the memory of Representative Jim Howard from New Jersey. When Congressman Howard passed away suddenly ten years ago today, I was in my first term as a Member of Congress. I am grateful that I was able to meet Jim Howard, and to watch him at work. During his 23 years in Congress, Jim was one of the most able Members to serve in the House. When Jim served as Chairman of the House Public Works and Transportation Committee, he left his mark for us by passing important legislation improving our highways, mass transit, and aviation.

I deeply admired the way Jim Howard balanced building roads while doing his best to clean up the environment. In the mid-80's, Jim Howard sponsored the Clean Water Act, Superfund Act, Groundwater Protection Act, and the Plastic Pollution and Research Act. These laws helped our nation to clean up estuaries, manage non-point pollution, and limit sludge dumping. In addition, Jim Howard worked with EPA to develop a plan to eliminate plastic pollution off the shores of New Jersey.

While working to protect the environment, Jim Howard also worked to increase our fishing waters for our citizens to enjoy, by creating the 200-mile fishing limit.

At the same time, Jim Howard worked for highway safety. He was responsible for lowering the national speed limit to 55. This was the first law recognizing the relationship between speed and highway safety. Jim Howard also foresaw the problem with drunk driving. He wrote laws against drunk driving and raised the minimum drinking age to 21. We cannot know how many lives were saved on the highways due to the efforts of Jim Howard. But we can only thank him.

Mr. Speaker, I could go on and on in counting the many laws Jim Howard got passed in the Congress to protect our environment while expanding our transportation capabilities. It is poignant that we are remembering Jim Howard at this time. He did so much for transportation, and we are reflecting on his accomplishments just as the BESTA bill is about to come to the Floor.

Mr. Speaker, in closing, I can only say that I am grateful that Jim Howard served in this House. He was one of our best Members, and was a good and gracious man.

Mr. MOAKLEY. Mr. Speaker, I want to thank the gentleman from New Jersey, Mr. PALLONE for reserving this time to pay tribute to the memory of a good friend, Jim Howard. It is only fitting that the timing of this event comes as the House is preparing to consider a major surface transportation bill next week.

As a Representative from Boston, I will always be grateful to Jim Howard for his role in shepherding the original authorization of the Big Dig Project in Boston—the biggest public works project in the history of the United States—through the then Public Works and Transportation Committee. Jim's legacy is as strong today as it was when he left us ten years ago. Jim was known as a devoted representative to his constituents in the Third Congressional District, but Jim was also devoted to the citizens of the United States. As many of us know, Jim was responsible for the passage of the 55-mile-per-hour national speed limit. His efforts to focus the national attention on the issue of speed and safety and the perils of drunk driving and under age drinking undoubtedly saved thousands of lives. Jim was widely known as a transportation guy, but Jim also led the way on some of the most important environmental legislation to ever come out of the U.S. House of Representatives. Many a times that I sought Jim's help for clean-up money for Boston Harbor or additional money for a train station or for a particular highway project, Jim was always there. He appreciated the work of a legislator, he knew that if you tried hard enough you truly could make a difference in the daily lives of people.

Jim was known as a fierce defender of the jurisdiction of his beloved Public Works Committee. As a member of the House Rules Committee, I witnessed first hand the many battles he had with the Appropriators whenever he thought they were treading on his committee's ability to legislate. And let me tell you nine times out of ten Jim would prevail. Jim knew the leglsiative process as well as any other Member I knew at the time and it was this knowledge that made Jim the special legislator that he was.

I am eternally grateful for the friendship that Jim Howard accorded me while he was in

Congress. In 1977 I had the opportunity to travel to Egypt with Jim to meet with the leader of Egypt, Anwar Sadat. In my Congressional Office I still have the picture of Jim and myself in the traditional Arab headdress—I smile every time I see it. It brings back fond memories of my old pal.

Again I thank the Gentleman from New Jersey, for reserving this time.

Mr. RAHALL. Mr. Speaker, I rise in tribute to the Honorable Jim Howard, former Member of the House of Representatives, and Chair of the then Committee on Public Works and Transportation, now the Transportation and Infrastructure Committee.

My tribute to Jim's memory has to do with his chairmanship of the Public Works Committee, where he served from 1975 to 1988. This tribute comes from the fact that when I first began my tenure in the House in 1976, as a twenty-seven year old freshman, I chose the Public Works Committee as the major committee I most wanted to join, and having done so I have remained on the Committee for nearly 22 years.

Jim Howard's stewardship of that committee, and the strength and courage of his convictions concerning the importance of this nation's infrastructure, and of our duty to see that it was funded, will always be with me.

As we are poised to vote on the reauthorization of the Federal Highway bill, known as BESTEA, in the coming days, I am reminded even more of the on-the-job training I received under Jim's leadership, which as served me so very well over the years.

During Jim's chairmanship of the Committee, he guarded its jurisdiction with all of his being—which was considerable. It was Jim Howard who was responsible for the passage of the 55-mile per hour national speed limit, the first legislation to focus attention on the relationship between speed and safety.

I was mindful of that fact when, in 1995 during floor consideration of the National Highway System Designation Act, as I tried in vain to preserve that 55-mile per hour speed limit. I wondered at the time whether Jim Howard was watching and listening as the speed limit was raised to ever more dangerous levels nationwide. I continue to believe that Jim was right, and that his 55-miles per hour limit that had stood the test of time as a mandate that prevented the deaths of many innocent victims around the country, should have remained in force.

Chairman Jim Howard was a champion of all the issues over which his committee had jurisdiction, not just highways—from Clean Air to Clean Water, from Mass Transit to Airport and Airway Improvement, and from motor carrier safety to groundwater protection.

As I mentioned above, in the next week when we again meet on the floor of the House to reauthorize the federal highway legislation, I will draw strength from remembering that Jim Howard did not shrink from a floor fight over legislation he believed was in the nation's interest.

I know that he will be watching over us as we carry on with the legacy he left for all of us and for the nation by enacting BESTEA, again focusing attention on our country's infrastructure and environment.

This special order tonight, and our action to enact BESTEA this week or next, will go far in assuring that Jim Howard's role as a National legislator is not forgotten.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana 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 Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

(Mr. OBERSTAR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN SCHOOLS ARE SAFER FROM RELIGION THAN FROM DRUGS

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, people throughout this Nation are being denied a fundamental right, the right to freely express their religious beliefs. It is a shame that I have reason to make that statement here in the United States in the year 1998, but it is a sad fact. Please allow me to list a few examples.

One example, a judge ruled in favor of a teacher who gave a young Tennessee student an F on a research paper, simply because she decided to write the paper about Jesus. On three separate occasions, St. Louis school system officials put a fourth grade student in detention for bowing his head to say a private prayer over lunch.

Mr. Speaker, students from schools across the country have been prohibited from bringing the best-selling book in America to school, the Bible. At the same time, the Justice Department reports that 100,000 young people bring guns to school every day. It is a sad commentary on our Nation to say that our schools are safer from religion than they are from illegal drugs.

Mr. Speaker, this country was built upon Judeo-Christian values. I believe we are in real trouble now that we have reached a time when, sadly, those values are being attacked and not protected. Every American, our children in their formative years especially, should be allowed to freely explore and express their religious beliefs that include voluntary school prayer.

My good friend, the gentleman from Oklahoma (Mr. ERNEST ISTOOK) recognized this fact, and has seen the many threats to religious liberties in this Nation. He has taken action. I am proud to be part of the team of over 150 cosponsors, Democrat and Republican, supporting the religious liberty amendment proposed by the gentleman from Oklahoma (Mr. ISTOOK). I believe it is the right step to protect one of our most fundamental rights which has been so frequently infringed upon recently.

The religious freedom amendment corrects court actions and trends which have suppressed religious expressions. It will permit student-initiated procedures in public schools. The proposal retains the First Amendment safeguard against official religion and keeps school prayer voluntary, but protects it, just as other forms of free speech are protected.

Specifically, if approved by a two-thirds margin of both Houses of Congress and ratified by the legislatures of three-fourths of the States, the religious freedom amendment will add the following words to the United States Constitution:

''To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activities, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.''

I commend my good friend, the gentleman from Oklahoma (Mr. ISTOOK), for presenting us with this opportunity to defend religious freedom in America, and for following the will of the people, as we in this Congress are elected to do.

Public opinion polls have shown time and time again that three-quarters of Americans support a constitutional amendment to allow voluntary prayer in public schools and to protect religious liberties. I urge my colleagues to listen to their constituents, and to join in this effort to protect the right of religious expression in America. Support House Joint Resolution 78.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI 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 Maryland (Mr. EHRLICH) is recognized for 5 minutes.

(Mr. EHRLICH 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 Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN RECOGNITION OF DR. PAUL COX AND PROTECTION OF TROPICAL FORESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to be a cosponsor of H.R. 2870, the Tropical Forest Protection Act, a bill recently passed by the House of Representatives and which is now before the Senate for consideration.

I regret not being on the floor of the House when this bill was under consideration, due to a conflict of my schedule, but it is for this reason that I take this opportunity to share my views with my colleagues on this matter.

I do commend the authors of this legislation, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Ohio (Mr. KASICH), and the gentleman from Indiana (Mr. LEE HAMILTON), for their vision and leadership in crafting this measure, which facilitates debt reduction in Third World countries to support efforts for conservation of the fragile tropical forests.

I also commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. BEN GILMAN) and the gentleman from Minnesota (Mr. BRUCE VENTO) for their important contributions that have made improvements in this bill.

Mr. Speaker, the provisions of H.R. 2870 basically allow less developed nations that owe loans to the United States to restructure their debt repayments, funneling savings into a tropical rain forest protection fund which will provide for the conservation and maintenance of native forest resources in each participating country.

To qualify, countries with substantial tropical forests must demonstrate that they support human rights and democratic forms of government, and that they are opposed to narcotics trafficking and international terrorism.

Mr. Speaker, according to the World Wildlife Fund, up to 42 million acres of tropical forests are being devastated each year throughout the world. Indeed, approximately one-half of the world's tropical forests no longer exist. In the Asia-Pacific region alone, it is estimated that 88 percent of original forest lands have been destroyed.

Mr. Speaker, I would especially commend the gentleman from Minnesota (Mr. BRUCE VENTO) for his amendments to the bill, which recognize the importance of tropical forest plants for medical treatment of human illnesses, and that native peoples who live in or near rain forests should be consulted, given their tremendous knowledge of plants that have medicinal value.

Mr. Speaker, it is my understanding that during the House floor deliberations the gentleman from Minnesota (Mr. VENTO) also cited the outstanding work of Dr. Paul Alan Cox, one of the finest ethnobotanists in the world today, and who is especially noted for his studies and research work in the South Pacific.

I have known Dr. Cox for several years from his work in the Samoan Islands and throughout Polynesia. I am extremely gratified that Dr. Cox was honored by Time Magazine as one of the world's top medical scientists in 1997.

Dr. Cox first came to Samoa in the early 1970s as a young Mormon missionary. He became enchanted with Samoa and immersed himself in the Samoan culture, learning to read and write fluently in the Samoan language.

After his departure from the islands to obtain his doctorate degree from Harvard University, he later joined the faculty at Brigham Young University in Provo, Utah. He is also the newly appointed director of the National Tropical Forestry Botanical Garden located on the island of Kauai, in the State of Hawaii.

Over the years, traveling back and forth between Samoa and the United States to conduct research, Dr. Cox has discovered 74 medicinal plants with the assistance of native Samoan healers. Extracts from the leaves, bark, and roots of the rain forest plants have proven effective in treating illnesses from high fever to appendicitis to asthma. In particular, one new plant-derived drug isolated by Dr. Cox, Prostratin, holds the promise of a cure for AIDS.

Mr. Speaker, most of the Earth's 265,000 flowering plants are located in tropical regions, and less than 1 percent of these plants have been tested for effectiveness against disease.

Continuing his work with native healers, Dr. Cox hopes to find the answer to cancer, Alzheimer's disease, and other incurable diseases in the rain forests of Samoa and the world. However, the decimation of tropical forests literally threatens to prevent the discovery of hundreds of new medical drugs.

Mr. Speaker, again, I want to commend Dr. Cox for his life's work devoted to research and protection of the tropical rain forests of Samoa and other regions of the world. By following the footsteps of native healers, Dr. Cox best exemplifies the need for our so-called modern technological world not to disregard the tremendous amount of knowledge that can be obtained from indigenous peoples and their understanding of certain plants that have medicinal and healing value. What Dr. Cox is saying to us is that there is much that our modern world can learn from native cultures.

Mr. Speaker, again, I support the provisions of H.R. 2870, and I commend my colleagues for their endorsement and passage of this legislation.

Also, I would note that Dr. Cox is greatly appreciated and respected by the Samoan people. He has even been bestowed with the Samoan title of Nafanua by the elders of the village of Falealupo because of his contributions, including the establishment of a 30,000-acre rain forest preserve, and a construction of a primary school for the village children.

Mr. Speaker, again, I urge my colleagues to support this legislation when it comes back from the Senate.

Mr. Speaker, I am proud to be a co-sponsor of H.R. 2870, the Tropical Forest Protection Act, a bill recently passed by the House of Representatives and which is now before the Senate for consideration. I regret not being on the House floor when this bill was under consideration, due to a conflict with my schedule, but it is for this reason that I take this opportunity to share my views with my colleagues on this matter.

I commend the authors of this legislation—the gentleman from Ohio, Mr. ROB PORTMAN, the gentleman from Ohio, Mr. JOHN KASICH, and the gentleman from Indiana, Mr. LEE HAMILTON—for their vision and leadership in crafting this measure which facilitates debt reduction in third world countries to support efforts for conservation of their fragile tropical forests. I also commend the House International Relations Committee Chairman BEN GILMAN and the gentleman from Minnesota, Mr. BRUCE VENTO, for their important contributions that have improved the bill.

Mr. Speaker, the provisions of H.R. 2870 basically allow less-developed nations that owe loans to the United States to restructure their debt repayment, funneling savings into a tropical rain forest protection fund, which will provide for the conservation and maintenance of native forest resources in each participating country. To qualify, countries with substantial tropical rain forests must demonstrate that they support human rights and democratic government, and that they are opposed to narcotics trafficking and international terrorism.

Mr. Speaker, according to the world wildlife fund, up to 42 million acres of tropical forests are being devastated each year throughout the world. Indeed, approximately one-half of the world's tropical forests no longer exist; and in the Asia-Pacific region alone it is estimated that 88% of original forest lands have been destroyed.

Mr. Speaker, these careless activities have a dramatic negative impact on the environment that is global in nature. The destruction of tropical forest lands on this scale destroys the Earth's ability to recycle carbon dioxide, significantly contributing to greenhouse gases and climate warming. Perhaps more importantly, we sacrifice and lose the rich and unique biodiversity of these tropical forest ecosystems, which, incidentally, contain over half of the world's plant and animal species;

Mr. Speaker, I would especially commend the gentleman from Minnesota, Congressman

BRUCE VENTO, for his amendments to the bill which recognizes the importance of tropical forest plants for medical treatment of human illnesses, and that native peoples who live in or near rain forests should be consulted, given their tremendous knowledge of plants that have medicinal value.

Mr. Speaker, it is my understanding that during House floor deliberations, Congressman VENTO cited the outstanding work of Dr. Paul Alan Cox, one of the finest Ethnobotanists in the world today, and who is especially noted for his studies and research work in the South Pacific.

I have known Dr. Cox for several years from his work in the Samoan Islands and throughout Polynesia, and I am extremely gratified that Dr. Cox was honored by Time magazine as one of the world's top 10 medical scientists in 1997.

Dr. Cox first came to Samoa in the early 1970s as a young Mormon missionary. He became enchanted with Samoa and immersed himself in the Samoan culture, learning to read and write fluently in the Samoan language. After his departure from the islands to obtain his doctorate degree from Harvard University, Dr. Cox later joined the faculty at Brigham Young University in Provo, Utah. Dr. Cox is also the newly-appointed director of the National Tropical Forestry Botanical Garden, which is located on the island of Kauai, in the State of Hawaii.

In 1984, Dr. Cox, with his family, returned to Samoa to pursue his post-graduate studies of plants found in rain forests. The death of his mother from cancer motivated Dr. Cox to search for new avenues outside of traditional medicine for treating incurable diseases. Residing in the isolated village of Falealupo on the island of Savai'i, Dr. Cox initiated research on how native Samoan healers utilized certain plants from the rain forest for medicinal purposes.

Over the years, traveling back and forth between Samoa and the U.S. to conduct research, Dr. Cox has discovered 74 medicinal plants with the assistance of native Samoan healers. Extracts from the leaves, bark and roots of the rain forest plants have proven effective in treating illnesses from high fever to appendicitis to asthma. In particular, one new plant—derived drug isolated by Dr. Cox, Prostratin, holds the promise of a cure for AIDS.

Mr. Speaker, most of the Earth's 265,000 flowering plants are located in tropical regions, and less than one percent of these plants have been tested for effectiveness against disease. In continuing his work with native healers, Dr. Cox hopes to find the answer to cancer, alzheimer's and other incurable diseases in the rain forests of Samoa and the world. However, the decimation of tropical forests literally threatens to prevent the discovery of hundreds of new medical drugs.

For his efforts to stop the destructive logging of the rain forests of the island of Savai'i, Dr. Paul Cox is greatly respected by the Samoan people. He has even been bestowed the Samoan Matai title of ''Nafanua'' by the village elders of Falealupo on the island of Savai'i, as a token of appreciation for all that he has done for the villagers, including the establishment of a 30,000 acre rain forest preserve and construction of a primary school for the village children.

Mr. Speaker, again I want to commend Dr. Paul Cox for his life's work devoted to research and protection of the tropical rain forests of Samoa and other regions of the world. By following the footsteps of native healers, Dr. Cox perhaps best exemplifies the need for our so-called modern technological world not to disregard the tremendous amount of knowledge that can be obtained from indigenous peoples and their understanding of certain plants that have medicinal and healing value; What Dr. Cox is saying to us is that there is much that our modern world can learn from native cultures.

Mr. Speaker, again I support the provisions of H.R. 2870, and I commend my colleagues for their endorsement and passage of this legislation.

SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

(Mrs. MYRICK 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 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.)

PASS THE SUBSTANCE ABUSE TREATMENT PARITY ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, nearly 26 million Americans are presently suffering from the ravages of drug and alcohol addiction. There is an epidemic in America, a national crisis of alcohol and drug addiction. One in 10 people in the United States of America is addicted to drugs and/or alcohol.

The statistics, Mr. Speaker, are absolutely shocking. Alcoholism and drug addiction cost this country $90 billion last year, in addition to even greater human costs: the shattered dreams; the tragic deaths; the violent crime; broken families; shattered, broken lives. Alcohol abuse alone last year killed 100,000 people in this country.

A recent study by Columbia University's National Center on Addiction and Substance Abuse found that 80 percent of American prisoners, 80 percent of the 1.2 million Americans locked up today, are there because of drugs or alcohol.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment for chemical addiction. Mr. Speaker, I am here to speak from personal experience that treatment works. I ask my colleagues to consider the following facts that make clear the effectiveness of treatment.

A University of Pennsylvania study by Dr. Thomas McLellan found that long-term treatment is just as effective as long-term treatment for diabetes. Research by former Assistant Health Secretary Philip Lee found that every dollar invested in treatment for chemical dependency can save $7 in future costs: medical costs, incarceration costs, social service costs, and so forth.

A Rutgers University study found that untreated alcoholics incur health care costs that are 100 percent higher than for treated alcoholics or alcoholics. After treatment, Mr. Speaker, the days lost to illness, sickness claims, and hospitalizations drop by one-half.

A Brown University study found that drug and alcohol treatment could reduce crime by over 80 percent, and a Minnesota study, a study in my home State of Minnesota, evaluated our treatment programs and concluded that Minnesota last year saved $22 million in health care costs because of treatment.

Mr. Speaker, the facts are clear: treatment works. Treatment is cost-effective. Assuring access to treatment will not only combat this insidious disease, but it will also save health care dollars.

As someone who stays very close to other recovering people in Minnesota and to treatment professionals in our State, I have been alarmed by the dwindling access to treatment in this country. In fact, over the last decade, 50 percent of the treatment facilities in America have closed. Even more alarming, over the last decade, 60 percent of the adolescent treatment centers in our country have closed. The current system either blocks access for addicted people, or greatly limits their treatment experience.

It is time to put chemical dependency on par with insurance coverage for other diseases. That is why I have introduced the Substance Abuse Treatment Parity Act, H.R. 2409. This commonsense and cost-effective legislation would expand access to treatment by prohibiting health plans from imposing limits on substance abuse coverage that are different from those requirements for other health care services.

□ 1845

All this bill does is provide parity for treatment of substance abuse. This would remove barriers to substance abuse treatment without significantly increasing health care premiums. In fact, we have all the empirical evidence in the world, study after study to show that this is cost effective. In fact, one released just yesterday by the Substance Abuse and Mental Health Services Administration shows how inexpensive and cost effective this legislation is. That study, released yesterday, shows that the average health care premium would only increase by two-tenths of 1 percent per month. So for the cost of a cup of coffee, $1.35 a month, we could treat 16 million Americans who have insurance but are presently being blocked from treatment because of these barriers, higher copayments higher deductibles, limited hospital stays, and so forth.

Mr. Speaker, Congress can take a big step this year to knock down barriers to treatment. Just as the Civil Rights Act of 1964 tore down barriers to integration, just as the Americans with Disabilities Act tore down barriers for people with disabilities, this year we can knock down barriers to treatment for people who are suffering the ravages of drug and alcohol addiction. We can pass the Substance Abuse Treatment Parity Act and make treatment available for 16 million more Americans.

Mr. Speaker, let me just close by saying this is a life-or-death issue because chemical addiction is fatal if it is left untreated. So, I urge my colleagues, please join me in cosponsoring H.R. 2409.

OFFERING CONDOLENCES TO THE FAMILIES OF VICTIMS OF TRAGIC AMBUSH SHOOTING IN CRAIGHEAD COUNTY, AR

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise with great reluctance to address this body today. I am honored every time that I step into this Chamber, but this afternoon to be here and to speak on a topic that I am about to address, is the last thing I want to do.

Mr. Speaker, I rise tonight to eulogize the lives of the five people, one woman and four little girls, who lost their lives yesterday in the senseless and tragic ambush shooting in Craighead County, Arkansas. I rise to offer my condolences to the families of these victims and to those that were injured and to the entire community as they struggle to make sense of the violence that we never dreamed would be visited upon our State.

As nearly everyone in the country knows from the media reports that we have been receiving, yesterday afternoon someone pulled a fire alarm at Westside Middle School in Craighead County, Arkansas. As teachers and students evacuated the building, they were greeted by a torrent of gunfire from nearby woods.

Among the victims is Shannon Wright. Mrs. Wright was a 32-year-old teacher who was shot while trying to shield sixth grader Emma Pittman from the hail of bullets. Mrs. Wright died at 7:53 last night, following surgery. Eleven-year-old Amber Vanover told reporters what she saw: ''He was fixing to shoot her, and Mrs. Wright moved in front of her.''

Eleven-year-old Natalie Brooks also lost her life. Paige Ann Herring and Stephanie Johnson, age 12, and Brittany Varner, age 11, had their lives taken from them. A heartbreaking loss for their families and friends.

Sara Lynette Thetford, who teaches social studies to Westside sixth graders, stepped in front of 13-year-old Brittney Lambie when the shooting began. Mrs. Thetford and Brittney remain in critical condition today. Eight more students were wounded in the shooting: Amanda Barnes, Jennifer Jacobs, Candace Porter, Ashley Betts, Tristan McGowan, Christina Amer, Jenna Brooks, and Whitney Irving.

Inevitably, tragedies produce heroes and there was no shortage of heroes yesterday. In addition to teachers Shannon Wright and Sara Thetford, Sheriff Dale Haas and the Craighead County Sheriff's Department, as well as the Arkansas State Police, did a commendable job of containing the scene and securing the surrounding areas.

The emergency medical response teams in Jonesboro and Craighead County, Emerson Ambulance Service, Patient Transfer Service, and Keller Ambulance Service, all showed great professionalism under difficult circumstances.

The paramedics and medical technicians from those three agencies worked together as a team and did a tremendous job of administering care to the victims. The doctors and staff of St. Bernard's Regional Medical Center did an outstanding job of preparing themselves for the chaos that entered the emergency room yesterday afternoon. They have also done an outstanding job of keeping the community informed of the status of the survivors.

I know that the families around Craighead County are thankful for the many counselors and ministers from Jonesboro and from around the State who have offered their services to help the children of Westside cope with this horrible tragedy. The people in the communities that make up Westside school district, Bono, Cash, and Egypt, will look to each and to the Lord in the wake of this tragedy. The fact that children were victimized in a place where they should be safe makes this ordeal even more difficult to comprehend.

We are all asking ''Why?'' Why did these young lives have to be snuffed out so senselessly? That answer may never come, and as many have suggested, the answer may be beyond our comprehension. Craighead County is a wonderful place full of people who for many, many years have worked to strengthen their community. It is a place where traditional values, faith in God, love of fellow man, and commitment to family are the pillars upon which the community is built and the source of strength that they will have to rely on now.

As is often the case when the world seems turned upside down, the Bible provides some solace. The 46th Psalm says, ''God is our refuge and strength, a very present help in trouble. Therefore we will not fear, though the earth be removed and the mountains be carried into the sea.''

If there is any place on earth that is capable of dealing with a tragedy of this magnitude, that place is Craighead County, Arkansas. Mr. Speaker, my wife Carolyn and I, and our children, send our heartfelt condolences and prayers to the families and to the community as a whole, as does the entire staff of the offices of the First Congressional District.

We stand ready to assist in any way that we can and wish Godspeed to the people of Craighead County as we all continue to deal with this horrifying tragedy.

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

(Mr. HASTINGS of Washington 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 New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York 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. PAPPAS) is recognized for 5 minutes.

(Mr. PAPPAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. STUPAK 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 Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON 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 Kentucky (Mr. LEWIS) is recognized for 5 minutes.

(Mr. LEWIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRANSPORTATION UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I join with the gentleman from Arkansas (Mr. BERRY), my good friend, and all of our colleagues in wishing all the prayers to the First District of Arkansas and to all the families there,

greatest sympathy and prayers for God to help in every way he can from this point forward. The gentleman from Arkansas knows that he has our support in that endeavor.

Mr. Speaker, in other action in the House this week, I wanted to make special mention of the cooperation and the assistance in working together on an outstanding new transportation bill that would not have come without the outstanding leadership of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, in crafting a piece of legislation which is historic in providing the road improvements, the mass transit assistance that is so important to all of our municipalities, cities, and towns all across the United States.

I know from my district that roads need to be improved and mass transit systems can be made to be better in many ways. I am especially grateful for the approval by the committee of a new system which would be the Schuylkill Valley Metro, the first new transit system in many years in our State, and one of the first new ones in our region of the United States. This Schuylkill Valley Metro will go from Philadelphia to Reading, and help people who now find themselves in gridlock on a major highway to now have safe, convenient transit once we have finished the appropriations process.

I also wanted to bring to the attention of my colleagues tonight another related transportation matter. As the lead person in the House on the Results Caucus with regard to the Federal Aviation Administration, I am working with my colleagues on both sides of the aisle to adopt legislation which will improve their safety, not the least of which would be to require the child safety seats on airplanes, which will make sure that we keep our children as safe in an airplane as we do in our vehicles. Most of all, protection for airplane employees, to make sure that the defects that are present can be reported more easily so that the changes can be forthcoming, and to allow our airline staff on the planes to have defibrillators so that those who are on long trips can get all the medical attention they need prior to going to a hospital for further care.

These are three important bills moving through the House, hopefully with as much speed as possible. I will continue my efforts, working with like-minded colleagues on collision avoidance systems, improved air traffic control, and increased use of the Doppler radar to make sure that those who fly the planes can avoid wind shear and to make sure our skies are as safe as possible so that the transit of our constituents can be that which we want it to be, the safest in the world.

Mr. Speaker, I look forward to working with the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, the gentleman from Tennessee (Mr. DUNCAN), our subcommittee chairman, and the gentlewoman from Missouri (Ms. DANNER) because she will be working with us in a bipartisan fashion, to do what we can, working with the airlines, military, and commercial aircraft and their experts so that we can make sure that airplane safety will be as safe as it can be, and to make sure that the flying public have the confidence always, as they already have, that they will get the best.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3310, SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–466) on the resolution (H. Res. 396) providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

REMEMBERING CONGRESSMAN STEVE SCHIFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it is with great sadness that I learned this evening of the death of my friend, my congressional classmate, and my colleague, STEVE SCHIFF. His family and close friends in New Mexico and across the country are certainly all in our prayers.

Mr. Speaker, I wanted to speak briefly about this. I was not able to be here during the memorial resolution because of the duties of the Committee on Rules. I think it is important that those of us who knew STEVE well have an opportunity to reflect, even briefly.

STEVE possessed a trait in Washington that is all too rare. His word was simply as good as gold. He was certainly one of the most conscientious Members I have every worked with. He was responsible, hardworking, and I think he made an extraordinary contribution to every project that he participated in.

I know he was very well regarded by his colleagues. That was certainly one of the reasons why he was asked to take on the difficult services of a job in the Committee on Standards of Official Conduct, a responsibility that I shared with him during one of perhaps the most tumultuous episodes in this House's recent history.

In his work of the House to resolve what I would call difficult and sensitive matters, STEVE proved to have necessary skills: experience, judgment, guidance, a good shoulder to lean on, a lot of rational demeanor, and above all, principles, very solid principles that never moved, the principles that got the job done.

□ 1900

He was the right person in the right place at the right time for this House, and we all owe him a debt of gratitude and thanks for that very difficult assignment.

It turned out that STEVE's work on the Ethics Committee, ironically was one of his last high-profile accomplishments in Washington. And it was not something that he or any of us particularly enjoyed. It was a duty, as with all his duties, that he discharged with integrity and accountability. I will say that he was an inspiration for all of us during those long and frustrating hours and days and weeks. And it was a time, incidentally, when he was sick and we did not know it.

And all through that period this was true. For his entire public service career, STEVE ably and thoughtfully represented the people of New Mexico's First Congressional District. It is quite a record and a great legacy.

I am honored to have served with STEVE. I will miss him. I extend my deepest sympathy to his family.

TREATY OF GUADALUPE HIDALGO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening the freshmen Republican class takes to the floor to spend a little time during this special order to discuss various issues that we have been focusing on as individual Members and as a group, 34 Members strong.

We spent a lot of time in our home districts holding town meetings, surveying our constituents and focusing on the topics that we believe our constituents have sent us here to represent. Joining me this evening is the gentleman from New Mexico (Mr. REDMOND), who has been fighting very vigorously for some property rights issues in his district.

At this point, Mr. Speaker, I would like to recognize and turn some of our time over to the gentleman from the State of New Mexico to talk about his legislation, House Resolution 2538, which would establish a presidential commission to determine the validity of certain land claims arising out the Treaty of Guadalupe Hidalgo from 1848.

Mr. REDMOND. Mr. Speaker, I appreciate the time to share with the House of Representatives today a portion of history that many people have forgotten. This is a story, a story of a people who settled in the American Southwest many years before the pilgrims landed at Plymouth Rock.

The story has been forgotten by most Americans, but it lives on. It is a story

that lives on in the daily lives of many hard-working people in New Mexico in my congressional district. It lives on in the daily traditions and the way of life. And it is a life-style that we are seeking to enhance and to preserve.

And so tonight, Mr. Speaker, I stand here for my constituents to tell the story of the Treaty of Guadalupe Hildago, a story, as I stated earlier, Mr. Speaker, that most Americans are not aware of.

In 1846 there was a war between the United States and Mexico. The United States won that war, the Mexican-American War, and at the end of the war, there was a treaty that was signed. The title of the treaty has a beautiful name to it. The name of the treaty is the Treaty of Peace, Friendship, Limits, and Settlement. It is called the Treaty of Guadalupe Hildago.

It was signed on February 2, 1848. And in that treaty, the residents of the territory that became New Mexico and became the State of New Mexico in that treaty, the people that lived in that area, they had a choice, as in America we allow individuals a choice; and the choice that the residents had was the choice to move south of the border to old Mexico and to retain their citizenship as Mexican citizens or to remain north of the border and to embrace an American way of life of freedom and a Constitution that guaranteed those rights.

So, with high hopes, the residents of New Mexico, many of them chose to stay behind to become citizens of the United States of America; and in the treaty, it stated very specifically certain rights that would be guaranteed to those who stayed behind. And so the hope of greater freedom, an opportunity, was embraced by those residents. And the treaty begins like this:

In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of war which unhappily exist between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both and assure the concord, harmony, and mutual confidence wherein the two peoples should live as good neighbors, have for that purpose appointed

representatives and those representatives mutually came together with the stipulations of the treaty.

This evening, Mr. Speaker, I am going to read two small articles that are very important for the legislation that will be considered in a short time here in the House of Representatives. But these two articles are very, very important because these were the polar stars on which the Hispanics in New Mexico stayed behind and they chose to become citizens of the United States.

This is Article VIII I will begin with. Article VIII says,

Mexicans now established in territories previously belonging to Mexico, and which remain for future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the rights of the United States, but they shall be under the obligation to make their election within one year from the time of the dates of exchange of ratification of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and the Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to the citizens of the United States.

Article IX:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all rights of citizens of the United States. In the meantime, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights their condition shall be on an equality with that of the inhabitants of the other territories of the United States and at least as good as the inhabitants of Louisiana, the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastic and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individuals or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

Finally, the relations and communication between the Catholics living in the territories aforesaid and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities shall reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

I ask, Mr. Speaker, all Americans to remember and to learn on this, the Quatrocentenario; and also the 150th anniversary of the signing of the Treaty of Guadalupe Hidalgo, I ask for all Americans to remember the solemnness of this treaty which we entered into with those who had hope of becoming American citizens and promised that they would maintain all of the rights of American citizens.

So I encourage all Americans to learn and to remember the Treaty of Guadalupe Hidalgo and to do justice in accordance with the Treaty.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, reclaiming my time, I am curious just in terms of a 150-year-old treaty that has come up now, what happened to it in those 150 years? Why were we not talking about the treaty 10 years, 20 years, 30 years ago? Why has it now become an issue that has come to the floor and we are considering legislation which is supported by a great many members of the freshman class and other Members of the Congress, as well?

Mr. REDMOND. If the gentleman would continue to yield, basically the treaty was put on the shelf. It collected a lot of dust. But, as I said, here in this city this treaty was forgotten, but it was never forgotten in the minds and hearts and in the daily lives of the citizens of the State of New Mexico.

The treaty is very much alive. This treaty was the basis for the Native American Land Claims Commission during the 1940s and the 1950s and 1960s. There are times it has been pulled off the shelf and utilized. But at this particular time, what we are focusing on in this new piece of legislation are those pieces of lands that are known as land grants.

Many people in the Midwest would have known them as homesteads. We have friends that live in the Midwest that are corn farmers and bean farmers and wheat farmers, and they came by their land through a document. Some documents were signed by President Martin Van Buren and other Presidents of the United States, and they received guaranties from the government that if they were to move into a particular area of land and build a house, build a barn, settling that area, that they could stake a claim and that land became their private land.

Nobody would ever think of going into Iowa or Illinois or Indiana and telling farmers that they could keep their barns, that they could keep their house, their corral, their feedlots, but that their fields now become Federal property. But this is what happened in New Mexico.

The law was just slightly different, because under Hispanic law, they recognized not only individual homesteads, or land grants, as they were called, but it also recognized the establishment of communities and municipalities. So, according to law under the Spanish Crown, it was required that 10 families move together to an area to create a village, to create a community on the frontier of the Hispanic Empire, and it was necessary to have 10 families to have what was called a community land grant.

It was communal in the sense that they shared a common land, but it was private in the sense that only those 10 families and their heirs had title to that land. They were public lands, but they were public only for those immediate families. They were not public for people in the land grant next to them or further down the road or someplace else in the State of New Mexico. They were not public to other States. They were public and common only to the original families.

Mr. BOB SCHAFFER of Colorado. And what happened over that period of time, the Federal Government, as I understand, has come to lay claim to most of that land and manages much of the land today either under the Bureau of Land Management or through the Forest Service or other various Federal, and sometimes, I suppose, State and local entities, as well, are in possession of those lands today.

How was it that the Federal Government became the primary manager of those lands today?

Mr. REDMOND. Well, the land grants that were lost to the Federal Government, to the inventory of government land, were lost in various ways. There is not a single way in which the land was lost. But let me give my colleague an example.

When New Mexico became a territory, the economy of New Mexico was basically a barter economy. It did not operate on a cash basis like the States in the East. And so what happened was, when taxes were levied, quite often against the Hispanics, which, by the way, at the time that the Treaty of Guadalupe Hidalgo was signed, many of the families had occupied the land almost 300 years. So if we can imagine a farmer in the Midwest owning a farm for 300 years and then all of a sudden the government coming and saying, ''You can no longer own this'' after you have many generations that have invested in that piece of real estate.

□ 1915

Basically what happened in many cases is that because they did not understand the English language at the time, because they did not understand the English law because American law is based on British common law, which was different from Spanish common law, that many of the folks just did not understand what their obligations were to their new government and so taxes were levied and many times the notice of taxation was never sent or sent in a very incomplete way, or sent in English and they could not read it. You have to remember that this area was a conquered area. We gained this territory as a result of the Mexican-American War, so it was a conquered area, so there was no preparation in terms of engagement with Washington and the East Coast culturally, monetarily, economically, and so often people lost their land because they did not know that tax was due to the government. Often they lost their land because they did not adequately file claims and patents according to the American law because they were just unaware of it.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like the gentleman to talk if he would, if he would not mind answering more questions about the bill, because these are questions that I think occur to most folks who take a general look at the bill. Before I ask a couple of more, I would point out in my district in Colorado, Colorado State University is the largest higher ed institution in my congressional district. There is a professor there who has been holding seminars recently and giving public discussions about the Treaty of Guadalupe Hidalgo. We had contacted him recently and asked him just about your bill and about some of the events that are occurring, the Speaker of the House, for example, coming to the gentleman's district to talk with many of his constituents about this issue. The Speaker termed these events that the gentleman has initiated here in Congress as revolutionary, that was the word he had used, and spoke very clearly about the absolute validity of the treaty.

Most of these lands are today managed by various public entities, primarily the Federal Government, sometimes other public entities. In some cases these lands are now owned by private landowners. That is the minority of cases, but that does exist on some of these lands. How might the treaty affect those who are private landowners today and maybe purchased the land or obtained it legally in some way? How are they going to be treated as this bill moves forward?

Mr. REDMOND. It is important that we do not create two wrongs and believe that we are going to make a right out of this. It is very important that we honor the treaty and we also go beyond just honoring those passages that talk about the right to private property. But in the treaty it is very specific that those Hispanics that stayed behind to become American citizens, that they had full rights as American citizens, which includes the Fifth Amendment, the right to private property, and since it is the Federal Government that did not honor and protect that right, it is imperative that the Federal Government come in and restore that right to the fullest sense possible.

I parallel this to, for instance, slavery. Some people are saying, why are you dealing with an issue that is 150 years old? If we still had slavery today, if the Civil War was not successful in eradicating slavery in America, I doubt there would be a single Member in this Chamber that would vote for the institution of slavery. Just because something has been on the table for a long time, you do not use the calendar and the clock to determine what is right and what is wrong. In this particular case, I believe that the Federal Government should step up to the plate, secure the justice for these individuals, and in the case for those lands that are now occupied by other individuals who have purchased those lands, what we believe should be done is that the Federal Government should identify some other land in the government inventory, because the government did not protect these rights and that that land be swapped out for equal value, not equal acreage, because many of the acres that were taken from the Hispanic families was very beautiful, mineral rich, timber rich, wildlife rich, and to trade off for an area that they could not graze their cattle would not be justice. That would be adding insult to injury. So if it is impossible, for instance, there are some cases where there are whole towns and communities that have grown up in the middle of these land rights, where we cannot just give a whole town and a city and community away.

Mr. BOB SCHAFFER of Colorado. For the gentleman and I who reside out in the West, these issues of property rights and public lands, lands management in general, public or private, are routine discussions. For those who are not familiar with the claims made under the Treaty of Guadalupe Hidalgo and other debates and discussions that have ensued over the years, this may seem a new issue. It really is not as the gentleman has expressed. But it is a relatively new issue in recent years for this Congress. In fact, the people of his constituency have been discussing the issues, a terribly important one politically, culturally and so on in New Mexico and throughout the West, not just New Mexico. It really was the gentleman from New Mexico who brought this issue to the attention of the full Congress and really revived this topic here in Washington.

Mr. Speaker, I just want to take a second or two here and commend the gentleman for having the courage to stand forward and bring an issue to Congress that his constituents have been talking about and been concerned about for many, many years and for the right and obvious reasons, his constituents decided to send him here to Congress. I commend them for that as well, and have really empowered him to raise their voice here on the House floor. It is an issue that has not been raised for quite a long time, he has done it, I think it is a wonderful statement on behalf of the people in New Mexico and those in his constituency.

Mr. REDMOND. I appreciate that. But I think the bottom line, we need to recognize that this is not about land. This is about the integrity of the institution of the government of the United States that stands forward and very boldly says that we hold these truths to be self-evident, that all men are created equal and they are endowed by their Creator with certain unalienable rights. In this case, the Federal Government did not stand up to the plate and bat on behalf of the citizens of the Territory of New Mexico and the citizens of the State of New Mexico. And

so this is not about land, this is about the integrity of our institution, of a free, democratic-republican form of government, a representative form of government where people have their voice heard. The voices of these people have been silenced for almost 150 years. I am determined to in this institution let their voices ring all the way from New Mexico to this institution. We will not rest until justice is done.

This issue is about who we are as an American people, because many people sitting across the Nation, say from Washington State down to Florida and New York, Chicago, they might say that this does not deal with me. I am here to tell you that it does deal with you, because if the Federal Government at one point in the history of our great Nation can violate the right of private property for a minority of people, if it has been done once, that sets the precedent for this government to do it again. That is in direct violation of the Fifth Amendment.

Mr. BOB SCHAFFER of Colorado. The gentleman has spoken in a very general and broad way about the whole issue, the history of the treaty and what has occurred since then. Let me go specifically to his bill, H.R. 2538. First, let me say the gentleman has worked tirelessly to describe the bill to Members of Congress, to make them familiar with it, make every Member of Congress familiar with the concerns of his constituents and the issue. This bill calls for more study. It does not answer the question on how to deal with the treaty just yet. It is obvious that it proposes some very perplexing problems in resolving many of these ownership and management issues, but his bill establishes a presidential commission to study the issue and make recommendations back to Congress on what to do next. Tell us a little bit more about just the process of what happens after your bill passes.

Mr. REDMOND. Basically we are looking for a 5-year commission. We want to establish a research center north of the City of Espanola in Rio Arriba County in my congressional district at the de Onate Center, Don Juan de Onate. Basically what we will do is that individuals who believe that they have a valid claim can step forward with other individuals from their same land grant. They would present the documentation and we would work with them on the reconstruction of the documentation. Some of the documentation exists in the State of New Mexico. Some of the documentation exists in Mexico City. Some of the documentation exists in Spain. There is quite a bit of research that is going to have to go into this project. We want the heirs, according to the treaty, to receive their land, but we also do not want individuals filing fraudulent claims and acquiring land that does not rightly belong to them.

The commission is a 5-year commission, it is going to take minimally 5 years to do the research that is necessary to establish the documentation, and at that particular point we will be making a recommendation, the commission will be making a recommendation to the President of the United States and to this body, the House and the Senate, for a final solution for this particular situation.

Mr. BOB SCHAFFER of Colorado. The Speaker was recently in your district talking about a number of issues and visiting town meetings and so on, but this issue came up quite a lot. What was the Speaker's visit like?

Mr. REDMOND. Basically the Speaker met with maybe 100 to 200 of the heirs of the land grant, the original land grant. They presented to him approximately 3,000 signatures from the heirs of the land grants. The Speaker was very clear. Of course he is a historian, doctorate in history, so being a history buff, he was very intrigued with the injustice that was done and he mentioned it as such, he mentioned it was injustice. We have the full support of the leadership of the House of Representatives. He received the petitions, he has those petitions. Our office has a copy of those petitions. He is committed to working with myself, the rest of the New Mexico delegation and the cosponsors of this bill to see it passes as soon as possible.

Mr. BOB SCHAFFER of Colorado. Earlier today at one of the freshman Republican meetings, you brought the issue up again and addressed the class on the topic and also brought some of your constituents with you as well who are here from your home State working on the legislation. I want you to remind me who they were and tell our colleagues about those individuals and their work here in Washington and what they are trying to accomplish.

Mr. REDMOND. We have two distinguished guests with us here in Washington that will testify tomorrow before the subcommittee. The first is kind of the leader of the people of the land grants. He is a leader of the land grant farmers. He has put many, many years into the program, bringing the people and the land grants together. His name is Roberto Mondragon, former lieutenant governor of the State of New Mexico. He is here to testify on behalf of la gente, the people, de norte, the people of the north, which is our congressional district. He has brought with him Robert Torres, who is the State historian. We will be receiving testimony tomorrow not only from myself as their representative but also testimony from the people of New Mexico that deal directly with this issue and the State historian.

Mr. BOB SCHAFFER of Colorado. They are going to testify tomorrow, as I understand?

Mr. REDMOND. They will be testifying tomorrow. This bill is truly a people bill. We had a rough draft of the bill, we took it to the community. There were about 100, 150 land grant heirs that met at the de Onate Center north of Espanola. They looked at the bill, I asked them is this what you want, and there were some changes. They made the changes. We have a couple of changes we would still like to make and mark up, but this is truly a bill of the people, for the people, by the people. It is remarkable to see firsthand how our form of government works. I believe that it is very important that this needs to be grassroots, from the bottom up and not from the top down.

Mr. BOB SCHAFFER of Colorado. That is a theme, if I can kind of move to a broader set of philosophical differences that separate you and I as Republicans from the other side as Democrats typically. What we see here in Washington as a Republican freshman class, we reflect often about the kinds of things we are hearing back home in our town meetings, we share information about the surveys that we send out to our constituents to get their opinions about issues, and share ideas on how we can be effective as Members of Congress by involving our constituencies in the law making process, in establishing an agenda for our districts and ultimately for the country.

This is kind of a typical thing for us as a small group. It is not that typical in Washington in general. I think it really captures what he has done in bringing this bill to us, and the manner in which you have galvanized support for it back home really is remarkable. At least for me, you and our group inspire real confidence in this process and how well it can work if the right people are in charge and empowered to come back here and take the real role of representative democracy in a republican form of government to Washington. Because you are right. Seeing citizens, taxpayers, local leaders coming here to Congress, drafting their own bill, presenting their arguments, and empowering their Congressmen to introduce it and come to the floor here tonight and other days, as you have, to speak about it is an inspiring occasion. And I just want you to know I have been struck that way personally, and wish you very well on moving that legislation forward.

Any final thoughts or comments on the bill?

□ 1930

Mr. REDMOND. Well I would just say, I would just encourage as many Members as possible to cosign on to the bill. It is a bill 2538; it is called the Treaty of Guadalupe Hidalgo Land Grant Claims Commission, and it indeed is a bill written by the people, for the people. And we are looking forward to having that come before this body, hopefully within the next 30 to 60 days, for final passage, and then we can send it to the other body and they can consider it and hopefully get it on the President's desk as soon as possible. I would like to see this become a reality for the people of New Mexico.

One hundred fifty years is a long time to wait for justice to be done, and

I believe that the Members of this body are committed to seeing that justice is done. And so I call upon all my colleagues to not only vote for the bill, but to be proactive and to sign on to the bill, and as we say in New Mexico, taking off of the first line of the Treaty of Guadalupe Hidalgo again, for those that might be joining us, the Treaty of Peace, Friendship, Limits and Settlement, signed between the Government of the United States of America and the United Mexican States on February 2, 1848.

The treaty begins, ''In the name of Almighty God:'' And I would just like to end my portion today, as we would in New Mexico, saying thanks to God: Gracias a Dios.

Mr. BOB SCHAFFER of Colorado. Also joining us tonight is the Congressman from the State of Florida (Mr. WELDON), and Mr. WELDON is not a member of the freshman class, but we will make him an honorary one tonight. He has 2 years' advantage on the rest of us in terms of seniority.

But you know, Mr. WELDON, before I yield time to you, I just want to say that we view our role as a freshman class as one of raising a number of issues and providing a number of opportunities and actually exercising a certain amount of leadership in the Congress as a whole. And when we see people who have come here at different times than we have, that are doing great things and moving forward on issues that are important to the whole country, our goal is not to reinvent the wheel; we want to help where we can help and place the greatest amount of effort to move our great country forward and exert the kind of leadership that I think the American people expect of us.

And with that, let me turn some time over to you to explain the legislation which you have just introduced today, as I understand it.

Mr. WELDON of Florida. Yes, that is right, and I want to thank you for yielding to me, and I certainly want to commend you and the other Members of the freshman class of the 105th Congress for the leadership roles you have been taking. And in listening to the discussion tonight, the gentleman from New Mexico, I think, is representing his district very well, and likewise I think the people of Colorado have been well served by many of the initiatives that you have been putting forward. And I think freshmen, they are fresh, and we always need a fresh look around here. This place can get pretty stale at times, and getting people coming in from the marketplace, from the outside world coming in, I think is a very good thing.

I thank you for yielding. I wanted to talk a little bit about a piece of legislation that I introduced today, along with my good friend and colleague, the gentleman from Ohio (SHERROD BROWN), the Patient Choice and Access to Quality Health Care Act of 1998, H.R. 3547. As most of my colleagues know, prior to coming to the United States Congress, I was a practicing physician. I practiced internal medicine, specifically general internal medicine. I took care of a lot of senior citizens, people on Medicare. I took care of a lot of people with chronic illnesses, diabetes, arthritis. I practiced for 8 years in private practice. Prior to that, I had practiced in the army. And in private practice, I had the opportunity to do some managed care, and I have to say that I have seen the good side and the bad side of managed care, I have seen the good side and the bad side of standard fee-for-service medical care, and there really is no perfect system. Any system has its good points and its bad points, but clearly today in America we are seeing a trend that I think is very dangerous. It is a trend within the managed care industry to compromise quality for the sake of saving the bottom line; in other words, putting dollars ahead of patients, and I think that is wrong.

In particular, there are some managed care entities that are compromising quality so much for the sake of profits that it is putting pressure on some of the honest and well-run managed care entities. And this country has many things about it that makes it great, and I cannot within the confines of the time yielded, describe all of those things. But one of those things, as we all know, is that we have the best health care system in the world, the best quality health care, the most innovative care. So this piece of legislation, the Patient Choice and Access to Quality Health Care Act, is a reasonable proposal, I think, to rein in some of the excesses of the managed care industry.

Specifically, the bill has provisions that assures adequate access to specialty care for in-network care; also some provisions for grievance for enrollees. Also, there are provisions required of the plan to notify the enrollees when they are enrolling of what restrictions they may have on access to various types of specialists. Importantly, there is a provision that places restrictions on health care providers being provided financial incentives not to refer patients. We have provisions in existing Medicare law prohibiting plans from allowing doctors to get extra money for referring patients, but we do not have any provisions that prevent plans from giving doctors money for not referring patients, and in this legislation we limit that or we prohibit that specifically.

We also have a provision in here, a so-called gag prohibition against gag clauses that would allow doctors to freely communicate with their patients. There is also an out-of-network provision, where if patients choose to, they can exercise that option and the plans will be allowed to charge patients extra for going outside the plan.

This is a very, very reasonable piece of legislation. It is a bipartisan piece of legislation. It does not require the creation of vast new bureaucracies that would have to monitor the entire industry. It will allow managed care to continue, but it places reasonable restrictions on managed care restrictions that I would like to point out will serve well to maintain quality.

Most of the provisions in my legislation are provisions that were voted on in this body previously and passed overwhelmingly by this body, by the Senate, and signed by the President. Specifically, these are all provisions that we already placed on the Medicare plan, and some of the provisions as well are already preexisting within Kennedy-Kassebaum legislation that was passed last year.

I think this bill will go a long way to deal with many of the problems and the frustrations that we see today in the health care marketplace. We all know that there are many excesses within the managed care plans that exist out there.

I was reminded recently, as a physician I still practice occasionally, and I spoke to a nurse not too long ago who was complaining to me that her mother, elderly mother who lived in another State, not in Florida, who was enrolled in a managed care plan, had fallen and broken her nose. She could not breathe through her nose when lying down, so she had to sleep sitting up. And the managed care entity was refusing to pay for fixing this problem, it is called a rhinoplasty, claiming that it was cosmetic surgery on an elderly lady. Clearly, this was totally inappropriate. Fortunately, the managed care entity relented and finally paid for the rhinoplasty.

Now this is a minor incident, and I can tell you that I have heard much, much worse cases. Indeed, there are cases out there where people have suffered severe harm as a consequence of denial of appropriate medical care within managed care entities, including cases where there have been deaths.

So in my opinion, legislation is long overdue, and this piece of legislation that I am putting forward is a reasonable proposal, it is a bipartisan proposal, and I would encourage all my colleagues to look at this legislation, and I encourage all my colleagues to sign on to it.

Mr. BOB SCHAFFER of Colorado. As my colleague knows, he mentioned at the outset of his comments that there are good HMOs and there are those that seem to be prone on occasion to various abuses and failure to comply with the contractual agreements that they have established for themselves and their clients.

With respect to the bill and this grievance process and complaint process, there are good examples out in the free market right now, there are good examples of HMOs that have a good grievance process. This bill moves us toward allowing those kinds of questions and concerns to be aired in a timely manner.

Mr. WELDON of Florida. The bill requires that all managed care entities

set up a grievance committee, and it should be, it can be made up of people, doctors that are in the plan, administrators that are in the plan, but it also calls for patients to be enrolled or patients in the grievance committee and, as well, people who are outside the plan.

And you know, I have an aunt and uncle up in New York who have been in a managed care plan all their adult life. They love it, they think it is wonderful. It is a well-run plan, the best that I can determine. So when you say there are good managed care plans, there are.

But I will tell you that some of the good managed care plans are being squeezed by the unscrupulous managed care plans who will frequently come into a community, low-ball prices, sign people up, put pressure on those good plans to reduce their prices or they will go out of business. And how do they do that? Well, how do those unscrupulous plans do that? Well, they deny services, is typically what they do. They deny access to specialists.

And might I also add, I am a primary care provider. I still see patients about once a month, and I used to refer. When I was practicing medicine, I used to refer probably, maybe 10 times a day I would refer somebody do a specialist. But I saw 30 to 40 people a day, and I prided myself in taking care of my patients and not referring them all out to specialists.

This piece of legislation is not to protect specialists, but when I needed to, I referred those patients to specialists for one and only one reason: because it was in the best interests of those patients, because they had a problem, they had a condition that I as a general internist could not handle.

What is wrong is when we provide financial incentives, which is what some of these plans are doing, to doctors to not refer because that compromises the doctor-patient relationship. The patient comes in to see the doctor; there should only be one thing on that doctor's mind: What is best for that patient? And if there is a financial incentive for him not to refer, then that is wrong, and we correct that in this legislation.

And might I also add, when I used to make those referrals, the best thing for those patients, and I was happy to do that even though in many cases, you know, in particular the cancer cases, I will say, I frequently did not see much of them anymore. They would go to the cancer specialist, they would get their chemotherapy, and in terms of, you know, income off of that, it was not for me. They were off to see a specialist. But you know, I was very comfortable with that. I felt nothing was more important than making sure that the patients got to see the specialist they needed to see.

□ 1945

It was part of the Hippocratic oath, as far as I was concerned, that I took when I graduated from medical school. We have seen a corruption of those basic fundamental principles in the health care marketplace.

I think this legislation is something that you would want to support. I encourage you to look at it, and I would encourage you to sign on.

Mr. BOB SCHAFFER of Colorado. Well, purchasing these insurance products, being enrolled in an HMO is something that consumers need to spend a lot of time on, because you can make bad choices. The appeal of low premiums often comes at the expense of, as you mentioned, reduced service.

Just from a business perspective in managing a cash flow, if you are operating on fewer revenues and fewer dollars and doing so to maintain that competitive edge, frequently that comes at the expense, of from a consumer's perspective, of strategies of delay. They see nontreatment of various ailments that they thought might have been covered.

You really need to read those policies very, very closely. There is nothing wrong with buying a cheap policy if that is what you want, if you are willing to deal with the consequences of inadequate care.

I do not think your bill prohibits that, but it certainly says that the patients and customers ought to be fully knowledgeable about and fully apprised of what they are purchasing, the exact terms, the exact limitations that may occur, so that they know that the policy that they hold is exactly what they pay for.

Mr. WELDON of Florida. Well, in the legislation, we have a provision that requires that before they enroll, they have to be counseled regarding any limitations on access to specialists, any out-of-pocket expenses that are associated with going outside the plan. There is a whole list of requirements.

This is basically informed consent, as far as I am concerned. I was not a surgeon. I was a general internist, so I did not do a lot of procedures, but I did a few. I would take some skin lesions off, and I do do some other procedures. Whenever I would do anything like that, I would always say to somebody, like if they had a skin lesion on their face and I had to remove it, I would explain to them, you might have a scar. We call that informed consent. You inform them.

What my bill requires is basically that sort of thing when the health care plan enrolls the person in the HMO; that if you are going to be restricted, that you can only see certain primary care providers, they need to be counseled on that. If there are restrictions on specialists they can see, they need to be made aware of that.

A perfect example of how people are not aware of these sorts of things, in my community, I had an oral surgeon complain to me. This is a typical scenario that he has occur to him. Somebody comes to his office at 5 o'clock on a Friday afternoon, with a big infected tooth that requires surgery and antibiotics. He gets them all ready to be admitted to the hospital. He gets them all ready to be admitted to the hospital. He gets them prepped and everything, and they discover the managed care plan that that person signed onto requires that they travel to another city 60 miles away to see another doctor who they have never seen before.

What my bill says, they can still do that. The managed care plan can do that. They just have to inform the enrollees. I call them patients, but in insurance language, you call them enrollees. Inform the enrollees that those are the prohibitions, the restrictions on them in this plan so that they know.

I think that will be better, actually, for the managed care plans. I think that they will get fewer complaints. I think they will have enrollees who are better understanding of the plan and hopefully better satisfied.

I think my bill is not only good for patients, it is good for the managed care industry as well. It is going to place good, reasonable restrictions. It is going to help the managed care industry to clean up its act.

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

Mr. BOB SCHAFFER of Colorado. The gentleman from Florida's expertise as a physician is very valuable to all Members of Congress, and we seek that wisdom and guidance routinely. I appreciate your leadership here tonight.

We have got less than 10 minutes left, and I want to change subjects real quick, because another great leader of the Congress is with us tonight, also not a freshman, but an honorary one at the moment, and we will make him so. That is the gentleman from Michigan (Mr. SMITH), who has been providing a lot of leadership and guidance with respect to balancing our budget, one of our key themes and objectives that we are trying to achieve as a Republican Congress.

It is quite a difficult balance when we have a number of programs that we need to manage. We want to save Social Security, Medicare, and so on, and guarantee the strongest and safest, most secure retirement system in the world and, at the same time, balance our budget. I believe we can do both. But we have not achieved that just yet, in spite of the celebration and claims you might see over at the White House.

Mr. SMITH of Michigan. Mr. Speaker, if the gentleman would yield, first off, I want to tell everybody that might be watching this special order that we thank the gentleman from Colorado (Mr. BOB SCHAFFER) for providing this leadership. And anybody that does not know, the gentleman from Colorado, president of the freshman class, has really spearheaded this legislation through.

I am just starting my sixth year in Congress. And what is great about the new freshman class is they bring in

new energy and new ideas. So I commend the gentleman from Colorado on that.

In terms of balancing the budget, I think this country needs to start making decisions of how big do we want government to be, how much of the money that we earn do we want to pay out in taxes?

Of course, if you are an average American, you pay about 40 cents out of every dollar you earn in taxes at the local, State, and national level. Of course, taxes are especially appropriate at this time of year because most Americans, by the April 15 date, are going to be required to shell out of their pockets and pay money into the Federal Government in taxes.

So I would just urge everybody as they look at their taxes, make sure that you look at your W–2 form. How much has already been deducted from your paycheck to send to the Federal Government, and how much has been deducted from your paycheck in the so-called FICA taxes, the amount that is deducted for Social Security and Medicare, because it is getting larger and larger.

We have had a system of government where so often, the Members elected to the Congress, and even the President of the United States, they say, look, we are going to do more things for more people, and they do not say we are going to tax you more, or we are going to borrow you more so you have to pay more in interest. But it has become sort of a system where, if you come with more spending and more programs and more pork barrel projects, then you take these home to your districts and get on the front page of the paper, cutting the ribbon, or on television.

So in the past, it has increased the propensity that you are going to get reelected if you do more things and spend more money and tax the Americans more. I think the Americans are starting to wise up to these pork barrel projects.

I would just encourage everybody, as we go through the election process for this fall's election, that everybody start going to those debate meetings. Everybody start asking those Members that are running for Congress, look, when are you going to stop taxing us so much? Let us start keeping some of that money so that we can spend it the way we want to, or we can start saving it and investing it to help secure our retirement future.

Mr. BOB SCHAFFER of Colorado. There really is a need for nationwide study or review or recollection of the concept of federalism in the United States, because I think every single day, we in the Congress, and this is what we fight for as a Republican Party, fight for forcing this institution to come to grips with what is the appropriate role of the Federal Government.

There are many functions of government that are appropriate, that are public endeavors that need to be undertaken at one level or another, but that is the key phrase right there.

Mr. SMITH of Michigan. Yes.

Mr. BOB SCHAFFER of Colorado. One level or another.

Mr. SMITH of Michigan. Should all good causes be implemented into Federal law? And I think what I hear you saying is no.

Mr. BOB SCHAFFER of Colorado. I frequently look to the U.S. Department of Education, for example. Now, all of us in this Congress would agree, the most conservative and most liberal Members alike, that a strong public education system is absolutely essential, and it is central to maintaining the Republic.

The second question, though, that begins to divide us is at what level do we best deliver a public education system. Is it Federal, State, or local? The first place we ought to look is the United States Constitution.

I would defy anyone in this Congress to find where it is in this Constitution that the Federal Government has been empowered to manage local school districts. It is not there. We have never been empowered here yet.

Just as you said a moment ago, there are Members of Congress who, at election time, cannot resist the opportunity to get on the front page of the local newspaper or cut the ribbon at some institution and spend other people's money on a function of government that is important but probably is better situated at the State level, as the Constitution suggests.

Mr. SMITH of Michigan. So often what happens is, though we are not authorized under the Constitution to pass laws, what we do is a combination of bribery and blackmail in trying to impose the will of the Federal government on local jurisdictions.

So we say, look, if you do it the way we in Washington think you should do it, if you do it the Washington bureaucratic way, then you can have some of the money back that you paid us in the first place in taxes.

In the transportation bills in the past, we said, look, you cannot have the transportation dollars that you sent us in the first place unless you do such things as lower your speed limit. You cannot have the education money the President is suggesting unless you use it to build a building or unless you use it to do this or unless you use it for the things that we say. The propensity of Washington is that they are elitist. They think they can make the decisions better than the people at the State and local level.

I think it is important that we start looking at reducing the tax burdens so the American workers can start experiencing the creation of wealth. If we would tax a little bit less, then they would have the opportunity to start saving and investing and see the magic of compound interest where, at some of the interest rate, some of the returns that we have experienced, for example, has been very astonishing. We need to give that opportunity for the creation of wealth to more people.

Mr. BOB SCHAFFER of Colorado. Well said. Our Republican vision here as the majority party in Congress is to lower the effective tax rate on the American people from over 40 percent, where it is today, 40 percent of income down to 25 percent at a maximum. It could possibly even go lower than that. But I think as a general goal that we ought to shoot for, this is the target that we have set for ourselves.

It is not going to happen overnight, certainly. But as far as establishing a direction and a goal for the American people, it is this side of the aisle, the Republican Party, led in many respects by our freshman class and with the leadership and encouragement of you and other Members of Congress to get us toward a 25 percent overall effective tax rate. That is at Federal, State, and local levels of government. The cost of being a free citizen in America should not be more than one-quarter of your annual family income.

Mr. SMITH of Michigan. That has got to be an ultimate goal. The other goal that the gentleman from Colorado and I both agree with is we have got to start paying down the Federal debt. Right now, the interest on that $5½ trillion that the Federal Government has borrowed represents 15 percent of the total Federal budget. So we are going to use a lot of this extra money that it looks like it is coming in in surplus and, to be sure, it is not a real surplus, because we are borrowing from the Social Security trust fund.

I thank the gentleman from Colorado very much for participating in this hour.

Mr. BOB SCHAFFER of Colorado. These are great topics that we will pick up at another time. Our hour is about to expire.

Mr. Speaker, the freshman class will be back in 1 week.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am here tonight to talk about the issue of campaign finance reform. This is a topic that has been a subject of particular importance to the freshman class, and I want to explain why.

We are going to start with the simple fact that the 1996 election was different from other elections in the past. One of the major differences was the amount of soft money that flowed to the national parties that eventually found its way into ads that were run for and against candidates around the country.

□ 2000

Now, soft money is the unlimited money that comes from corporations, from unions, and from very wealthy individuals, to the national parties. This

chart on my right will give my colleagues some sense of how there has been an explosion of soft money in the 1996 cycle.

As my colleagues can see, in the 1980, 1984, 1988 and 1992 cycles, there was a certain amount of soft money flowing to the national parties, but then in 1996, all the limits came off. It is important to remember, as I said before, this is corporate money, this is union money, and this is money from very wealthy individuals.

What was different about 1996? What was different in 1996 is that both parties figured out that they could legally use soft money that came to the national parties to run so-called ''issue advertisements.'' These were advertisements that did not say vote for or vote against a particular candidate, but they did talk about a particular issue, and they did frame the ad almost always in a negative way and urged the voter to call that candidate or call the elected official to complain about a particular position on an issue. They clearly were designed to influence Federal elections, but because they were about issues and not simply saying vote for or vote against a particular candidate, they essentially passed legal muster.

So what was a small loophole became a highway for money that has been prohibited for decades in this country.

When Theodore Roosevelt was President, 1905, the ban against corporate giving to individual candidates to influence Federal elections was established. In 1943, the same ban was applied to unions. But in 1996, those limits, those bans, were effectively circumvented as money flowed to the national parties and then went out to issue ads.

Now, why is that important? What happened in 1996, this is half of the story, the explosion in soft money; the other half of the story that was different is that for the first time or for, I guess I would say, the first complete cycle, we had a lot of money coming from outside groups, issue advertisements, individual expenditures designed to do the same thing, to influence Federal elections, but that fell outside the scope of the Federal election laws.

The freshmen, on a bipartisan basis, Democrats and Republicans, formed a task force, six Members on each side. The gentleman from Arkansas (Mr. HUTCHINSON), a Republican, was the cochair of the Republicans, and I, Tom Allen of Maine, was the cochair of the Democrats on our side. Over a 5-month process we held public forums, we debated these issues and we negotiated a bill.

That bill, H.R. 2183, the Bipartisan Campaign Integrity Act, is a good bill. It bans soft money. It requires faster and more accurate reporting by individual candidates. It requires further disclosure by groups that run issue ads.

Why do I bring this up today? Because after months and months of investigations with millions of dollars spent in this House by House committees to investigate campaign finance abuses in 1996, and after seeing some significant bipartisan efforts toward campaign reform in this House, what is the result this week?

Well, this House, the Republican leadership, is now on the verge of reporting out a so-called ''campaign finance reform bill'' that is a sham. It is not bipartisan, it is not reform and, above all, it is not designed to pass, because the last thing that the Republican leadership wants on campaign reform is for a bill to pass.

Now, that bill, we expect that it might be marked up, there might be a rule on it tonight, it might come up this week. The latest information that I have is that that is probably not going to happen, but I want to talk about the difference between doing this in a bipartisan way and doing it in a partisan way.

If we approach the campaign reform issue in a bipartisan way, we have to begin by taking the poison pills off the table. And when I say a poison pill, I mean a provision that is designed to kill the reform. So what we did with our freshman effort is, we sat down, we took the poison pills off the table.

The Republicans did not want to agree to overall campaign spending limits for individual congressional campaigns. The most common suggested amount was $600,000. Now, some of us thought that for $600,000, one can run a pretty good congressional campaign in this country. They did not want it, so we took it off.

The Democrats said, look, we are not going to go after one interest group and not another in this country, and therefore, the poison pills that involve going after labor unions, trying to gag workers across this country, was taken off the bill. That is what we did. We took the poison pills out. But recently the Republican leadership, in developing their bill, put all of the poison pills back in, all of the poison pills, that is, that mean that Democrats could not vote for the so-called ''reform bill.''

Mr. Speaker, let us go for a moment just to the immediate reaction around the country toward the Republican leadership campaign reform bill. In The New York Times today, they called it Campaign Finance Charades, and the first line reads, ''Newt Gingrich has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system.''

The Washington Post today, same type of editorial. The headline: Mocking Campaign Reform.

USA Today, an editorial entitled, Big Money Buys Big Favors as Campaign Reform Wilts.

The League of Women Voters described the Republican leadership bill as, ''The approach is to package together several of the worst ideas on campaign reform. This bill is a complete travesty.''

Common Cause, which has been leading the fight for campaign reform, described this bill as, ''This bill is a hoax,'' Common Cause President Anne McBride said. ''It is laced through with poison pill provisions, and it not only allows the soft money system to continue in place, but also legalizes Watergate-size contributions for the political parties. No one should be fooled by this cynical effort.''

The fact is that we cannot do campaign reform on a partisan basis, and yet that is exactly what the Republican leadership has been trying to do. We have to get back to first principles, we have to get back to having a bipartisan approach to campaign reform, and I believe that there are others in this House on both sides that have taken an approach, a bipartisan approach.

The gentleman from Connecticut (Mr. Shays) and the gentleman from Massachusetts (Mr. Meehan) on the Democratic side, have worked on this issue for a number of years. There are Members on both sides of the aisle who have worked on this issue. But the Republican leadership bill is not designed to pass; it is not reform, it is not bipartisan, it is a disaster.

I know that on the Democratic side, we are committed to a real campaign reform bill. There is too much money in politics right now. We have to make sure that the ordinary citizen does not feel disenfranchised by this system, and the more big money that comes into politics, the more the cost of campaigns keeps going up, the more the ordinary citizen is going to feel disenfranchised. We have to stop the money race, slow it down, at least, do what we can in this session to do that. We need a different bill, a bipartisan bill on the floor of the House when this issue comes up.

One of the leaders in this effort has been the gentleman from New Jersey (Mr. PALLONE). It is good to have him here tonight willing to talk on this subject.

I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine. He really has taken the leadership on this issue, and I am pleased to be able to join him tonight on this Special Order.

I listened to some of what the gentleman said. I was on the way over here when the gentleman began, but it is amazing to me that here is an issue on which the American people, I believe, have basically spoken out and said that they would like to see real campaign finance reform. And the reason why they want campaign finance reform is because they think, as the gentleman mentioned, that there is too much money in politics, and too much interest, if you will, and too much ability of wealthy individuals to influence the political process; and that we have gotten away from the way this country used to be and the way this democracy used to be where politicians, and I use the term ''politician'' in a positive way, used to have to go out to their

constituents. And if they were going to raise some money on the campaign, a lot of times, most of it was from their constituents, and most of it was smaller contributions. They did not have to raise $1 million or $2 million or the kind of money that we are seeing in campaigns today.

In addition to that, we have all of this money that is being spent independently by the special interest groups, the so-called ''independent expenditures,'' so that if one of us were to say, I think the gentleman used the figure of $600,000, if one of us were to say that we are spending $600,000 on our congressional campaign, which is probably about the average right now, what we are not taking into account is the fact that there may be a lot of other special interest groups out there that are spending $200- or $400,000 each on ads in the races, as well, that we are not even counting that $600,000. But the message that I am getting is that there is just too much money in politics.

Now, what do we get? Well, as is often the case here with our Republican colleagues, and maybe I should not say our Republican colleagues, as much as our Republican leadership, because I think that Speaker Gingrich and the Republican leadership are really the culprits here and they are the ones that control, if you will, what comes to the floor in this House. They know that campaign finance reform is something that the public wants. They know that the American people want it, but they come up with this scam, if you will, or sham, I think, the gentleman described it as; some of the editorials are calling it a charade, some are calling it a sham, whatever we want to call it, to try to bring the bill up, load it down with provisions that will make it impossible for it to pass this House, and at the same time not achieve any reform even if it did pass. And I think the biggest example of that, I do not know if the gentleman mentioned it, but talking about this idea of not allowing more money in politics, the Republican bill actually raises contributions to party committees from $20,000 to $60,000, and it raises individual contributions from $1,000 to $2,000.

So for those of my constituents who think that there is too much money in politics and think that a 1,000 contribution may be a little high, now they are going to see that the contribution level is $2,000.

So what the Speaker is doing, what Gingrich is doing is saying we should have more money in politics.

At the same time, we have this poison pill antilabor provision, if you will, just to make sure that the bill does not pass. So either, hopefully, they hope it will not pass, and if it does, it would not actually accomplish campaign finance reform.

Just to mention, this poison pill or antilabor provision, from what I understand, basically makes it more difficult for workers to organize and for the National Labor Relations Board to stop employers from violating labor laws.

Democrats are going to offer a substitute bill, essentially the MCCAIN-FEINGOLD legislation, that provides real reform, including a ban on soft money, which I see you have the chart up there. And the gentleman talks about the amount of soft money and how it has increased so much I guess, just in the last 4 years or so, from 1992 to 1996, and our Democratic substitute, the MCCAIN-FEINGOLD bill, if you will, essentially gives average working families an equal working voice, I think, in the political system and limits the influence of wealthy special interests on our political process.

Mr. Speaker, I just wanted to say, in my home State of New Jersey we have a very good example, and of course there are a lot of different ways that one could go about campaign finance reform, and we do not all agree on the ways to go about it. But we have a very good example in our gubernatorial race, which is also very similar to the presidential race nationally, whereby we allow, or we require, our candidates to raise a certain amount of money in small contributions and large individual contributions, but that has to be matched with public funds; and then we cap the amount of money that can be spent on the race.

That is what I would like to see. I would very much like to see congressional races run in the way the presidential raises are run or the way our gubernatorial races are run in New Jersey where the candidate basically has to raise a certain amount of money, not a lot in relative terms, and then that gets matched with public financing, public dollars, and then there is an overall cap on the amount of money that could be spent in a race.

I really think that the key is to limit the amount of money that is spent, not only by ourselves, but also by these independent organizations or independent expenditures by these special interest groups. Because if we do not limit the amount of money, then ultimately, it will continue to skyrocket and somebody will find a way to spend more and look for a loophole where they can spend more money.

The bottom line is that this Republican proposal, which I guess we are going to consider tomorrow or Friday, allows more money, more influence by wealthy individuals; and it has just been rigged so it cannot pass. And nothing else really is going to happen, and then Republicans and Gingrich can just go home and say, hey, we brought this up for a vote, we failed, we tried. Thank you. At least we let the opportunity present itself to bring this up.

□ 2015

They are really not allowing any opportunity. The way they are setting up the rules, they have rigged the system and they have made for a sham campaign finance reform bill.

Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for putting together this special order this evening.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey. I thank him for all his help on this issue, and for his concise summary of the THOMAS bill, the Republican leadership bill.

Let me just mention one thing before I turn to my friend and colleague, the gentleman from Arkansas. What we have in this Republican leadership bill is a worker gag rule. The Center for Responsive Politics has determined that in the last cycle businesses outspent labor by 10 to 1, and notwithstanding that 10 to 1 differential, the Republicans are determined to try to gag unions. Let me give a couple of examples.

They have established a rule where essentially union members would have to give prior consent, individual prior consent, to the use of any portion of their union dues for political kinds of activities. That does not mean just running ads, it means educating their own membership, putting out material to their own membership to tell them what issues are coming up that may affect their jobs and their lives, their health, and all of those issues that we deal with here in this Congress.

They say that they are trying to impose the same restrictions on corporations as they do on unions, but it is not true. It is not balanced and it is not fair.

With respect to unions, the burden of proof is against the union. The member's consent is not presumed. You have to have an individual signed, written statement prior to the use of any portion of those union dues for that particular purpose.

On the other hand, for a corporation, the burden of proof is in favor of the corporation. The shareholders' consent is presumed unless it is specifically rejected. This is just one of the many ways in which this bill is biased and is unfair.

No surprise. It is not a bill that was worked out in committee by a bipartisan process, it is not a bill that has had bipartisan support for any period of time. It was simply put down and put in place, and put together at the last minute by the Republican leadership. It is not fair, and it ought to be voted down.

Mr. PALLONE. If the gentleman will continue to yield, Mr. Speaker, because I know we have our colleague, the gentleman from Arkansas, here, I just find that this poison pill, if you will, this worker gag rule, so objectionable, because I know in my district the unions are very active on election day. They go out, they knock on doors, they put up signs during the campaigns. They do a lot of grass roots activity.

But the idea that individual members of a union cannot pool their resources, if you will, and have to have this extra restriction, if you will, have to individually sign for any contribution that they put forward, it just flies in the face of really the whole organizing effort, if you will, of the union.

Unions are meant to organize working people. If they cannot organize working people effectively for political action, then that takes away an important part of their existence. It makes it that much more difficult for them to be involved in the political process. It just irks me so much, because this is just purely partisan.

There are Republicans in my home State in Congress who are supported by the unions, so they are not strictly Democrat. But more often than not they support Democrats more than Republicans, and that is the reason this is being proposed, because the unions, certainly in the last few years, if not historically, have been more supportive of Democratic candidates.

That is not a reason to gag them. That is not a reason to not allow them to exercise their right to assemble and to participate fully in the political process. That is not what the democracy is all about.

Mr. ALLEN. In a nutshell, what the Republican leadership is trying to do is to place restrictions on and to gag people who contribute a few bucks a month for political activities that are not just activities related to Federal candidates, but just their own union. At the same time, they are tripling the limits that wealthy individuals can give to the national parties. That is an embarrassment.

Mr. PALLONE. Is it not also true, Mr. Speaker, if the gentleman will continue to yield, I think the gentleman told me, if an individual does not want to participate in anything but the collective bargaining aspect of the union, they always have the option themselves of simply contributing their dues for the collective bargaining aspect and not for anything else. So that option is already there. It is just that they are imposing an additional written requirement now in every case. That is the thing that inhibits free speech and the ability to participate.

Mr. ALLEN. The gentleman is right, the Supreme Court has ruled that every individual union worker has an absolute right not to be forced to contribute anything to political activities, to anything other than the activities related to collective bargaining.

I yield to my friend and colleague, the gentleman from Arkansas (Mr. VIC SNYDER), who has been a staunch proponent of campaign reform in this Congress. I am glad to see that the gentleman has brought along his check.

Mr. SNYDER. The gentleman just likes my special effects.

Mr. Speaker, it is interesting to me, the discussion we are having to have about these poison pills, and explain the minutiae of them to the Members of Congress so they will understand why it is a poison pill.

The reality is what we should be talking about, in a bipartisan manner, what we have been talking about for the last year, is where the problem is. It is in the huge soft money donations.

I have this check here I made up, made out to Any Ol' Political Party, signed by my friend, Ima Big Donor. Ima had $1 billion that she wanted to donate. She donated it to her favorite political party. This is completely legal, completely legal, under the current law.

The reason that the gentleman and I have engaged in a bipartisan manner with my friend, the gentleman from Arkansas (Mr. ASA HUTCHINSON) on the freshman bill and the reason we have had other bills like the Shays-Meehan bill, the McCain-Feingold bill, bipartisan bills, is to address the problem of these huge, unregulated donations.

Not so long ago we would have said, well, no one will make a $1 billion donation. Then we had Ted Turner, who donated $1 billion to international relief, and we suddenly realized that there is somebody out there that has the ability to make a $1 billion donation. Donations of several hundred thousand dollars are not uncommon in this day and age. Yet, look at what the average pay scale is in Arkansas, and they are absolutely dwarfed by those sizes of donations.

But this is what we should be concentrating on. This is what the Speaker of the House should be looking at. When we talked and had his promise from him a few months ago that there would be a fair debate on the floor of this House about campaign finance reform, we all envisioned a debate about a bipartisan bill that addresses this most egregious problem in our system, this overwhelming big money that can be made in any amount, and yet that is not going to occur because of the Republican leadership.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER). It is interesting that the Republican leadership bill, I should say, because I want to say this, there are some Members on the Republican side of the aisle who have been engaged in this issue from the beginning, but not enough. We really think it is the leadership that has sort of shut down this exercise at this time.

Let me just talk for one moment about the so-called soft money ban in the Republican leadership bill. The McCain-Feingold bill prevented Federal officials and candidates and parties from raising soft money. The freshman bill did the same thing.

Supposedly the Republican leadership bill did the same thing, but there is a difference. Under McCain-Feingold, the McCain-Feingold bill says that State parties cannot raise or spend soft money as well on any activities that affect the Federal election. So the obvious problem was, if you ban soft money at the Federal level, why will not people just go out and raise it at the State level?

So McCain-Feingold says, no, you cannot do that. You cannot do that. The freshman bill says, okay, we are not going to prevent State parties from controlling their own election laws and allowing soft money to be raised here if they want to, but we are going to prevent States from moving money, soft money being raised from one State to another, so we wall in each State. We have closed down that loophole.

But that provision of the freshman bill was taken completely out of the Republican leadership bill, so it is not a real soft money ban. The obvious loophole, there is a huge loophole in the Republican bill in terms of a soft money ban. It does not work, it is not fair, and it is not real reform.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, I would like to make another point. The gentleman from Maine (Mr. ALLEN) is one of my heroes, and he has been on my cable TV show back in Arkansas. The gentleman from Arkansas (Mr. ASA HUTCHINSON), a Republican freshman colleague, is one of my heroes, also. The two of them are the lead cosponsors of the freshman bill.

They spent a lot of time working through the problems when they made the decisions about what would be in that particular bill, and a lot of freshmen participated in that. What was showed was that it was a model of bipartisanship.

We thought we had in this country sometime ago a model of bipartisanship. This is a blowup of the famous photo when the Speaker of the House and President Clinton shook hands when they committed themselves to doing something about dealing with the overwhelming presence of big money in politics.

It is interesting to me now that the President has said he will sign a campaign finance reform bill. He is committed to it. We have leaders on both sides of the aisle, both Republican and Democrat, that have said they want bills on the House floor to deal in a bipartisan manner with this problem of soft money and campaign finance. Yet, the problem we have is with the Republican leadership.

I want to distinguish, there are clearly Members on the Republican side that will vote for campaign finance reform and feel every bit as strongly about it as the three of us do here tonight, but it comes down to a question of leadership.

Unfortunately, the way our House works, if the Republican leadership decides certain bills or certain amendments do not get on the floor of the House, the American people are denied their will, and in fact, the will of Congress is denied, because I am convinced there is a majority of Members of this Congress, when we total up the votes on both sides of the aisle, Republican and Democrat, that will vote for a ban on soft money; a good ban, a true ban on soft money, and try to deal with some of the other issues.

But it comes down to leadership, and the Republican leadership in this House is blocking the will of the House, blocking the will of the American people, and I think it is just an embarrassment to the body that that is occurring.

Mr. ALLEN. The gentleman from Arkansas makes a good point. If we think back to what happened on the Senate side, we can see the same sort of pattern over there, because the fact is that the McCain-Feingold bill, the stripped down version of the McCain-Feingold bill that was brought up in the Senate got 51 votes. A majority of the Senate voted for the McCain-Feingold bill in the Senate. Yet, it is only the Senate's rules that allow filibusters that sent that bill down to defeat.

Here we are, over on the House side, fighting the same fight, and all we are trying to do is get a good, bipartisan bill to the floor for a vote. If we do that, I believe we will win. I believe we will win it. But this is not a topic that can be done in an arbitrary way, in a totally partisan way. It cannot be done with a bill that is designed to fail, intended to fail, constructed to fail. That is what we have on the other side right now.

Mr. SNYDER. If the gentleman will continue to yield, Mr. Speaker, I read a column some time ago on this issue of campaign finance reform. The columnist had a great line, which was, does a fish know that it is wet? Does a fish feel the wet? It lives in water all the time, and I get in the bathtub and it feels wet to me, but does a fish feel the wet?

I do not know what a fish feels, but could use the example in trying to explain why the Republican leadership would be putting out this kind of a bill that has been called a charade, a hoax, a mockery. Why would they be putting out this kind of bill?

It may be that if you have been up here too long, you start being like a fish that no longer feels the wet, that you swim through the money. You swim through the money all the time, and it no longer feels strange to you. You just assume that donations of several hundred thousand dollars, that is just the way politics is. You assume donations from folks that are lobbying you that very same day on activities that come before the legislature, before Congress, that that is just the way it is. You no longer feel the wet. You are no longer aware of how unseemly it is to have big money dominate our politics.

Maybe that is why the freshman bill, I think, was such a prominent part of the discussion here for the last year, because we are all new here. We had just come through the 1996 election, and we got a hint of how big money can just really overwhelm the local effort. We got a hint of what it means to have thousands of dollars pour in from Washington, D.C., and overwhelm the local effort. We still feel what it is like to be wet. We still know what it is like when you get hit with those big sums of money.

But I fear that the Republican leadership no longer is aware of what it means in the American system to have the money floating through this city all the time. I think this may be an explanation why we are seeing this bill that has been called a hoax and a charade being presented on the floor. They do not feel the money anymore.

Mr. ALLEN. I think the gentleman from Arkansas (Mr. SNYDER) has had the best set of special effects and exhibits as anyone has come to the floor.

Mr. SNYDER. We have pyrotechnics scheduled for later in the evening.

Mr. PALLONE. Mr. Speaker, if I could comment on the special effects, I have to say the fish analogy is close to home. I represent the Jersey shore, and I appreciate the drawings that the gentleman from Arkansas made about the fish and the fish swimming through the money.

□ 2030

I think that the problem here is the way the gentleman has identified it. In other words, we have the tremendous outpouring from the American people that we should have campaign finance reform and that we should cut back on the amount of money that we spend in politics. But the Republican leadership, I think the gentleman rightly said, is so used to accumulating all of this money and basically relying on it when they run, that they cannot conceive of a situation where we actually cut back on the amount of money that is spent.

It is true, I think all of us have said that we know that there are Republican colleagues that would like to see a good campaign finance reform bill come to the floor and would probably be willing to vote for it. But so few of them are willing to stand up to the leadership. The leadership tells them, ''Look, we want you to support us and we want you to vote for this sham bill,'' and not enough of them are willing to come forward and essentially defy the leadership on this issue.

I noticed in The New York Times editorial that the gentleman from Maine made mention of before, it actually says at the end of the editorial, it says that ''The Speaker's trick can be defeated if the Democrats stand firm and at least 15 Republicans join them in voting against Mr. GINGRICH's anti-reform scheme.'' And it says, ''There used to be a tradition of enlightened moderation among northeastern Republicans.'' These are the Republicans in my area: New Jersey, New York, other northeastern States. ''But we will be watching to see if it can be revived enough to offset the party's more recent tradition of falling behind Mr. GINGRICH's darkest impulses.''

That is essentially what we have here. We do not have enough. Hopefully we will by tomorrow, but it is unlikely that we will get enough Republicans who will stand up and say this is a mockery and that we need to have a real campaign finance reform bill come to the floor of the House.

I thought it was particularly interesting what the League of Women Voters said about that. I know where I am, and I think around the country, the League of Women Voters is pretty much a bipartisan group that is not necessarily Democrat or Republican. In my area, there is certainly as many Republicans that are Members of the League of Women Voters as Democrats, and they are perhaps even more critical than anybody in this news release where they say that the Gingrich approach is to package together several of the worst ideas on campaign finance reform. The bill is a complete travesty. It says the so-called Paycheck Protection Act is completely unbalanced. It seeks to curtail wide-ranging political activities by unions. A real ban on soft money and closure of the sham issue advocacy loophole would apply equally to both unions and corporations. They use very, very harsh language in basically bringing up how fraudulent this effort is.

We know what happened. My colleague mentioned in terms of what the Senate did. Basically, the pressure was on Speaker GINGRICH to do something a few months ago. He promised a vote 5 months later. Now we have a vote, but he is rigging the vote. That is essentially what we have.

Mr. SNYDER. Mr. Speaker, if the gentleman would yield, that is interesting what the gentleman said about the League of Women Voters. This morning I was reading through some of the articles and statements. The League of Women Voters calls it a ''travesty,'' this Republican leadership bill. Common Cause calls it a ''hoax.'' The Washington Post calls it a ''mockery,'' and the New York Times calls it a ''charade.''

Now, those ought to be some warning signs to Members of this body. It ought to be some warning signs to the American people when we have that kind of criticism, very dramatic criticism of a bill and an issue that these groups feel very strongly about on the need to do something about our campaign finance law.

But I know for myself, I am not going to vote for this bill and I do not want to be a part of a travesty, a hoax, mockery and a charade. I want to be part of a bill like the gentleman from Maine (Mr. ALLEN) offered, our freshman bill, offered along with the gentleman from Arkansas (Mr. HUTCHINSON), or there are other options out there. But this one is the worst of the bills that we have seen.

Mr. ALLEN. Mr. Speaker, I would say the ''travesty,'' ''hoax,'' ''charade,'' are all appropriate words when, in the name of reform, we have a bill which allows an individual who used to be able to give $25,000 to an array of candidates to give $75,000 to candidates. Or when someone used to be able to give $20,000 to the national parties, to be able to give $60,000 to the national parties. That is not reform. That is an explosion of money. Whereas some increase might be appropriate to offset the loss of soft money, because we want our political parties to still be participants in this process, we do not want the campaigns dominated entirely by outside groups, by running

issue ads still. That is ridiculous. That does not make any sense.

The gentleman from Arkansas was just saying there are other good bills out there, and I want to spend just a few minutes on what is called McCain-Feingold 2, because that is a bill that I think really ought to come up for a vote in this House. It is very close, with just a couple of adjustments it is almost the same bill that passed in the Senate, got 51 votes in the Senate, was not allowed to pass, but it got 51 votes in the Senate. Let me say a few words about that.

The McCain-Feingold 2, which is really the Shays-Meehan bill here in the House, eliminates Federal soft money as well as State soft money that influences the Federal election. It has a real soft money ban.

Second, it reforms this whole area of issue advocacy. It basically applies to those broadcast communications that refer to a clearly identified Federal candidate within 60 days of a general election. And it restricts what can be done. It says that any of those kinds of ads or express advocacy, they need to be funded the way regular candidate expenditures are funded.

Third, the bill requires FEC reports to be electronically filed and it provides for Internet posting of disclosure data.

Fourth, it strengthens the campaign finance law by providing for expedited and more effective FEC procedures.

Five, it bans fund-raising on government property.

The Pendleton Act, which is over 100 years old, has prohibited in some very vague and sometimes confusing ways the raising of money on Federal property, but it is not very clear, and it is certainly not clear how it applies in the cases of telephone solicitation.

Well, this bill, the McCain-Feingold bill, fixes that particular problem. And those are some of the highlights, but it is a good bill and ought to come to the floor.

I think that the Democrats want to make sure this bill comes to the floor and want to give it an airing. But here is a bill with a bipartisan history; it was put together by Republicans and Democrats, it got 51 votes in the Senate. The least that could happen is that that bill should be allowed to come to the floor of this House for a vote before this body.

Mr. PALLONE. Mr. Speaker, I could not agree with the gentleman more. My understanding is that we will have the opportunity to do this as a motion to recommit or some procedural way that we will have hopefully an opportunity to vote on McCain-Feingold as a substitute. I guess we are not sure, but we are hoping that we will have that opportunity sometime this week when this campaign finance reform sham bill comes to the floor.

But I just wanted to add a little bit to a couple of things that the gentleman from Maine mentioned, because I think they were significant. When we talk about these issue advocacy ads, I think the average person has no idea the distinction between those and a regular campaign ad. I mean, basically these are the ads, these issue advocacy ads are ads where a particular interest group that has a particular subject that they are interested in, for whatever reason, basically puts on an ad and talks directly, usually in a negative fashion, about one of the candidates accusing them of doing something, oftentimes which is not even true. This is paid for by that special interest group that is interested in the particular issue attacking the candidate, and this is totally outside the regular campaign financing system so that it is not reported as part of the candidate's expenditure. It is not clear that it is reported anywhere at all for that matter, certainly anyplace that we can find it there is no real disclosure, and oftentimes in the campaigns these kinds of ads can be two or three times the budget that is spent on a campaign. That can be 60, 70, 80 percent of the budget, and it is all outside the reporting system that we actually have now for campaign financing.

So what we are doing with McCain-Feingold is basically saying that if these ads mention an individual candidate within a certain number of days before an election, then they have to be treated in the same way as a regular expenditure. There has to be proper disclosure. We have to know who is doing it and it seems to me that is only fair.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield, that, as I mentioned at the outset, is the second problem. In addition to the soft money problem, that really arose or became dominant in the 1996 election cycle, and I think it is important to understand that this is political speech. This is free speech. We have got a first amendment. So it is not possible to say with respect to outside issue groups that they cannot run ads, they can never run ads. All that we are saying, all that McCain-Feingold says, is that if within 60 days of an election, when they mention the name or show the likeness of a candidate for Federal office, then it is brought into the reporting scheme that applies to Federal elections. Because at that point, it is pretty clear they are trying to influence the outcome of a Federal election, and that kind of regulation has been upheld.

It seems pretty clear that that should be a constitutional way of improving the information that flows to the public, because the bottom line is, I believe, that we believe that the American public is entitled to know who is running ads out there. And if there is a group that is running an ad and calls itself the Coalition for Real Change or the Better Government Group, I mean who are these people? I think the American public needs to be well informed to know who those folks are and, in the best of all possible worlds, to know where the money is coming from. But that is one of the kinds of changes that we need.

Mr. PALLONE. Mr. Speaker, the problem is that if we do not do that, if we do not do what is being proposed with McCain-Feingold, then this whole system of campaign laws that were basically put in place as a reform to the Watergate years and the way campaigns were financed prior to Watergate, we might as well throw out the window, because what is happening increasingly, the actual money that comes in under the traditional laws is becoming less and less of what is spent on a campaign, and all of these other expenditures that are outside the law do not come under the FEC and the FEC does not have authority to enforce or investigate are now the norm.

The other thing that the gentleman mentioned in McCain-Feingold is the effort to beef up the FEC. The bottom line is that the Federal Election Commission now is like a toothless tiger. They do not have the money, the investigators, or the power to go after or look at a lot of these expenditures, because they do not come under the law that they have jurisdiction over. So we have got to change it. Otherwise, we have no system. We just have a free-for-all out there.

Mr. ALLEN. Mr. Speaker, we have got to change it, and I think I agree with the gentleman from Arkansas. If we spend as a body, if this Congress spends 2 years and millions and millions of dollars investigating what happened in 1996 and we do nothing, no reform bill, no change, it will be an embarrassment. And we are here tonight because we do not want this House to be embarrassed. We do not want the American people to be embarrassed. We want this Congress to deal with an important, pressing issue that in our view has to be dealt with on a bipartisan basis, but under this Republican leadership bill is not being dealt with in that manner.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, it is interesting, the irony of having spent so much money on these investigations, and then to choose to deliberately put up a bill that is meant to fail. I guess that brings out our cynicism. But that is what is going on. It is all right to talk about all of this stuff about campaign finance laws, but we do not really want to do anything, is the message we are hearing from the Republican leadership.

Mr. Speaker, as I was listening to the two of my colleagues discuss in I thought great clarity and in good detail some of the various nuances of the campaign finance reform bills, I am sure that we have some folks that are saying, wait a minute; why are these folks not talking about these issues when the House is in session? Why are we having to do it at this time of night when most of the Members have gone home?

I want to take a moment and point out the Rules of the House. We talk

about the Committee on Rules, and it is not legal for us to bring up amendments on the floor of the House any time we want. It is not legal for us to bring up any bill we want, the Allen-Hutchinson bill any time we want.

Any bill, before it comes out on the floor of this House, has to go before the House Committee on Rules and they make the decision can a bill come out, and they also make the decision what amendments can come out. They make a decision about how much time is allotted. And if they make a decision that no other bill can be considered or other amendment be considered, that is the ruling of that committee and that sets the tone for the debate, and we will not get to discuss other options.

□ 2045

As happens in legislative bodies, that committee is set up; it has overwhelming Republican members and they take their cues from the gentleman from Georgia (Mr. GINGRICH) and the Republican leadership. That is as it should be. The Committee on Rules is dominated by the party in power. But that is why we are left with having to discuss this late at night when most Members have gone home, discuss it with ourselves and with the American people, to let them know that this is a travesty that is going on.

This should be the kind of discussion that happens at 1:00 in the afternoon and 2:00 in the afternoon and 3:00 in the afternoon with 435 Members either in this room or back in their offices watching the debate on C-SPAN in their offices, hearing from their constituents about what they want. But it is because the leadership directive told the House Committee on Rules that they do not want anything to come out on the floor of this House other than a bad bill that will go down to defeat.

I think that is an embarrassment and a travesty, given the amount of investigation that has gone on and the amount of money that has been spent and committed. The American people want to do something different about how we elect people. So I really appreciate my colleagues being such leaders in this effort.

Mr. ALLEN. I appreciate the help of my colleague and the support and leadership on this issue. I want to make a couple of comments.

People who have been around this place for a long period of time or who write about what goes on here will often say, well, the American people do not care. Well, in my district in Maine they care. I hear about this issue every time I go home, ''When are we going to get some campaign finance reform? When are we going to change the way we fund elections?'' I hear it all the time.

But it is also true that this is a different kind of issue. People care about it, but it is not the same. They do not worry about it in the way they may worry about what happens to an elderly parent who may have to go in a nursing home. They do not worry about it in the way we have to worry about, how are we going to get our kids through college. They do not worry about it in the way, what happens to me if I lose my job, what effect will that have on my family? They do not worry about it in the way they may be concerned if somebody in their family is ill or has an extraordinary health care problem that has to be dealt with. And they do not worry about it in the same way they worry about the education of their kids.

But it is our job here to provide the leadership on an issue that is fundamental to whether or not the American people, the ordinary American people, can participate in the system in a way that is healthy and strong and viable. And the more big money comes to dominate our politics, the more the average person in this country has a diminished role.

And I hear about it because people do understand that. They know that. And they may pick education as the most important problem that we have to deal with, and they do that in poll after poll, and I agree with them; but there are these underlying problems, underlying structural issues, that we have a responsibility to deal with, that they care about very much and they want us to do something about it. But they also have become very cynical that we are capable of dealing with it.

The only point I would make is this: 51 votes in the Senate for McCain-Feingold II, 51 votes, the majority of the Senate.

And in this House, give us a chance. Give us a chance. Let McCain-Feingold II go to the floor of this House and see what happens. I think we would find there are many Members who would say, this is a right kind of reform, it is bipartisan reform, it is serious reform. It is not the complete answer, but it is a step in the right direction.

I believe that we are entitled to have that kind of vote on a bipartisan bill on the floor of this House, and we should not be stymied by the Republican leadership.

Mr. SNYDER. I have to wonder what our Speaker is afraid of. I mean, what is the fear of having an open debate on the floor of this House about this very important issue, which is how America elects its leaders? Maybe he has counted votes. Maybe he knows that there is a majority of people in this body that would definitely vote for other alternatives, and the only way he can prevent that from happening is not to let them come to the floor of the House.

But I think, unfortunately, his actions and the actions of the other Republican leaders contribute to the cynicism of the American people. They want to know, ''What is this? Why do we not get to see a vote on a clean bill,'' those people back home.

So, once again, I appreciate the efforts of my colleague.

Mr. PALLONE. I want to say again, I thank both my colleagues for doing this special order tonight because I think this is a very important issue. Our constituents do care about it.

It is a tragedy that we are not going to be allowed to actually vote on true campaign finance reform at the end of this week, because people are crying out for it. And I see people voting less and less, the percentages of people that vote, and that cynicism really bothers me.

This is my tenth year in the House, and I can see less people interested, less people coming to the polls, less people participating in every way; and that is the real tragedy that we have to turn around.

Mr. ALLEN. I want to thank both the gentleman from Arkansas (Mr. SNYDER) and the gentleman from New Jersey (Mr. PALLONE) for their participation in this special order tonight on campaign reform. I know you have all worked hard and others have worked hard to see that we do get a vote on campaign reform.

I guess I would just close by saying that we are at an extraordinary time in American politics. The Cold War is over. The budget is balanced for the first time in 30 years. The number of civilians in the Federal Government is at the lowest level in 30 years. Unemployment is down. The economy is moving along very well.

We are at a time when we really could focus on the issues that matter most to working families: improving education, dealing with health care issues, reforming Social Security so it is there for our children and our grandchildren, and making sure that we leave no child behind, that we build the kind of society in the 21st century that can make this country and make the people here to have all the opportunities or greater opportunities than people have had anywhere on the face of the globe at any time in our history.

To do that, we need a healthy political system, we need a system where people want to participate, want to be engaged in the great issues of our time. I believe to do that we have to have a system which does not run on money, which allows the ordinary citizen a chance and a sense, the confidence that his or her voice can really make a difference. And that is why this issue is so important. It underlies everything else that we do.

If we are going to get to hear all the voices of America come into this Chamber, if we are going to make good decisions, we need to diminish the role of money in politics. We are not going to eliminate it entirely. We simply have got to try to control a system that is now out of control, try to shut down a loophole that has become a highway for soft money, control issue ads and make sure that the voice of the American people can be heard in all of its diversity and all of its power.

So I thank both of my colleagues for being here tonight, and I thank all of those who have worked so hard on this issue. And I extend a last request of the

Republican leadership to give us a fighting chance to vote on a fair campaign finance reform bill.

THREATS TO U.S. NATIONAL SECURITY FROM CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

TRIBUTE TO HONORABLE STEVEN SCHIFF

Mr. DIAZ-BALART. Mr. Speaker, the Speaker of the House of Representatives just a few hours ago had the sad duty to report to us the death of one of our colleagues, the gentleman from New Mexico (Mr. SCHIFF). So I would like to begin my remarks this evening expressing my sincere condolences to the Schiff family and letting them know that my prayers go out to them in this very difficult moment.

We will miss in this House STEVE SCHIFF. He was a great man. But I would say that he was really a great man, above all else, because he was a good man. He was a man of extraordinary integrity as well as great intelligence. He possessed a brilliant legal mind that he put to use serving not only this House but our country.

And so, I will certainly miss my friend and colleague STEVE SCHIFF. I will always recall with much affection how, based on the fact that he was of such discipline of mind, he was, for example, teaching himself Spanish and he would enjoy conversing in Spanish; and it was remarkable that just literally months after beginning his Spanish classes he had achieved a great fluency.

Anyway, we will miss, I will certainly miss my friend STEVE SCHIFF.

Mr. Speaker, in just a few days, and I think it is important for the American people to realize it, the Pentagon, the Department of Defense, is scheduled to make public a report, an assessment, of the security risks, the danger to the national security of the United States posed by the Cuban dictatorship just 90 miles from our shores.

A number of us here in Congress have received preliminary reports with regard to that assessment that will be made public in just a few days by the Department of Defense, disturbing reports, because we are of the understanding, we have been led to believe that the Pentagon is about to say that there is, in essence, no threat from the Cuban dictatorship. That is a grave mistake if, in fact, that is the assessment that is made of the threat.

It is a grave mistake and it is really unfortunate. Because the only way in which the conclusion can be reached that there is no threat from the Cuban dictatorship 90 miles from our shores is based on a political decision, an imposition by the White House upon the Department of Defense with regard to the report, its threat assessment, of just a few days.

So if it is the case then, the preliminary reports that we have received, that in effect the Pentagon will say in a few days that there is no threat coming from the Cuban dictatorship, if that is the case, we, those of us in Congress who had received these preliminary reports are of the belief that a political decision is motivating that report.

Just a few days ago, a number of us wrote to the Secretary of Defense and Secretary of State with regard to this very issue. And if I could, I would like, Mr. Speaker, to be able to read this letter:

''Dear Mr. Secretary,

''We are writing to express our concern about the ongoing national security threat from the Cuban dictatorship. Specifically, we are convinced that the Castro dictatorship is a major enemy of our efforts to shield America's frontiers from the drug threats, and we are additionally concerned about Castro's ability to develop biological and chemical weapons. Castro is technically capable of many of the same types of things we know Saddam Hussein is doing, and the Castro dictatorship is the only rogue regime that is 90 miles from our shores.

''We are appalled about current attempts to downplay the Castro threat and are deeply disappointed that the Department of Defense refuses to acknowledge Castro's ongoing threats to the United States. We have received extremely disturbing reports that the Department of Defense plans to officially minimize the threat assessment of Castro's Cuba and that this may be utilized to subsequently remove Castro from the State Department's terrorist list. Despite Cuba's economic situation, Castro remains a dangerous and unstable dictator, with the intentions and the capability to hurt U.S. interests.

''Thirty-five years ago, during the Cuban missile crisis, Castro urged a nuclear first strike by the Soviet Union against the United States. Ten years ago, Cuban General Rafael del Pino disclosed that Cuban combat pilots trained for air strikes against military targets in south Florida. Five years ago a Cuban air force defector in a MiG–29 fighter aircraft, flying undetected until just outside Key West, Florida, confirmed that he had received training to attack the Turkey Point nuclear power facility in south Florida.

Two years ago, Castro ordered Cuban MiG–29 fighter aircraft to attack and kill unarmed American civilians flying in international air space just miles from the United States.

□ 2100

There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His four-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States is an ominous combination.

When considering the potential threat from Castro, the following must be noted.

Despite the end of the Cold War, Castro continues to espouse a hard line, using apocalyptic rhetoric, proclaiming socialism or death, ranting about a final reckoning with the United States, and punishing any Cuban who advocates genuine political or economic reform.

Castro maintains one of Latin America's largest militaries with capabilities completely inconsistent with Cuba's economic reality and security needs.

Despite Cuba's economic failure, Castro has the capability to finance special projects through his network of criminal enterprises and billions of dollars of hard currency reserves he maintains in hidden foreign accounts. Forbes magazine has calculated a minimum of $1.5 billion that Castro has in such foreign accounts. Castro has a proven capability to penetrate U.S. airspace with military aircraft and to conduct aggressive shootdown operations in international airspace just outside the United States.

Castro is training elite special forces units in Vietnam who are prepared to attack United States military targets during a final confrontation, according to Janes Defense Weekly.

Castro actively maintains political and scientific exchanges with each of the countries on the Department of State's list of terrorist nations. Castro continues to provide logistical support for international terrorism and pro-Castro guerrilla groups, and Cuban-trained international terrorists are still active around the world, most ominously these days in Colombia.

Castro continues to coordinate and facilitate the flow of illicit drugs through Cuba into the United States. We will talk more about that later. Castro continues to offer Cuba as a haven for drug smugglers, criminals and international terrorists, including more than 90 felony fugitives wanted by the Department of Justice.

The Lourdes electronic espionage facility is used to spy against U.S. military and economic targets, including the intercept of highly classified Persian Gulf battle plans in 1990–1991. Castro is working with Russia, which recently extended a $350 million line of credit for priority installations in Cuba, and anyone else willing to offer assistance to complete the nuclear reactor at Juragua.

Castro has access to all the chemical and biological agents necessary to develop germ and chemical weapons. Despite Cuba's failed economy, Castro has constructed a secretive network of sophisticated biotechnology labs, fully

capable of developing chemical and biological weapons. These labs are operated by the Military and Interior Ministry, are highly secure and off-limits to foreigners and visiting scientists. Under the guise of genetic, biological and pharmaceutical research, Castro is developing a serious germ and chemical warfare capability. Castro has the ability to deliver biological and chemical weapons with military aircraft, various unconventional techniques and perhaps even missile systems increasingly available in the international black market.

Tyrants are most dangerous when they are wounded and dying. Given Cuba's proximity to the United States and Castro's proven instability, it would seem to be an unacceptable and potentially tragic mistake to underestimate his capabilities. We request that Castro be kept on the State Department's list of terrorist nations and that a realistic threat assessment be made, which includes an examination of Cuba's biotechnical capabilities, as the Castro dictatorship moves towards its final stage.

This letter was sent by nine Members of Congress just a few days ago as I stated, Mr. Speaker, to the Secretary of State and the Secretary of Defense. The evidence with regard not only to what we mentioned in that letter but specifically with regard to narcotrafficking is extensive. The really sad aspect of this, in addition to the fact that it takes place, is that there is an undeniable pattern on the part of the Clinton administration to cover up and deny every single piece of evidence existing linking Castro and his regime to narcotrafficking into the United States. A number of colleagues and I sent a letter back in November of 1996 to General McCaffrey, the Director of the Office of National Drug Control Policy in the White House. We stated, after some introductory paragraphs, ''There is no doubt,'' we told General McCaffrey, ''that the Castro dictatorship allows Cuba to be used as a transshipment point for drugs. We were deeply disappointed when DEA Administrator Tom Constantine testifying before the House International Relations Committee in June said that 'there is no evidence that the government of Cuba is complicit in drug smuggling ventures.' On the contrary, there is no doubt that the Castro dictatorship is in the drug business.''

We continue in our letter to General McCaffrey: ''Your appearance before the committee that day was also very disappointing on this critical issue. Castro and his top aides have worked as accomplices for the Colombian drug cartels and Cuba is a key transshipment point. In fact, just this year sources in the Drug Enforcement Agency's Miami field office stated to the media that more than 50 percent of the drug trafficking detected by the U.S. in the Caribbean proceeds from or through Cuba. Since the 1980s, substantial evidence in the public domain has mounted showing that the Castro dictatorship is aggressively involved in narcotrafficking. In 1982, four senior aides to Castro were indicted by a Florida grand jury for drug smuggling into the United States. They were Aldo Santamaria, Fernando Ravelo, Gonzalo Bassols and Rene Rodriguez-Cruz. In 1987 the U.S. Attorney in Miami won convictions of 17 south Florida drug smugglers who used Cuban military bases to smuggle at least 2,000 pounds of Colombian cocaine into Florida with the direct logistical assistance of the Cuban armed forces. Evidence in this case was developed by an undercover government agent who flew a drug-smuggling flight into Cuba with a MiG fighter escort. In 1988, federal law enforcement authorities captured an 8,800-pound load of cocaine imported into the United States through Cuba. In 1989, U.S. authorities captured 1,060 pounds of cocaine sent through Cuba to the United States.''

''Prior administrations,'' we wrote to General McCaffrey, ''have correctly identified the Castro regime as an enemy in the interdiction battle. As early as March 1982, Tom Andrews, then Assistant Secretary of State for Inter-American Affairs, stated before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee that 'we now have also detailed and reliable information linking Cuba to trafficking narcotics as well as arms.' On April 30, 1983 James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, testified before the Subcommittee on the Western Hemisphere of the Senate Foreign Relations Committee, his remarks validated prior findings. 'The United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean. They have done so by developing a relationship with key Colombian drug runners who on Cuba's behalf purchased arms and smuggled them to Cuban-backed insurgent groups in Colombia. In return the traffickers received safe passage of ships carrying cocaine, marijuana and methaqualone through Cuban waters to the United States.'

July 1989. ''Ambassador Melvin Levitsky, Assistant Secretary of State for International Narcotics Matters, testified that, 'there is no doubt that Cuba is a transit point in the illegal drug flow. We have made a major commitment to interdicting this traffic. Although it is difficult to gauge the amount of trafficking that takes place in Cuba, we note a marked increase in reported drug trafficking incidents in Cuban territory during the first half of 1989.'

''We are sure,'' we continued in our letter to General McCaffrey, ''that while in Panama as Commander of the U.S. Southern Command, you (General McCaffrey) became aware of General Noriega's close relationship with Castro and of Castro's intimate relationship with the Colombian drug cartels.

''Because past administrations identified Cuba as a major transshipment point for narcotics traffic, it was integrated into the larger interdiction effort. By contrast, under the existing strategy, no aggressive efforts have been made to cut off this pipeline despite the growing awareness of its existence.

''In April 1993, the Miami Herald reported that the U.S. Attorney for the Southern District of Florida had drafted and prepared an indictment charging the Cuban government as a racketeering enterprise and Cuban Defense Minister Raul Castro as the chief of a 10-year conspiracy to send tons of Colombia cocaine through Cuba to the United States. Fifteen Cuban officials were named as co-conspirators and the Defense and Interior Ministries cited as criminal organizations.''

We continued in our letter to General McCaffrey, In the last few months, the prosecution of Jorge Cabrera, a convicted drug dealer, has brought to light additional information regarding narcotrafficking by the Castro dictatorship. Cabrera was convicted of transporting almost 6,000 pounds of cocaine into the United States, sentenced to 19 years in prison, and fined $1.5 million. Cabrera made repeated specific claims confirming cooperation between Cuban officials and the Colombian cartels. His defense counsel has publicly stated that Cabrera offered to arrange a trip under Coast Guard surveillance that would proactively implicate the Cuban government.

''Overwhelming evidence points to ongoing involvement of the Castro dictatorship in narcotrafficking. The Congress remains gravely concerned about this issue and we are deeply disappointed that the administration continues to publicly ignore this critical matter.''

We ended our letter to General McCaffrey stating, ''We appreciate the opportunity to share these concerns with you and can assure you that further administration inaction on this matter will be met by serious congressional concern as well as investigation as to its cause.''

Administration inaction has continued for the over 1 year after this letter. The letter in reply that we received was a form letter, totally unacceptable. Even more unacceptable has been the continued cover-up of the administration of this evidence and much more that exists directly connecting the Castro regime to the narcotrafficking of cocaine and other deadly substances into the United States. This is a situation that the American people have got to become aware of. The Clinton administration is covering up the connection, covering up the reality of the Cuban dictatorship's cooperation with the drug traffickers, conspiracy with the drug traffickers to import narcotics into the United States. There is a cover-up of this issue by the Clinton administration. Every time that we hear the President and the drug czar

and other leaders of this administration talking about this issue, the cover-up continues, the cover-up is intensified, the cover-up is magnified. There is absolute silence with regard to this evidence.

But there is more. There is a spy center, an espionage center in the outskirts of Havana that picks up every single telephone conversation in the eastern United States. The Clinton administration systematically ignores the existence of that espionage center and is doing absolutely nothing about it. It is a Russian espionage center that has remained from before the collapse of the Soviet Union, and the Russians maintain it. Even though the Soviet Union collapsed, that espionage center continues to pose a threat to the national interests of the United States.

It is the Lourdes espionage center. It was built in Cuba, according to a secret agreement between former Soviet and Cuban special services, in the early 1960s. The station is controlled and operated by the GRU, the Russian Military Strategic Intelligence Agency, and establishes a radio and electronic intelligence field over the southeast United States and the Atlantic region, collecting intelligence cyberdata in close cooperation with Russian intelligence stations and field offices, military spy satellites, Navy reconnaissance and Air Force reconnaissance. This information came from a high ranking Russian defector who recently came to the United States.

The main mission of the Lourdes espionage station is registration and penetration through coded and ciphered radio, radio-technical/electronic, micro-waves and cellular signals in the eastern part of the United States, disclosing American nuclear missile submarines' combat patrol routes throughout the Atlantic. The station routinely provides to Moscow's military-political leadership extremely important strategic military and economic, commercial and private information about the U.S. and other countries in the Atlantic Basin.

The station is capable of compromising the United States Government's secrets, commercial and private communications, monitoring all American military movements throughout the Atlantic region. This is something that was just confirmed. During Desert Storm, in that extraordinary effort led by President Bush and the United States of America in 1990–1991, when this Nation's military demonstrated to the world not only its technological prowess but the genuine superpower status of the United States of America and liberated Kuwait, during Desert Storm in 1991, in the Lourdes espionage center in Cuba, Russian specialists obtained and disclosed to the Iraqis the U.S. military plans of the battle against Iraq, thus directly compromising American and allied troops in Saudi Arabia and in Iraq.

□ 2115

That has been confirmed by a Russian defector. The plant that Castro is running in cooperation with the Russians not only was able to obtain in Desert Storm all of our military plans, but made it available to Saddam Hussein. The same thing without any doubt is happening now with regard to the plans that we have in case we have to go back into Iraq.

And what are we hearing from the Clinton administration with regard to the Russian espionage center in Havana? Nothing.

I see my friend from California here.

Mr. ROHRABACHER. I would just like to commend my colleague for not only this speech, but the diligence that he has shown over the years in alerting us and the American people to what Fidel Castro is all about. I do not know why, but there seems to be a romance with this bearded fascist down there in Havana, and people do not want to admit the horror that he has brought to the people of freedom all over the world. He has been one of the strongest enemies of freedom anywhere in the planet in the last 40 years, and his dirty deeds; you, know I could see back in the 1960s when people were idealist, they would overlook the fact that when he came to power he just cleared jails out and went out and shot people, you know, just summarily executed people; said those were Batista-ites or something. But as time went on, it seems that the liberal left in this country seems to bend over backwards never to acknowledge the wrongdoing of Fidel Castro.

You mentioned, for example, his drug dealings. We know about his drug dealings. I mean, it is clear that this man and his cohorts down there have been involved up to their necks in drug dealings for decades. Robert Vesco, who we know as probably the fellow who went down and organized the modern drug movement in Latin America, where was his headquarters all of these years? It was in Cuba. Yet when we try to confront our administration with facts about who or where, you know, where are the drugs coming from and who are the kingpins, you never hear Fidel Castro mentioned.

And some of the things you are bringing up tonight about what he has done, and even a few years ago in Desert Storm, that threaten our national security, put the lives of our young men and women in the military at risk; why is it that LINCOLN DIAZ-BALART has to be the one talking to an empty Chamber here and trying to gain the attention of the people of the United States? Where is our administration? Where are the people who are supposed to be watching out for our security? Well, they are making overtures to try to think, well, now is the time we should loosen these restrictions on Castro.

It is beyond me.

Mr. DIAZ-BALART. Mr. Rohrabacher, it is worse than that. Not only are we not hearing anything from our administration, from the Commander in Chief whose responsibility under the Constitution is to protect the security of the American people, not only are we not hearing anything, but in a few days we are going to hear something officially coming from the Pentagon, politically ordered, saying in effect that there is no threat coming from Castro's Cuba.

And what is really sad is that you and I and most of the men and women in this Congress are extraordinary admirers of our men in uniform and our women in uniform, and they are great professionals. But the reality of the matter is that there are sometimes, sometimes examples of undue influence of political decisions made in the White House that are imposed upon the agencies of the executive branch, including the Pentagon.

So I urge, and a number of us have sent in writing our concerns to the Secretary of Defense and the Secretary of State with regard to this upcoming whitewash. This will simply be unacceptable to publicly say that a drug trafficker who maintains that Russian espionage center, and we have not gotten into the nuclear power plants yet, the Soviet-designed nuclear power plants that Castro is doing everything in his power, and he just received a $350 million line of credit from the Russians to complete less than 200 miles from the United States these Soviet-designed nuclear reactors. Defectors that worked in the initial stages of their construction have sworn here under oath in congressional committees and have stated to our intelligence community that, even beyond the inherent dangers of those nuclear plants, all of which, by the way, of that design have been closed in the former Soviet Union and in the former Communist countries of Eastern Europe. Each of those former Communist countries, now liberated, has shut down those, they are called DD–440 Soviet nuclear power plants, because of their inherent dangers. But over and above the inherent dangers, defectors have stated that there were so many mistakes made in the initial stages in their construction that they are literally ticking time bombs. And we are hearing absolutely nothing from our administration with regard to those nuclear plants.

I think it is indispensable. I think it is the constitutional duty of the President of the United States to say those plants are not going to become operational, period. Because that madman, that tyrant, if he is able to blackmail the President of the United States with refugees, imagine with Soviet-designed nuclear power plants. We are not only talking about a Chernobyl-type accident possibility, and I have the records in my files that within 72 hours as far north as Washington, D.C. would receive the radiation, the disaster would be without parallel, without precedent in this country. Not only an accident, but an incident manufactured or

threatened by the Cuban tyrant with those nuclear power plants. Simply unacceptable. We are not only talking about the Cuban people being wiped out in the case of a Chernobyl, it is less than 200 miles from the United States. We are not talking about Chernobyl in the Ukraine. We are talking about Soviet-designed power plants less than 200 miles from the United States of America.

And where is the administration?

Mr. ROHRABACHER. Well, this administration, if the gentleman will yield, is a horrible record. This is totally consistent with what the administration did the last time we were out on vacation. What did they do? They moved to eliminate the final impediments to any type of trade with Vietnam. This administration which, by the way, has of course been involved in a scandal dealing with campaign donations that may have come from Red China, has done more to eliminate those people, the efforts by people to confront the Red Chinese on their human rights abuses.

So, should we be surprised that in this vicious dictatorship in Cuba that they overlook all of the evil that is so apparent to anyone who gives an honest look at the situation?

You know, I used to think these people were, you know, they just briefed in peace and they were so blinded by some desire for peace, but this is not a desire of peace. This is something pathological that when Communist countries and enemies of the United States are doing these type of things that you have outlined today, that we in some ways should try to befriend them and in some way that the threat to us is going to be less because we are befriending this type of monstrous regime.

Mr. DIAZ-BALART. The gentleman is correct in his analysis. The reality of the matter is that just a few days ago, March 20, a Fox News Service release which was distributed, I do not know how many newspapers in the United States picked it up, but nevertheless there was a release, a news release specifying this new commitment by the Russians of a $350 million line of credit to Castro for the completion of the nuclear power plants. This was in the news wires. And reading from that news wire, the scenario could not be more dire.

A nuclear disaster in Cuba that would send a plume of radioactive fallout across Florida and as far as Texas, the likes of which have not been seen since the 1986 accident at Chernobyl in the Ukraine. And it also could not be more plausible, say some Cuba experts now, that Cuba and Russia have announced plans to resume work on two long-stalled nuclear reactors located in the island Nation's western province of Cienfuegos, 180 miles from the United States.

The announcement came in the wake of Russia's decision just a few weeks ago to free up $350 million in credits offered to Cuba last year.

Quote, ''This is a Chernobyl-like disaster just waiting to happen right off of our shores,'' end quote, said Roger Robinson, former senior director of international economic affairs at the National Security Council. Quote, ''Anything could happen given such horrendous deficiencies in design and safety,'' end quote.

''So concerned is the U.S. Department of Defense,'' here is the reaction of the administration, ''So concerned is the U.S. Department of Defense over the plant's safety that it plans to build a radiation detection facility in Florida that would alert residents'' in the United States along the entire Gulf of Mexico and as far north as Washington, D.C. ''of leaks from the two reactors.''

The 1998 defense budget approved by Congress provides $3 million for the early warning system. That is not the solution. It is too late. If this warning, if this detection facility ever picks up radiation coming from those Chernobyl-style plants, it is too late. They cannot be permitted to come on line.

□ 2130

Mr. DIAZ-BALART. I thank the gentleman from California, and we will work very intensely in the coming months on this caucus in the Congress to educate our colleagues and the American people with regard to simply the unacceptable reality of the construction of those plants and that they cannot be completed.

With regard to the point made by the gentleman from California with regard to Castro's hatred of the United States, just the day before yesterday, a dear friend of mine, a former Cuban political prisoner, spoke by phone with one of the most respected and leading dissidents inside of Cuba.

There is an extraordinary story going on unreported in Cuba. I have a list of 500 activists in my office, in the streets of Cuba, in all the provinces who are disarmed, and they are seeking, they are fighting for democracy day in and day out peacefully, in the midst of that totalitarian system and suffering extraordinary repression.

Of course, there are thousands in prison. But just the day before yesterday, perhaps one of the most respected of those dissidents, a young lawyer, 33 years old, who we in this Congress nominated for the Nobel Peace Prize when he was in prison last year, and the gentleman from California joined in that petition to the Nobel Peace Prize Commission, because that young man certainly deserved it, and we hoped to see if we could help him in his physical integrity and protection while he was a political prisoner last year. He has now been released.

He was able to speak to a former political prisoner and very good friend of mine the day before yesterday. I would like to read the remarks and answers in his reply to the questions posed by this gentleman who is now in exile, because one of the points he makes is precisely about Castro's hatred for the United States.

But if I may, Mr. Speaker, the question was, what is Leonel Morejon Almagro, this renowned and respected dissident, what is he doing presently for his country?

''We are working,'' he answered. ''Working and asking God to end this nightmare. We continue working on the plebiscite; we have a good number of signatures.'' Under the Cuban Castro constitution, theoretically, you can put something on the ballot if you have 10,000 signatures. Of course, they never recognize those signatures. He is working on that. He is thrown in jail on that, but nevertheless, he is working on it, trying to find unity, a consensus of the people to achieve something important in this country.

In everything else, trying to grow each day in the people, which is what is vital, to be able to perform a civic action that has real repercussions and can create a movement with the strength of the people, to make the government sit down and talk to us. Or to change the political map of the country, That or any other project that can bring about a consensus among the opposition, and in the end mobilize the masses of the people, the opposition, the dissidents with a common goal. That is the solution. I believe that revitalizing the Cuban Council at this point is important.

What are the changes that Castro has made?

Castro has made absolutely no change. Please, let us not make mistakes, let us not get happy, let us not have futile fantasies, nor celebrations in vain. Because Castro was very clear in his last speech. In his love to talk and talk, he said the following: ''If they lift the embargo, those who are saying that if they lift the embargo we are going to change, we tell them,'' Castro said that if they lift the embargo, ''we will create true socialism.''

Please, Castro has not changed in the least. Castro has played a political hand, gentlemen. A pardon, to forgive some people. We are happy because here are our brothers such as Alonso Romero, Omar del Pozo, et cetera. They have not left Cuba, but they are supposed to, they are being held in Villa Marista. Each time a political prisoner is freed, we are happy, but that is not the solution. What do we gain if one political prisoner is released when tomorrow 20 others are arrested? The punishment is still there.

I am threatened with a 20-year prison sentence. They have told me this to my face, that if I continue working for democracy, they will put me away for 20 years. They do not let me speak, they shut me up. How can I possibly believe in a change in Fidel. Do not believe that, because if Castro fools you, then you are really dumb.

Question: How do you see the U.S. capitalist sectors who wish to invest in Cuba?

Until now, the United States has, more or less, been able to hold back Americans from investing in Cuba. I think that if they allow this to happen, this would be a great lack of respect toward the Cuban people. Not only do they want to invest in Cuba, they want to come here for the ''mulatta,'' to be with the

''Caribbean mulatta'' or the tanned boy. The investors who are already in Cuba are paying trifles. We are like the Indians. They are buying us with necklaces, with glass beads. That is immoral. It is indignant.

If they are able to achieve their wishes of investing, where does that leave us; where does that leave the Cuban people who have been kicked around for years, insulted; where does that leave the people who have suffered beatings, the disrespect, the intolerance? Where does that leave us?

I believe in democratic capitalism, in the one that helps man. If they come here to invest, it is going to be a disaster, because the Cuban people are not ready at this time, under these circumstances. Because the Cuban people are a slave people. The Cuban people are slaves.

And under those conditions we cannot win, because nobody who respects himself, for a little bag at the end of the month and for $148 a year is going to work in this country, nobody is going to do it. And those who do it are unhappy doing it.

For this country to take off economically, there needs to be economic freedom. Cubans have to be able to invest. The people need to live. The people need to prosper, the people need to be able to buy a car when they want to, save money whenever they want to, and Castro is not going to allow that, because that is the way to losing power. Because for Castro to remain in power, he needs the CDR, the Committees for the Defense of the Revolution, militants among the youth, among the party. He needs to have the people hungry and the people under control.

Everyone knows that I am in favor of the Helms–Burton law.

We are talking about a brave man, talking by telephone to the United States. Everyone knows that. He says that he is in favor of the Helms–Burton law.

What I want is for Castro and the Cuban Government to give my people rights, to me, to my daughter, to my wife, and everyone.

The embargo is not a Cuban problem. I remember when I was in high school, in 12th grade. During that time, petroleum was being thrown away. Petroleum and gasoline were wasted, were used for no reason. Because 13 million tons were received each year. There was too much for an island such as this. To the point that oil was sold to Nicaragua, to Africa, and the Caribbean.

At that time, Fidel Castro didn't even remember the embargo. My God, it is not a blockade problem. Fidel Castro uses it as a shield, but when Castro does not have an embargo, he is going to have a conflict with the United States to say, well, the gringos lifted the embargo, but now we cannot leave our one party, nor can we abandon socialism.

And then he will say to those who come to invest that they have to be very careful, because they are our eternal enemies. The speech will then be that it is a strategy to threaten him, Castro. It is a strategy so that we open up and lose power. And then he will ask more than ever not to lay down arms. They will celebrate the lifting of the embargo as a political victory, and everything will remain the same.

Question: What policy should be followed?

Until there is a real opening in democratic Cuba, until we have the possibility of publicly debating the country's problems, until there is the possibility for real change, there can be no softening of the sanctioning of the government, with regard to the pressure on the government, acting as though it were a normal government. If the embargo is lifted, we are lost. It will be a great defeat for the country.

Question: In Europe they say that if the embargo is lifted, Castro will be forced to make changes.

No, not true. The economic avalanche will not have any effect because, in Cuba, there is no will for change. There is no entrepreneurial spirit in the regime. The economic avalanche, whatever it may be, is going to be calculated, controlled by the government. Precisely to avoid change. Because the Cuban people are under a strong economic, political and social control.

The world may open up for Castro, but Castro is not going to open up for the world. Because Castro is only going to open up to his interests or for the benefit of the Communist Party's interests.

Tomorrow the blockade or embargo can be lifted, and the Europeans want to invest in Cuba. But to invest in Cuba, they need to go through the government's commercial filters, because in Cuba there is no commercial freedom, it does not exist in an external or internal sense.

In Cuba, every internal investment needs to go through a commission which decides what is going to be done. Foreign investors cannot meet with Cuban partners.

What do you think motivates those who wish to save Castro? The underlying envy of Europe and the rest of the Americas towards the United States. Castro has utilized that very well. They see Castro as the symbol of anti-Americanism, the anti-yankee, and they want to save him. They want to save his legend.

But Castro has used that legend to hurt the Cuban people, to hurt you, and to hurt me. I cannot have a normal life. What I want most is to enjoy my life. I do not want to be president or even a councilman from Marianao.

What I want is democracy in Cuba. Then after that, I want to write poetry, study piano, I want to travel, I want to study ecology, dedicate myself to my wife and to my daughter. I want to dream. I want to write a book. I want to live, damn it. And that is impossible in Cuba, just impossible.

I am not a politician. What I am is an idealist. And, in Cuba, one cannot live. It is impossible. Because, in Cuba, one cannot live under this system. In Cuba, our dreams have been castrated, there is a castration of the Cuban youth.

What do you recommend be done at this time?

It is necessary to help the opposition. The opposition needs real and concrete help, not just in heart and soul, it is needed in every sense. Much can be done, but there are too few resources for everything. There is nothing here. There is not even a Crayola to paint.

The Cuban Council is hope. And what people do is flee, leave the country. That takes away from us. It takes away from us and we leave the solution in the hands of that man, of this man who is a monster, who is delirious, who is paranoid, a lunatic, whatever he is. Who has ruined our lives, who has ruined my life.

Are you scared of anything?

Yes, I am. I do not want to walk alone at night. I am worried because my wife is very nervous, due to threats I have received. I do not want a bus to mysteriously run over me. I am 33 years old, I do not want to be crucified. I aspire to live the happiest moment of my life, the moment of meeting again with you, with the good that you are, not the bad. The good that can be found in Cuba, to meet again and breathe, breathe in a free country. I want that. That will be the happiest moment of our lives.

I have a 6-year-old daughter. I sleep in one room with my wife and my daughter. She is growing. And I would like to offer her a better life. I am an attorney, I did well in my career, the time that I was working. I lost my career, I lost the possibility of practicing because I thought, and I think, that it was my duty as a man to tell the truth in court and not remain quiet before injustice. I have lost, not lost, but gained years lived in prison, because they have given me the honor of being able to tell my daughter and my grandchildren tomorrow that I suffered in prison for opposing Castro.

I do not want to lose my life, but if I have to lose it, I'd do it happily to destroy a hateful dictatorship in my country. But truly I want to live. I want to live. I want to be able to live. Look, in Cuba, one does not live, people leave Cuba because you cannot live here.

In Cuba, there is no future. Cuba is a country condemned to a totally indecent present. A hateful present. And somebody has to do it. It is my place to speak in the name of those Cubans who are afraid, very afraid, who have many responsibilities, what they cannot say.

Is there hope?

In Cuba, there are thousands of people who are waiting for the opportunity. We can really destroy this in a matter of months, but we need to see the formula. What the people need to understand is that the solution is within us. Let us see how we get there. I have been trying to figure out how to do it. But we have on top of us the entire intelligence apparatus. We are a people controlled by the yoke.

What is the future of the Cuban opposition?

I can guarantee you something. Perhaps tomorrow we cannot call upon a million people to show strength among the people, but I can tell you that no matter what they do to us, they will not be able to get rid of us, to eliminate us. The Cuban opposition was born, grew, and here to stay. Fall who may, and do what they do, we will be here.

What would you say to those who wish to invest while Castro is still in power?

We have to tell them not to get desperate to invest in Cuba because they will lose more investing today than waiting for tomorrow. They should invest in a country with full economic rights and guarantees.

That is the message that we have to give the Americans who are dying to invest in Cuba. We have to tell them to remain calm. They will have opportunities to invest in a country that really has economic potential, with security, and peace. Because Cuba right now is a time bomb, because a people such as this, is not going to, even if it is dormant, even if it is in a long lethargy difficult to wake from, it is not going to resign itself to live as slaves. Because Cuba, at this time, is a country of people who are tired and sodomized. Castro has simply sodomized the Cuban people.

And we must tell those investors not to get desperate, help more by pressuring the government, more so that it opens up, more to make a safe society, a pluralistic society, a society with all its social dynamics, its freedom, and its capabilities open so that they may prosper.

Leonel Morejon Almagro, from Cuba, the national coordinator of the umbrella of 140 dissident and independent press and professional and workers organizations. This is the Cuban people speaking.

In addition to that, you know that the three Cuban American Members of

Congress, both Republicans and Democrats speak like this man speaks, because we know what the Cuban people feel.

Our friends in Congress here, who are all of you, coincidentally, who are here this evening, from both parties, the friends of the Cuban people respect the Cuban people and want free elections for the Cuban people, and they listen to the Cuban people's representatives like Leonel Morejon Almagro. I thank the representatives.

On behalf of Leonel Morejon Almagro and the Cuban people, I thank the representatives of the American people and the American people for standing on the side of Cuba's right to be free.

□ 2145

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I think that it is vital that we understand that if we do what is right now, and we have the courage, as this man suggested in the reading, that we discipline ourselves and not rush in to try to invest in Cuba before Castro is gone.

Castro will some day be gone, whether it is natural causes or otherwise, and the Cuban people will have a chance to be free. But I fear that American businessmen, as they are doing in China and as they are doing in other dictatorships, are rushing not to try to have a positive influence, but instead, are looking at the quick buck and are establishing economic ties with these totalitarian regimes which will give life to those regimes.

In other words, I believe that once American businessmen invest in Cuba, we will find that Communist Cuba has a whole new group of advocates in the United States, as we have seen in China, as we have seen people who are supposed to be talking about democracy in China because they are Americans and they are investing in China and up spending all of their time trying to do what? Trying to lobby us not to be tough on China because of the abuses of human rights there. This same thing could happen in Cuba.

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, at the very least, even though we have not been able to prevent what I personally consider an immoral policy with regard to the Chinese Government, because the real matter is that the Chinese Government uses slave labor and the multinational corporations are investing in that market and benefiting from the slave labor of the Chinese people. We have not been able to stop that because it is a billion people and it is too strong for us to have stopped it.

But at the very least we can say in this hemisphere, this is a hemisphere of democracy and this is a hemisphere of freedom and the Cuban people are not the only people that should be condemned to live in tyranny in this hemisphere; no, they deserve to be free.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), the gentleman from New Jersey (Mr. PALLONE), my colleagues that are here. They are representative of the overwhelming majority of the Congress of the United States in both parties who stand with the right of the Cuban people to be free.

We are, in the next few days, going to celebrate the 100th anniversary of the resolution passed by this Congress that said Cuba is and it ought to be free and independent, as we told the Spanish colonialists, who invented the concentration camp under General Wahler. By the way, interestingly enough, Castro's father was sent to Cuba to fight the Cuban insurrection as a Spanish soldier under General Wahler and General Wahler invented the concentration camp, and he put entire segments of the Cuban population in concentration camps to defeat the insurrection.

Mr. Speaker, it was the American people, and the American people alone, that stood with the Cuban people, and Cuba was free and independent. The United States withdrew from Cuba after helping the Cuban people defeat Spanish colonialism in 1888 and the United States withdrew in 1902.

The relationship between Cuba and the United States has always been friendly, except for this madman who represents the anti-Cuba and who will soon be gone from the face of the Earth and will be in the dust bin of history.

I thank the Congress of the United States; I thank the leaders who are here who represent the majority opinion of the Congress and of the American people, and I thank the American people for time after time after time standing with freedom, standing with democracy, two times in this century, saving the world from tyranny. This is a noble people, and what an honor to be able to stand in this Congress of this great Nation of the United States of America.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. Maloney) is recognized for 60 minutes.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this Special Order.

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

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I am here tonight with my colleagues to commemorate the 177th anniversary of Greek Independence Day, which is a national day of celebration of Greek and American democracy.

While commemorative resolutions are no longer permitted in this House, there is still tremendous support for Greek Independence Day. Every year since 1986, a resolution has been cosponsored by over 50 Senators and passed in the Senate, as well as one in the House, sponsored by over 218 Members, and passed.

The President of the United States has once again signed a proclamation this year recognizing this day as Greek Independence Day, and I would like to insert his proclamation into the RECORD at this time.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY, 1998

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

This year, as we mark the 177th anniversary of the advent of Greece's struggle for independence, we celebrate with the Hellenic Republic and recognize the close ties that have long existed between Greece and the United States. Through two centuries, our nations have enjoyed a strong and enduring friendship. For more than half a century, we have stood together in NATO, modern history's most successful alliance.

Our bonds are deeper still, however, for we are joined by blood, culture, and a profound commitment to shared values. Greek ideals of democracy and freedom inspired our Nation's founders and breathed life into America's experiment with democratic self-government. Generations of Greek Americans have enriched every aspect of our national life—in the arts, sciences, business, politics, and sports. Through hard work, love of family and community, steadfast commitment to principle, and a deep love of liberty, they have contributed greatly to the prosperity and peace we enjoy today.

The bonds between America and Greece, in fact, have never been stronger than they are today. We are partners in the effort to find a lasting, peaceful solution in the Balkans and to build an enlarged NATO that will enhance our common security. As our two nations prepare for the challenges and possibilities of the new millennium, we look forward to building on that partnership so that the seeds of democracy we have nurtured together for so long will bear fruit in a bright future not only for ourselves, but for our global community.

Now, therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 25, 1998, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs.

In witness whereof, I have hereunto set my hand this twelfth day of March, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

WILLIAM J. CLINTON.

Mrs. MALONEY of New York. Mr. Speaker, Greece has been called the birthplace of United States democracy, and I would like to quote: ''Our Constitution is called a democracy because power is in the hands not of the minority, but of the whole people. When it is a question of settling private disputes, everyone is equal before the law. When it is a question of putting one person before another in positions of public responsibility, what counts is not the membership of a particular class, but

the actual ability which the man or woman possesses.''

This sounds like it could have been written by one of our Founding Fathers, but it was actually written by Pericles in an address made in Greece 2,000 years ago.

Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves, the American colonies, out of Gothic darkness.''

Just as Greek ideas of democracy and individual liberties became the foundation of our government, the American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820s. Greek intellectuals translated the Declaration of Independence of the United States and used it as their own declaration.

During the fight for independence, a Greek commander in chief, Petros Mavromichalis, appealed to the citizens of the United States saying, ''Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy, since it is in your land that liberty has fixed her abode, and by you that she is prized by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you. It is for you, citizens of America, to crown this glory.''

Through two centuries, Greece has been a long and trusted ally. In fact, they fought alongside the United States in every major international conflict of this century. For more than half a century, we have stood together in NATO, in friendship, and in alliance.

During the early 1900s, one of every four Greek males between the ages of 15 and 45 departed for the United States of America, and I might add that many of them settled in Astoria, Queens, which I am fortunate to represent. Astoria is one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. It is truly one of my greatest pleasures in Congress to be able to participate in the life of this community with the wonderful and vital Greek American friends that I have come to know.

I have also had the pleasure of establishing, along with my great friend from the great State of Florida, (Mr. BILIRAKIS) the Congressional Caucus on Hellenic Issues. This caucus allows Members of the House to join together to find ways to work together toward better United States Greek and Cypriot relations.

We are here tonight because 177 years ago the revolution which freed the Greek people from the Ottoman Empire began. Greece remained under the Ottoman Empire for almost 400 years, and during this time, the people were deprived of all civil rights. Many volunteers from various localities in the United States sailed to Greece to participate in Greece's war for independence.

So today, as we mark the 177th anniversary of Greece's struggle for independence, we celebrate with the Hellenic Republic and recognize the close ties that have long existed between Greece and the United States.

On this occasion we should also direct our attention to the Island of Cyprus, which for 24 years now has been striving for an end to its tragic division and the illegal Turkish occupation of 37 percent of the island. Again, Cyprus is on the verge of becoming a flash-point for regional conflict because of Turkey's opposition to European membership for Cyprus. Last fall, H.R. 81 passed the House of Representatives unanimously calling for a peaceful solution to the Cyprus problem. President Clerides of Cyprus was recently reelected to a second term, and Cyprus is to begin negotiations with the European Union next week on March 31st.

Mr. Speaker, it is now time to reaffirm our commitment to a peaceful solution. We must use Cyprus's EU accession as an impetus for positive progress and not let Turkey use it as an excuse for heightened tensions. A positive contribution by Turkey to help resolve the situation in Cyprus would facilitate Turkey's aspirations to become a member of the European Union. We should use our influence in the region to help Turkey to understand this.

That is why I, along with many of my colleagues, introduced a resolution to assert our position on a peaceful solution to Cyprus. This bill encourages Turkey to work with Greece and Cyprus to find a just solution, and I would like to introduce into the RECORD at this time the resolution which the gentleman from Florida (Mr. BILIRAKIS) and I are presenting today with well over 32 cosponsors.

H. CON. RES—

Whereas President Glafcos Clerides of the Republic of Cyprus was recently re-elected for a second 5-year term with a renewed mandate to resolve the situation in Cyprus arising from Turkey's invasion of the island in 1974 and its continuing military occupation of 37 percent of Cyprus' territory;

Whereas the international community, including the United States, is expected to engage in a sustained effort to bring about a just, viable, and comprehensive solution to the situation in Cyprus;

Whereas Cyprus will begin negotiations with the European Union on March 31, 1998, for accession to the European Union;

Whereas it is recognized that the prospect of Cyprus' accession to the European Union could serve as a catalyst for resolving the situation in Cyprus;

Whereas the entire population of Cyprus, including the Turkish Cypriots, would benefit greatly from Cyprus's membership in the European Union;

Whereas a positive contribution by Turkey to the solution of the situation in Cyprus, as repeatedly called for by the United States and the international community, will not only facilitate Turkey's aspirations in Europe but will also enhance stability and peace in the Eastern Mediterranean and will safeguard the interests on the United States in the region;

Whereas the United States Government has sought to identify the remains of United States citizen Andreas Kassapis and hopes that this action will lead to further breakthroughs on the subject of the missing from both communities in Cyprus;

Whereas, in July 1997, the House of Representatives and the Senate adopted House Concurrent Resolution 81 and Senate Concurrent Resolution 41 calling for a United States initiative to resolve the situation in Cyprus on the basis of international law, the provisions of relevant United Nations Security Council resolutions, democratic principles, including respect for human rights and fundamental freedoms, and in accordance with the norms and requirements for accession to the European Union;

Whereas the House of Representatives and the Senate in these concurrent resolutions also consider that lasting peace and stability on Cyprus could be best secured by a process of complete demilitarization of the island;

Whereas United Nations Security Council Resolution 1092 of December 23, 1996, states that a Cyprus settlement must be based on a state of Cyprus with a single sovereignty and international personality and single citizenship, with its independence and territorial integrity safeguarded, and comprising 2 politically equal communities as described in the relevant United Nations Security Council resolutions in a bicommunal and bizonal federation and that such a settlement must exclude union in whole or in part with any country or any form of partition or secession; and

Whereas the Congress intends to remain actively seized of the matter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly urges the President—

(1) to seize the opportunity presented by the beginning of a new presidential term in the Republic of Cyprus and the opening accession negotiations between Cyprus and the European Union to launch an initiative to resolve the situation in Cyprus based on the parameters and principles set forth in House Concurrent Resolution 81 and Senate Concurrent Resolution 41 of the 105th Congress and United Nations Security Council Resolution 1092 of December 23, 1996; and

(2) to continue the bimonthly reports to the Congress on the active engagement of the United States in the efforts to find a solution to such situation in Cyprus.

Mrs. MALONEY of New York. Hopefully, Mr. Speaker, we will soon celebrate Cyprus Day when, once again, the entire island would be united. However, the reason we are here today is to celebrate Greek Independence Day. There has always been a very special bond of friendship between our two countries, and there is no better way to show this than as we did today with a concrete vote on this floor which was helpful to Greek citizens in our country.

Today, Congress voted overwhelmingly, 360 to 46, for an amendment. This amendment will allow people from Greece to travel to the United States, whether for business or pleasure, without getting a visa, just as Greece allows Americans to travel to their country without a visa.

I would really like to end with a quote from the great poet, Shelley, and he said, ''We are all Greeks. Our laws, our literature, our religion, our art have their roots in Greece.'' Tonight

we celebrate Greek independence and the many contributions of Greece to American culture.

Mr. Speaker, I yield to the gentleman from Florida, (Mr. BILIRAKIS), the cofounder and cochair of the Hellenic Caucus. We appreciate all of the gentleman's hard work on behalf of a better bond of friendship between Greece and the United States.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman. I thank her for leading this Special Order and for her great work regarding the human rights areas particularly of Greece and Cyprus.

Mr. Speaker, I too proudly rise today to lead my colleagues in honoring the valiant Greek freedom fighters who began an arduous struggle to win independence for Greece and its people on this day 177 years ago. So today, we do celebrate Greek Independence Day.

My colleagues may ask themselves, why we are commemorating those who secured independence for Greece, and the answer is really simple. Greek Independence Day, like the 4th of July, reminds us that we have a duty, a moral responsibility, to defend freedom, whatever the cost. Today we pay tribute to all of history's freedom fighters. We honor their triumph and spirit, because they valiantly fought and died for the ideals we and they hold dear.

One American patriarch, President Ronald Reagan, said that freedom is a fragile thing and is never more than one generation away from extinction. He reminded us that freedom is not ours by inheritance, but must be fought for and defended constantly by each generation.

□ 2200

As we know, freedom is not free. Our freedom has been paid for with hundreds of thousands of lives, with sweat and blood, and with a measurable sacrifice. The freedom we enjoy today is due to the sacrifices made by men and women who were willing to accept the highest and most noble responsibility, that of defending and promoting freedom.

This spirit of freedom began in ancient Greece, but it has manifested itself around the world in different centuries throughout history. History has provided shining examples of heroic fights for freedom. For instance, we saw it in Afghanistan, where its people defied the Soviet Union and refused to be oppressed. Afghanistan, like Greece, was ravaged, its people murdered and its villages destroyed.

Just as the Greek patriarchs fought foreign domination, the Afghan people refused to submit to Soviet aggression. They persevered because they believed that they should determine their own destiny.

Let me emphasize that all civilized nations inherited the principles of freedom and democracy from ancient Greece. The Greeks forged the first society which was governed by these principles.

We also celebrate this day because it marks the symbolic rebirth of democracy. On this day, as we have already said, 177 years ago Greece began to restore its glorious heritage through a desperate and unequal struggle for freedom. On March 25, 1821, the Greek people rose in rebellion, igniting a 7-year struggle for independence from 4300 years of foreign domination by the Ottoman Turks. That historic day led to a widespread revolution that attracted international attention.

In fact, President James Monroe issued a declaration in December, 1822, supporting, as he called it, Greece's noble struggle. It read, in part, and I quote, ''That such a country should have been overwhelmed and so long hidden under a gloomy despotism has been a cause of unceasing and deep regret. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the Earth.''

When the Greeks began this glorious revolution after 4 centuries of Turkish oppression, they faced what appeared to be insurmountable odds. It was truly David versus Goliath. The Greek freedom fighters had an unwavering commitment to the cause of freedom, and were prepared to live free or die. Reminiscent of Patrick Henry's famous declaration, ''Give me liberty or give me death,'' the Greeks adopted their own creed, ''Eleftheria I Thanatos,'' liberty or death.

In his book, Freedom and Death, renowned Greek author Nikos Kazantzakis recounted the last battle of his hero, a Captain and Greek patriarch who was surrounded by Turkish forces and contemplated the wisdom or folly of sacrificing himself and his men.

Kazantzakis writes, ''He looked about him at the comrades, down at the Turks far below, up at the uninhabited sky high above. Freedom or death, he muttered, shaking his head fiercely, freedom or death. Oh, poor Cretans. Freedom and death, that's what I should have written on my banner. That is the true banner of every fighter, freedom and death, freedom and death.''

In the ensuing battle moments later a bullet pierced his head and gave him both, freedom and death. Our Greek brothers earned their liberty with blood. As I have recounted many times before, the history of the Greek war for independence is filled with acts of heroism. The fabric of Greek independence is woven from remarkable acts by common people united with a singular purpose to break free from Turkish oppression.

It is a story of the Klephts who descended upon their invaders from the mountain stronghold. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade. It is a story about the Philhellenes who took tales of heroic Greek actions to Europe, where they gained international recognition.

The spirit of Greek heroism continues in freedom's defense. The Greek landscape has changed remarkably since I came to Congress. I was elected to this body when tensions from the Cold War had reached epic proportions. We lived in a world that feared, if not expected, nuclear war and its devastating consequences. Eastern Europe remained behind the iron curtain of communism, and its people lived largely at the mercy of leaders in the Kremlin. We lived in a world divided between those who were free to determine their destinies and those who were not.

There is probably no better or perhaps worse symbol of this division than the Berlin Wall. The wall divided Berlin physically, but its meaning divided the world. Through determined American leadership and a strong desire to be free, the winds of freedom blew through Eastern Europe and liberated a continent oppressed by Communist rule.

I know my colleagues shared the pride that I felt watching tiny cracks of freedom grow until the Berlin Wall crumbled under the weight of its oppressive rule. We have witnessed freedom and democracy triumphing over tyranny and oppression time and time again. Yet, in some parts of the world, the struggle for freedom and independence continues today.

Ironically, it is still being challenged in the Mediterranean. Turkey continues, Mr. Speaker, to illegally occupy Cyprus, as it has since its brutal invasion, code named Atilla, in 1974. Since the invasion, 1,614 Greek Cypriots and five Americans have been missing.

As a result of a congressional mandate, our government recently discovered the remains of one of these Americans, a young boy, Andreas Kasapis, who was 17 when the invasion occurred. I am proud to announce that I am an original cosponsor of legislation to address this serious matter.

The bill was introduced by my cochair of the Hellenic Caucus, the gentlewoman from New York (Mrs. CAROLYN MALONEY), and urges the President to resolve the unacceptable division of Cyprus. This legislation also asks the President to report to Congress on U.S. efforts to promote a solution in Cyprus.

The United States, Mr. Speaker, we know cannot be the world's policeman, but we must use our freedom to help others who share our passion for liberty and peace. Our Nation has always been willing to fight for freedom on behalf of others. As Americans, as defenders of democracy, as righteous human beings, we must not and cannot remain idle while Cyprus remains divided.

Finding a fair resolution for Cyprus will help stabilize a region that is more often marked by conflict than accord. Cyprus has been a strong U.S. ally for many, many years. As partners in the fight for freedom the United States must accept responsibility and meet its obligation to Cyprus. Actions do speak louder than words, and thus far our actions have paled in comparison to our words.

Let me emphasize that this is certainly not a partisan issue. Cyprus has been divided for 24 years, a time that has spanned both Republican and Democratic administrations.

To those who preach freedom but promote inaction, the U.S. did not remain neutral when imperialism shook Europe's foundations during World War I, and the U.S. did not fail to act when the clouds of German and Italian atrocity descended upon Europe and the rest of the globe during World War II. Throughout the history of the United States, we have answered the call of freedom.

We are fortunate to live in the greatest democratic republic in the world. Therefore, as the leaders of the free world, we must foster freedom when it is challenged. In October we were graced by his All Holiness, Patriarch Bartholomew, who is the spiritual leader of 300 million orthodox Christians worldwide, including 5 million Americans.

In his remarks in the Capitol Rotunda, Patriarch Bartholomew eloquently noted that the orthodox church ''may be opposed, but opposes no one; may be persecuted, but does not persecute; is fettered, but chains no one; is deprived of her freedom, but does not trample on the freedom of others.''

I was heartened, Mr. Speaker, when Congress awarded the Congressional Gold Medal to Patriarch Bartholomew in October. He received this honor, the highest that can be bestowed upon an individual by Congress, because of his commitment to promote peace, understanding, and religious tolerance around the world.

The Patriarch spread his message of peace, even though the Ecumenical Patriarchate in Istanbul has been repeatedly subjected to terrorist attacks. The latest act of violence came only weeks after the Patriarch delivered his stirring speech to Congress. I have introduced legislation urging the U.S. government to provide protection to the Patriarchate and its personnel.

Again, I would, Mr. Speaker, like to thank my friend, the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who always joins us in our special orders, for supporting the inclusion of this language in the conference report on the State Department Reauthorization Act. We must continue to take a strong stand in support of religious freedom and human rights worldwide.

Let me close with the words of President John F. Kennedy, who in June, 1963, spoke to the citizens of West Berlin at the Berlin Wall. He correctly pointed out that freedom is indivisible, and when one man is enslaved, all are not free. He went on to say that all free men were citizens of Berlin.

Mr. Speaker, all free men are Philhellenes. We must end the division of Cyprus and reaffirm our commitment to the Greek patriarchs who led Greece out of the darkness of tyranny and into the light of freedom and democracy. If we are to maintain our freedom, we can neither take it nor its architects for granted.

That is why I stand here with the gentlewoman from New York (Mrs. MALONEY), and so many of my other colleagues who have yet to speak, every year to honor those who secured independence for Greece. Again, I thank the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his very eloquent remarks and leadership in the Hellenic Caucus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FRANK PALLONE), who is the chair of the Armenian Caucus, and has been a leader on Greek issues and many other important issues before this Congress.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I would like to begin, as I do every year, by thanking the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) for organizing this hour to honor the anniversary of Greek Independence Day.

My colleagues, my two colleagues, are both tireless champions of Greek-American relations, and I thank them both for their leadership of the congressional Hellenic Caucus, and their tireless efforts to strengthen the ties between our two countries.

Today, March 25, it has been noted, Greece celebrates its 177th year of independence. And despite the late hour, many of us are pleased to be able to take this time to praise a society that represents, in a historical sense, the origins of what we call Western culture, and in a contemporary sense, one of the staunchest defenders of Western society and values.

There are many of us in the Congress on both sides of the aisle who are staunchly committed to preserving and strengthening the ties between the Greek and the American people. I would say that Americans and Greeks are growing even closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom and human rights, and close personal friendships.

In the early 20th century, Mr. Speaker, Greece stood by the United States in World War I. When Hitler's war machine decimated Europe in the middle of this century, Greece again stood on the same side as the United States; I might add, at great cost to the Greek people and the Greek Nation.

History has shown that the historic battle of Crete, in which the indomitable spirit of the Greek people forced Hitler to delay his planned invasion of Russia, was one of the most important battles of the Second World War.

Last October I joined my colleague, the gentleman from New Jersey (Mr. PAPPAS), who is here tonight, in paying tribute to ''Ohi'' Day, commemorating that day in 1940 when Greek Prime Minister Metakis refused Mussolini's ultimatum to surrender with an eloquent one-word answer, ''Ohi'', Greek for no.

World War II's aftermath left Europe mired in the Cold War, and Greece, then a NATO ally, and a NATO ally to this day, once again answered the call. Greece showed its national valor and sense of historic mission, joining forces with the United States in preserving and protecting the freedoms enjoyed today by an unprecedented number of the world's people. The qualities exhibited by the Nation of Greece, Mr. Speaker, are a reflection of the strong character and values of its individual citizens.

The United States has been greatly enriched as many sons and daughters of Greece made a new life here in America. The timeless values of Greek culture have endured for centuries, indeed, for millenia. But I regret to say, Mr. Speaker, that to this day the Greek people must battle against oppression.

My two colleagues have already mentioned that for almost 24 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied Nation of Cyprus. Like their forefathers, who were under control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. Negotiations aimed at achieving settlement to the Cyprus issue are an important priority for American foreign policy.

I just want to say that I am proud to be an original cosponsor of legislation that was introduced today by the gentlewoman from New York (Mrs. MALONEY) and also the gentleman from Florida (Mr. BILIRAKIS) that asserts our strong support for a peaceful solution in Cyprus. We have to keep up this effort, as these two leaders in Congress have done, in making it clear that we want an independent and sovereign Cyprus that is united and that is free of Turkish military rule.

The reelection of President Clerides and the bid of Cyprus to join the European Union also offer an historic opportunity for peace on the island. I would point out to Turkey that a positive contribution by that country to both the peace process and the European Union accession by Cyprus could be a start in helping Turkey undo some of the damage they have caused with their intransigent and aggressive policies.

We also have to continue to work with Greek leaders and the United Nations to secure protection for the Ecumenical Patriarchate and orthodox Christians residing in Turkey. As the gentleman from Florida (Mr. BILIRAKIS) mentioned, last year we were shocked by the terrorist attack on the Ecumenical Patriarchate in Istanbul. Many of us in this Congress called on our administration to issue a strong response to this tragic, senseless act.

Many of us have also staunchly opposed the transfer of U.S. military hardware to Turkey.

□ 2215

As the cochair of the Congressional Caucus on Armenia Issues, and I know the gentlewoman from New York mentioned that before and I appreciate it, and also as a member of the Hellenic Caucus, I have consistently fought to change U.S. policy with regard to Turkey. I have sought to block the Turkish Government's efforts to pay big money for Turkish studies chairs at prestigious American universities as an instrument of spreading Turkish propaganda.

The gentleman from California (Mr. SHERMAN) has joined me in many occasions here on the floor, trying to prevent the Turkish Government and the acceptance of money by various American universities from the Turkish Government through these various Turkish studies programs or Turkish chairs that come with strings attached, that basically allow them to spread Turkish propaganda and not tell the truth about the history of Turkey or the history of Armenia or the history of Greece. Turkish leaders must understand that they will not continue to benefit from U.S. economic subsidies if they continue to flout the very values that America, Greece, and other freedom-loving nations of this world stand for.

In closing, I just want to congratulate the Greek people for 177 years of independence and thank them for their contributions to American life.

And I want to thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) for organizing this tonight. All of us are going to continue with our efforts to not only continue to bring up Greek Independence Day, but fight for Cyprus and fight for the other values that Greece and the Greek people hold dear.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Pennsylvania for his statement.

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. KLINK). He is a leader in the Hellenic Caucus. He is one of the reasons that we were successful on the floor today in achieving the visa waiver. I yield to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her leadership, and also thank my dear friend, the gentleman from Florida (Mr. BILIRAKIS), for his leadership in the Hellenic Caucus. We have risen on the floor together so many times on issues that were of importance to Hellenes and philhellenes. We have met together with very important dignitaries who have arrived, from the patriarchy to the leaders in the Greek Government. Many of us have traveled together to Greece.

Mr. Speaker, I want recall, and I have shared with my dear friend, the gentlewoman from New York, stories of a trip that the gentleman from Florida (Mr. BILIRAKIS) and I took last August. She has been such a great leader on these issues that many people in the Greek-American community often refer to her as Bouboulina, who is, of course, the lady who risked her life, her fortune, and everything else in building a fleet of ships to fight for the independence of Greece. The gentleman from Florida and I had the wonderful opportunity last year to travel to the home of Bouboulina, and we wish that our friend, the gentlewoman from New York (Mrs. MALONEY), had been with us because I tell her that she was in our minds and our hearts the whole time we were there.

We appreciate the fact that people because, we have a reason for the feelings that we have, and that is the fact that I am of Greek parentage, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New Jersey (Mr. PAPPAS) as well, but our friends and colleagues who take on this issue, because this is in their heart and their mind, and we appreciate what they have done.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement and all of his hard work and leadership.

Mr. KLINK. Mr. Speaker, if the gentlelady would yield, I thank her very much. Every family who has come from Greece has stories. If we look at the ceremonial uniforms of the Greek soldiers, they have the pleated kilts; and these tall, strong-looking Greek soldiers, and there are 376 pleats in their kilt, one for each year that the Greek nation was held in domination by the Ottoman Empire.

My own family, and I did not have the opportunity to meet the Greek half of my family, it is a long story which I will not go into here. But I did not have the opportunity to meet the Greek half of my family, because of estrangement and divorce, until I was almost 40 years old. I had the opportunity to go to Kalimnos, which is an island off the coast of Turkey where my family came from, as well as the family of the gentleman from Florida (Mr. BILIRAKIS), my dear friend. In fact, we found here we are a Republican from Florida and a Democrat from Pennsylvania, and our families lived on the same tiny island off the coast of Turkey. In fact, we were neighbors, when we got to talking about where we come from, and here we are neighbors on issues in Congress.

They told us about what had happened to the family during almost 400 years of what was practically servitude and enslavement by the Ottoman Empire and by the Ottoman Turks. In fact, the family name at that point had been Papaelias, which meant there was a priest back in the family heritage whose name was Elias. During the time they were under domination by the Turks, the name became Giavasis, which came from the word ''giavasis,'' which is a Turkish word for ''slowly,'' and the reason was simply that they had gone into a 400-year work slowdown.

My family were architects and builders, and so during the virtual servitude to the Turks, 400 years of it, they used to build and to draw designs of buildings. They went into this work slowdown, and so the Turks said ''giavas,'' or ''slowly,'' and the family name eventually became Giavasis for the fact that they had this slowdown that lasted generation after generation after generation.

Every family has stories, some of them very tragic, of what happened to their ancestors during this almost enslavement and involuntary servitude under the Ottoman Turks.

It is ironic that the birthplace of democracy was subjected for so many centuries to a form of domination as the Greeks lived under the Turkish domination for 376 years, political oppression, no kind of freedom. But in 1821, Greece began a very successful fight for independence and today, 177 years later, we celebrate the fact of Greek independence.

Mr. Speaker, I would say there are truly many words in the statement of the gentleman from Florida that freedom fighters all over the world, of whatever nation or whatever race, share together that vision of freedom.

Greece is the home of democracy. Democracy will, I think, for all time, be the greatest gift of the nation of Greece to the rest of the world. The ancient Greeks passed down to us a government that places authority directly in the hands of all the people. How wonderful that we have the opportunity here to stand in the people's House and to talk and to share the heritage of what at that time was a very revolutionary idea that not kings, not emperors, not some quasi-God, should be the dictator of what would happen in men's lives, but that the men and women themselves would be able to make those decisions themselves.

Our founders chose to adopt a Democratic system, just as the Greek Constitution enshrines democracy as the governing rule of the Hellenic Republic. I had an opportunity on a previous trip to Greece to go to the island of Khios that lost much of its population back in 1974 after the Turks invaded the island of Cyprus.

When we start to learn about the struggle that took place over that 400 years of Turkish rule, we find that people like Thomas Jefferson had a constant correspondence with the Greeks to encourage them to fight for themselves and to once again become a nation of democracy. If we go back to the roots of our tree of democracy, we find that our Founding Fathers and the people who eventually got to the point where they were able to lead a successful Greek revolution, share their ideals and corresponded and had a dream that people themselves throughout this

world would be the ones to govern, people themselves would make the decisions.

Americans and Greeks fought together for the principles of democracy during World War II. We stuck together during the Cold War. And today we celebrate Greek independence.

We also have to take time to remember those who still endure oppression anywhere in the world, those who are denied freedom. Democracy does come with responsibilities to always seek peace, but to fight for freedom and to fight for human rights when we must fight, and to continue to build upon a strong democratic foundation.

Again, the gentleman from Florida (Mr. BILIRAKIS), my friend, mentioned, and I am not going to go too far into detail because I know some other friends are waiting to talk, we have to go back, ''Ich bin ein Berliner.'' We were all Berliners because people were behind that wall when President Kennedy said, Mr. Kruschev, take down that wall. Today the divided city is Nicosia in Cyprus.

Since 1974, that city has been divided; 1,609 Greek Cypriots and American citizens remain missing. And it was only March 5, after nearly 24 long years, that the family of Andrew Kasapis of Detroit finally found the remains of that 17-year-old American citizen who was ripped from the hands of his family, ripped away with his passport still on him, and was murdered.

They found his bones scattered in what was no more than a field. And although it took this Congress to take action and it cost millions of dollars to do the most modern DNA screening to determine that that was the remains of this young 17-year-old American citizen, we still do not know where are the over 1,600 other bodies. When will those families seek the peace of at least knowing what happened to their relatives?

On this island nation of Cyprus, the Turks must again allow freedom to move forward, must allow Greek Cypriots and Turkish Cypriots to live together, to have free elections, to live together as neighbors; allow the Greek Cypriots, who were taken from 30 percent of that island where the green line cuts across, to go back into their homes, to go back into their churches of worship which have now become stables, barns, brothels, bars. Imagine such degradation to have one's church turned into a brothel or bar or barn.

Mrs. MALONEY of New York. Mr. Speaker, I wanted to add to some of the gentleman's comments. Today the gentleman from Florida (Mr. BILIRAKIS) and I had a meeting with the Hellenic Caucus and Mr. Miller, the special assistant to Richard Holbrooke, the special envoy who has been supported by President Clinton to support peace efforts in Cyprus, he gave a detailed report which the gentleman from Pennsylvania has brought part of it to the floor today. He also mentioned that they have not received information on the other four missing Americans, but they are working on the report, and he hopes to be able to bring it back to Congress and report to all of us exactly what happened.

I just want to thank the gentleman from Pennsylvania for helping pass this resolution that led to this report that has brought some conclusion for the Kasapis family, but not for all the other families.

Mr. Speaker, I yield back to my colleague.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for those comments. One family out of 1,619 families has answers. They are not pleasant answers to think that your 17-year-old son, who would now be 41 years old, died in this field, his bones scattered. Only through plowing and digging have these bones been recovered, and not in a grave.

Mr. Speaker, what kind of peace is that? At least they have the knowledge of knowing that he is not languishing in a prison or in slavery, but in fact probably suffered a horrendous death. That is little peace, but at least we know what has happened.

The division of Cyprus has been a problem for the international community since Turkey's invasion of the island in 1974. Its subsequent illegal military occupation of the northern 37 percent of the country has stopped any kind of growth. Cyprus could become a flashpoint for regional conflict because of Turkey's opposition to European membership for Cyprus into the European Union.

Cyprus should be allowed to thrive. Last fall, H. Con. Res. 81 passed the House of Representatives unanimously, calling for a peaceful solution to the Cyprus problems. The President of Cyprus was recently reelected to a second 5-year term, and Cyprus is about to begin negotiations with the European Union.

Mr. Speaker, we want peace. We would like to see Turkey admitted to the European Union. And Greece would like to see that. The gentleman from Florida and I spoke to the leaders of Greece. They would like to see Turkey admitted to the European Union. But to do that, Turkey must obey the U.N. resolutions, they must become a member of the family of nations, which they have ceased to do.

We do not look forward to having votes where we spank Turkey. We want them to do the right thing and they have not done that.

□ 2230

And they have not done that. So I thank my friends for their leadership. I will yield back my time because I have some other friends who are waiting here to speak.

But we could take hour upon hour. These are things that are near and dear to our heart. And the leadership that the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) and the friendship that you have given us and the leadership in taking us to Cyprus, to Greece, has given us a tremendous education not only of the current situation but of the history of mankind and the need for conscientious, freedom-loving people to stand up for other people who are oppressed whenever they can.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his really moving statement tonight.

I now yield to the gentleman from New Jersey (Mr. PAPPAS), newly elected to the 105th Congress, but already a leader here on Hellenic issues and many other issues of concern for New Jersey and our country. I thank him for participating.

Mr. PAPPAS. Mr. Speaker, I thank the gentlewoman for yielding. And I want to thank her and our colleague, the gentleman from Florida (Mr. BILIRAKIS), for their work on behalf of all of us who are interested in the Hellenic issues.

As cochairs of the Hellenic Caucus, they both have been active in informing this Congress about issues of importance to the millions of Americans of Greek descent. Today's successful vote on visa waiver extension is an important example of why the Hellenic Caucus' role is important in this Congress, and I thank both my colleagues for their leadership.

One hundred seventy-seven years ago, the Greek people declared their independence from foreign oppression by the Ottoman Empire. After inspiring America with the democratic ideals of ancient Greece, Greece was, in turn, inspired by the American Declaration in 1776. The idea for democratic independence was the first of a long-standing tradition for these two allies to share great ideas and common values.

The events of March 25, 1821, are critically important to the modern world. By throwing off the yoke of more than 400 years of Ottoman Turk domination, Greece retained its sovereignty, it marked the return to democratic values and civil society in southeastern Europe. It also sowed the seeds for a long-lasting and mutual relationship between Greece and the United States.

Greece has been one of four allies to fight with the United States in every conflict in this century. This has happened because both countries recognize the importance of democracy and that it is better to fight for it than to roll over and suffer under tyranny. As such, I am glad to celebrate this happy occasion with my colleagues on the floor of this House, the embodiment of democracy for many as created by ancient Greece.

Here on this floor, I am a Greek American sent here by citizens in central New Jersey to carry on the right to advocate on their behalf, knowing full well that democracy was created by Greeks and places the ultimate power to govern not in me, not in us in this Chamber, but in the people we represent. What an awesome idea. This

country is eternally grateful for their foresight in ancient times and for their fortitude to break free from the Ottoman oppression and restate their unwavering commitment to democratic ideals.

So, Mr. Speaker, I think it is fully appropriate that we take pride in celebrating this day and acknowledge the debts we owe to Greek ideals.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement.

The gentleman from California (Mr. SHERMAN) is a member of the very important Committee on International Relations. He has worked hard not only on the Hellenic Caucus but on many, many important issues before this Congress.

I now yield to my colleague from California.

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding, and I thank both her and her co-chair of the Hellenic Caucus for not only convening this hour to commemorate Greek independence, but for inviting me to be part of this effort.

One hundred seventy-seven years ago today, on March 25, 1821, the Greek people declared their independence and began a ten-year effort to throw off the yoke of Ottoman oppression. Greek patriot Regas Fereos issued a rallying cry in that struggle, ''Better an hour of freedom than 440 years of imprisonment and enslavement.''

Today, 177 years later, we in this House, just a few hours ago, I think found an interesting way to commemorate Greek independence by allowing citizens of Greece to independently visit the United States as tourists, free and liberated from paperwork, just as we have allowed tourists from other parts of Europe and the European Community to visit the United States without undue restriction.

Greek freedom fighters looked to the American Revolution and to American democracy 177 years ago today, just as the American revolutionaries looked to ancient Greece and its tradition of democracy. After a 10-year struggle, the Greek people won their independence and reestablished democracy. Greece and America are bound not only by a common dedication to democracy, but also because Greek philosophy and Greek culture are so much the foundation of the society in which we live, the society which has gradually established many of the cultural norms, many of the philosophic underpinnings for an emerging world culture.

Since its liberation, Greece has stood by America, and America should stand by Greece. Greece is one of three nations in the world outside the British Empire that has been allied with the United States in every major international conflict of this century. As has been pointed out by earlier speakers, one out of every nine Greeks lost their life fighting the Nazis in World War II. Just as Greece joined the United States in that effort, immediately after that war the Marshall Plan was critical to reviving Greek society and the Greek economy.

Today, Greece remains a staunch NATO ally and it deserves America's support. In the past year, Greece held the historic Inter-Balkan Conference in Crete and has worked to promote regional stability in the Balkan Peninsula, an area that has been contentious throughout this century and an area that Americans are coming to know better today. As we focus on Kosovo, as we focus on Bosnia, we should recognize Greek efforts to bring peace and stability to that troubled region.

As the gentlewoman from New York (Mrs. MALONEY) pointed out, I serve on the Committee on International Relations, and in that capacity, had the opportunity, along with her and many other Philhellenes to meet with the Greek foreign minister just yesterday. And we had an opportunity to praise Greece for not only its constructive role in the Balkans, but also because it is Greece, and the supporters of Greece here in the United States who have urged upon the United States a very interesting approach to foreign aid.

Greece and the supporters of Greece here in the United States have urged that zero be appropriated in military aid to Greece and commensurately zero be appropriated in aid to Turkey. And given the fact that we must diminish the amount that is spent, especially by military forces in that troubled region of the world, this is a very constructive position, a position reflected in President Clinton's most recent budget.

I should point out that, quite wisely, President Clinton's budget does provide continuing aid to Cyprus, a society that continues to suffer from division as a result of the occupation of Turkish forces. Not only is the zero decision one that is included in the President's budget, it is also helpful to the United States as we continue to face budgetary pressures.

There are several outstanding problems that continue to be the focus of those of us who work with the Hellenic Caucus, and I am happy to have been a member of that caucus from my first day in the United States Congress. One of those outstanding problems is that of the Aegean. The Greek-Turkish dialogue should go forward. But many of us have urged that before it goes forward, the Turkish Government, must indicate its respect for international law in the Aegean, and that Turkish overflights of Greek and Cypriot airspace and other acts of aggression, should cease. The Turkish Government should agree to be bound by international law on all issues involving the Aegean and should cease its acts of aggression.

I have joined, most of the leaders of the Hellenic Caucus as a cosponsor of the Peace in Cyprus Resolution last year, and a resolution introduced today reaffirming our commitment to a peaceful resolution of the Cyprus problem with the withdrawal of all Turkish troops from that troubled island. I take special interest in seeing the peace talks move forward now that the Cypriot elections are over and President Clerides has been reelected.

U.S. Presidential envoy Richard Holbrook should move forward toward peace, toward a withdrawal of Turkish troops from the island. Regrettably, there has not been much progress to date. We mentioned earlier in this hour the fact that four Americans are still missing. The remains of one American, Andrew Kasapis, have been returned. But certainly, as important as it is to his family for those remains to have been discovered and returned, we need to see much more progress toward peace and unity in Cyprus.

This is an historic movement for Cyprus, as the European Union accession talks are scheduled to begin next week. The European Union's decision to invite Cyprus to join ranks will benefit a reunified Cyprus and should be an impetus towards peace.

Unfortunately, the Turkish Government seems to wants to hold Cyprus hostage for its own membership in the European Union. If Turkey wishes to join the European Union, Turkey should seek to meet the standards of that union on its own rather than holding Cyprus hostage.

Finally, Turkey must accord protection to the Ecumenical Patriarch, should allow the reopening of the School of Theology, which was closed in 1971, and allow the work of the Patriarch to continue in safety and protection. I also want to call upon my colleagues to join with me and the others in the Hellenic Caucus in cosponsoring House Resolution 148 commemorating the 75th anniversary of the destruction of Smyrna, as it is time for Turkey to come to grips with its past.

Unfortunately, the Turkish Government has decided to embark on a program of denial, of denying the massacres at Smyrna, at denying the genocide of the Armenian people. And this has taken the form of seeking to plant academics in the United States.

I am a proud graduate of UCLA. I was there when we won the NCAA championship after championship. And I was proud of my alma mater then. But as proud as I was when Bill Walton was sinking jump shots, I was even prouder when earlier this year UCLA turned down a gift of over a million dollars from the Turkish Government because that gift came with strings attached which would have curtailed academic freedom and would have given the Turkish Government control over how the occupant of that chair pursued scholarship and teaching in the area of Ottoman and Turkish history. Academic freedom is not for sale at UCLA.

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Now the Turkish government has turned its attention to the north, to the University of California at Berkeley. I hope that our cousins in northern

California will reject all strings and will insist that the occupant of any academic chair be free to pursue academic inquiry wherever it leads. What greater tribute to American universities, what greater tribute to the philosophy of free thinking that we have inherited from the ancient Greeks. As I mentioned, ancient Greece inspires us all. Its philosophy and culture underpin American philosophy and culture, and its greatest gift, as was remarked before, is that of democracy. We owe a lot to the ancient Greeks and we owe a lot to the modern Greeks. They stood with us and we stood with them in World War II and the Cold War. In just a few years, we will have a chance to celebrate the Olympics in the year 2004 as it returns to Greece, its ancient home, and also the place where the modern Olympics were reborn. We have a lot to thank the ancient Greeks for; a lot to thank modern Greeks for. I think the gentleman from Florida (Mr. BILIRAKIS) said it just perfectly when he said all free men are Philhellenes.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the occasion of Greek Independence Day is an opportunity to thank the Greek people for their long tradition of friendship and partnership with the United States, and to reflect on the great values that Greeks and Americans have shared throughout the centuries.

Greek-Americans have helped build the United States and have contributed immeasurably to the nation's cultural and intellectual enrichment. Devoted to education and advancement, Greek-American families have produced great leaders such as Massachusetts' Michael Dukakis and Paul Tsongas. I am currently helping to set up a foundation in the name of Senator Tsongas. The foundation is designed to foster scientific achievement and innovation and honor his life and service.

The United States and Greece are the two cornerstones of democratic tradition in the world, whose shared history is a proud tradition of cooperation. Our experiences have intertwined at some of the most precarious junctures of history. Over 600,000 Greeks died fighting on the side of the Allies in the Second World War. During the Cold War, the friendship between the United States and Greece helped stall the spread of communism, and maintained the freedom and security of the Mediterranean.

Today, the U.S.-Greek relationship is more important than ever. The occasion of Greek Independence Day gives us a chance to reaffirm our commitment to helping Greece with the challenges it faces today. The United States must strengthen its cooperative relationship with Greece to secure our many mutual interests. And Congress must ensure that the United States remains engaged in the region in order that we may secure those interests.

Greece and the U.S. can merge their talents to prevent ethnic conflict from spreading throughout the Balkans and to help the region to develop economically.

In Cyprus, the United States has a duty to lead the charge for a lasting, peaceful solution. Congress must continue to support the Administration's diplomatic efforts for the island. We must insist on demilitarization of the island and demand Turkey's full compliance with international law and the United Nations resolutions on Cyprus which call for its withdrawal. We have still not answered lingering questions about the Greek-Cypriots who disappeared at the hands of Turkish soldiers. The victims and their families deserve answers.

But the peace talks will not work if the arms race continues. We must have a demilitarization process in action alongside the peace talks. How can we talk peace when both sides are stockpiling sophisticated weaponry on both sides of the green line? What kind of negotiations can you have if both sides are looking down the barrel of a gun?

We can honor those who perished and those who have lost loved ones in Cyprus if we work to help today's Cypriots realize their dreams of a free, unified Cyprus. In doing so, we may be able to secure a lasting peace and economic security for a people who are so richly deserving of it.

In sum, Mr. Speaker, let us use the occasion of Greek Independence Day to thank our Greek friends, to salute Greek-Americans, and to reaffirm our commitment to working with Greece to solve the challenges that will face us all in the future.

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to offer congratulations to the people of Greece who today are celebrating their 177th year of independence from the Ottoman Empire. Their story is one that closely mirrors that of our own country and is deeply engrossed in the very principles that our nation was founded. Like our forefathers, the people of Greece arduously fought against oppression to win their independence and their right to self-determination. We share a common appetite for the individual freedoms that characterize our democracies and common disdain for those who threaten that liberty.

In fact, the society we live in today—a democracy where freedoms and liberties are paramount—was crafted, in theory, by the great thinkers and politicians of ancient Greece. Our Founding Fathers relied heavily on the political and philosophical experiences of the ancient Greeks as they themselves toiled with the blueprints of this great nation.

We can easily equate the observance of the Greek Independence Day with the celebration of our own independence on the Fourth of July. Both represent opportunities to trumpet the successes of democracy, revel in our freedoms and pay our respects to those who have come before us and perished to protect our liberties.

Mr. Speaker, Greece remains one of the United States' closest allies. It is interesting to note that they are one of only three nations, outside the British Empire, which has fought alongside American soldiers in every war this century. Their loyalty is commendable and deserves our continued reciprocity.

As I stand in the chamber of this great legislative body, surrounded by renderings of several of the most notable Greek philosophers, I am compelled to recognize the legacy left behind by the original pioneers of democracy. I thank the people of Greece for their continued goodwill and offer them my sincere best wishes as they celebrate their lasting independence.

Mr. VISCLOSKY. Mr. Speaker, I join my colleagues today to recognize the 177th anniversary of Greek Independence Day. As the U.S. Representative of a region with over 5,000 people of Greek descent, I know that this important event will be joyously celebrated throughout Northwest Indiana.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The development of modern democracy has its roots in ancient Athens. The writings of Plato, Aristotle, Cicero and others were the first to espouse the basic tenets of a government of the people and by the people. While these ideals were not always followed in ancient Greece, these writings provided a roadmap for later governments in their attempts to establish democracy in their countries.

The Founding Fathers of the United States were particularly influenced by the writings of the ancient Greeks on democracy. A careful reading of The Federalist Papers reveals the significant part the early Greeks played in the formation of our government. Thomas Jefferson called upon his studies of the Greek tradition of democracy when he drafted the Declaration of Independence, espousing the ideals of a government representative of and accountable to the people. Decades later, these ideas were a catalyst in the Greek uprising and successful independence movement against the Ottoman Empire—the event we celebrate today.

On March 25, 1821, the Archbishop of Patros blessed Greek flag at the Aghia Laura monastery, marking the proclamation of Greek independence. It took eleven years for the Greeks to finally defeat the Ottomans and gain their true independence. After this long struggle against an oppressive regime, Greece returned to the democratic ideals that its ancestors had developed centuries before.

Today, this country's relationship with Greece is as strong as ever. Greece has been our ardent supporter in every major international conflict of this century, and they play an important role in the North Atlantic Treaty Organization and the European Union. Greece is also a key participant in the United Nations peacekeeping force in Bosnia, providing troops and supplies. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey in 1974.

Mr. Speaker, I would thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, for organizing this Special Order, and I join all of our House colleagues in recognizing Greek Independence Day. I salute the spirit of democracy and family that distinguish the Greek people, as well as their courage in breaking the bonds of oppression 177 years ago. I look forward to many more years of cooperation and friendship between our two nations.

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Greek Independence Day.

For the Greek-Americans I represent, and indeed for all Greek-Americans, this day represents the determination of the Greek people to live free. Under Ottoman rule for four centuries, the Greek people proudly secured their independence in 1829. From that moment forward, America's warm relationship with Greece and the Greek people has grown, bringing our two nations closer together in enduring ways.

Today, Greece is a moderm nation and a global force in an ever demanding world marketplace. As Greece moves closer to adopting

the single European currency, the fact of her economic strength becomes ever clearer. All Greek-Americans are rightly proud of Greece's vigorous and growing economy. Their homeland's unique ability to preserve its remarkable history while moving proudly into the twenty-first century is a tribute to the Greek people.

On this day, as we celebrate and recognize Greek Independence Day, I would also like to highlight the fact that Greece will play host to the 2004 Olypmic Games. The historic importance of the Olympic Games returning to their roots in Athens is a story of rediscovery and restoration. I understand that the Greek Cabinet is already planning for a ''Cultural Olympiad'' which will be organized in connection with the 2004 Olympics. All efforts in support of the Olympic Games in Athens, efforts that I know the Greek-American community will be backing, should be supported by this Congress.

To conclude, let me add my name to my many colleagues who today are saluting Greek Independence Day. By remembering this memomentous occasion, this Congress serves to memoralize the sacrifice of a generation of Greeks who gave their last measure so that independence and freedom could be secured for the Greek people. It is a just cause the Greek people fought for in 1829 and one that we honor here today.

Mr. MCGOVERN. Mr. Speaker, I am very proud to rise on the floor of this chamber of American democracy in honor of the 50th Anniversary of Greek Independence Day.

All the world looks to Greece as the fountain and inspiration for every modern-day democracy, including our own.

it is a tragedy of history that the people who created democratic rule were subject to harsh subjugation and robbed of independence for so many centuries.

For 400 years—from the fall of Constantinople in 1453 until the Greek people once again declared their independence in 1821—Greece remained under the Ottoman Empire. During this time, Greeks were deprived of all civil rights. Schools and churches were closed down. Greek Christian and Jewish boys were kidnaped and raised as Moslems to serve the Ottoman Sultan.

In 1823, a famous U.S. Representative from Massachusetts, Daniel Webster, described this period of Greek history in this way: ''This [Greek] people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious unparalleled Tartarian barbarism ever oppressed the human race.''

So today, in reality, marks the 177th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

But Greece also lost its freedom during World War II to Nazi Occupation and afterwards briefly to communist rule. In 1948, it once again regained its independence and for the past 50 years, the people of Greece have controlled their own destiny.

It's for these reasons that we gather here today to honor the strength, courage and vision of the Greek people.

I am also here to honor the contributions made by Greek-Americans in my own district in Central Massachusetts. Since the turn of the century, over 5,000 Greek men, women and children have made Worcester, Massachusetts their home, contributing significantly to all aspects of civic life.

The Cathedral of St. Spyridon in Worcester reminds us of this vibrant Greek-American community. In Worcester, this important day is celebrated by teaching children to recite poetry and songs commemorating their past and their heritage. Discussion groups are held to honor the memory and history of the heroic deeds and patriotism of the Greek and Greek-American men and women who fought and died for the freedom I and my constituents enjoy today.

Similar celebrations are held throughout my district—in Fall River and Dartmouth, in Attleboro and Seekonk.

No one standing on the floor of the U.S. House of Representative can fail to honor the contributions of Greece to American democracy, freedom, literature and philosophy. Throughout this Capitol and this city, everywhere you might look, you will see homage to Greek ideas and ideals. They are engraved on our buildings, enshrined in our laws, and they surely influenced the minds and hearts of the men and women who founded this nation.

I want to thank the gentleman from Florida [Mr. MICHAEL BILIRAKIS]—a fine example of the contribution Greek heritage continues to make to American democracy—and to the gentlelady from New York [Mrs. CAROLYN MALONEY] for organizing this special order on this historic occasion.

I would like to remind them that, if Massachusetts would have had its way, we might have had two Greek-Americans as President of the United States. And so I thank them for their leadership of the Hellenic Caucus and for all their fine efforts to educate and involve other Members on the issues challenging Greek and U.S. policy today.

Mr. LOBIONDO. Mr. Speaker, I rise as a member of the Congressional Caucus on Hellenic Issues to again recognize Greek Independence Day. This is a day to honor the sacrifices made by the Greek people over hundreds of years in their struggle against the oppressive rule of the Ottoman Empire.

This day also reminds us that Greece and the United States share much in common, including the 1.1 million American citizens who are of Greek descent. I am pleased to join New Jersey's Greek-American citizens in their celebration. Many of my constituents in southern New Jersey bear a proud ancestry to Greece. Their culture, food, and heritage add to the diversity and richness of our district.

In fact, many artistic and intellectual traditions have been handed down to the people of the United States of America by the people of Greece. Our nation is richer for these traditions, and we remain grateful to Greece.

The ties that bind America to Greece are not only historical, but also modern. Americans have fought side by side with Greeks in two World Wars as well as in the Persian Gulf War. Today, Greece is our invaluable ally in the North Atlantic Treaty Organization. I call upon President Clinton and the Secretary of State, Madeleine Albright, to make Greece—and the protection of Greeks in Cyprus and Turkey—a primary focus of U.S. foreign policy.

Mr. Speaker, in closing, I would ask all Members of the House to join with me in honoring the historical ties between the United States and Greece and in continuing to foster the close relationship between our two countries that has proven so successful.

Mr. WEYGAND. Mr. Speaker, today thousands of Greeks and Greek Americans will celebrate the 177th anniversary of the beginning of the revolution that resulted in the liberation of the Greek people from nearly 400 years of domination under the Ottoman Empire.

Approximately 2000 years ago the democratic principles of equality, freedom and self rule were espoused by such great thinkers as Aristotle, Plato and Polybius. Tragically, under the Ottoman Empire those principles were repressed and for hundreds of years Greeks were deprived of their civil rights. Fortunately, the foundations of democracy formed in Athens resurfaced and inspired the Greeks to stage a revolution in 1821 and break their ties of oppression.

These democratic principles of freedom, equality, and self rule inspired our founding fathers and were heavily relied upon as they drafted the Declaration of Independence and the United States Constitution.

Greece has been a strong ally of the United States. Every time the United States entered into international conflict this century, the people of Greece have shown their support by allying themselves with us. For that, I thank the citizens and soldiers of Greece.

I look forward to continued good relations with Greece and its citizens and working with them to preserve and expand democracy throughout the world. Again, I congratulate Greece on 177 years of independence.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community in celebrating the 177th anniversary of Greek independence. I also want to thank my colleagues Mr. BILIRAKIS and Ms. MALONEY for organizing this event.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson: ''to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness.''

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek-Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Claire Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day.

I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

Mr. ANDREWS. Mr. Speaker, I rise today in celebration of Greek Independence Day, a national day of celebration of Greek democracy.

This day marks the beginning of the revolution which freed the Greek people from the Ottoman Empire. The Greeks were finally liberated after year of oppressive treatment and civil rights violations. Their communities were slowly deteriorating schools and churches were being closed down, and Christian and Jewish boys were kidnapped and raised as Moslems to serve the Sultan.

I spent eight magnificent days last August in Greece and Cyprus. There is no better way to learn about the troubles of Cyprus and the splendors of Greece than to speak directly with the people who live there.

I enjoyed my visit to Athens very much, and learned a great deal about the history of Greece. Greece is one of only three nations in the world allied with the United States in every major international conflict this century. During the early 1900's one in every four Greek males between the ages of 15 and 45 immigrated to the United States. Through their extraordinary compatibility with the people of America, Greek-Americans have made tremendous contributions to the United States.

The American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's Greek intellectuals translated the American Declaration of Independence and drew from it in drafting their declaration of freedom.

In 1953, after Greece's post-World War II struggle against the Communist rebels, President Dwight D. Eisenhower appropriately said. ''. . . Greece asked a favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere.''

Mr. Speaker, as a supporter of issues of concern to the Greek-American community, I am proud to recognize this population and their day of pride and freedom. Greek civilization touches our lives as Americans, and enhances the culture and traditions of this great Nation.

Mr. ACKERMAN. Mr. Speaker, we are pleased once again to recognize and celebrate Greek Independence Day, commemorating the successful struggle of the Greek people for national sovereignty. Since that time, Greece and the United States have enjoyed a close relationship, characterized by a shared commitment to democracy, peace, and respect for human rights. The ancient Greek civilization was the birthplace of democracy and we as a nation are proud to carry on the principles which were first created there.

We are especially proud to have had Greece as our ally during this last century's upheavals. Greece has been our ally in every major international conflict during this time, and has always acquitted itself with bravery and honor. In particular we recognize the valiant resistance to Axis occupation as commemorated by ''OXI'' day and the refusal of the Greeks to cooperate with or accede to the Holocaust. We also celebrate the heroism and determination shown by Greek soldiers in the crucial Battle of Crete, a turning point in the struggle for democracy and against fascism and oppression.

The many Greek-Americans who have participated in the economic, cultural, and political life of America are testimony to the special relationship between our two peoples. The celebrations for Greek Independence Day which occur both in Greece and all across America demonstrate the spirit of civic pride and participation which have enriched both of our cultures.

I am glad to have this opportunity to once again celebrate Greek culture and toast the Greek people. I had the opportunity late last year to demonstrate my commitment to preserving the territorial integrity of Greece by cosponsoring a resolution expressing our recognition of Greece's claim to the Imia islands. I will continue to support our Greek allies in the future and express my best wishes to all those who are now celebrating the 177th Greek Independence Day.

Mr. MANTON. Mr. Speaker, it is my great pleasure to rise today to mark the 177th anniversary of Greek independence, when Greece set themselves free from the jaws of the Turkish Ottoman Empire. I thank my colleagues, Congressman BILIRAKIS and Congresswoman MALONEY, for their steadfast leadership on Greek issues and for organizing this Special Order to recognize this historic event.

As the shining star of modern civilization, Greece has made a tremendous contribution throughout its history to not only Western Europe and the United States, but also the world. As the birthplace of democracy, Greece was the role model for the foundation of the democratic government and freedom the United States has enjoyed for over two hundred years. With their vast interest in expanding their own knowledge, the Greeks have also increased cultural awareness throughout the world. Johann Wolfgang von Goethe perhaps said it best, ''Of all peoples, the Greeks have dreamt the dream of life best.''

Since Greece achieved independence, their relationship with the United States has only grown stronger. In the beginning, Greece fashioned guaranteed freedom for the people after our Declaration of Independence. During World War II, more than 600,000 Greek soldiers died fighting against the Axis powers, illustrating Greece's commitment to the United States and freedom loving people everywhere. Although their struggle continued after World War II with their fight against Communist rebels, Greece was still able to stabilize the future and strength of their country.

Today, the relationship between the United States and Greece continues to prosper. The recent visit of Foreign Minister Theodore Pangalos to the United States illustrates the lasting harmony our two governments have on a number of issues affecting both our nations.

Since coming to Congress, I have had the pleasure of representing a number of Greek-Americans in the Seventh District of New York. Their influence and active participation in the life of their communities has fostered economic, political and social growth throughout New York City.

As we celebrate Greek independence, we must keep in mind the struggle for freedom and demand for human rights continues on the island of Cyprus. I am confident the work by Richard Holbrooke and Tom Miller will create the chance for peace to be a reality on an island that has been home to division and violence for far, far too long.

Mr. Speaker, on this occasion of commemorating the unique relationship between the United States and Greece, I encourage my colleagues to join me as a member of the Congressional Hellenic Caucus. Members of the Caucus have the opportunity to work on a number of issues affecting Greeks and Greek-Americans in a bipartisan manner.

In closing, Mr. Speaker, let me assure my colleagues I intend to continue my strong commitment to Greek communities in my district, the country, and throughout the world. Their strength and dedication to democracy has provided a strong and stable country and has made Greece the democracy it is today.

Mr. GILMAN. Mr. Speaker, I am pleased to rise on this occasion on which we salute the great nation and people of Greece, the Hellenic Republic as they celebrate the 177th anniversary of Greece's independence. I commend the gentleman from Florida, Mr. BILIRAKIS, for taking the initiative once again to ensure that members have the opportunity to convey our thoughts on this important day. The United States and Greece have enjoyed a long and close relationship. The people of the United States recognize and revere Greece as the cradle of the democratic tradition that has allowed this country to rise to the heights of its greatness.

We are fortunate to have benefitted from the contributions of those immigrants from Greece who have contributed their toil, their knowledge and their culture to our American civilization, and we appreciate the warmth of the citizens of Greece reflected in the welcome they provide to Americans who are fortunate enough to be able to visit the shores of Greece, its beautiful islands and countryside.

Greece plays an important role in helping to stabilize the Balkans, one of the more dangerous neighborhoods of Europe. I was privileged yesterday to host a meeting with the Foreign Minister of Greece, Theodoros Pangalos, during which we reviewed the issues affecting Greek-American relations. I am pleased to report that the state of our relations is healthy. On this occasion let us call on our government to exercise even-handedness between our two important NATO allies in the eastern Mediterranean, Greece and Turkey.

I hope that all of our colleagues and fellow citizens will avail themselves of this occasion to reflect upon the blessings of democracy, for which we will be forever indebted to the ancient Hellenes, and upon our good fortune today in having such a close and reliable ally as the great nation of Greece.

Ms. HARMAN. Mr. Speaker, today, as the people of Greece celebrate the 177th anniversary of their struggle for independence, I join my colleagues in commemorating this day, and in extending heartfelt congratulations to the people of Greece and to those of Greek descent everywhere.

Mr. Speaker, the culture, history, and political philosophy of our country are deeply steeped in the Greek tradition. Greece, the cradle of democracy, inspired our Founding Fathers as they struggled to fashion the American form of government. In turn, the American Revolution inspired Greeks fighting to gain their freedom after 400 years of rule by the Ottoman Empire.

As we speak, the influence of Greek art and architecture surrounds us in our classically-inspired Capitol. And who can ignore the fact that our country has grown culturally richer and economically stronger because of the presence and contribution of countless Greek immigrants? In California's 36th district, which I represent, Greek Americans are a vibrant part of a culturally-diverse community—the South Bay would be less than what it is today were it not for the wide-ranging civic contributions of Greek-Americans.

Mr. Speaker, the familial ties between the United States and Greece are mirrored in the close political cooperation our countries share. As members of the North Atlantic Treaty Organization (NATO), the United States and Greece work together to ensure security on Europe's southern flank. As newspaper headlines sadly remind us, south eastern Europe continues to experience political turbulence, and US-Greek cooperation remains an essential element in bringing stability to this part of the world. I remain committed to strengthening U.S.-Greek ties, and to working on issues of interest to the Greek American community, including a permanent solution to the Cyprus problem.

I thank my colleague, Mr. BILIRAKIS, for his leadership in organizing this special order to highlight the important contributions of Greece to our country, and once again congratulate the people of Greece on this memorable occasion.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate the 177th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and the United States. I thank Congressman BILIRAKIS and Congresswoman MALONEY for organizing this special order and for their leadership on issues of importance to the Greek-American community.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people who fought so hard for independence 176 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the U.S. and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

And the contribution Greece makes to life in America is even stronger than the ties between our two countries. Greek-Americans are a vital part of our cultural heritage. My district in New York would not be what it is today without the valuable contributions made by the Greek-American community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contribution Greece and Greek-Americans have made to our country.

Ms. PELOSI. Mr. Speaker, I thank my colleagues, Ms. MALONEY and Mr. BILIRAKIS for organizing this Special Order. As I rise to join with them in the celebration of the 177th anniversary of Greek Independence Day, I am reminded of the words of the great 20th century Greek writer and philosopher Nikos Kazantzakis: ''What first truly stirred my soul was not fear or pain, nor was it pleasure or games; it was the yearning for freedom.'' Deep within the Greek soul is this unmistakable blueprint for democratic freedoms. It is what propelled the Greek people to revolt against the scourge of the Ottoman Empire which plunged one of the world's most enlightened societies into a Dark Ages that spanned 400 years.

Today, as we celebrate this anniversary we find ourselves revisiting history. The story of Greek Independence is inextricably linked to the terror of Turkish oppression on the island of Cyprus. When the Greeks began their war of independence on March 25th, 1821 the people of Cyprus were singled out for a particular form of bloody retribution, meant to send a message to the rest of occupied Greece. Naturally, the Cypriots were sympathetic to the Greek cause, and were among the first to offer whatever support they could. For this they were sternly punished by the Turkish authorities. The island's Turkish governor was particularly brutal. On July 9th, 1821 he ordered a massacre to begin with the torture and murder of the Archbishop of Cyprus, Kyprianos, his three bishops, and many other members of the clergy and civilians. The Archbishop was hanged from a fig tree outside his residence. The killing and torture continued until December of the same year.

This anniversary of Greek Independence is observed, as it has since 1974, with the notable inclusion of Turkey's bloody invasion of Cyprus in that year. Although the Greek and Cypriot governments have shown a willingness to resolve the issues that undermine a stable peace in the region, the Turkish government continues to dodge the critical questions at hand.

While we celebrate the principles of democracy given to us by the ancient Greeks; While we commemorate the actions of the brave Greeks who fought for their birthright 177 years ago; we must acknowledge that the island of Cyprus is divided and under siege, and until this act of Turkish aggression is reversed, our joy is muted and our sense of outrage sharpened.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to join my colleagues today in commemorating the 177th anniversary Greek Independence Day.

I wish to thank Congressman MIKE BILIRAKIS and Congresswoman CAROLYN MALONEY for calling the special order to raise the public's awareness of the history of Greece and the important role Greece has played in the United States and the world.

Many people believe that Greece's greatest gift to the United States and to the world is the government system of democracy. That is indeed a great gift which has brought much happiness to the world. But the world needs to know that democracy is not easily attained or kept.

When we celebrate Greek Independence Day, we need to note that March 25 is not the day when all of Greece gained its independence. March 25 was the day that Athens and a small portion of Greece gained independence and then areas populated by Greeks were liberated one by one until we have the Greece of today.

The Greek people, through their history, have shown an indomitable will to fight for their freedom. The Greek victories are well known throughout history. There was the Greek war for independence that freed part of Greece from the Ottoman Empire and later during World War II, they fought against the Nazi invaders. But Greeks have also suffered less known tragedies that would have broken the spirit or destroyed a lesser people.

One famous battle had the Greek Spartans defending against a Persian invasion. the Greeks said ''molon lave'' to the invaders.

''Molon lave,'' means ''come and get them'' and in 480 B.C. it was the response that 300 Greek Spartans gave to the Persian Army, who numbered in the tens of thousands, when the Persians offered mercy, if the Spartans would hand over their weapons and surrender.

The Greek Spartans said ''molon lave'' or come and get them.

The Spartans would not hand over their weapons and surrender, because they would be handing over their dreams of being a free people. They would not hand over their dreams of a free Sparta. They fought for those dreams.

That city state of Sparta grew, and is now part of Greece, and that famous battle is part of Greek history and Greek tradition.

Greeks, Greek Cypriots and Greek Americans all come from that same strong tradition.

Today Greek minorities in Turkey and other places in Eastern Europe are suffering political and religious persecution. Just a few months ago a bomb was thrown at the Ecumenical Patriarchate and exploded injuring a church deacon and damaging the cathedral. These repeated attacks on Greek minorities must stop.

We need to raise public awareness of the difficulties faced by our democratic birth place.

In addition to reminding the American people of our roots to the cradle of democracy in Greece, we need to continue raising the public's awareness of the constant threat Greeks live under in Eastern Europe.

On this day that we commemorate Greek independence, it is important to note that the most important and urgent problem facing the international Greek community is Cyprus.

The next few months will bring Cyprus the greatest opportunity for peace, and the greatest risk for further violence.

We have heard this in years past, but I believe it certainly applies today.

Finding a solution to the Cyprus problem has become a priority to the United States and to the international community.

The House has adopted House Concurrent Resolution 81, which I cosponsored, which states clearly and firmly that ''The status quo on Cyprus is unacceptable and is detrimental to the interests of the United States in the Eastern Mediterranean and beyond.''

I introduced H. Con. Res. 181 last year to help relieve the suffering of the enclaved Greek Cypriots and am considering similar legislation in this Congress. We must end the senseless persecution of these brave people. I thank the 60 Members who have co-sponsored and I will work with them to move this legislation forward.

The Greek Cypriots in occupied northern Cyprus live under intolerable inhuman conditions since their land was occupied by a military force. Tensions continue to rise around Cyprus and I urge the administration to apply the same degree of commitment to finding a peaceful solution to the Cyprus crisis that it applied to the Bosnian crisis.

I commend the administration for the appointment of Special Presidential Emissary For Cyprus, Ambassador Richard Holbrooke and for assigning Tom Miller to work with Ambassador Holbrooke to negotiate a peaceful solution for Cyprus.

I believe a solution of the Cyprus problem is crucial to the safety of Greece and all Greeks living in Eastern Europe.

Mr. Speaker, the link between the United States and Greece is a strong bond and I believe the United States should thank the Greek

people for not just being a good ally to America but for their gifts of our heritage of democracy and individual liberty. I am happy to join my colleagues in celebrating this joyous anniversary.

Again, I thank my friends Congressman BILIRAKIS and Congresswoman MALONEY for calling this special order and for their leadership on Hellenic issues.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my colleague from Florida for yet again taking the leadership to organize this special order which provides us the opportunity to celebrate one of greatest days in the history of Greece, our close ally.

I also want to commend the Gentleman from Florida and the Gentleman from New York for organizing the Congressional Caucus on Hellenic Issues. I am pleased to be part of an organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and our constituents of Hellenic descent.

Our war for independence was an example for Greece to begin its own struggle for freedom on March 25, 1821. And so it is appropriate for us to take time to celebrate the beginning of Greece's struggle for independence from the cruel oppression of the Ottoman Empire. Just as American colonists were an inspiration for revolution, the Athenian democracy was an inspiration to our revolutionaries.

The bonds between these two countries are long and strong. As the years run into decades, and the decades run into centuries we realize and appreciate the great debt that America owes to Greece for founding the principles of democracy. We pay tribute to this every day when we meet and debate and freely share ideas.

Further, there is much to be attributed to the hard work of the sons and daughters of Greece who have come to the United States have made a tremendous impact on their communities. In my own state of Rhode Island, there are remarkably strong and productive Greek communities. Since the turn of the century, Greek immigrants have moved into Providence, Pawtucket, and Newport, Rhode Island. There they built business, neighborhoods, churches, schools, and raised families. Today, the grandchildren of those immigrants are leaders in our state, and Rhode Island is richer because of all they have given.

Today, we celebrate what Ancient Greece gave to founding our nation and what Greek-Americans have given in the development of the United States. Again, I thank my colleagues for all of their hard work in making this Special Order possible and look forward to further work with the Hellenic Caucus.

Mr. COYNE. Mr. Speaker, it is an honor to take part once again in this annual special order celebrating the anniversary of Greek independence.

As a Member of Congress representing a district with a vibrant Greek-American community, I can testify personally to the many contributions that Greek Americans have made to our nation. Today is a day when the more than 1 million Greek Americans join the people of Greece in remembering and reflecting upon an event that took place 177 years ago—the beginning of the fight for Greek Independence.

It is only fitting that each year, the Congress of the United States pays tribute to the establishment of the modern nation of Greece, the land that was the cradle of democracy. The ancient city-states of Greece made many seminal contributions to western civilization. Western architecture, literature, science, and philosophy can each trace much of their heritage to the people of ancient Greece. But perhaps ancient Greece's most important gift to the modern world was the creation of the concept of democratic self-government. The Founding Fathers of this country, educated in the classics, looked back to, among others, the ancient Greeks for their inspiration in breaking from England's domination and creating a new, democratic nation in North America.

And yet, two hundred years ago when our country was newly established, Greece—once the cradle of democracy—no longer enjoyed the benefits of self-government. In 1821, most of Greece was, in fact, part of the Ottoman Empire. The Ottoman Empire had dominated the Greek people for over 400 years, and the Ottoman Government's corrupt, autocratic rule was becoming increasingly oppressive.

Unwilling to tolerate Ottoman domination any longer, Greek patriots rose up against the Ottomans in March of 1821. The Greek struggle for independence lasted for nearly ten long years, but the Greek people never wavered in their fight for freedom.

The struggle of the courageous Greek patriots against an overwhelming imperial power won the hearts of many influential figures in Western Europe and the United States. Europeans and Americans identified with the descendants of the nation that had done so much to shape western civilization. Eventually, the French, British, and Russian governments declared their support for Greek independence, and together, they pressured the Ottoman Empire to recognize Greece as an independent state in 1829.

Mr. Speaker, these Greek patriots fought and died for the same principles of freedom and self-government that inspired the Founding Fathers. Consequently, it is appropriate that we remember them today, the 177th anniversary of the advent of Greek independence. I am pleased to join my colleagues in celebrating this very special day.

Mr. BATEMAN. Mr. Speaker, I am proud to join my colleagues today in recognizing the 177th anniversary of the beginning of the revolution that freed the Greeks from the subjugation of Ottoman rule.

On March 25, 1821 Greek patriots began their long struggle for freedom and won independence from the Ottoman Empire in 1829. Throughout their history, the Greeks have defended democracy and remain a valued member of the international community. During World War II, the Greeks fought courageously and suffered severe casualties in their efforts to fend off Nazi armies. With the cessation of hostilities at the conclusion of WWII, democracy in Greece was threatened by the forces of communism, a resistance in which the United States was proud to support. Although faced with many challenges, the people of Greece have demonstrated their resolve, courage, and fortitude. Their dedication to freedom has ensured the ultimate success of democracy in modern-day Greece.

The United States is truly indebted to Greece for all its contributions to our society. Western art, architecture, literature, and philosophy stem from the numerous achievements of the ancient Greeks. The citizens of Greece occupy a unique and proud place in world history. Of all their contributions, the ideal of democracy has had the greatest impact on our world today. Greek democracy has undeniably formed the foundation of the government of the United States. It is appropriate that during the Greek war for independence, they looked to our Declaration of Independence to guild them in the struggle to rediscover democracy.

In closing, I would like to note that no nation has contributed more to modern Western civilization than Greece, and no nation has had to struggle harder or more often to preserve its liberties. I salute our friends in Greece and our many Greek-American citizens on this day of independence.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to congratulate Greece on the 177th anniversary of the revolution which freed the Greek people from the rule of the Ottoman Empire. Greece has remained under the Ottoman Empire for almost 400 years until it declared its independence in 1821. Just as our forefathers relied on the ancient Greek traditions of self-governance in their fight for independence, the Greeks looked to the ideals of our pioneers in declaring their own independence in 1821. Greek intellectuals translated the U.S. Declaration of Independence and used it as their own.

The Greek fight for independence has been highly regarded and closely followed by Americans throughout the years. In his 1922 message to the 17th Congress, President James Monroe praised the efforts of the Greek population in their fight for independence. ''A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of this earth,'' he said.

Greece and its people have always been close friends and allies of the United States. The Greeks have fought bravely by our side against oppression and for freedom and democracy throughout the 20th Century. Greeks and Greek-Americans have played an important role throughout history, people like Dr. George Papanicolaou who invented the pap test for cancer, and world famous soprano Maria Callas, have improved the quality of our lives. Let me extend my heart felt congratulations to Greece and its people on this important anniversary.

Mr. FILNER. Mr. Speaker, it is with both great pride and humility that I rise to join in the celebration of the 177th Anniversary of Greek Independence.

On March 25, 1821 the Greeks began their long struggle for independence from what then was the Ottoman Empire. The Ottoman Empire, present day Turkey, had ruled Greece for almost 400 years. Freedom from the Ottoman Turks' subjugation had been dreamed of for many generations prior to Bishop Germano of Patras hoisting the Greek flag over a Peloponnese monastery. This simple act of defiance marked the beginning of a long and bitter struggle for the Greek people, but a struggle that few rejected and many embraced.

Not only were the Greek patriots willing to fight for freedom, but they were willing to sacrifice their lives to ensure their independence. Their success was such during the first years of conflict that the Turks were surprised and confounded. To turn the tide of the war, the Sultan sought and received the help of Egyptian forces. And although the Greeks were

fighting what appeared a losing battle, they never yielded, they never ceased to believe, and they never gave up their hopes and dreams of independence.

Finally, with help from Britain, France, and Russia, in 1829, the Greeks not only routed the Egyptian and Turkish forces, but also demanded and received the Sultan's recognition of independence.

Mr. Speaker, we all in America are taught from childhood about the heroics of George Washington, Paul Revere, Patrick Henry, Lighthorse Harry Lee, John Paul Jones, and the Minutemen of Lexington and Concord. The individuals and events of our own War for Independence are known throughout the world.

But we should also take time to commemorate the struggles of the brave men and women of Greece who fought and died for their own independence. The Greek culture and heritage has greatly influenced our country and the world. It is the spirit of the Greeks who fought for independence that we commemorate and honor today. Because they stood up for freedom and honor and dignity, we in America and Greeks everywhere, owe them a great debt.

Mr. BERMAN. Mr. Speaker, it gives me great pleasure to congratulate the people of Greece on this, the 177th anniversary of the start of the revolution that led to Greek independence from the Ottoman Empire. That conflict restored Greece's ancient and proud democratic tradition—a tradition that greatly influenced our own Founding Fathers.

Today, Greece stands tall in the world community, with memberships in the EU, NATO, and dozens of other multilateral organizations. Its commitment to democracy is an example for all nations. I salute the Greek people on their achievement and proudly celebrate our joint democratic heritage.

Mr. PICKETT. Mr. Speaker, today Greeks and Greek Americans observe Greek Independence Day which marks the 177th anniversary of the revolution which freed Greece from the Ottoman Empire. History records the oppression and deprivation of human liberty to which the Greeks were subjected to during the period prior to the revolution. The Greek people were able to emerge from this period of their history and quickly reestablish their national identity and continue intact their cultural and religious institutions. It is a tribute to the spirit and determination of the Greek people that they prevailed in their struggle for liberty after such a long period.

Greek Independence Day, however, is not just a day of celebration for the Greek nation and for individuals of Greek descent, but rather, it is a day of triumph and celebration for democratic nations and proponents of democracy around the world. Today marks an occasion on which we can all celebrate and revere the birthplace of democracy and democratic ideals.

If you look at history and the teachings of the ancient Greek philosophers, you will quickly discover that it was the Greeks who introduced the notion of democracy into the political theories of the day. The ancient Greeks were the first to advance the principles that people should be equal before the law, that majorities should respect the rights of minorities, that men can govern their own affairs, and that merit should determine a person's place in society. Much of our own constitution is based upon the ideas and the theories recorded years ago by Pericles, Plato, Aristotle and other philosophers of ancient Greece.

In more modern times, the Greeks have continued to cherish their liberty and democratic institutions. More than 600,000 Greeks lost their lives fighting on the side of the Allies in World War II. Greece continues to this day its fundamental commitment to freedom and individual liberty.

So on this anniversary of Greek independence, I join with people of goodwill everywhere in recognizing the successful struggle by the Greek people to gain their independence, and in what their successful struggle means to freedom loving people throughout the world.

Mrs. MALONEY of New York. I thank the gentleman for his very thoughtful statement. The time for our special order is ending. The bonds between our two countries have never been stronger.

As we prepare for the new millennium, we look forward to building on our partnership for democracy in our own countries and throughout the world. I thank my colleagues for participating in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of on account of official business, participating with presidential delegation in Africa.

Mr. KLECZKA (at the request of Mr. GEPHARDT) for today, on account of a family funeral.

Ms. JACKSON-LEE (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business with the President of the United States in Africa.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. ROTHMAN (at the request of Mr. GEPHARDT) for today, on account of family business.

Mr. WYNN (at the request of Mr. GEPHARDT) for today through Monday, March 30, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 3:30 p.m., on account of physical reasons.

Mr. SAXTON (at the request of Mr. ARMEY) for today after 3:30 p.m., on account of personal matters.

Mr. HOUGHTON (at the request of Mr. ARMEY) for today and the balance of the week, on account of official business.

Mr. EHRLICH (at the request of Mr. ARMEY) for today, on account of attending a funeral.

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. PASCRELL) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today

The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:

Mr. BURTON, for 5 minutes, March 26.

Mrs. MYRICK, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. HASTINGS, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. FOX, for 5 minutes, today

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. GOSS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. SANCHEZ, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,062.

The following Members (at the request of Mr. PASCRELL) and to include extraneous matter:

Mr. MANTON.

Mr. HAMILTON.

Mr. KANJORSKI.

Mrs. MEEK of Florida.

Mr. KUCINICH.

Mr. PICKETT.

Mr. LIPINSKI.

Mr. BENTSEN.

Mr. BERMAN.

Ms. PELOSI.

Mr. MENENDEZ.

Mr. VENTO.

Mr. KIND.

Mr. LANTOS.

Mr. MCDERMOTT.

Mr. DEUTSCH.

Mr. DINGELL.

Mr. FARR of California.

Ms. LOFGREN.

Mr. BARCIA.

Ms. ESHOO.

Mr. ETHERIDGE.

The following Members (at the request of Mr. JONES) and to include extraneous matter:

Mr. KING.
Mr. HILL.
Ms. ROS-LEHTINEN.
Mr. MANZULLO.
Mr. PACKARD.
Mr. LATOURETTE.
Mr. HAYWORTH.

The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:

Ms. MCCARTHY of Missouri.
Mr. LIVINGSTON.
Mr. MORAN of Virginia.
Mr. MCINNIS.
Mr. ABERCROMBIE.
Mr. ARCHER.
Ms. SANCHEZ.
Ms. HOOLEY of Oregon.
Mr. GEPHARDT.
Mrs. MEEK of Florida.

ADJOURNMENT

Mr. PAPPAS. Mr. Speaker, pursuant to House Resolution 395, I move that the House do now adjourn in memory of the late Honorable STEVEN SCHIFF.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.) pursuant to House Resolution 395, the House adjourned until tomorrow, Thursday, March 26, 1998, at 10 a.m. in memory of the late Honorable STEVEN SCHIFF of New Mexico.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8178. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Various Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and Common Crop Insurance Regulations, Various Crop Insurance Provisions [7 CFR Parts 401, 454, and 457] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8179. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting a cost comparison of the Headquarters Air Mobility Command Computer Systems function at Scott Air Force Base; to the Committee on National Security.

8180. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Comprehensive Subcontracting Plans [DFARS Case 97–D323] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8181. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Limitation on Allowability of Compensation for Certain Contractor Personnel [DFARS Case 97–D320] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8182. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; List of Firms Not Eligible for Defense Contracts [DFARS Case 97–D325] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8183. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8184. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Uzbekistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8185. A letter from the Assistant Secretary, Special Education and Rehabilitative Service, Department of Education, transmitting a notice of Final Funding Priority for Fiscal Years 1998–1999 for a Rehabilitation Engineering Research Center, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8186. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Unfair Labor Practice Proceedings: Miscellaneous and General Requirements [5 CFR Parts 2423 and 2429] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8187. 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 under a contract to Japan (Transmittal No. DTC–42–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8188. 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 South Korea (Transmittal No. DTC–101–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8189. 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 under a contract to the Netherlands (Transmittal No. DTC–2–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8190. 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 under a contract to France (Transmittal No. DTC–41–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8191. 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 under a contract to Norway (Transmittal No. DTC–20–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8192. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8193. A letter from the Chairman, Federal Maritime Commission Agency, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8194. A letter from the Acting Associate Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting a report on NASA's FY 1999 Performance Plan, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8195. A letter from the Director, National Gallery of Art, transmitting a report on the National Gallery's Performance Plan for FY 1999, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8196. A letter from the Chairman, National Transportation Safety Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8197. A letter from the Director, Office of Personnel Management, 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.

8198. A letter from the Executive Director, Pension Benefit Guaranty 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.

8199. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

8200. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, 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.

8201. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administation's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 971015246–7293–02; I.D. 031398D] received March 24, 1998, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Resources.

8202. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category [Docket No. 971124274–8052–02; I. D. 110597A] (RIN: 0648–AH67) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8203. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Maryland Regulatory Program [MD–033–FOR] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8204. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report regarding authorization of a streambank erosion protection project for the Wabash River at New Harmony, Indiana, pursuant to Public Law 104—303, section 101(b)(10); (H. Doc. No. 105—235); to the Committee on Transportation and Infrastructure and ordered to be printed.

8205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97–NM–289–AD; Amendment 39–10401; AD 98–06–23] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 97–NM–77–AD; Amendment 39–10400; AD 98–06–22] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 97–SW–34–AD; Amendment 39–10411; AD 98–06–32] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Aviation Insurance [Docket No. 28893; Amdt. No. 198–4] (RIN: 2120–AF23) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29165; Amendment No. 408] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 96–NM–200–AD; Amendment 39–10399; AD 98–06–21] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8211. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries, Inc. Model DA 20–A1 Airplanes, serial numbers 10002 through 10287 [Docket No. 97–CE–36–AD; Amendment 39–10062; AD 97–13–02] (RIN: 2120-AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8212. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737- 100, -200, -300, -400, and -500 Series Airplanes [Docket No. 97–NM–29–AD; Amendment 39–10061; AD 97–14–04] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8213. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 97–NM–46–AD; Amendment 39–10249; AD 97–26–06] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8214. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cleveland, OK [Airspace Docket No. 97–ASW–29] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8215. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bartlesville, OK [Airspace Docket No. 97–ASW–28] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Muskogee, OK [Airspace Docket No. 98–ASW–12] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Stillwater, OK [Airspace Docket No. 98–ASW–15] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pryor, OK [Airspace Docket No. 98–ASW–14] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Poteau, OK [Airspace Docket No. 98–ASW–13] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tahlequah, OK [Airspace Docket No. 98–ASW–16] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Grove, OK [Airspace Docket No. 98–ASW–07] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shawnee, OK [Airspace Docket No. 98–ASW–06] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Claremore, OK [Airspace Docket No. 98–ASW–05] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bristow, OK [Airspace Docket No. 98–ASW–04] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM [Airspace Docket No. 97–ASW–25] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eastland, TX [Airspace Docket No. 97–ASW–26] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GE Aircraft Engines CT7 Series Turboprop Engines [Docket No. 97–ANE–41–AD; Amendment 39–10231; AD 97–25–07] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Certain Textron Lycoming 320 and 360 Series Reciprocating Engines [Docket No. 94–ANE–44; Amendment 39–10291; AD 98–02–08] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8229. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and SA–366G1 Helicopters [Docket No. 97–SW–23–AD; Amendment 39–10313; AD 97–15–15] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 96–NM–174–AD; Amendment 39–10266; AD 98–01–02] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8231. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the NASA FAR Supplement (NFS) coverage on award fee evaluations to correct inaccurate references and improve clarity [48 CFR Parts 1816 and 1852] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–18] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8233. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule—Last-In, First-out Inventories [Revenue Ruling 98–16] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8234. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— Tax forms and instructions [Revenue Procedure 98–26] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 393. Resolution providing for consideration of the bill (H.R,. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back

quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers (Rept. 105–463). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 394. Resolution providing for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes (Rept. 105–464). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; with an amendment (Rept. 105–465 Pt. 1). Ordered to be printed.

Mr. McINNIS: Committee on Rules. House Resolution 396. Resolution providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (Rept. 105–466). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; with an amendment (Rept. 105–467 Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of March 23, 1998]

H.R. 3485. Referred to the Committees on the Judiciary and Ways and Means for a period ending not later than March 23, 1998, for consideration of such provisions of the bill and amendment reported from the Committee on House Oversight as fall within the jurisdiction of those committees pursuant to clause 1 (j) and (s), rule X

[Submitted March 25, 1998]

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than March 27, 1998, for consideration of such provisions of the bill and amendment reported by the Committee on Transportation and Infrastructure as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

TIME LIMITATION OF REFERRED BILL

Purusant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1023. Referral to the Committees on Commerce and Ways and Means extended for a period ending not later than June 2, 1998.

H.R. 2400. Referral to the Committee on the Budget extended for a period ending not later than March 27, 1998.

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. BORSKI:

H.R. 3545. A bill to amend section 8 of the United States Housing Act of 1937 to ensure that the tenant-based rental assistance program under such section is carried out in an efficient and fair manner; to the Committee on Banking and Financial Services.

By Mr. ARCHER (for himself, Mr. KASICH, and Mr. BUNNING of Kentucky):

H.R. 3546. A bill to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. BROWN of Ohio, Mr. COBURN, Mr. STRICKLAND, Mr. COOKSEY, and Mr. GREEN):

H.R. 3547. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to assure patient choice and access to services for enrollees in group health plans and health insurance coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3548. A bill to establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 3549. A bill to amend the Internal Revenue Code of 1986 to repeal the taxes on diesel fuel and gasoline used in trains which were enacted for deficit reduction; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. BOSWELL, Mrs. CLAYTON, Mr. CLYBURN, Mr. EVANS, Mr. MINGE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. POSHARD, and Ms. STABENOW):

H.R. 3550. A bill to provide a safety net for farmers and consumers, to promote the development of farmer-owned value added processing facilities, and for other purposes; to the Committee on Agriculture.

By Ms. DELAURO:

H.R. 3551. A bill to amend title 18, United States Code, relating to identity fraud, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 3552. A bill to amend the Internal Revenue Code of 1986 to allow the carryover of unused nontaxable benefits under cafeteria plans and flexible spending arrangements, and for other purposes; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Ms. WATERS, Ms. SANCHEZ, and Ms. ROYBAL-ALLARD):

H.R. 3553. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MCNULTY:

H.R. 3554. A bill to amend the Internal Revenue Code of 1986 to allow rollover contributions to individual retirement plans from deferred compensation plans maintained by States and local governments and to allow State and local governments to maintain 401(k) plans; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mrs. MORELLA, Mr. WYNN, Ms. LOFGREN, Mr. WAXMAN, Mr. LAMPSON, and Mrs. LOWEY):

H.R. 3555. A bill to direct the Secretary of Transportation to conduct an assessment of available technologies for establishing a system to access information regarding the motor vehicle driving records of all motor vehicle operators in the United States; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS:

H.R. 3556. A bill to reduce Federal spending in several programs; to the Committee on National Security, and in addition to the Committees on International Relations, Science, Agriculture, Transportation and Infrastructure, Resources, Education and the Workforce, Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Oregon (for himself, Mr. SKEEN, Mr. CRAPO, and Mr. HASTINGS of Washington):

H.R. 3557. A bill to subject the United States to payment of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. UPTON, Ms. ESHOO, Mr. LAFALCE, Mrs. LOWEY, Mr. TRAFICANT, Mr. BOUCHER, Mr. MCDADE, Mr. CAMPBELL, Mr. LANTOS, and Mr. FALEOMAVAEGA):

H. Con. Res. 250. Concurrent resolution calling for better awareness and use of federally-supported research findings on the social and economic costs of sleep deprivation and sleep disorders; to the Committee on Commerce.

By Mr. SKEEN:

H. Res. 395. A resolution expressing the condolences of the House on the death of the Honorable Steven Schiff, a Representative from the State of New Mexico; considered and agreed to.

By Mr. HAYWORTH (for himself, Mr. ARCHER, Mr. ENSIGN, Mr. STUMP, Mr. JONES, Mr. ROHRABACHER, Mr. LARGENT, Mr. BRYANT, Mr. JENKINS, Mr. DUNCAN, Mr. HILLEARY, Mr. WELDON of Pennsylvania, Mr. SCARBOROUGH, Mr. MCCRERY, Ms. PRYCE of Ohio, Mr. RYUN, Mr. NEUMANN, Mr. DELAY, Mr. COBLE, Mr. ROGERS, Mr. MCINTOSH, Mr. HUNTER, Mr. COLLINS, Mr. ARMEY, Mr. MCCOLLUM, Mr. EVERETT, Mr. SMITH of Texas, Mr. LIVINGSTON, Mr. SHADEGG, Mr. TALENT, and Mr. SMITH of Michigan):

H. Res. 397. A resolution expressing the sense of the House of Representatives concerning the President's use of the White

House Counsel's Office in matters relating to his personal legal battles; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. JENKINS.
H.R. 453: Mr. MCGOVERN.
H.R. 611: Ms. STABENOW.
H.R. 693: Mr. GOODLING.
H.R. 754: Mr. FOX of Pennsylvania.
H.R. 900: Mr. BAESLER, Ms. SANCHEZ, and Mr. BLAGOJEVICH.
H.R. 980: Mr. BEREUTER.
H.R. 1063: Mr. KENNEDY of Massachusetts and Mr. TURNER.
H.R. 1126: Mr. MURTHA and Mr. BLUNT.
H.R. 1151: Mr. MEEKS of New York, Mr. STRICKLAND, Mr. PAPPAS, Mr. SPRATT, Mrs. CAPPS, Mr. CLYBURN, and Mr. WELLER.
H.R. 1283: Mr. BALLENGER, Mr. GRAHAM, Mr. DOOLEY of California, Mr. KLECZKA, Mr. SKELTON, Mrs. TAUSCHER, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HOEKSTRA, and Mr. SKEEN.
H.R. 1285: Mr. HEFLEY.
H.R. 1371: Mr. THUNE.
H.R. 1375: Ms. HOOLEY of Oregon and Mr. BLUMENAUER.
H.R. 1376: Mr. RANGEL.
H.R. 1401: Mr. SHAYS.
H.R. 1689: Mr. WALSH and Mr. BENTSEN.
H.R. 1712: Mr. CUNNINGHAM.
H.R. 1766: Mr. COLLINS, Mr. CRANE, Mr. EHLERS, Mr. ENGEL, Ms. KAPTUR, Mr. KINGSTON, Mr. NETHERCUTT, Ms. SANCHEZ, and Mr. SANDERS.
H.R. 1807: Mr. FRANK of Massachusetts.
H.R. 2052: Mr. RANGEL.
H.R. 2198: Mr. BOB SCHAFFER.
H.R. 2202: Mr. DIXON, Ms. JACKSON-LEE, and Mr. BURR of North Carolina.
H.R. 2253: Mr. WAXMAN, Mr. ADAM SMITH of Washington, and Mr. MARTINEZ.
H.R. 2351: Mr. CUMMINGS.
H.R. 2380: Mr. BACHUS.
H.R. 2409: Mr. HILLIARD, Mr. OBERSTAR, Mr. WATKINS, and Mr. MATSUI.
H.R. 2488: Mr. SANDLIN.
H.R. 2526: Mr. FOLEY.
H.R. 2560: Ms. SANCHEZ, Mrs. NORTHUP, and Mrs. TAUSCHER.
H.R. 2567: Mr. TALENT.
H.R. 2568: Mr. BRYANT and Mr. CHRISTENSEN.
H.R. 2598: Mr. HUTCHINSON, Mr. PEASE, and Mr. COOKSEY.
H.R. 2695: Mr. HINOJOSA and Ms. CHRISTIAN-GREEN.
H.R. 2936: Mr. MORAN of Kansas.
H.R. 2951: Mr. NEAL of Massachusetts and Mr. ENGLISH of Pennsylvania.
H.R. 2968: Mr. PAUL, Mr. ISTOOK, Mr. METCALF, Mr. LATOURETTE, and Mr. BARTON of Texas.
H.R. 2973: Mr. HANSEN and Mr. HOUGHTON.
H.R. 2990: Mr. WATKINS, Mr. SNYDER, Mr. ROMERO-BARCELO, Mr. PASCRELL, Mr. COOK, Mr. DOOLEY of California, Mr. GILMAN, Mr. MORAN of Virginia, Mr. SISISKY, Mr. CANNON, Mr. SPRATT, Mr. DEFAZIO, Mr. BLILEY, and Mrs. THURMAN.
H.R. 2994: Ms. DEGETTE, Mr. THOMPSON, and Mr. DOYLE.
H.R. 3007: Mrs. JOHNSON of Connecticut and Mr. BARCIA of Michigan.
H.R. 3048: Mrs. MORELLA.
H.R. 3050: Ms. SLAUGHTER.
H.R. 3054: Mr. MANTON, Mr. ENGEL, and Mr. WYNN.
H.R. 3065: Mr. DOOLEY of California.
H.R. 3068: Mr. FRANK of Massachusetts, Mr. WATT of North Carolina, Mr. SANDERS, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, and Ms. SANCHEZ.
H.R. 3107: Ms. WOOLSEY.
H.R. 3110: Mr. CALVERT, Mr. UPTON, and Mrs. JOHNSON of Connecticut.
H.R. 3125: Mr. FALEOMAVAEGA, Mrs. MORELLA, Mr. FROST, Mr. EVANS, Mr. FILNER, Mr. WEXLER, and Ms. SLAUGHTER.
H.R. 3149: Mr. BOB SCHAFFER.
H.R. 3151: Mr. BOB SCHAFFER.
H.R. 3156: Ms. PELOSI, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. MARKEY, Mr. SCOTT, Mr. SANDLIN, Mr. OLVER, Mr. MARTINEZ, Ms. RIVERS, Mr. GREENWOOD, Mr. MILLER of California, Mr. BENTSEN, Mr. FARR of California, Mr. TORRES, Mrs. CAPPS, Mr. DOOLEY of California, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. KNOLLENBERG, Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Ms. SLAUGHTER, Mr. DEFAZIO, Ms. SANCHEZ, Mr. LAHOOD, Mr. SKAGGS, Mr. KOLBE, Ms. ESHOO, Mr. FAWELL, and Mr. POMEROY.
H.R. 3178: Mr. LIPINSKI and Mr. MEEKS of New York.
H.R. 3181: Mr. CONYERS and Mr. SCHUMER.
H.R. 3206: Mr. BARR of Georgia.
H.R. 3248: Mr. FORBES, Mr. GOODLATTE, Mr. SHIMKUS, and Mr. RIGGS.
H.R. 3279: Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. SANDERS, Mrs. MINK of Hawaii, Mr. DINGELL, Mr. THOMPSON, Mr. KILDEE, and Mrs. KELLY.
H.R. 3284: Mr. GREEN and Mr. KIND of Wisconsin.
H.R. 3438: Mr. FRANKS of New Jersey.
H.R. 3454: Mrs. MYRICK and Ms. RIVERS.
H.R. 3470: Mr. GEJDENSON, Mr. MORAN of Virginia, and Ms. SANCHEZ.
H.R. 3471: Mr. KLECZKA.
H.R. 3475: Mr. SESSIONS, Mr. COBURN, Mr. HOUGHTON, Mr. FOLEY, and Ms. DUNN of Washington.
H.R. 3502: Mr. BILIRAKIS.
H.R. 3522: Mr. MCGOVERN, Mr. NEAL of Massachusetts, and Mr. WEYGAND.
H.R. 3526: Mr. BALDACCI, Mr. KENNEDY of Massachusetts, and Mr. UNDERWOOD.
H.R. 3534: Mr. GINGRICH.
H.J. Res. 113: Mr. LEACH.
H. Con. Res. 127: Mr. COSTELLO and Mrs. JOHNSON of Connecticut.
H. Con. Res. 159: Mrs. THURMAN and Mr. MALONEY of Connecticut.
H. Con. Res. 203: Ms. SLAUGHTER and Mr. NETHERCUTT.
H. Con. Res. 210: Mr. MORAN of Virginia and Mr. WHITFIELD.
H. Con. Res. 214: Mr. TANNER and Mr. BRYANT.
H. Con. Res. 218: Mr. ROHRABACHER, Mr. ROYCE, Mr. BERMAN, Mr. FOX of Pennsylvania, Mr. GILMAN, and Mr. SMITH of New Jersey.
H. Con. Res. 225: Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. CARSON, Mr. LANTOS, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of California, Mr. FROST, and Mr. MCGOVERN.
H. Con. Res. 233: Mr. MANTON.
H. Con. Res. 246: Ms. KAPTUR.
H. Res. 182: Mr. LAZIO of New York.
H. Res. 313: Mrs. MCCARTHY of New York and Mr. FALEOMAVAEGA.
H. Res. 363: Mr. GREENWOOD and Mr. MCGOVERN.
H. Res. 392: Mr. HINCHEY, Mr. CAMPBELL, and Mr. SANFORD.

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. 2500: Mr. FATTAH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2515

OFFERED BY: MR. BROWN OF CALIFORNIA

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 1: Page 8, line 17, insert after the period the following:

''However, no commercial timber sale may be conducted as part of any recovery project.''.

H.R. 2515

OFFERED BY: MR. BROWN OF CALIFORNIA

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 2: Page 27, beginning line 11, strike ''Amounts in the Fund shall be available to the Secretary, without further appropriation—'' and insert ''Only in such amounts as are provided in advance in annual appropriation Acts, the Secretary may use amounts in the Fund—''.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 3: Page 29, beginning on line 15, strike paragraph (4) relating to a prohibition on the use of amounts from the Forest Recovery and Protection Fund to construct roads.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 4: Page 29, beginning on line 15, strike paragraph (4).

Add at the end the following new section:

SEC. 12. ENHANCED CONSISTENCY BETWEEN FEDERAL TIMBER ROADS PROGRAMS.

(a) ELIMINATION OF PURCHASER ROAD CREDITS IN PUBLIC DOMAIN AND OTHER FORESTS.—Section 4 of Public Law 88–657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act) is amended—

(1) by striking ''SEC. 4.'' and inserting the following:

''SEC. 4. CONSTRUCTION OF FOREST DEVELOPMENT ROADS.

''(a) AUTHORIZED METHODS TO FUND CONSTRUCTION.—'';

(2) by striking ''including provisions for amortization of road costs in contracts'' and inserting ''except that the Secretary may not provide purchaser credit for road construction'';

(3) by striking '': *Provided*,'' and all that follows through the period at the end of the proviso and inserting a period; and

(4) by striking the last sentence.

(b) CONSISTENT TIMBER ROAD PROGRAMS; EXCEPTIONS.—Such section is further amended by adding at the end the following new subsections:

''(b) CONSISTENT FEDERAL FOREST ROAD PROGRAMS.—Subject to subsection (c), the Secretary of Agriculture shall carry out the program authorized by subsection (a) for the acquisition, construction, and maintenance of forest roads in the public domain and other national forests in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management

roads program was in effect on January 1, 1998.

''(c) SPECIAL REQUIREMENTS FOR FOREST SERVICE ROAD PROGRAM.—

''(1) DESIGN AND ENGINEERING SERVICES.—Using funds available to the Forest Service for the design and engineering of forest roads in the public domain and other national forests, the Secretary of Agriculture is authorized and encouraged to enter into contracts with private persons to perform design and engineering services in connection with the acquisition, construction, and maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

''(2) LEVEL OF CONSTRUCTION.—In the case of a forest road in a public domain or other national forest that is constructed or paid for by a purchaser of national forest timber, the Secretary of Agriculture may not require the purchaser to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the harvesting and removal of the timber and other products covered by the sale, unless the Secretary bears that part of the cost necessary to meet the higher standard.

''(3) TREATMENT OF ROAD VALUE.—In the case of a forest road in a public domain or other national forest that is constructed or paid for by a purchaser of national forest timber, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.''.

(c) ELIMINATION OF REFERENCES TO PURCHASER CREDITS.—

(1) TRANSPORTATION SYSTEM.—Section 10(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1608(a)) is amended by striking ''benefits'' and all that follows through the period at the end of the subsection and inserting ''benefits.''.

(2) TIMBER SALES WITH PURCHASER CREDIT PROVISIONS.—Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by striking subsection (i).

(d) APPLICATION OF AMENDMENTS.—

(1) EFFECT ON EXISTING PURCHASER ROAD CREDITS.—Notwithstanding the amendments made by subsection (a), effective purchaser credit already earned for road construction may continue to be used in accordance with section 4 of Public Law 88–657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act), and rules issued under such section, as in effect on the day before the date of the enactment of this Act.

(2) EFFECT ON EXISTING CONTRACTS.—Notwithstanding the amendment made by subsection (c)(2), subsection (i) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any timber contract described in such subsection awarded before October 1, 1998.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 5: Page 29, beginning on line 15, strike paragraph (4).

Add at the end the following new section:

SEC. 12. ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.

Section 4 of Public Law 88–657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act) is amended by adding at the end the following:

''(b) AUTHORIZED METHODS TO FUND ROAD CONSTRUCTION.—In connection with recovery projects, the Secretary of Agriculture—

''(1) may not provide purchaser credit for road construction; and

''(2) shall carry out the program authorized by this section for the acquisition, construction, and maintenance of forest roads in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

''(c) SPECIAL REQUIREMENTS FOR FOREST SERVICE ROAD PROGRAM.—

''(1) DESIGN AND ENGINEERING SERVICES.—Using funds available to the Forest Service for the design and engineering of forest roads, the Secretary of Agriculture is authorized and encouraged to enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

''(2) LEVEL OF CONSTRUCTION.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

''(3) TREATMENT OF ROAD VALUE.—In the case of a forest road in a recovery project that is constructed or paid for by a purchaser of national forest timber, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.''.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 6: Page 29, beginning on line 15, strike paragraph (4) and insert the following:

(f) ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.—

(1) AUTHORIZED METHODS TO FUND ROAD CONSTRUCTION.—In connection with recovery projects, the Secretary of Agriculture—

(A) may not provide purchaser credit for road construction; and

(B) shall carry out the road construction in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

(2) SPECIAL REQUIREMENTS FOR ROADS.—

(A) DESIGN AND ENGINEERING SERVICES.—Subject to the availability of appropriations for this purpose, the Secretary of Agriculture may enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

(B) LEVEL OF CONSTRUCTION.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(C) TREATMENT OF ROAD VALUE.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.

H.R. 2515

OFFERED BY: MS. FURSE

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 7: Page 8, strike lines 3 through 17, and insert the following:

(8) RECOVERY PROJECT.—The term ''recovery project'' means a project to restore or protect forest values and resources within an identified recovery area, including the types of projects: restoration of native vegetative cover; prescribed burns; stabilization of slopes; recontouring of slopes; decommissioning and obliteration of roads; removal of man-made barriers to fish spawning runs; improvement of reparian areas and other habitat; and soil stabilization and other water quality improvements.

H.R. 2515

OFFERED BY: MS. FURSE

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 8: Page 29, strike ''$500,000'' and insert $50,000,000''.

H.R. 2515

OFFERED BY: MS. FURSE

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 9: Page 29, after line 22, insert the following:

(5) PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCT TEMPORARY ROADS.—For purposes of the recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of temporary roads of any kind.

H.R. 2515

OFFERED BY: MR. MILLER OF CALIFORNIA

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 10: Page 27, beginning on line 11, strike ''Amounts in the Fund shall be available to the Secretary, without further appropriation—'' and insert ''Only in such amounts as are provided in advance in annual appropriation Acts, the Secretary may use amounts in the Fund—''.

H.R. 2515

OFFERED BY: MR. MILLER OF CALIFORNIA

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 11: Page 29, line 16, strike ''NEW, PERMANENT''.

Page 29, line 22, strike ''new, permanent''.

H.R. 2515

OFFERED BY: MR. MILLER OF CALIFORNIA

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 12: Page 29, beginning on line 25, strike ''paid,'' and all that follows through line 6, on page 30, and insert ''deposited in the general fund of the Treasury.''.

H.R. 2515

OFFERED BY: MR. RADANOVICH

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 13: Page 29, beginning on line 15, strike paragraph (4) and insert the following:

(f) ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.—

(1) AUTHORIZED METHODS TO FUND ROAD CONSTRUCTION.—In connection with recovery projects, the Secretary of Agriculture—

(A) may not provide purchaser credit for road construction; and

(B) shall carry out the road construction in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

(2) SPECIAL REQUIREMENTS FOR ROADS.—

(A) DESIGN AND ENGINEERING SERVICES.—Subject to the availability of appropriations for this purpose, the Secretary of Agriculture may enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

(B) LEVEL OF CONSTRUCTION.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(C) TREATMENT OF ROAD VALUE.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.

H.R. 2515

OFFERED BY: MR. VENTO

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 14: Page 10, line 1, strike ''45-day period'' and insert ''60-day period''.

Page 10, line 18, strike ''45-day period'' and insert ''60-day period''.

H.R. 2515

OFFERED BY: MR. VENTO

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 15: Page 27, lines 12 and 13, strike '', without further appropriation''.

H.R. 2515

OFFERED BY: MR. VENTO

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 16: Page 29, line 16, strike '', PERMANENT''.

Page 29, line 22, strike ',permanent roads'' and insert ''roads, regardless of whether the roads are intended to be permanent or temporary''.

H.R. 3310

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 1: Page 4, strike line 10 and all that follows through page 6, line 25, and insert the following:

''(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

''(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

''(I) the health and safety of the public;

''(II) consumer, investor, worker, or pension protections; or

''(III) the environment;

''(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

''(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

''(iv) whether the small entity has obtained a significant economic benefit from the violation; and

''(v) any other factors considered relevant by the head of the agency;

''(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1998, revise the policies of the agency to implement subparagraph (B); and

''(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

''(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.''.

H.R. 3310

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 2. Page 6, strike line 25 and insert the following: imposed by the agency.

''(4) Notwithstanding any other provision of law, no State may impose a civil penalty on a small-business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information, in a manner inconsistent with the provisions of this subsection.''.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by Rev. Henry E. Eisenhart, National Chaplain, The American Legion, Perkasie, PA. We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Henry E. Eisenhart, National Chaplain, The American Legion, offered the following prayer:

Eternal God of our Nation, within the grandeur of this Capitol and the stateliness of this Chamber, we come humbly but gratefully before Your throne of glory with devout hearts, dedicated minds, and devoted souls united in prayer for wisdom, understanding, and guidance during this session of the Senate.

Direct the day's agenda with perseverance of purpose, devotion of duty, and single-heartedness of spirit to instill the gratification of something attempted, something changed, something done, and something sustained in creating a stronger Nation and a better world.

Mindful of the immeasurable faith of our Founding Fathers in Your providence during perilous times, bless the President of the United States, the Vice President, Members of Congress, and the Armed Forces with incredible courage and determination to face the awesome challenges of a new millennium.

Living under the glorious banner of the Stars and Stripes, bestow divine blessings and great insights on each Senator to stand up, step up, and speak up fearlessly for what is right for America, not only because it affects us, but simply because it is meet and right to do so in truly serving God and Country. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will resume consideration of S. 1768, the emergency supplemental appropriations bill, with a hope of concluding action on the bill during today's session. Hopefully, we can do it by noon. In a moment I would like to address some questions to the manager of the bill, Senator STEVENS, and get a feel for kind of where we are.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education savings account bill, was postponed yesterday and will occur at a time to be determined by the majority leader, as always, and we will notify the Democratic leader when a decision is made on that. And, as always, all Members will be notified when that vote will occur. It is still hoped that an agreement can be worked out with respect to an orderly handling of that bill. I expect we will not have the cloture vote until after we complete the supplemental appropriations, assuming we can get an early completion of that bill.

Members can expect a busy day of floor activity, with votes to occur at least on the cloture and on the supplemental appropriations, perhaps on amendments to either one of those, and also the Senate may consider any executive or legislative items cleared for action.

SUPPLEMENTAL APPROPRIATIONS

I thank the distinguished chairman of the Appropriations Committee for his time and effort on this bill.

Are we to the point where we, hopefully, can maybe complete this bill by noon today? Do you have a feel for that?

Mr. STEVENS. Mr. Leader, I am not certain we can finish by noon. We have probably three to four votes that we believe we will have to have on amendments that are coming, and we still have the problem of the IMF amendment, which is the last amendment to be cleared. But we are now down to a point where we think we have cleared most of the controversial amendments, with the exception of three to four, and I am still working on one of those.

Mr. LOTT. Are you trying to get time agreements and actually go to votes if they are going to be required?

Mr. STEVENS. Yes, I think we will be able to get time agreements on all amendments other than the IMF amendment. On the IMF amendment, the time has already expired. The question is how to dispose of that.

Mr. LOTT. I urge my colleagues on both sides of the aisle, let's see if we can find some way to complete the supplemental appropriations bills. They are emergency appropriations for defense and disasters. Of course, the IMF issue is a separate issue, and I realize there are some disagreements about it and how it should be handled. I personally think that we should find a way to provide the funds, but only—only—if strong conditions are in place to make sure that the American people have confidence these funds are not being misused and we have a chance to see how they are being used.

We have to draw this to a conclusion. We still have a conference to go through, and we have other issues that we desperately need to take up. So I would like again to ask for cooperation on both sides of the aisle so we can complete this legislation.

Mr. STEVENS. If the leader will yield, the Senator from Texas, Senator HUTCHISON, will raise the issue of Bosnia here this morning in a minute. That will take some time this morning. We have, as I said, three other amendments, one dealing with the CDBG

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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issue, one with the FEMA issue that I am told we may have questions about. So I would say in all probability we will not get around to really dealing with the IMF until right after lunch.

Mr. LOTT. I thank the distinguished manager of the legislation and urge him to keep up his good efforts. At some point I hope he will do as he has been known to do, get very aggressive and help bring this to a conclusion.

I do want to say to the Senator from Texas and others who may speak on Bosnia that I think this is a very important issue and, frankly, I hope it will not be just kind of set aside or swallowed up by the supplemental appropriations bill. The supplemental appropriations bill is urgent. It is for 1 specific fiscal year. The Bosnia issue really is broader than 1 year's emergency appropriations. I agree with the Senator from Texas that we need to get a clearer understanding about what is our mission in Bosnia: Is there a mission creep occurring? How much is it going to cost? I do not think we can just give the President a time period with no end in sight, just an interminable presence. I saw one prediction the other day we might have to have troops in Bosnia for 10 years. Not with my vote.

So I do think we need to have a full discussion about this. I try very hard to be bipartisan—nonpartisan on foreign policy issues. But in Bosnia I have never felt comfortable with what our situation is there, and I still do not.

So I understand what she is trying to do. I hope we can work together to find a time when we can have a full debate on this issue this year. I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Alaska.

THE IMF AMENDMENT

Mr. STEVENS. I do thank the leader for raising the issue and urging us to move forward. I urge Senators to come forward and discuss with me and Senator BYRD and our staffs any amendments they may wish to raise. We will insist on a time agreement on amendments that are going to need a vote.

Let me state at the outset, however, the real difficulty with this bill now is the IMF amendment. I think the Senate should realize what the situation is. We had a time agreement on the IMF amendment. That time has been exhausted. At my request, it was set aside to consider other amendments. I have been notified by Members on both sides of the aisle that they will not allow this bill to come to final vote without a vote on that IMF amendment, and that there is some indication of a desire to have that amendment wait for a time when the House passes a separate bill dealing with IMF and other subjects.

I want to state to the Senate that I am normally neutral on most of these subjects but I am not neutral on this subject. The Senator from Hawaii and I have traveled to the Pacific for many years together, and only in February I traveled through the Pacific with several other Members of the Senate. We heard, from New Zealand to Australia and into Hawaii, comments about the Asian flu, what was taking place in Asia. Just recently when I went home, I was exposed to headlines which said, ''Market Sales for Salmon Falling Off.'' I talked to people involved in the coal industry, and they are worried about their markets in Asia. I talked to the people handling the great flow of freight through my State onto the Asian rim, people who handle freight that is on these wide-bodied airplanes. As my friend from Hawaii, Mr. INOUYE, says, most people don't realize that four out of five wide-bodied airplanes that take cargo out of this country go west, not east.

Everyone I have talked to is apprehensive of what is going on. We see our markets declining. We see our customers questioning whether they are going to buy in the future. The other side of the coin is that I had noticed we have already seen signs in Alaska of dumping of goods that are coming in from the Far East, where their markets are declining for consumer goods. They are bringing them to our country. It might be a good thing temporarily, but it is something that is very worrisome to those of us who live on the Pacific rim.

Then I talk to my friends from the great grain belt of the country, and they tell me about the problem of the farmers who found a way to independence by opening up the global markets to our farm products, and the primary place where those farm products were sold, the increased production of our farms has been sold, in the Pacific rim.

The Asian flu is the El Nino of economics. Unless we understand that, unless we understand the fear that is coming in our country, we are liable to make a great mistake. I do not want to see games played with the IMF. The IMF is serious to us, those of us who already have felt the touch of this wind that is coming to us from the Pacific rim. Unless we respond, and respond forcefully, and create the image of being willing to assist these people to come through this economic disaster, we will pay a high price. We will pay a price in not only our markets but in our prestige in the world.

These people are expanding a private enterprise economy in a place where 15 years ago there really was not a private enterprise economy. They have had banks that have failed. So did we, 10 and 15 years ago. We should remember the savings and loan crisis and the other crises in banks we faced.

The IMF reforms that Senator HAGEL, Senator ROBERTS, and others have worked on—Senator GRAMM—are good reforms, and they will bring transparency to the banks and the banking transactions. They will protect consumers in the area affected by the Asian flu. But they will also protect our people who want to sell to those markets and give them greater stability.

The IMF money, to me, is money that creates the image of the United States being aware of what is going on and being willing to help, help in the sense of saying we will be there provided you reform. Crony capitalism cannot be allowed to spread throughout the world. The way we can stop that now is to act, and act forcibly, on IMF.

I am one who is going to vote for IMF. It may be that others want to delay it, others want to handle it in different ways. I want to make sure that the first bill that goes to the President has IMF on it, and I hope the rest of the Senate will agree with me. We will have some discussions when we get to the House, but I want the House to know I am going to be arguing for IMF on the first bill that goes to the President. It should be something we act quickly on, for the benefit of this country.

I am happy to yield the floor. The Senator from Texas has an amendment she wishes to call up, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The Senator will suspend. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The chair lays before the Senate S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell modified amendment No. 2100, to provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.

Faircloth amendment No. 2103, to establish an Education Stabilization Fund to make loans to States for constructing and modernizing elementary and secondary schools.

Stevens (for Nickles) amendment No. 2120, to strike certain funding for the Health Care Financing Administration.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I call up amendment No. 2083.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I see Senator NICKLES on the floor. I believe his amendment would be temporarily set aside. I just would like to know from the Senator about what time we might expect to

have the debate on that? I am glad to be here whatever time. I do not want to interfere with the Senator from Texas, but we are here, ready to debate that now or whatever time the floor manager would like. But I would like at least to get some idea. We are setting the Nickles amendment aside. What is the intention?

Mr. STEVENS. Mr. President, I might state—and the Senator from Oklahoma just raised the same question over here—last evening we had a discussion about how to handle the Bosnia issue. I hope the Senator from Texas will not mind my saying, we reached agreement with the Senator from Texas that she would call up this amendment and discuss it for a while and then withdraw it.

As a result of that, there will not be other Bosnia amendments offered at this time. They are waiting for the main bill. It is a matter of getting before the Senate the concerns the Senator from Texas wants to raise, and then we will go to the Nickles amendment. It will be some 15, 20, 30 minutes—I don't know what the Senator wants to take. I urge the Senate to allow us to manage the bill that way. The Nickles amendment will be the first amendment after the Senator from Texas has completed her comments.

Mr. President, before we yield on this, if I may, is it possible to get a time agreement on the Nickles amendment?

Mr. KENNEDY. I don't think just at the present time, but we will be glad to see how we get started with the debate on that.

Mr. STEVENS. I urge the Senators to help us, because we also have three other amendments that are going to require votes following the Nickles amendment.

AMENDMENT NO. 2083

(Purpose: To express the Sense of the Congress that the President and Congress should create the conditions for a withdrawal by a date certain of U.S. ground combat forces from the NATO-led Stabilization Force in Bosnia)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2083.

Mrs. HUTCHISON. 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 end of the bill, insert the following title:

TITLE —UNITED STATES ARMED FORCES IN BOSNIA WITHDRAWAL

SECTION 1. SHORT TITLE

This title may be cited as the ''United States Armed Forces in Bosnia Withdrawal Act of 1998''.

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

(A) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff further expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and has resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(7) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 19, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(8) NATO military forces have increased their participation in law enforcement activities in Bosnia aimed at capturing alleged war criminals.

(9) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for apprehending war criminals lies with the Bosnia parties themselves.

(10) The Secretary of Defense has affirmed this understanding on several occasions, including on March 3, 1997, when stated that ''[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission.''

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the open-ended deployment of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a withdrawal of United States Armed Forces ground combat troops by January 1, 1999.

(3) identifies the following conditions that should be satisfied as a minimum to create the environment in which such an orderly transition can take place:

(i) The original parties to the Dayton Accords should be reconvened so that progress towards full implementation can be ascertained and modifications as necessary be made;

(ii) The process of establishing defensible sectors in Bosnia and Herzegovina that was started in the Dayton Peace Accords should be accelerated;

(iii) Establishment of a Combined Joint Task Force (CJTF) in accordance with the President's Partnership for Peace initiative. The CJTF should be under American command but to be turned over to allied command within 90 days;

(iv) Establishment of a civilian led/operated police training task force, including the establishment of a police training academy capable of graduating 500 police every quarter. This force would have ultimate responsibility for maintaining peace and order, as envisioned by the Dayton Accords;

(v) The United States should advise its allies in the NATO-led peacekeeping force in Bosnia that no U.S. ground forces shall be deployed to the province of Kosovo should the conflict there escalate;

(vi) Cessation of U.S. military involvement in local broadcast and print media operations.

SEC. 3. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after January 1, 1999.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after January 1, 1999, but not later than May 1, 1999, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 180 days after the date otherwise applicable under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4, specifically approving such request.

SEC. 5. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

It is the Sense of Congress that U.S. policy in Bosnia, as that relates to the use of our

forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnia Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

Mrs. HUTCHISON. Mr. President, I anticipate for those who are trying to set a time that we will be ready at about maybe 10:30. I would say this will take 30 to 40 minutes.

Let me just briefly state what the amendment does, and then I am going to yield to Senator INHOFE and then Senator ROBERTS and then Senator CRAIG for their remarks.

Mr. President, this is an amendment that would express the sense of the Senate and the Congress to the President that we should create the conditions for withdrawal of U.S. ground troops from the NATO-led stabilization force in Bosnia. That is what the amendment does.

We all know that the President on December 19 of last year declared that Bosnia would be an open-ended commitment for the United States. Congress was not in session. Congress was not consulted. There was no authorization, and the President has made this an open-ended mission. I am very concerned about the mission creep, and I am very concerned that the President has bypassed the Congress, and the Congress has constitutional responsibilities that cannot be bypassed by the President. That is why I am calling up this amendment today.

I very much appreciate the remarks of the majority leader, Senator LOTT, and the chairman, Senator STEVENS, saying that this is going to be brought up, we are going to discuss it, we are going to tell the President that the Congress of the United States is not asleep, that we know our constitutional responsibilities and that we now have a commitment that this is going to be discussed and a policy will be set, and we will have an up-or-down vote in the defense appropriations bill later this year before the June 30 deadline that we now face and that we have now seen the President walk away from.

So, Mr. President, we are going to exercise our responsibilities. We can do no less, and that is why we are discussing this today.

I am very pleased to now ask Senator INHOFE of Oklahoma to take up to 5 minutes for his views on this issue. I intend to talk about what the amendment does as soon as those who have time commitments have been able to speak. I yield to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Texas for yielding a little time here.

I can remember in November of 1995 when the Senator from Texas was the primary author of the resolution of disapproval of sending troops into Bosnia. I was on the resolution with her. We only lost by three votes. In other words, if three Senators had voted the other way, we very likely would not have had to send troops into Bosnia to begin with.

In anticipation of this, I went to Bosnia, up to the northeast sector, only to find there was never any belief that we could get into this thing and be out in 12 months. The reason the President was able to get the three votes necessary to defeat the resolution of disapproval was the guarantee that our troops that were going to be sent over there in November of 1995 would be home for Christmas in 1996. That was not an expectation; that was a guarantee. I can remember so well talking to General Haukland up in the northeast sector when he laughed and said, ''You mean 12 years.'' As the years and months are going by now, it looks like there is more and more truth to that.

Let me just mention my concern is a little different than the concerns that are expressed by most people. Mine is one as to how this involvement in Bosnia is adversely affecting our ability to defend America.

I am chairman of a committee called the Readiness Subcommittee of the Senate Armed Services Committee that is in charge of training and making sure that we are ready. Until some of the recent scandals have taken the headlines off the front page, we have finally broken through the national media so that people realize, and the national media realizes, that we are facing huge threats today all over the world with over 25 nations with weapons of mass destruction with delivery systems that can reach the United States from anyplace in the world.

With all this, we are concentrating our efforts and spending our defense dollars on Bosnia. This is the thing that concerns me. We keep hearing that there are only 8,500 troops in Bosnia. That is not much of a commitment, but I can assure you, Mr. President, it is far greater than that. If you just add the troops who are directly affected by the Bosnia operation in the rim countries, in Croatia, that adds up to 12,000. Then you go over to Europe and you see the logistical support of that operation. We find that in the 21st TACOM, for example. That is the operation that is responsible for logistical support of any ground operation, for example, if we should have to send ground troops into Iraq.

I don't think anyone is naive enough to think we could surgically bomb Iraq if it became necessary and not have to make a commitment of ground troops. But if that happened, we don't have any way to support logistically those ground troops that would be sent to Iraq. The 21st TACOM, which has to support logistically ground troops anywhere in that theater, which includes Iraq, is now totally consumed by their participation and their support in Bosnia. Right now they are operating at a very high op tempo and pers-tempo rate so individuals are being consumed by the operation in Bosnia.

We are at 115 percent capacity just supporting Bosnia. What does that mean? That means in the event we had to send ground troops someplace else in the world, we would not have the logistic support for them.

When you ask the question, ''What would you do if that happened,'' the commanding officer at the 21st TACOM said we would be totally dependent upon the Guard and Reserves. I suggest to you, Mr. President—you know and the rest of us know who are close to this subject—we don't have the necessary MOSs and capacity in Guard and Reserves to make that support. You go 10 miles up the road to the 86th Airlift in Ramstein. In Ramstein, they are right now at 100-percent capacity just supporting the airlift to Bosnia.

So the cost is far greater, even far greater than $8 billion that so far we have admitted we have spent in Bosnia. We are making a commitment that makes it virtually impossible for us to support any other operations should it become necessary.

So I think there has to be an end to this thing. It is easy to get into these things; it is very difficult to get out. We got in; we got in with a guarantee it would be a 12-month operation; we got in with the expectations it would cost $1.2 billion. We knew better at the time. We knew they were not telling the truth about what kind of a commitment we were making and, consequently, we have to have some way of getting out.

So this is a major national security issue, Mr. President, that we get out of Bosnia so that we can have the capacity to take care of the needs of the American people in terms of defending our country.

With that, I defer to the Senator from Kansas for any comments he might want to make.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the Senator from Oklahoma, and I especially want to thank the Senator from Texas for raising this issue.

Mr. President, I say to my colleagues, before coming to the floor, I looked up the definition of ''wise'' in Webster's Third International Dictionary—that is the recognized authority with regard to the English language—and it read:

Characterized by wisdom; knowledgeable; exercising sound judgment.

It even went on to say if you were a wise person that you were ''alert,'' and further described a wise person as being a person ''in a condition where an individual becomes aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it.''

Mr. President, I think there is another definition of ''wise'' in this body, and perhaps the synonym would be the distinguished Senator from West Virginia, Senator BYRD, who made a speech on Monday that I commend to the attention of my colleagues. It is in Monday's RECORD. It is on page S2382. If my colleagues and staff are paying attention to the floor, write that down, S2382. It is the distinguished Senator from West Virginia, Senator BYRD, who says:

With respect to Bosnia, the President has provided a certification and report, required by Fiscal Year 1998 Defense Authorization and Appropriations Acts, that the continued presence of U.S. armed forces——

Mr. STEVENS. Will the Senator yield for just one moment?

Mr. ROBERTS. I will be delighted to yield to the distinguished chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair notify each speaker on the Bosnia issue when 5 minutes have expired. We are not under a time agreement, but I think we have an understanding that speakers will limit their remarks to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kansas is now recognized.

Mr. ROBERTS. I would like to ask of the Chair if that means I have an additional 5 minutes or about a minute has been taken off? I would assume that I have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. ROBERTS. I thank the Chair, and I thank the chairman of the Appropriations Committee.

I will continue with Senator BYRD's remarks:

Last year, the administration told us that we would be out of Bosnia in about a year.

All of the witnesses who came up before the Armed Services Committee and the Appropriations Committee assured the committees that that was the expected timeframe which would be needed during which we would have to place our men and women in possible harm's way, but we were assured—we didn't just ask the question once or twice, and the response didn't come forth just once or twice, but the response was always in the context of a year's time.

Then Senator BYRD went on to comment that he had strong suspicions that it really wouldn't work out that way. And he referred to the report that was made, and the report said:

''We do not propose a fixed end-date for the deployment.'' That says it all. So we are in a different situation now. The exit strategy—in other words, the required conditions for our forces to come out and come home—reads like a nation-building strategy.

That is the concern of this Senator and the Senator from Texas and the distinguished Senator from West Virginia.

What is required for us to leave Bosnia? First, judicial reform—

The Senator from West Virginia said—

Just a minor thing, judicial reform. Then, development of an independent media throughout the territory.

He said that was a pretty big order, and it certainly is.

Then there is more. Democratic elections. What do we mean by democratic elections? Democratic elections followed by free market economic reforms . . . privatization of the economy, and so on and on.

And the Senator said:

We all get the point. This is a formula requiring the completion of a new, integrated democratic state. That is what nation-building is. I didn't buy on to that. The U.S. Senate has not bought onto that. And if the duration of our stay is going to be based on nation-building, as the President is obviously saying in the report, we are [going to be] there for a good, long [period of] time.

I was in Sarajevo. I talked with our officials there. That was last year, I say to the Senator from Texas. The conditions at that time were troop protection, refugee relocation, economic restoration, and a rather hard-to-understand policy in regard to war criminals.

That has changed, and the Senator from Texas is precisely correct; we have not even had that under consideration or with any kind of talk, other than that of the Senators here on the floor and the distinguished Senator from West Virginia in regard to what the end policy is in regard to Bosnia.

I indicated the definition of somebody being wise, other than being Senator BYRD of West Virginia, was that they be alert—and I repeat that—further described by Webster's as ''a condition where an individual knows and is aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it.'' Mr. President, we are not only in it to our hubcaps; we are in it to the axle with no reverse gear.

It was Herbert Hoover who said in 1958, ''Wisdom consists not so much in knowing what to do in the ultimate as in knowing what to do next.'' I do not know what we are going to do next, but it is the responsibility of this Senate to consider that.

We will do it in the 1999 defense authorization and appropriations bills. I credit the Senator from Texas for focusing on this, and I thank the Senator from West Virginia and remind all of my colleagues that it ought to be required reading in regards to his remarks on the floor of the Senate last Monday, again, page S2382. Please, my colleagues, pay attention to the Senator from West Virginia. He is right on in regards to this terribly important and difficult issue.

Mr. President, I thank the Senator for yielding.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to Senator CRAIG.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Others are gathered here to speak on the Hutchison amendment.

But let me first of all recognize the Senator from Texas for highlighting and bringing to the surface an issue that is growing in the minds of many of us and we hope will alert the minds of many Americans.

We were engaged here for a week on the debate on the expansion of NATO. This Senate more than likely will vote to expand NATO in the course of this session. But as we do, we ought to remember the consequence or the potential impact of that kind of a vote. And I think it is reflected in this drifting policy that we have currently in Bosnia.

Peacekeeping operations so designated by our President are important and should be well defined. But I will tell you, the Senator from Texas is right. Our President operates in an unauthorized situation in Bosnia today. The Senator from Oklahoma has brought up the mounting costs. We are able to measure some $8 billion in costs. We know they are much larger than that.

The mission appears at date to be endless as it relates to some culmination. Do we have to lose American men and women in Bosnia before our citizens wake up or, more importantly, the Congress begins to move with its constitutional authority to deal directly with this issue? I hope not.

The mission in Bosnia is now just what we were promised it would not be. We were promised it would not be an unauthorized, open-ended, nation-building deployment with no withdrawal criteria. It is now all of those things by definition.

In 1995, President Clinton vowed that the U.S. troops deployed to Bosnia ''should and will take about one year.'' Three years and nearly $8 billion later, the administration now admits, ''We do not propose a fixed end date for the deployment.''

This unauthorized, open-ended deployment is affecting the readiness of our troops, their morale. Some anecdotal evidence is clearly available if you scratch the surface.

Increasingly, Army and Air Force units put off combat training because they are too busy with low-intensity missions, and they need the money elsewhere. We see that great shift of dollars underneath the surface that this administration has been unwilling to admit. And, finally, just in the last month, the chairman of the Appropriations Committee said we will do no more of that. Following this supplemental, the administration must now bring to the Hill as an authorization the appropriate expenditures for the mission in Bosnia.

Another anecdotal piece of evidence: A particular Marine expeditionary unit deploys more than 220 days in a 365-day period as if we were at war. That is how we are using our men and women in uniform today.

Air Force pilots are fleeing to the commercial sector despite cash incentives from the Air Force of up to $22,000 to reenlist. We all know the kind of investment we have in these pilots—millions of dollars of training and, of course, operational time.

There are serious problems that the President is turning a blind eye on so he can continue to deploy troops to humanitarian missions. If we are going to declare humanitarian missions in our national interest, then let us declare them. Let us come to Congress and get the constitutional authorization necessary for those kinds of actions. Let us appropriate the money accordingly instead of slip money and the necessary resources away from certain missions to other missions of the kind that we have talked about.

Meanwhile, there are fewer dollars for defense and increasing orders to deploy.

Since 1989, manpower has been cut by nearly one-third, the number of missions has quadrupled, and defense spending has been dramatically reduced.

This year's defense budget marks the fourteenth consecutive year of decline for defense spending.

President Clinton's $270 billion 1999 defense budget represents a real decline of 1.1 percent from current spending levels, and marks a 39-percent drop from the spending levels of the mid-1980's.

While defense spending declines, the U.S. military has been asked to do more. Since 1990, U.S. Armed Forces have been used in 36 major foreign missions, compared to 22 between 1980 and 1989.

The commitment of United States troops to Bosnia is a commitment of United States blood. The decision to place United States troops in harm's way is a commitment that I do not take lightly. The President not only broke his promise to have our troops home by December 1996, he has also decreased the readiness of our troops by taking scarce dollars from an underfunded defense budget and used them to defend causes that have little to do with our national security interest.

I hope my colleagues will support Senator HUTCHISON's amendment which will allow for an honorable exit of U.S. troops from the region, and turn over the operation to our European allies.

That is why it is time to debate this issue. I am proud that the Senator from Texas brings it to us, highlights it, gets it on the national agenda, not just the agenda of Congress and this Senate, but brings it forth for a national agenda. I thank my colleague for doing so.

Mr. President, I stand in support of this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I appreciate the remarks of a member of our leadership team on our side, the Senator from Idaho. I think he is right on. I think the Senator from Kansas was right on. The Senator from Oklahoma was right on. I want to talk about what my amendment does. It expresses the sense of Congress that the President and Congress should create the conditions for withdrawal of U.S. ground combat forces from the NATO-led stabilization force in Bosnia. What we are trying to do is lay the groundwork for an honorable exit.

You know, every time we come up to a deadline that the President himself has set, he says we cannot just leave, it would be irresponsible to leave, it would throw everything into chaos. That is absolutely true. It would be irresponsible to leave right now. But why is that? Why would it be irresponsible to leave right now? It would be irresponsible to leave right now because we have not laid the groundwork for an honorable exit and the President has gone on without the authorization of Congress to say this is going to be an unending mission.

On November 27, 1995, the President said, ''First, the mission will be precisely defined with clear, realistic goals that can be achieved in a definite period of time. Our Joint Chiefs of Staff have concluded that the mission should and will take about a year.''

The Secretary of Defense and the Chairman of the Joint Chiefs strongly concurred with the President's assessment in their testimony before Congress that it would not get involved in such tasks as forcing the resettling of refugees or capturing war criminals and that we should have an end date.

The Vice President of the United States also provided additional assurances, arguing that the deployment would not lead to mission creep and that within a year hostile forces would be separated, the borders would be marked, elections would be organized and held, and police forces would be established.

As that deadline approached, the President extended the mission further by announcing a new deadline of June 1998, once again assuring the American people and Congress that the mission would be achievable.

The mission creep, which concerned General Shalikashvili when he said that, without a fixed end date, mission creep would occur, has come to pass with our military now adding missions such as capturing indicted war criminals, seizing and controlling broadcast facilities.

U.S. commanders of NATO have stated on several occasions, in accordance with the Dayton peace accords, the principal responsibility for apprehending war criminals would be the parties themselves.

Mr. President, Secretaries of Defense and Chairmen of the Joint Chiefs have said throughout this 3-year period that setting a deadline is a good thing. But on December 19, 1997, President Clinton finally said he had misjudged the mission and he was committing the U.S. military to an open-ended mission which would only end when certain unnamed, concrete benchmarks had been accomplished.

Since then, we have seen the benchmarks, but they are not very concrete. I introduced a resolution of disapproval for this mission to Bosnia in November 1995. It was narrowly defeated, by three votes. Many of my colleagues specifically said they voted against that resolution only after receiving solid assurances from the administration regarding the length and cost of the deployment. The mission is now in its third year, and the President is saying there is no end in sight.

Mr. President, unless Congress exercises our constitutional responsibility, we are going to see an unending mission where there are no clear goals and there is no exit strategy.

I am second to none in appreciating the great work that our military has done in Bosnia. I have been there five times. I have met with the troops. Their courage, their dedication, their professionalism have permitted a separation of the belligerent parties.

There has been a significant reduction in the violence and suffering in the Republic of Bosnia and Herzegovina. They have accomplished every mission they have been given, and they have done it in exemplary fashion. But, Mr. President, the administration keeps moving the goalposts. Now we have had forces in Bosnia for 3 years, we have spent $8 billion of our taxpayers' money, and now we see the President expanding the mission without coming to Congress first.

My resolution today says that Congress is expressing its concern and opposition to the policy of the President that has resulted in this open-ended deployment without the prior authorization of Congress and urges the President to work with our European allies

to set an orderly transition so that American troops can leave by January 1, 1999.

Mr. President, I think my 5 minutes are up. I want to ask that others be allowed to speak. I hope Senator BYRD is going to be able to speak, and certainly Senator FEINGOLD. I do have some closing remarks, but I would like to yield at this time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I very much would like the opportunity to speak on the subject of Bosnia. Does the Senator from Texas control the time?

The PRESIDING OFFICER. There is no time control. The Senator is advised he is recognized on his own time.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first take this opportunity to——

Mrs. HUTCHISON. Let me make a parliamentary inquiry.

Don't we have unanimous consent that there would be a 5-minute notification to every speaker?

The PRESIDING OFFICER. There will be notification as to the 5-minute time period expiring, but there is no time agreement regarding control of the time.

Mrs. HUTCHISON. I would just like to point out I had told Senator STEVENS that I thought we would be finished by 10:30. If the Senator from Wisconsin would look at the time—and also Senator BYRD is on the floor, and I would like him to have a chance to speak, if he seeks recognition. So with that in mind, I just wanted to set the parameters of our informal agreement.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, at the appropriate time I will send an amendment to the desk with regard to Bosnia, but let me take this opportunity to thank the Senator from Texas once again for her leadership on this issue. I have enjoyed working with her on the issue. I think the only thing that is regrettable is, we still have to be working on it so many years later, after we identified the problem in the misrepresentations that have been demonstrated in this Bosnia mission.

I am hearing more and more concern back in my State of Wisconsin about the unlimited nature of this engagement. It troubles me a good deal that my constituents feel they were told that this was going to be a 1-year mission, that it was only going to cost $2 billion, and if this didn't work out we would be out of there. Nothing could be further from the truth.

Mr. President, I hope that either on this bill or in the bills that come later this year we have an opportunity to get some clarity and some time line and some absolute definition to this operation, because the American people are just saying, ''Why? Why is it that we are bearing this entire burden, or such a huge percentage of this burden, when it seems that the European countries could do so much more to provide for the needs of this area?''

I will say a word or two about an amendment I intend to offer later. The amendment is a little unusual and requires a little explanation. What my amendment would do is strike the ''emergency'' designation from each of the line items in this supplemental appropriations bill that provide funds to support U.S. peacekeeping operations in Bosnia, but it would leave such designation intact for funds to support our additional military needs in the southwest Asia area, which, as we know, refers to the U.S. military buildup in the Persian Gulf.

I will offer this amendment for two reasons. First and foremost, I have always had serious questions about our involvement in the Bosnia mission. I was the only Democrat to vote against the deployment of U.S. troops back in 1995, in large part because I did not believe that the United States would be able to complete its mission there within the time and within the financial constraints that have been identified. I am sorry to say that I have been proven right. I take absolutely no pleasure in this. It has been very expensive and very dangerous.

U.S. forces have now been in Bosnia for more than 2 years—much longer than the original 1-year mandate—and I don't think anyone has a good idea about how much longer we will be there. More significantly perhaps, the cost of our involvement hasn't been $2 billion, it has actually been quadrupled from that figure; it has been $8 billion. And now Congress is being asked to fork over another half a billion, with no end in sight.

There is a second reason for this amendment, and that is that the legislation before the Senate today, S. 1768, is an emergency appropriations bill. The President has submitted a supplemental appropriations request, and we are debating this bill today precisely because we have been faced with some unforeseen emergencies. There have been floods in California, tornadoes in Florida, a typhoon in Guam, and ice storms in many areas of the Northeast. The showdown with Saddam Hussein took on new and frightening intensity in the past 6 months, and the United States came very close to carrying out airstrikes on a scale that was at least somewhat reminiscent of Desert Storm. We have all faced the unforeseen consequences of the so-called ubiquitous El Nino effect which has had bizarre and sometimes tragic influences on our weather patterns nationwide.

The Congress has never developed firm rules on how we should define an ''emergency.'' Everybody assumes that we will use common sense when deciding when to grant special emergency treatment to certain expenditures. And common sense tells us that floods and tornados clearly are emergencies.

In my view, however, the mission in Bosnia, is not. It is a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. If events there take an unexpected turn for the worse, it may become an emergency. But as we stand here and debate this spending bill, it is not an emergency.

Webster's New Collegiate Dictionary defines the word ''emergency'' as follows: ''an unforeseen combination of circumstances or the resulting state that calls for immediate action.''

This definition clearly does not apply to the Bosnia mission. The Bosnia mission is an emergency only in the strange language of appropriations bills. The Bosnia ''emergency'' is a legislative fiction.

The line items in this bill—military personnel, operations and maintenance, and contingency funds—are standard military costs that would be part of any military mission. U.S. troops have been on the ground in Bosnia for more than two years. The change in designation from IFOR [eye-fore] to SFOR [ess-fore] was made more than a year ago and is scheduled to continue through June of this year. Then, last December, the President announced that he would forego imposing a deadline altogether, and opt instead for a policy of benchmarks whose definitions remain open to interpretation.

How can Congress and the President possibly profess to the American people that the additional costs for the Bosnia mission constitute an emergency? On the contrary, it has been clear for quite a while now that the cost of this mission would again rise substantially. Some would say it has been clear from the start.

Ironically, Congressional appropriators and our military leaders have planned for many months on obtaining these funds in this emergency spending bill.

So that invites my next question: What are these funds doing in this bill? I just do not think that you can equate the long anticipated needs of the operation in Bosnia with the urgent, unexpected needs of the farmers in California or homeowners in Florida who have been devastated by natural disaster.

Despite my long-standing opposition to the mission in Bosnia, I believe the Congress should take up and debate the additional appropriations needed to advance the administration's goals in that war-torn region, but not on an ''emergency'' bill. In the proper context of an ordinary appropriation, subject to ordinary budget rules, I will state my own reservations about this mission and will listen carefully to my colleagues who have supported this mission. Then we can decide whether to spend this money and where to get it without increasing the deficit.

This supplemental appropriation, which represents so many dire and urgent needs, is not the appropriate legislative vehicle for Bosnia spending.

Now, I considered offering an amendment that would have stricken all of the funds designated for the Bosnia mission based on this same rationale. I am not doing that today, because I recognize there is little support in the Senate for such an abrupt funding cutoff. My amendment is neutral as to the merits of the mission in Bosnia. It simply requires us to fund it in a responsible manner.

This bill should be limited to the true emergencies represented by the bulk of the remaining $2 billion and should not include the non-emergency that is the Bosnia mission. But as important as that technical change may be, this amendment has some real substantive teeth. By changing the designation in this way, Congress will be mandating that funds used to support the Bosnia operation fall under the same budgetary scrutiny and discipline that other spending does. If this amendment is adopted, and the Senate decides the Bosnia appropriations do not merit the special treatment an emergency designation confers, the Bosnia-related appropriations would be subject to the same budget discipline we impose on all other non-emergencies. Congress would have to cut enough spending to offset the cost of this new Bosnia money. If that did not happen, OMB would trigger an across-the-board sequester—in effect doing the work for us.

The mission in Bosnia does not represent an emergency that legitimately calls for us to depart from these, established, vital budget rules so casually. We must separate the Bosnia money from the true emergencies funded in the rest of this bill.

I urge my colleagues to think carefully about my amendment, because this speaks to our commitment to truly balance the budget. Any Senator can support this amendment, and then consider funding for Bosnia operations in a more fiscally responsible way, without stepping away from any existing commitment to the troops and the mission in Bosnia.

I thank the chair, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank both the distinguished Senator from Texas, Mrs. HUTCHISON, and the distinguished Senator from Wisconsin, Mr. FEINGOLD, for the courtesies they have extended to me.

Mr. President, the distinguished Senator who is now presiding over the Senate, Senator PAT ROBERTS, quoted me earlier in respect to the Bosnian matter. I wish to quote a great American President—a great American President. And that President's comments were pertinent at the time and are pertinent today.

Perhaps I should first thank Senator HUTCHISON for offering the amendment. I can assure her and assure the Senator from Wisconsin that when the time comes to discuss and to consider appropriations for the fiscal year 1999, I shall be active, the Lord willing, in dealing with this matter that is the subject of this amendment; namely, Bosnia and our participation in the circumstances and conditions that presently prevail in that area.

The constitutional framework arranged by the framers speaks with crystal clarity regarding the war powers. The authority to initiate war rests solely with Congress, except for one narrow area, the defensive authority to repel sudden attacks which is granted to the Commander in Chief. Let us listen, though, for a moment to the words of President Abraham Lincoln, in a letter, to William H. Herndon, on the subject of the exercise of the unfettered use of the war power by a President.

Mr. Lincoln wrote:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect after you have given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, ''I see no probability of the British invading us,'' but he will say to you ''Be silent. I see it, if you don't.''

Lincoln continues:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their peoples in war, pretending generally if not always that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

So, Mr. President, Lincoln spoke to the subject in his day.

This is a very difficult area. It is an area of mixed powers, and the problem is, Presidents in recent years have been prone to put men and women of the U.S. Armed Forces in areas of danger and then call upon the Congress for appropriations to sustain that American manpower, and Congress is reluctant, of course, once the men are in the area, reluctant to be charged with pulling the rug out from beneath them.

But there has to be an accounting. Congress has to be a part of this equation. Congress has the responsibility and duty to make itself heard in this matter. The time will come when we will have that opportunity. I hope that Congress will rise to the situation.

I will have considerably more to say on this subject at that time, as will others, I am sure. But we cannot just sit back and leave it up to the administration to use the term ''Commander in Chief,'' which is a British term from the beginning and which was used to designate various army officers in various locations during the time of Charles I, Charles II, and so on.

That term is not enough. It is time to use the power of the purse. And many of us in this Chamber have fought for that power of the purse. We have resisted the efforts to give the President, whether he be a Democrat or a Republican, a share in the control of the purse. That matter is coming home to roost. We will see here, as we have seen it previously, that Congress' power over the purse is the one voice, the one voice that every administration, Republican or Democratic, will hear and will heed. I hope that we in this body will remember that the time was not too long ago when Congress gave to the President of the United States the line-item veto. When we did that, we stuck a dagger in the back of the Senate. I hope that the Supreme Court will strike that nefarious law dead, dead, dead.

But that is just one example of our being the culprits in giving to the Chief Executive a power that the Constitution does not give him. But in this case let us speak up. Again, I congratulate the lady from Texas. I will be with her, we will talk, we will work together, and I have a feeling that the administration will come back to the Appropriations Committee and the Armed Services Committee, and I believe that the administration will be shorn of its trappings, which were so impressive, they thought, a year ago as they assured us on the Armed Services Committee that our troops would be in Bosnia only, perhaps, about a year. I think they were dissimulating at the time. I think they knew better than that. I think we had a strong suspicion that that would not be the case. They were being a little disingenuous at the time—not the first time Congress has been treated in that fashion; there have been other times.

It is time that Congress spoke up and took a stand for this Constitution of ours.

I thank the Senator from Texas for her courtesy.

Mrs. HUTCHISON. Mr. President, I so appreciate the great leadership of the Senator from West Virginia. He understands better than any Member of this body the role of Congress in sending our troops into foreign conflicts or into harm's way anywhere overseas. He understands and he has spoken eloquently about not only our role but our responsibility.

He well knows that the Founders who wrote the Constitution of the United States had a model. They had a model of a king. The king was able to declare war and implement it. The king held the purse strings and the power. Our Founders very clearly said, ''We are not going to do that.'' And in the Constitution they provided that there would be a dual power. The President can commit troops; only Congress can declare war.

That is what our Constitution says, and if one side falls down on their responsibility, then we have an unlimited power in the President. That is not the

American way; furthermore, it is a dangerous precedent. Congress must stand for its responsibility to make sure that if our troops are going into harm's way, if our taxpayers are going to spend $3 billion a year on a mission overseas, Congress must authorize it, and we do it with the power of the purse, which is the appropriations process. That is why we are standing here today, to serve notice to the President that we are not going to stand here for an unlimited commitment in Bosnia until we have a rationale for it, until the President comes to Congress and says, ''Here is why we are doing this, here is the United States security interest, here is our responsibility as a superpower to our allies in NATO, and here is our exit strategy.'' That is what the President must come to Congress to give—a responsible exit strategy. I think we could ask the President for that. We could ask the President to look again at the Dayton accord. Let's see how it goes and what can we do to have a better prospect for lasting peace, have a combined joint task force that would be led by Americans, but in which we would transition out at a specified time. Let's have an orderly transition and let our allies know up front what they can expect from us, so that we don't come on to a deadline and then have the President say to us, ''Oh, but it would be irresponsible to leave right now.'' It is irresponsible to leave right now because we haven't laid the groundwork for an honorable exit, and now is the time to do that. That is why we are talking about it today and why we will have, as part of our defense appropriations bill this year, a statement of purpose, which we hope the President will give us, that will include an honorable exit strategy. We can do it if we start now. We can work with the President toward this honorable exit, and we can go back to our constitutional responsibility to make sure that the President presents a mission before he sends our troops into harm's way, and that the President makes sure that he provides for the funding when it doesn't take from our readiness and the quality of life of the troops that we have all over the world for missions that only the United States can fulfill and for which we must remain ready.

Mr. President, that is the responsibility of Congress. That is what my amendment would do today. Mr. President, I am going to withdraw this amendment because the chairman of the committee and the majority leader have given us a time certain when we can vote on a policy statement by this Congress which will have the force of law, and I hope the President will work with us so that we can agree on an honorable strategy that fulfills our commitment to our allies, that fulfills our responsibility to the world, that makes sure we have a United States security interest and provides for the payment for it, and last but certainly not least, an exit strategy that is honorable in line with the United States of America.

Mr. President, I withdraw my amendment.

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. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. HUTCHISON. Mr. President, I reserve the right to object on behalf of the chairman——

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mrs. HUTCHISON. I object on behalf of the chairman.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2120 by the Senator from Oklahoma.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside for 1 minute so that I can simply offer the amendment I referred to earlier, and I won't discuss it right now.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. What is the amendment?

Mr. FEINGOLD. It is the amendment I discussed during the time of the Senator from Texas that removes the emergency designation for the Bosnia money. I indicated that I would offer that amendment later this morning, and I simply want to offer it, call for the yeas and nays, and not discuss it further at this time.

Mr. NICKLES. Reserving the right to object. I am not managing this bill, so I ask my colleague from Wisconsin if he would withhold that amendment until the Senator from Alaska is back. That would be appreciated. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2083

Mr. LIEBERMAN. Mr. President, I had come to the floor to speak very briefly on the amendment, now withdrawn, that had been offered by the Senator from Texas.

Mr. President, I thank the Chair and my colleagues. Briefly, I wish to speak on the amendment offered by the Senator from Texas and the one that has been referred to by the Senator from Wisconsin about our Bosnia policy.

A discussion was offered by the Senator from West Virginia about the power of the purse, and that is a power that we, of course, continue to have. We have, by explicit and implicit expressions, consented to and supported the policy that we are following in Bosnia. It is a successful policy. We will return to these discussions, as these two amendments suggest, before this year is ended.

When it comes to discussing the power of the purse and the relations between the President and Congress on this matter of Bosnia policy, I simply wanted to say that I will be recorded as being in favor of the current course of our policy. It has worked. To set a date to create an exit strategy other than the one that is there now, which is the accomplishment of the Dayton process, would be to snatch defeat from the jaws of victory, or more colloquially, as our distinguished former majority leader Bob Dole has said, to impose an exit date now on our Bosnia policy, to cut off funding would be ''like a football team leaving the field in the second half when they are ahead of the game.''

Remarkable progress has been made in Bosnia, thanks to the presence of the NATO troops and, most particularly, our American presence there to end the war, to begin to rebuild a civil society. Even in the Serbian section there is new hope with new leadership from President Plasic and Prime Minister Dodik. We have proven that the reasonable exercise that diplomacy matched with force can end conflict and genocide in Europe.

Now, that is a remarkable accomplishment. I would hate to see us jeopardize it by congressional termination of the funding or by artificially setting an exit date, or even an exit strategy, short of the accomplishment of the goals of the Dayton process. I thank my colleagues for giving me this opportunity.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to take 1 minute to thank my colleague from Connecticut for his remarks. I had a chance to meet with some educators from Bosnia and Herzegovina, who are actually in the gallery. The one thing they said to me is, ''Please support this peace process. There is so much appreciation for what America has done. Give us time. The world will be a much better place if you are willing to make this commitment.''

I wanted to associate myself with the eloquence of my colleague from Connecticut.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate very much the remarks of both the Senator from Connecticut and the Senator from Minnesota. I hope that we will be able to work something out that they would also be comfortable with, because we do want to exercise a responsible approach to our role in this whole Bosnia peace process. But I do think we also have a responsibility to have clear conditions and a clear exit strategy. So I hope we will be able to work together.

I ask unanimous consent that Senator SESSIONS be added as an original cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I did not hear the Senator.

The PRESIDING OFFICER. The request of the Senator from Wisconsin was to set the pending business aside.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object. Senator NICKLES and I have been here for about an hour and 15 minutes wanting to debate the Nickles amendment. I hope that we at least have an opportunity to get to the substance of it. I want to accommodate all of our colleagues here.

Mr. FEINGOLD. Mr. President, I will reassure the Senator that this is merely to offer an amendment, and it will take 30 seconds.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2121

(Purpose: To remove the emergency designation for the supplemental appropriations to fund incremental costs of contingency operations in Bosnia)

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2121.

Mr. FEINGOLD. 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:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $184,000,000: *Provided,* That of such amount, $72,500,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $22,300,000: *Provided,* That of such amount, $19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $5,100,000: *Provided,* That of such amount, $3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $10,900,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,100,000: *Provided,* That of such amount, $2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,886,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $33,272,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $21,509,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-wide'', $1,390,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for ''Operation and Maintenance, Defense-wide'', $44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further,* That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $650,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $229,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $175,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,556,000,000, to remain available until expended, of which $46,000,000, shall be available for classified programs: *Provided,* That of such amount, $1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,

Mr. FEINGOLD. Mr. President, this is simply an amendment that removes the emergency designation for the additional Bosnia money, which I mentioned a few minutes ago.

At this point, I simply 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.

AMENDMENT NO. 2120

Mr. STEVENS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The pending business is the Nickles amendment No. 2120.

Mr. NICKLES. Mr. President, for the information of my colleagues, the amendment I am offering today will strike a nonemergency appropriation

of $16 million for the Health Care Financing Administration, commonly called HCFA. This provision in the supplemental bill includes $6 million for HCFA to hire 65 new Federal employees. That is an average of $92,300 per person. Mr. President, I will try to be very blunt and very quick with my discussion on this amendment.

HCFA has today 4,002 employees. It is unbelievably large, and some would say not a very well-run agency. It has an administrative function that spends $364 million. Its total program management is $1.88 billion and it has been growing significantly.

The administration in their budget request says next year they want to hire an additional 215 employees, an increase in their Federal administrative request from $364 million to $456 million. This is an agency that has been growing and, under the administration's request, would continue to grow profusely. It doesn't need to be in this so-called emergency supplemental bill. The administration requested it, and it was initially agreed upon.

But I started looking at the request, and I am astounded that it would be made. Supposedly, the request was made to fund HCFA's enforcement of the Health Insurance Portability and Accountability Act, the so-called Kassebaum-Kennedy bill that we passed last Congress. This provision would hire an additional 65 bureaucrats. They now have 26 administering the program. Forty-five States have already complied. This is temporary assuming all 50 States are going to comply. Twenty-six employees were able to help monitor compliance and help achieve compliance within 45 States. Five States have not. All five States, I believe, will at some point be in compliance.

Do we really need to hire an additional 65 and expand this bureaucracy? I don't think that we should. I think we should save the taxpayers the $16 million.

One of the things that bothers me is how we are paying for this. This is paid for by taking money out of a function that is paid for in the Medicare trust fund. So we are taking money out of entitlement functions and putting it in discretionary funds so we can hire more bureaucrats. HCFA already has over 4,000. I really do not think we need another 65, especially in an emergency supplemental bill.

So my amendment would be to delete this amendment to the bill that would add $16 million in new federal spending, and I urge my colleagues to support it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this amendment by the Senator from Oklahoma should be called ''The Abusive Insurers Protection Act.''

The Kassebaum-Kennedy legislation, which protects consumers against insurance company abuses, passed the Senate by 100–0 on April 23, 1996. The conference agreement passed it on August 2, 1996, by a vote of 98–0. It has unanimous support—not once but twice. But now some Senators are proposing to effectively gut that legislation by denying HCFA the staff and the resources they need to enforce the bill.

Let us be very clear. This is not about the budget. This is not about wasteful spending. The HCFA request is fully paid for by a cut elsewhere in the HCFA budget. This is about an inexplicable effort to deny millions of people the right to portable, accessible health insurance.

Let me review the history of the Kassebaum-Kennedy bill and explain to the Members why the request for the additional staff and resources is needed.

The Kassebaum-Kennedy bill bans some of the worst abuses by health insurers—abuses that affect millions of people a year. It says that insurers could not impose preexisting condition exclusions on people who have faithfully paid their premiums but changed insurance carrier because they changed their job. It says that insurers could not penalize members of a group by excluding workers who happen to be in poor health or by charging them additional premiums. It says that small businesses could not be denied insurance coverage or have their policy canceled because one worker developed a health problem. It says that people who lost their job through no fault of their own could not be denied insurance in the individual market.

According to the General Accounting Office, as many as 25 million people annually benefit from this health insurance bill of rights. But patchwork enforcement and a concerted effort by unscrupulous insurers to violate the law have raised serious concerns during the early implementation period.

For too many Americans the promise of the Kassebaum-Kennedy bill has been a broken promise. The President and the Department of HHS are moving decisively to address some of the worst abuses, but their ability to do so will be crippled if this amendment passes.

When our legislation initially passed, we envisioned that enforcement against insurance carriers would be a State responsibility, since State insurance commissioners have traditionally been the regulators of health insurance. Federal regulation was the fallback only if States failed to act. Most States have passed implementing or conforming legislation and are enforcing the law. But there are a significant number of States that have not yet come into compliance. Four States have failed to pass implementing legislation and have no comparable State laws on the books. Many, many more have only implemented parts of the law. One of the States that has failed to act is California with more than 30 million people.

The issue goes beyond the insurance performance standards included in the original Kassebaum-Kennedy bill. Congress has acted to expand the bill by passing the mental health parity requirements and a ban on drive-by deliveries. These provisions, too, will remain an empty promise if HCFA does not have the staff to enforce the law.

In every State that has failed to act, in whole or in part, the responsibility for assuring compliance in responding to complaints and informing the public has fallen on the Health Care Financing Administration. But HCFA has just over 20 people working on this issue in its headquarters and a handful spread across the regions.

The recent GAO report expressed concern that HCFA's current resources are inadequate to effectively enforce the bill. If this amendment passes and the supplemental request is denied, HCFA will have to wait for the completion of the regular budget process for next year. But consumers cannot afford to have HCFA wait a year or more to hire new staff. And because HCFA lacks the institutional expertise to deal with private insurance issues, it cannot simply transfer responsibilities to existing staff. The GAO report was a preliminary one. If anything, it only scratches the surface of insurance companies' attempts to evade or subvert the law. But even in the short time the law has been operative, it is clear that there is a substantial abuse by greedy insurance companies and more rigorous enforcement is needed to make the right granted by Kassebaum-Kennedy a reality.

The GAO found that many companies were engaging in price gouging with premiums being charged to consumers exercising their rights to buy individual policies when they lost their job. They were charged as much as 600 percent above standard rates. These overcharges make a mockery of the right to purchase coverage.

Other carriers continue to illegally impose preexisting condition exclusions. Still others, the GAO found, delayed the processing of enrollee applications beyond the 63-day window allowed by the law, leaving applicants high and dry. Other carriers illegally failed to disclose to consumers that they have a right to buy a policy. Some carriers refuse to pay commissions to agents who referred eligible individuals, and others told agents not to refer any eligibles for coverage. Other carriers put all the eligibles with health problems in a single insurance product, driving up the rates to unaffordable levels while selling regular policies to healthy eligibles. Without the staff increase requested in this bill, this situation will get worse—not better.

The Senate should not be voting for a free ride for greedy insurance companies, and it should not be an accomplice in denying families the health benefits they were promised by unanimous votes just 2 years ago.

The need for additional staff goes beyond enforcement. The GAO found wide

gaps in consumer knowledge—gaps that prevented consumers from exercising their rights under the law. HHS wants to launch a vigorous effort to address this problem. But, according to the GAO, because of resource constraints the agency is unable to put much effort in consumer education.

I understand that the assistant majority leader believes this isn't an emergency situation. This logic makes me wonder if he opposes the other nonemergency provisions in the bill. I can count some two dozen.

For millions of Americans, the failure to enforce this legislation is an emergency. Every family who is illegally denied health insurance faces an emergency. Every child who goes without timely medical care because this bill is not enforced faces an emergency. Every family who is bankrupt by medical costs because this bill is not enforced faces an emergency. This may not be an emergency for an abusive insurance company, but it is an emergency for families all over this country. For some, it is literally a matter of life and death.

The Senate should reject this amendment. We need to toughen the Kassebaum-Kennedy bill—not weaken its enforcement. This is a test of whether the Senate wants to protect greedy insurance companies that break the law or protect American families.

Mr. President, I see my friend from Minnesota wants to address this issue and then I will have more to say with regard to the GAO report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me, first of all, just associate myself with the remarks of Senator KENNEDY from Massachusetts. And let me talk specifically to my colleague, whom I have a lot of respect for even though we sometimes sharply disagree on issues.

I am particularly concerned about the effect this has on the mental health parity law that we were able to pass. This was worked out. I was able to do it with Senator DOMENICI and other Senators as well. My understanding is that there are actually up to 30 States that have yet to comply with this.

My concern is simple. We passed this legislation. I thought it was a real step forward. I think it is. When we passed this legislation, what we were trying to say—my colleague from New Mexico is here. He may add, and hopefully not detract from what I am saying. But I think what we were trying to say with this legislation is let's try to end some of this discrimination and let's try to make sure that people who are struggling with mental illness get treatment. We ought not to be denying treatment. We ought to, to the maximum extent possible, be treating this differently than any other kind of illness.

We were able to at least make some progress when it comes to annual caps, and when it comes to lifetime caps, that was kind of a commitment we made.

I say to my colleague from Oklahoma that this money—especially the $6 million that deals with the enforcement—is all about making sure that HCFA has the capacity that we as a Government have, the capacity to do some monitoring to make sure that as a matter of fact what the Senate passed and what Congress passed by way of mental health parity is implemented around the country.

In a way, this is an emergency. You can't on the one hand raise people's hopes and say finally we are going to end some of this discrimination, finally you and your loved ones who have been affected by this illness are going to have the opportunity to get some treatment, and then turn around and basically gut the mental health parity provision.

I say to colleagues that many Senators, Democrats and Republicans alike, voted for this. I would make an appeal to you. When you come to the floor of the Senate, either to speak or to vote, please don't vote for an amendment which is going to gut part of the enforcement of this. We need to make sure that this is enforced around the country.

We made some progress. It was a step forward. But we still have 30 States that aren't in compliance with the mental health parity legislation. This was legislation that commanded widespread support in the U.S. Senate. This was legislation by two authors—Senator DOMENICI and myself, a Republican and a Democrat. It would be cruel to pass that legislation and then turn around and deny HCFA—I am not as concerned about HCFA as I am the people who would be affected—with having the women power and man power to enforce this. We simply have to make sure that the health care plans and the insurance companies live up to the law. They are not going to do that if we pass a law and then we turn around and undercut the enforcement of this. I think that would be cruel. I think we ought not to do this.

The intention of my colleague from Oklahoma is not to deny people good coverage. I know that. My colleague from Oklahoma is operating within a different framework. But, from all I have been able to glean from my understanding of what is at stake here, we have two things going on. We have the Kennedy-Kassebaum legislation, an important piece of legislation which basically said to people in the country: Look, you are not going to be denied coverage because you had a bout with cancer or because you are a diabetic or whatever the case might be. Now, as it turns out, we are having trouble around the country with this, because a lot of insurance companies are raising the rates so high that people cannot afford it anyway. But it was an important step forward.

Now we have the situation where there is another part that I want to bring to the attention of my colleagues, which is the mental health parity part. We are not going to be able to have mental health parity, we are not going to be able to make sure there is some enforcement in the country, if we turn around and gut HCFA's capacity to do so.

So I say to colleagues, please, when you come down here to speak or when you vote, do not vote for this amendment. Whatever the good intentions, the effects of this amendment will be cruel. The effects of this amendment are going to turn the clock backwards. This would be a huge mistake, and that is why I come to the floor to speak against this amendment and urge an overwhelmingly strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the statement of my colleague from Minnesota, but he is absolutely wrong. Let me just tell my colleague from Minnesota, the administration did not request a dime dealing with mental health parity—not a dime, I tell my friend from New Mexico.

Let's go back to the legislation, the original legislation——

Mr. WELLSTONE. Will my colleague yield for a question?

Mr. NICKLES. Let me just complete my response. I think I will answer my colleague's statement.

The Senator from Minnesota says if we do not fund this money we are jeopardizing mental parity enforcement, and he is absolutely wrong—absolutely wrong. I want to make sure people understand it. The reason why Kassebaum-Kennedy had a lot of support is because it provided major reforms to improve access and portability, to make sure if somebody loses insurance in a group plan they can have access to coverage in an individual plan. I supported that. But we left it under State regulation. We gave States the authority to regulate this. Mr. President, 45 States have stepped forward. We passed that bill 20 months ago. The bill became effective, I tell my colleague, in January of this year. It has only been in effect for 2½ months. 45 States now comply; 45 States have done what we asked them to do. They have amended their State laws, because States regulate insurance.

I know a lot of people in this body would like the Federal Government to regulate all insurance, but a lot of us said no, we should keep that under State control, we should let the States do it. We are not insurance commissioners. And needs may vary from State to State. Some people wanted to nationalize it. They have not been successful. They were not successful when they passed the so-called Kennedy-Kassebaum legislation in federalizing insurance.

What the bill did say is: States, make these changes. Make sure insurance in

your State is portable. Make sure there are options to go to individual plans if they lose coverage under a group plan. We passed that unanimously in the Senate. Mr. President, 45 States have adopted it. The law became effective January 1 this year. It has only been in effect for 2½ months. To help the States make that transition, HCFA had 26 employees—26. Forty-five States now comply. The other five States, as I understand it, are still working on it, and maybe they have had a disagreement between the Governor and the legislature or one body in the House or the Senate, and so they have not passed legislation in their State to be in compliance. So they are working on it.

But wait a minute. Do we need to hire a whole new army? Do we need to go from 26 employees and add another 65 on top of it, creating a whole new big base or army of HCFA employees to get these 5 States to comply? I do not think so. I think it would be a serious mistake. And it has absolutely nothing to do with mental health parity.

I look at the administration's HCFA supplemental request; it doesn't mention mental health parity. It doesn't have anything to do with mental health parity. Those are all under the State plans. So I just mention that. I want to make sure my colleagues understand that.

Let me now just touch on a couple of other things. Senator KENNEDY mentioned that GAO came up with a report.

Mr. WELLSTONE. Will the Senator yield just for a question?

Mr. NICKLES. Let me conclude, if you don't mind.

Mr. WELLSTONE. I am sorry.

Mr. NICKLES. He said this GAO report mentioned there was widespread abuse and so on, and I take issue with that. The GAO report says this, and I will just quote:

> HHS regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. As Federal agencies issue more guidance and States and insurers gain more experience with HCFA, concerns about the clarity of its regulations may diminish.

In other words, we have 45 States now in compliance, according to HCFA; 5 are in the process of working on it, and maybe those 5 will never get it together. Then maybe there will have to be some Federal implementation of Kassebaum-Kennedy, but that remains to be seen; we don't know. This has only been in effect for 2½ months. So, do we really have an emergency of such a magnitude that we must triple the staff for HCFA so these five States can get in compliance? Those five States may sign up within the next month, or the next 2 months. So there is no reason to hire 65 people. There is no reason whatsoever, at $92,000 each—or an average cost of $92,000. I don't think it makes sense.

Does HCFA have some other alternatives? Yes; they have over 4,000 employees. Do we really need to give them 65 more in this so-called urgent supplemental? HHS has a total of 58,500 employees—58,000 employees. Do we really need to give them an extra 65? I don't think so. I mean, this administration has shown a great ability to be able to borrow employees from agency to agency. The Legal Counsel's Office in the White House seems to borrow quite a few from various agencies to help in their legal battles that they have ongoing in the White House. They can move employees within HHS, they can move employees within HCFA, to meet with any temporary demand that is there. This is a temporary demand. You only have five States in noncompliance. They may be in compliance by this summer. So why in the world would we need to hire 65 additional bureaucrats that would be permanent, that would be added on forever, that would be looking for other things?

I might mention, we even found a list from HCFA that says what these people will be doing after these five States are in compliance. I might tell my colleague from Minnesota, it doesn't have anything to do with mental health parity but it is ''review all State legislation''—it has a bunch of things that they would be doing. In other words, more bureaucrats, more Federal intervention over State law. That is not what we passed in Kassebaum-Kennedy.

My colleague from Minnesota was successful, with the Senator from New Mexico. They said, we want to have mental health parity. That passed as part of Kennedy-Kassebaum, but I tell my colleague, dealing with Federal legislation, it only would deal with the Labor Department on ERISA plans. It has nothing to do with State regulation of plans. We do not send out an army of bureaucrats to set out and micromanage insurance throughout the States. Maybe that is what some in this administration would like to do. I hope we will not do it. I hope we will have the wisdom to say we will not give them this additional money for 65 employees. They have 26, and 45 States signed up—45 States in the last 20 months signed up. Do we really need to give them an additional 65 employees in hopes that maybe they will be able to run the insurance programs of the 5 States that haven't yet signed up? I don't think so.

This is an urgent supplemental. This is an abuse of the process, I think, by HCFA, to expand their bureaucracy, and I think it would be a serious mistake. So I urge my colleagues to support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague, very briefly, a couple of things. First of all, the administration didn't need to mention specifically mental health parity, because this is the same staff. The 65 additional people, man- and women-power to enforce Kennedy-Kassebaum, it is the same staff that enforces the mental health parity. They don't need to list it. We all know it. It is the same staff. We need that staff.

There are 30 States that are not in compliance. We have had to battle with companies over the 1 percent rule as well that we had, which said to a company: Look, if your costs go up more than 1 percent—we do not believe that will happen—you can opt out. We had a big battle on that. HCFA is very much a part of making a determination on that question as well.

Ultimately this is a national law. Ultimately HCFA, indeed, has a very important role to play in monitoring this and in making sure that the law of the land is enforced. So I say to colleagues, this has everything in the world to do with the mental health parity bill that was passed. That is why I am out here on the floor. I am in complete support of the Kennedy-Kassebaum legislation. I agree with the Senator from Massachusetts, it needs to be strengthened. But right now what I am trying to do is fight to make sure that we do not turn the clock back half a century.

It is time to make sure that States are brought into compliance, that the mental health parity legislation which was passed by this Senate means something in a concrete way for many families, millions of families all around the country. That is not going to happen if we turn around and gut the enforcement of this.

So I just want colleagues to know, this has everything in the world to do with that mental health parity legislation and it has everything in the world to do with making sure that that law of the land really becomes the law of the land, because it is implemented, because it is enforced, and because it makes a positive difference for millions of families. This amendment takes us in exactly the opposite direction. I say to my colleague from Oklahoma, he is profoundly mistaken.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I beg to differ with my colleague. The original legislation set up said: States, do these things. We told the States to do them, and 45 States have done them. This is a temporary — temporary — encouragement to get the States to have portability. We did it; 45 States have done it. This was not to have HCFA micromanage State insurance plans throughout the land. That was not why this bill was passed. If they could not do that with 26 employees, then I would be surprised if they could do it with 65 employees.

Some people are trying to take a bill that passed unanimously and say that gives us great authority to be able to micromanage all the health care plans in the States. That is not what we passed. That is not what we agreed to. What we told the States to do was put in portability and put in conversions,

where you could convert to an individual plan. We did that; 45 States said yes; 5 still have not. That is temporary. Even the GAO report that was quoted by my colleague from Massachusetts said—he was quoting that report where the director who made the report said we may not have this need. We don't even know, because those five States may be in compliance, and once they sign up, we are done, they are done.

My colleague is talking about mental parity. The States have that in their plans if they are complying. That is a State regulatory function, it is not ours, where the Federal Government has an involvement to tell my colleague under an ERISA plan, that's enforced under the Department of Labor. It is not under HCFA. HCFA did not ask for that, because it is not under their domain, their jurisdiction. I don't want people to be confused and say this may hinder mental health parity enforcement. It does not. It doesn't have a thing to do with that.

What this whole legislation is about is getting the States to comply with HIPAA, the Health Insurance Portability and Accountability Act. Mr. President, 45 States have done that; 5 are in the process, working on it. They have done that with 26 employees. This is a measure to say we need another 65, and incidentally, when they finish this, we will have them doing something else. This is a massive effort to expand the bureaucracy of an agency that already spends $364 million, has 4,000 employees.

I might mention, the administration wants to increase that next year by about $80 million, just in administration function, and increase that by another 215 employees. We will have to wrestle with that in next year's appropriation bill, which will just be another few months from now. But what we have on the floor now is the so-called urgent supplemental that the administration tried to stick in the back-door to expand their bureaucracy. They want to use this urgent supplemental as an excuse to expand the bureaucracy when there is nothing urgent.

I think if you have a bill that passed 20 months ago and you have 45 States in compliance and the bill has only been in effect 2½ months and there are 5 remaining, there is no reason to almost triple the bureaucracy to be able to get those 5 States to comply. That is what we are talking about. That is a temporary need, and surely HCFA, with 4,000 employees, if they need a couple more employees, can borrow a couple of those employees out of that 4,000. I mean the 26 that are already working in this one branch, they still have 3,970-some-odd that they could use, that they could borrow. They can borrow a couple of people.

Or there is something like almost 60,000 people in Health and Human Services—60,000 employees. Maybe they could borrow a couple of those. We don't need to permanently fund an additional 65 employees to expand this bureaucracy.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think it is worthwhile to get back to the real situation with regard to the implementation of this legislation. With all respect, my good friend from Oklahoma has failed to describe accurately the kind of crisis that is affecting so many families in this country and then differ with what the conclusions would be in terms of his amendment on that particular crisis.

No. 1, there is an emergency. It is an emergency for individual families. The Kassebaum-Kennedy bill addressed the group-to-group issues, where you have large groups moving into other groups in terms of the State, where about 80 percent of those have insurance and have some preexisting condition. But it has significant problems with regard to groups going to individual policies in the State. That is basically what we are talking about.

Let's get serious about understanding what the issue is and the kind of pain and anxiety that is taking place. Every Member of this body ought to understand and get ready, that if the Nickles amendment goes through, you had better put on three or four more people in your office to answer the phones, because that is what is going to happen, from individuals all across this country who are going to be facing many of these kinds of problems, such as gouging by some of the unscrupulous insurance companies that have raised the premiums to gouge American families some 600 percent. We are not addressing that particular issue today, although the administration has a proposal and I have a proposal. We didn't believe that was going to be a problem under the Kassebaum-Kennedy bill. We said let the States do this, and the majority of the States have done it and have done it well with regard to the issues of pricing, but not all of them have. We ought to try and address that. We will do that but at a different time.

What we are talking, Mr. President, with all due respect to my colleague, is many States, not just five. There are five States that have not passed State laws to address this issue, but there are many, many other States that have passed laws that are still out of compliance. The Senator does not recognize that. Just read in the GAO report, which I will.

Let's think about what we have asked. I am not here to try to defend HCFA, although I will on this particular occasion. We have put a very heavy burden on HCFA. We put a heavy burden on HCFA to try to implement the changes in the Medicaid Program to provide the savings in the budget last year.

We have put a heavy burden on HCFA to try to deal with the fraud and abuse issues with new rules and regulations as a result of the excellent hearings that were held by Senator HARKIN, and that has broad bipartisan support.

We put the burden on HHS and HCFA to implement the legislation dealing with children's health insurance last year—that is taking place all across the country—to work with States. I have attended those conferences. There are HCFA people there trying to work with the States to implement the program we passed last year. That is State implementation, and HCFA is working with those States—just to mention a few of the additional burdens we have put on them.

We have put on them the drive-by deliveries to make sure the States are going to comply with the legislation that was initiated by Senator Bradley and others, a bipartisan effort, to make sure we are not going to have drive-by deliveries.

Also, to implement the provisions of mental health that Senator DOMENICI and Senator WELLSTONE added to it, to make sure that the States—and many States have not—are going to be able to include the mental health programs that are being included in the existing programs. We had a serious debate on that. We made very, very important progress. We had bipartisan support.

Mr. President, it is true this bill went into effect last January, but I think it was the height of responsibility that the chairman of our Human Resources Committee, Senator JEFFORDS, asked the GAO to do a review of the implementation of the bill to find out where the bugs were so we could try to address them before it deteriorated and became more serious. That is an important, responsible oversight function. And we got the report back on the result of the legislation, being implemented now for 2 months, but we have the warning signs out there. We have the recommendations, and we have a proposal that doesn't increase the burden on the American taxpayer. It is a transfer of funds, not an additional burden. It is a recognition by the agency that we need to get additional personnel who have a high degree of expertise and an understanding of the insurance problems.

This is the first time HCFA has had to face the various issues on insurance. They have to go out and hire people. It isn't somebody you are bringing up to run the garage down at HCFA, it isn't that you can just hire and fire people at will. These are very specialized and important functions, and you need a considerable degree of skill and experience in order to make sure that they are going to be done right and well to protect the people. That is what we are talking about in this circumstance. There is no additional burden or weight in terms of expenditures for the taxpayers, but just the recognition within HCFA that this is a priority and we need these quality people to be able to do it. That is where we are at, Mr. President.

Let me respond to the Senator from Oklahoma on this issue. And make no

mistake about it, all of us have been around this place long enough to know that if you don't have the people in these various agencies, the phones just continue to ring. And the people who will be ringing are the people who have these preexisting conditions and disabilities—make no mistake about it. They are already stretched out, as far as the mind and eye can possibly see, and they will not be able to get any kind of responses.

We have in this GAO report the recognition that if you have more than a 63-day gap in your coverage, you do not have an entitlement to get the insurance at the State level. We have testimony in the GAO report that many companies stretch out the period beyond the 63 days in order to effectively deny people from receiving what they otherwise would be entitled to. That is in the GAO report. We want to stop that.

So, if you are going to vote for the Nickles amendment, be prepared to face a mother in your State or a father in your State who says, ''I was strung out; I wasn't aware of the 63 days, and my insurance people dragged this thing out; I finally found out after 64 days that I should have gotten this proposal, and now I am denied. What am I going to do for my child?''

This does not cost the taxpayers any more. We are responding to real needs, not needs that the Senators from Massachusetts or Minnesota are saying, but the General Accounting Office is saying and HCFA is saying. It is going to make a major difference to people who have these kinds of preexisting conditions and illnesses.

Look at what the General Accounting Office has said:

> preliminary data from an October 1997 NAIIC survey indicate that while most States have made progress in enacting statutes implementing key HIPAA provisions, many gaps remain. For example . . . in the individual market, eight States have not passed laws to implement guaranteed renewal. In the group markets, two States had not passed laws to implement small-group guarantee access, and four States had not passed laws to implement guarantee renewal and limits on preexisting condition exclusion periods in the large-group markets. In addition, these preliminary data do not include HIPAA's certificate insurance requirement, and anecdotal evidence suggests that many States have not incorporated this requirement into State statutes.

There are not just the States that haven't passed the law, there are all of these kinds of problems. It is all spelled out.

> While States continue to pass legislation to close some of these gaps, the possibility remains that not all the provisions in all market segments will be addressed, necessitating an expansion of HHS's enforcement role.

That is what the GAO understood, that is what the appropriators understood, that this has a higher priority. Here it is in the GAO report.

Then it goes on in the report, saying:

> HHS resources will be further strained if the enforcement role it is serving in these five States becomes permanent or expands to other States. If HHS determines that other States have not passed one or more of the HIPAA provisions, as the preliminary data suggest, HHS will have to play a regulatory role in these additional States.

Mr. President, Senator Kassebaum believed all the States should, and we want all the States to conform to this. But the fact of the matter is, we have the warning signs right out here in this GAO report. We have the suggestion in the emergency supplemental, and the reason that it is in there is because this is a real emergency for families that will not be able to get coverage as the law was intended and as the testimony indicated, individuals with preexisting conditions.

I listened to the Senator talk about his conclusions on the GAO report. It was very interesting, but it was limited. He read part of one page but did not read the conclusion.

It points out in the conclusion of the GAO report:

> Finally, two implementation difficulties are substantive and likely to persist unless measures are taken to address them. First, among the 13 Federal fallback States, some consumers are finding it difficult as a result of high premiums to obtain the group-to-individual guaranteed access coverage that HIPAA requires . . . Second, HHS's regulatory role could expand as the status of States' efforts to adopt and implement HIPAA provisions becomes clearer in 1998. HHS's current enforcement capabilities could be inadequate to handle the additional burden unless further resources become available.

I do not know how much clearer that can be. We can say, Mr. President, ''Well, we will just let it go and see what happens.'' It is extraordinary to me—extraordinary to me—when we are putting at risk families that have, primarily, children or parents or other families who have preexisting conditions and disabilities, we are going to say on the floor of the U.S. Senate, ''We are going to put you at risk''? It might get better; sure, there are one or two people in each State that can try and work it all out. We have been put on notice. It is the height of irresponsibility to fail to respond to that notice. This is not just shuffling papers around, this is not just a question of bureaucracy, this is a question of whether we are going to provide the protection for those families. That is the issue.

We know what is happening, and families now—too many of them—are being gouged by the 500-, 600-percent increase in the premiums. We had hoped the States would address those. Many States have. The majority have. We are proud of them. But we know that some have not. What if you or someone you knew lived in that State, or family lived in that State, and you found out these games were being played? These games are being played. The GAO report points out in its study that, ''Some carriers initially attempted to discourage the consumer from applying for products with guaranteed access rights. Some are charging premiums 140 to 600 percent of the standard rate.''

What kind of a chance does a family have with a child with a preexisting condition to pay 600 percent more? It is gouging.

This measure is trying to say, OK, let's implement the enforcement of these programs to the extent that we can protect the public. What is the point of passing a law on burglary and then saying we are not going to have any policemen to enforce it? That is what we are doing.

We all celebrate the fact that we passed this law—bipartisan—passed the law. And then to take away the enforcement of it? What sense does that make? Particularly when it isn't costing any more.

Now, Mr. President, as you go through this GAO report

> After the Federal fallback provisions took place on July 1, 1997, many consumers complained to State insurance regulators that carriers did not disclose the fact that a product with HIPAA guaranteed access rates existed, or, when consumers specifically requested one, they were told that the carrier did not have such a product available. One State regulator we visited said that some carriers told consumers HIPAA products were not available because the State had not yet approved them. However, the regulator had notified all carriers that such products were to be issued starting July 1997, regardless of whether the State had yet approved them.

Here we have examples of various agents who are completely distorting and misrepresenting what the bill was all about. All we are saying is, let us have an opportunity to work with the States to make sure that these individuals and families are going to be protected.

We have in the GAO report examples where agents are not demonstrating the options to eligible individuals. They say the policies are not available. We have allegations in this GAO report that some of the major insurance companies are docking the agents' fees if they sell these policies to people with preexisting conditions. That is happening today—today. And the Senator from Oklahoma says that we do not have a problem. We will just wait another year and get another GAO report. We have this now, here. This isn't just some document that was produced for the Senator from Massachusetts or any of the rest of us who are going to oppose the Nickles amendment.

They talk in here about the confusion among consumers. And with the confusion among consumers, we find out that these parents are calling Members of the Senate or calling whoever they can to find out what the information is. There is one individual out in the State. The Senator says 24 individuals ought to be able to work this. We have one individual in northern California covering about 10 million people, responding to all of these questions, all of the kinds of questions that have come up.

What did HHS say when it came and testified? We have had a hearing on this very measure in our Human Resources Committee, Mr. President. And

what the HHS said is that they needed these resources because they wanted to go out and help educate consumers—who are the consumers? those with the preexisting conditions—about how this law works, if they have the protection or if they have not got the protection. And that was one of the things that they wanted to do. Because as a result of the GAO review that said there is confusion out there, they wanted to address this problem. But you are not going to be able to do that if the amendment of the Senator from Oklahoma is accepted. They will not be able to reach out and educate because they will not have the resources to be able to do it.

Mr. President, one of the really insidious aspects of this was the finding of the GAO report on the questions of the waiting period. They had an example. According to NAIIC, the National Association of the Independent Insurance Commissioners, some health plans have established waiting periods of up to a year during which certain conditions or procedures, such as organ transplants, are excluded from an enrollee's coverage. Requiring such waiting periods effectively excludes such preexisting conditions from coverage, and, according to regulators, it is contrary to the statutory intent to provide the portability of coverage. It is here in the GAO report. We can take—and I will take—time to go through this in greater detail.

But the idea, Mr. President, that we have just five States that have not conformed, that they are going to do it, that the bill has just been put into effect and we have no problem out there, is a complete distortion and misrepresentation of an excellent GAO report that points out what is happening out on Main Street—what is happening out on Main Street—to the families with these preexisting conditions. Those with the disabilities are facing very high hurdles. They are facing those hurdles every single day.

Finally, we have some opportunity to work out in a bipartisan way a bill that got votes of 100–0 and 98–0 for some relief for 25 million Americans who have some preexisting condition or disability. The GAO report flagged for us the need for some oversight as well as some of the real problems. Although the solution will not cost the taxpayer additional money, we are being told that we do not have to be concerned about this, that there really isn't such a need out there, that all of these problems are going to be easily resolved. That flies in the face of this excellent report, and we should not—we should not—accept it, Mr. President.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of my colleagues, I think we are winding down. Just a couple comments.

HCFA is not a starved agency. This is not an agency that has been ignored by this Congress in last year's appropriations bill. Last year, in 1997, we spent $1.77 billion in HCFA. In 1998, this year we are in, $1.88 billion. I tell my colleagues, that is $110 million, and an increase of $30 million just in the administrative portion of HCFA alone.

And the number of full-time employees, I have mentioned before, is over 4,000—4,000. So this is not an agency that has been starved. If you ask anybody in the medical community, anybody in a hospital, HCFA is a disaster. It takes 10 years sometimes to promulgate regulations. I do not think there is a direct relationship between increasing an agency's budget and improving the quality of health care for families.

My colleague from Massachusetts said, ''Boy, if we don't give them more money, we're going to have bad quality health care in various States.'' I do not think there is a direct correlation between an increase in HCFA's budget for bureaucrats and improving quality health care.

It may be just the opposite. It may be that a lot of those bureaucrats, instead of increasing the quality health care, frankly, cause a lot more headache, a lot more paperwork, a lot more compliance costs and less quality health care. And so is this urgent?

Now, the administration has a big request in 1999. And we are going to fight that on the appropriations bill. I am sure they have asked for $80 million in new money. They have asked for another 217 employees. Now they are trying to squeeze in an extra 65. I do not think we should do it. I do not think we should do it. It is not that big of a deal, but, hey, do we want to turn that much additional bureaucracy over to HCFA, that much more money, or can't they borrow some more of those employees that they now have who are probably reading through reports that are obsolete and maybe not doing so much good?

Sixty-five happens to be about 1.5 percent of their work force. Surely, they can borrow a few employees if they have this urgent request to get these five States in compliance. Heaven forbid, five States. It is 2½ months, and they have not stepped up to do what we told them to do.

Now, does that mean those States do not care about quality health care? I do not think so. Maybe they have not passed the bill in their legislatures, but, all right, let us borrow some employees from HCFA. Maybe that can encourage this process. But do we really need to hire 65 more when 26 were doing this function for the first 20 months? Do we really need to hire an additional 65? That is an increase of 250 percent, when you only have basically five States that have not complied when GAO says that HHS' regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. And yet we are going to more than double the number of bureaucrats dealing with this? I do not think that makes sense.

And then, Mr. President, I want to touch on—and I have the Budget Committee chairman here and the Appropriations Committee chairman here. I want to touch on how this was paid for. Now, this is supposedly an urgent supplemental. I know on occasion—I know on the highway bill we are going to make a change on an entitlement program to help pay for the entitlement program, and most everybody signed off on it. Maybe that is good; maybe it is not good.

But the way we are paying for this, I tell my colleague from Minnesota, we are taking money out of the Hospital Insurance Fund. We are taking money out of an entitlement program, mandated program, that is supposed to be dealing with quality health care. We are taking money away from that program and saying, well, we want to spend it in an urgent supplemental and money going out this year. Now, we only have a few months left this year. The HI, the Hospital Insurance Fund, happens to have some problems. Its problems are that more money is going out than going in. And so now we are all of a sudden saying—and this portion of it deals with peer review organizations, and so on. We are supposed to be implementing quality, supposed to be improving quality for seniors, and we are going to say, ''Oh, no, we're going to take money out of that. We'll take enough money out of that to pay for this.''

We are taking money out of the entitlement side to pay on the discretionary side, and further compound the problems we have in the Medicare trust fund. I just do not think that makes sense. I do not think it is right. I told the chairman of the Finance Committee we should not do this. I have heard people say we are going to protect the Medicare fund and we are going to protect seniors and we are going to have quality health care for seniors, and the next thing you know, well, we are playing games on HI, on the Hospital Insurance Fund, so we can get more bureaucrats for HCFA.

I do not think we can do it. If HCFA has the need, they have 4,002 employees. The can borrow, they can get by, they can make sure they can make it happen. They have a total of 58,000 employees in their whole organization. Health and Human Services has 58,500 employees. Maybe they could borrow one or two of those. They could borrow 1 percent of those. My land, 58,000—1 percent would be 580. Do we really need that? I do not think so.

So I just urge my colleagues to vote no on expanding bureaucracy. Let us allow some common sense and some fiscal discipline to happen for a change. Let us not be taking money out of an organization that is supposed to be improving quality health care for seniors and further jeopardizing the Hospital Insurance Fund at the same time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if other colleagues want to speak on this amendment, I would be pleased to defer to them. If not, I want to go on and speak.

Mr. President, I would like to bring us back to what I think is the central question before us, and this will be the vote. We passed the Kennedy-Kassebaum bill. It was noncontroversial. We believed it was the right thing to do. What we said, the U.S. Senate, in our collective wisdom, Democrats and Republicans, was that it was simply wrong for an insurance company to deny someone coverage because of a preexisting condition. That was part of what we said with that vote.

In addition, because the mental health parity amendment was passed, the law was passed as well, we said that we were going to at least take a giant step forward in ending some of the discrimination against people struggling with mental illness.

We had a request, it was part of this supplemental, for some additional funding for HCFA to administer this law. That was noncontroversial until the Nickles amendment. The Nickles amendment eliminates that funding.

Now my colleague from Oklahoma keeps talking about bureaucrats. Sometimes that gets to be a tiresome and tiring argument because sometimes it is not like ''bureaucrats'' with a sneer, it is women and men in public service with a very important mission, and the mission is to make sure that people in our country, families in our country, are not denied health care coverage because of discrimination by insurance companies, by health care plans. It is not ''bureaucrat'' with a sneer, it is men and women who are part of a mission to make sure that we do not just pass a law—we pass a law with great fanfare, and we say to families in the country: ''Listen. No longer will it be true that because your daughter is a diabetic and she has now graduated from college, and she is off your health insurance plan, she can't get coverage. No longer will it be true that because your husband had a bout with cancer when he was 55, now that his company has downsized and he is out of work, he won't be able to find any coverage at all. No longer will it be true that if you are suffering, struggling with mental illness, a company or a plan can say to you, 'We are going to put a cap on an annual limit of how much coverage you can get, or a lifetime limit.' ''

It won't be like someone who is struggling with a heart condition. It won't be like a diabetic. It won't be like someone struggling with another illness. We will put you in a whole other category, that is to say, second-class citizens. It doesn't matter that we have all this research talking about biochemical connection. It doesn't matter we are finally getting out of the dark age and getting beyond the stigma. We will make sure some of this discrimination ends.

We said all of that.

Now the rubber meets the road. That was noncontroversial, I think, before this amendment. A request by the administration for some additional funding for HCFA to make sure that this law of the land is implemented, that people are held accountable should be noncontroversial. It is like you give with one hand and you take away with another.

Now, Pennsylvania, for example, has notified HCFA they are not going to comply with the mental health law. There are some 20 other States that are expected to miss the original deadline. That is just the tip of the iceberg.

The truth of the matter, I say to my colleague, is that when States do a great job, insurance companies do a great job. We are pleased with that. But if you don't, the way the law of the land reads is that HCFA can come in and say, ''You have to; this is the law of the land. That is the legislation we passed.''

What we have here, just be clear about this, is an effort to gut this. My colleague from Oklahoma says you can hardly expect, if it is such a serious problem, you can hardly expect that an additional 60 people are going to solve it. You know what. I would rather err on the side of trying to make sure that we do everything we can as policymakers to make sure that these laws that have been passed, that have given people so much hope, given families so much hope, are implemented, enforced. Why in the world would we want to pass legislation that gives people hope and then dash that hope?

I will go back to what I think is at stake, and then I will conclude. There are other colleagues on the floor. I think this is all about living up to a commitment. I think this is about living up to a kind of sacred contract we have with a lot of families in this country. I am proud of what we did with Kennedy-Kassebaum. Not to be a know-it-all, because certainly I am wrong more than I want to be, but I always thought there was going to be a problem with the premiums being jacked up, and in some States that is indeed the problem, where companies say, ''Fine, we will cover you—you had a bout with cancer—but we will charge you $15,000 a year.'' We have that problem out there. That is the problem. With the voice of the U.S. Senate that said to people in this country, ''We are going to try to give you some protection that you are not denied coverage because your loved one has Parkinson's or Alzheimer's or has struggled with cancer or diabetes,'' that was the right thing to do.

On the mental health part, I conclude. That is why I am out here. I am sorry, I will err on the side of caution. To me, what that means is when I see that States aren't able to comply—not all the States are complying—and when I know what the law of the land says and I know what a difficult struggle it has been and I know that a lot of people have some hope that at least this ends part of the discrimination, when I hear we need some additional manpower and womanpower to enforce that law, I am not going to support an amendment that guts that.

Now, I am quite sure that it will never be perfect. And I am quite sure that these ''bureaucrats'' may not be able to do it all. But you know what. Enforcement of legislation that we pass, it doesn't just sort of happen by accident. It is all about women and men who are involved in public service, who have certain jobs, and who carry out their responsibility. We need that enforcement power. This amendment guts it.

I just want colleagues to understand what is at stake here. There is more at stake than just this specific amendment. I certainly agree with what the Senator from Massachusetts said about what our offices can expect because those of us, and I think probably all of us, Democrats and Republicans, I think we understand that part of our work is here, but every bit as important is our work back in our States. I find in Minnesota, I say to my colleague from Oklahoma—I can get a smile from him on this even though we are sort of in disagreement on most things—we have a great political event, the Minnesota State Fair. Half the State's population, in 13 days, over 2 million people, come to the Minnesota State Fair. It is unbelievable. Everyone comes up to you. People are generally speaking nice, but they give you a piece of their mind if they don't agree with you. I have learned at the Minnesota State Fair there is hardly anybody talking to me about a lot of bills we deal with. The vast majority of people talk about a letter I responded to, a phone call that I received, or a specific problem that they had as a family that our office in Minnesota was able to help them out on. That means more to people than almost anything.

I tell you something, that is what this is about. This is about making sure that we help a whole lot of families, families that have to deal with illnesses, and want to make sure they get coverage, families that are in pain and look for someone to help them, families that are struggling with physical illness and, yes, mental illness, that are looking for help and looking for support and looking for protection. There are a whole lot of families like that. There but for the grace of God go I.

We should not vote for this amendment. This amendment should be soundly defeated, whatever the good intentions of my colleague from Oklahoma are. He always has good intentions, but in my humble opinion, he is profoundly wrong on this question.

I yield the floor.

Mr. DOMENICI. I waited on the floor to see if Senator KENNEDY was coming back, and I am glad he is here, because

I have reviewed this as best I can and I am going to support the amendment that Senator NICKLES has offered.

There is a very good argument that can be made that, in fact, this request that the administration puts forth in a two-thirds sheet of paper, may be justified. Let me suggest there is equal reason to say the administration has done a very poor job of preparing for the implementation the law has referred to with reference to access, with reference to portability, and with reference to another law that is different from that that has to do with mental parity.

As a matter of fact, it seems to this Senator that if Senator NICKLES prevails—and I don't know whether he will or not—HCFA ought to get the message that they have two very difficult statutes to enforce and they ought to get ready for enforcing them in an orderly manner, not to come up here 6 months into a year with a request that all of a sudden they found out that they may have to enforce, because of the absence of State willingness, they may have to enforce in a number of States.

Who would ever have thought you could put together a HCFA budget charged with these two responsibilities and assume that States will all enforce them? Is there anybody who knows what goes on who would agree with that? They should have at least in their regular budget anticipated that they would have a very major enforcement requirement and responsibility.

Now, I also want to say to those who think that maybe this is harsh on HCFA, I have not said this before, but if you want to see some action that is harsh on HCFA, look at the President's budget. The President's budget on HCFA does the following: It assumes a series of user fees, one of which is extremely high that one would hardly believe would ever pass, and the President assumes those user fees are going to pay for HCFA, so he doesn't put enough money in HCFA. Forget this little $6 million. He shortchanges it by many, many millions on a wish that user fees will be adopted because he has requested it.

Now, frankly, I think they better get their act together, and they will find a very sympathetic Senator DOMENICI.

My second point. I have read everything I can from this administration, and I say to my wonderful cosponsor and hard worker on mental parity that I find nothing in the written material that suggests that mental parity is an issue here, mental illness parity. They are talking about the statute that KENNEDY referred to.

Now, they can get up this morning and say, ''Maybe we need some more support on the floor, so let's talk about mental illness parity also.'' If that is the case, let me just ask, did they ever assume that all the States would have taken up the enforcement of mental illness parity? Of course not. They should have been prepared for it. They just prepared a budget and they will have another one in 6 months. So essentially, while I will do everything within my power to see that the letter of the law on mental illness parity is enforced, I don't think we ought to just accept from the administration, from a HCFA that is rather disorganized, to say the least, another request for $16 million.

Now, I understand $10 million is not nearly as urgent, and probably even those who oppose Nickles can agree that the $10 million is not necessary. So perhaps I am erring on the wrong side here, but I think my judgment is to send a signal back to them, loud and clear, that the Senate will put up the money to enforce these two provisions because we voted for them very heavily. In fact, we voted almost as heavily for parity as we did for the rather famous Kassebaum-Kennedy bill.

I am very pleased people supported my efforts and the efforts of Senator WELLSTONE on that. I won't take a back seat to anyone in my willingness to do anything I can to see if mental illness parity will work. I don't think this is necessary to move it down the line and see it work.

I yield the floor.

Mr. KENNEDY. I see other friends and colleagues who want to speak on this issue. I want to review just for a minute or two the provisions of the legislation.

First of all, the GAO report came out January 25 and the request for the additional funds was made last Thursday. This was all done within a relatively short period of time. I am quite amazed they were able to get their act together to be able to make the assessment and to be able to review the various materials of the Appropriations Committee. The Appropriations Committee responded in finding offsets so we weren't going to increase the expenditures. These are basically offsets.

Mr. President, this legislation was put in the form of a request to the States to conform. If the HCFA had been up here last year, the voices out here would say, ''Well we haven't seen what the States are going to do. We believe the States will conform. We have to wait to see what has actually happened with the States before we know whether there is going to be conformity with this provision or not.''

At the excellent request of our chairman of our Human Resources Committee, 2 months into the bill we get a report that says there are these kinds of problems and they need these kinds of solutions. Then we had the corresponding action to try to have the personnel to deal with this. That is really the history of this.

I know the Senator from New Mexico has spent an enormous amount of time on the whole issues of mental health because he knows that issue is of particular importance. Although it was not illustrated in the central findings of the GAO, the Senator would know, based upon past experience, that it is always the lost child in any kind of discussion of health insurance policies. There will always be more complexities and difficulties dealing with that. That is just the history. The Senator knows this better than I, as well as the Senator from Minnesota. So if they are having these kinds of implementation problems now with the existing kind of statute, I think it is not unreasonable to think that we are going to have those kinds of problems on the issues of mental health.

I am just mindful, Mr. President, and my friend from Oklahoma—Oklahoma has hired five more people in their insurance department in order to help implement this in its State. We are talking about a handful of people nationwide, at no additional cost, dealing with disability, our most vulnerable citizens. We are on notice. These are our most vulnerable citizens, those that have preexisting conditions and those that have disabilities, most of them children. We are going to be put on notice by the GAO, and through a nonadditional-dollar cost to the taxpayer, saying, no, we are not going to permit the agency that has the prime responsibility for enforcement to have the adequate personnel.

That may carry the day here on the floor of the U.S. Senate, but I just hope that our colleagues who support that position—as I mentioned before, these parents are going to be calling all of our offices, and they are going to be calling the agency asking questions about what to do about their children.

Mr. REED. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I would be happy to.

Mr. REED. Aren't we missing the point when we look at HCFA and try to blame them for the complicated issues that we have asked them to enforce? We are missing the point. Who is really suffering, if we do this, are the thousands of families in the country that won't have access to good health care. It is our responsibility to ensure that HCFA and the States provide real access to the hundreds of thousands of families that need good health care around the country. We just heard yesterday at a hearing about the struggles and travails of a young mother who was trying to get good care for her daughter in the context of Kennedy-Kassebaum, and without good enforcement she would not realize these benefits. I think you are absolutely right, Senator, in terms of the message we are sending. It is not, ''HCFA, get your act together.'' It is to thousands of families we are not going to enforce the right that we thought we gave 2 years ago.

Mr. KENNEDY. Well, the Senator is absolutely correct. We are on notice now. The decision was made—and I give great credit to Senator Kassebaum—that we were going to have State implementation of this. There were many of us on this side that believed that there would be danger, in terms of the escalation of insurance premiums, if we did not at least set

some kind of parameters for the increase. We had testimony based on different models to indicate what the framework for that kind of an increase was. It was a decision that was made that we would defer and then have an examination of what the States would do.

So we have now had a preliminary finding. In a few States, we have seen this dramatic escalation, a 600 percent increase in the premiums. But in many States, we find out all of these other kinds of enforcement problems, where we have had agents for various insurance companies that are being penalized if they include in their various programs children with disabilities or those individuals with some preexisting condition. They are penalized. Or, if individuals call up, they are given misinformation or disinformation about what their rights are. We have all of that illustrated in this GAO report. We have had it illustrated out there.

Now, what the Appropriations Committee said is, OK, if we have this problem, we have read through this, we have a way of trying to make important progress in alleviating the anxiety of these families that are facing the most extraordinary kinds of pain and suffering that one can imagine when they have disabled children in these circumstances. I know that because the Senator from Rhode Island has a superb bill on the issues of pediatric patients' rights, the whole issue on children. The Senator has been a real leader here. I think he knows this issue well. Now we have a way of trying to address this issue and we have our colleagues—we are talking about the emergency supplemental, which is dealing with these major issues that comes up with an amendment to strike this $16 million. Now, as the Senator from New Mexico pointed out, $6 million is the most important of that $16 million because that will be for the actual implementation of the enforcement. The others, I think, are important, too. I think a case, perhaps, can be made if we are following a very strict interpretation—and that is another issue—a strict interpretation about whether we could not defer that, but certainly not with regard to the protection of those families.

Mr. REED. If the Senator will yield again, as I understand it, there are 45 States that have adopted local State laws. Even within those States, they are not fully complying with the strictures of the Kennedy-Kassebaum Act. As a result, even in the States that did what we thought they would do, we still need Federal oversight. As a result of that, I hope we will elect to pass this measure.

Mr. STEVENS addressed the Chair.

Mr. KENNEDY. If I can answer the question——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. The Senator may yield for a question.

Mr. REED. My question, if I may, Senator——

Mr. STEVENS. Mr. President, there is no way to control the floor unless a Senator addresses the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, if I may address the question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator may ask a question.

Mr. KENNEDY. The Senator is entitled to ask a question. He was asking whether the suggestion that because 45 States passed laws, does that mean that all 45 States are in conformity, which is a reasonable question since that has been the statement made on the floor. The answer to his question is that it is not a fair indication of the amount of implementation of this particular program, according to the GAO, because even though those States have passed laws, within those laws they fail to conform with a number of the other provisions in here. I have indicated those particular provisions. They are primarily targeted on the group-to-individual. As I pointed out, the record on this legislation with regard to group-to-group in the States has been good. As it should also be for group-to-individual policies. It was supposed to give the States the first crack. There were some general criteria established for moving ahead on that. That criteria has been spelled out. We can take some time to go through that criteria. But it has been spelled out in those areas. I have outlined some of those, and I will come back to those at a later time.

Mr. REED. Mr. President, if I may address an additional question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Rhode Island may if the Senator yields for a question.

Mr. KENNEDY. Yes, I yield. And I intend to yield the floor in a few moments. I intend to answer the question now.

Mr. REED. I understand that last week the Labor Committee had a hearing on this issue, and it came with great evidence that we need to do more to enforce effectively this bill. And it seems to me that, in the context of that hearing, this provision to strike out needed money is absolutely the wrong approach in terms of ensuring that American citizens have all the benefits of the bill that we all passed, which we all thought would be a major breakthrough in health care in the United States. I wonder if that is the case, and, in fact, did the Labor Committee indicate that these issues were necessary to be enforced?

Mr. KENNEDY. Mr. President, the Senator is absolutely correct about the hearing. We had the hearing, and we heard testimony from the General Accounting Office. I tried to get the transcript, which has not been printed up, because I think any fair presentation on the basis of the review of the transcript would support our position very clearly.

Our position is that States were invited to pass the legislation that was going to conform with the various provisions of the legislation, and some 45 States have. Some States have not, and some States even at this time have indicated that they are not going to conform with the mental health various provisions. But even with the States that have filed legislation, a number of those States are out of compliance. That is illustrated in the GAO report. In the GAO report, as well as in the testimony of the individual who made that report—I think his name was Bill Scanlon—there was an excellent presentation, basically outlining the concerns that I have expressed here. I believe that my representation, having attended that hearing, is a fair summary of what his position is.

Nonetheless, what we have, Mr. President—the bottom line is that as a result of careful oversight, we have a report on a bill that was just passed recently, some 20 months ago, going into effect in January of last year, reviewed by the General Accounting Office, some important abuses that have been outlined, and the effort by the Appropriations Committee—correctly I think—to try to address those abuses. And now we have an amendment that will effectively make it much more difficult to protect those individuals that have disabilities.

I have been around here long enough to know the problems that we have been facing in order to strike down the barriers of discrimination on the basis of disability. We have had a difficult time, and it is interesting that we have only in recent years passed the Americans With Disabilities Act. It took a long time. This country has been reluctant to bring those that have been facing physical and mental challenges into the bright sunshine of fair treatment. So it doesn't surprise me that we are out here on the floor of the U.S. Senate battling for those who have disabilities and preexisting conditions once again. It doesn't surprise me all that much. But that is what we are doing. You make a step forward and you have a step that goes back. We have been around here long enough and we have seen that, unless you are going to provide a remedy, a right that you provide is not an awful lot.

We passed the 1968 Fair Housing Act to try to eliminate discrimination on the basis of race in housing. It didn't mean a darn thing. A remedy wasn't out there. We passed the 1987 Fair Housing Act that had remedies in it and enforcement provisions in it. Now we need to have enforcement protections in here for those who have disabilities.

It isn't costing the taxpayer an additional dollar. We are basing it not on just our own kind of assessment, but on an independent study by the General Accounting Office on a supplemental. Now, I know the good Senator, my friend from Alaska, wants to get on with this issue. We are not the ones who raised this issue. This was just a small housekeeping provision about

setting some different priorities in HCFA, setting some different priorities. But it is more than a housekeeping provision to those families that are going to be affected.

We are not going silently into the night on it. We don't want to be labeled as holding up the supplemental on this issue because we are contesting something that isn't going to cost the taxpayer another dollar, on which the Appropriations Committee itself made a decision and a judgment that it ought to go ahead. This is about protecting families that have disabilities—mental disabilities, physical disabilities, and preexisting conditions. We are standing here to protect those individuals, and we have the GAO report that says we should.

So, Mr. President, this is a very important kind of question that we are faced with here. I think it takes some time. Some came in last evening when it was offered. We have only had a brief time to sort of talk about this issue, but there is more that ought to be said about it.

Mr. REED. I thank the Senator for his remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Missouri.

Mr. BOND. Mr. President, I seek recognition to offer two amendments. I would be happy to defer to the distinguished chairman of the committee.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments—the Senator from Missouri will offer two budget amendments based on budget requests—once introduced, be immediately set aside to be in the line for regular order following the amendment of the Senator from Wisconsin.

What is the order now?

The PRESIDING OFFICER. We are on the Stevens amendment No. 2120.

Mr. STEVENS. I wish the Bond amendments to be offered after Senator FEINGOLD in the regular order. The first regular order would be, as I understand it, Senator FAIRCLOTH, and then Senator FEINGOLD, and then the Bond amendments would be after that, if my unanimous consent request is agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, can the Senator tell us where we are on the list?

Mr. STEVENS. The one of the Senator from Massachusetts is the pending business. Mr. President, I say to the Senator, it is my understanding that his is pending business. I want to get to the budget amendments. There will be some amendments to those. So they would come after Senator FEINGOLD, if my unanimous consent request is granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and I thank the distinguished chairman of the committee.

I have two very important amendments that really deal with the substance of disaster relief, particularly, in fact, not only New York and the New England States, but the Southeastern States and the Western States.

There was a request—I repeat it—that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2122

(Purpose: To provide emergency community development block grant funding to assist States in recovering from natural disasters occurring in Fiscal Year 1998)

Mr. BOND. Mr. President, concerning community development block grant programs, on behalf of myself, Senators MIKULSKI, STEVENS, SNOWE, COLLINS, D'AMATO, JEFFORDS, LEAHY, MACK, GRAHAM of Florida, and BOXER, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER, proposes an amendment numbered 2122.

Mr. BOND. 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:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT—BLOCK GRANT FUNDS

For an additional amount for ''Community development block grants funds'', as authorized under title I of the Housing and Community Development Act of 1974, $260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided,* That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further,* That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further,* That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further,* That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further,* That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further,* That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further,* That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further,* That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I ask that this amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2123

(Purpose: To provide additional funding for disaster relief to aid disaster-stricken States)

Mr. BOND. Mr. President, I now send an amendment to the desk relating to the Federal Emergency Management Agency on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, proposes an amendment numbered 2123.

Mr. BOND. 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 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY—FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For an additional amount for ''Disaster relief'', $1,600,000,000, to remain available until

expended: *Provided,* That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I now ask that the amendments be temporarily set aside.

The PRESIDING OFFICER. That is under the order.

Mr. BOND. I thank the Chair.

I look forward to debating at the appropriate time these two very important amendments which provide roughly $1.86 billion for emergency relief. I hope that we will be able to deal with those amendments this afternoon. I thank the Chair, and I thank the chairman of the committee.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2124

(Purpose: To make perfecting and technical amendments to section 404)

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I have an amendment which was agreed to in the Appropriations Committee. I told the Members that we were going to attempt to resolve one issue that was in dispute. We have resolved it. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2124.

Mr. DOMENICI. 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 29, line 20, strike ''(PANO'', and insert ''(JPANO''. At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike ''**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**'', and insert ''**PLANNING AUTHORITY.**''.

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A–2 of the Unser Middle Transportation Corrider Record of Decision prepared by the city of Albuquerque dated December 199? * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter ''the Director''), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting ''(1)'' after ''(a)'';

(C) by adding at the end the following:

''(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—''.

On page 34, line 9, strike ''DOCUMENT.—''.

On page 34, line 12, after ''Corridors','', insert ''dated October 30, 1997,''.

Mr. DOMENICI. Mr. President, this amendment, that I am offering with Senator BINGAMAN, represents the conclusion of several months of constructive discussion between us.

Together, we have reached an agreement on this legislation, which will allow the City of Albuquerque to proceed with the extension of a roadway to the west side of Petroglyph National Monument, if it decides to do so.

This amendment also provides that if the city elects to move forward with this extension, that: The road will be similar in design to a road that is already constructed along the monument boundary; the Park Service will have the opportunity to provide constructive comments on the road design; if needed, the roadway could be expanded to as many as six lanes at some point in the future; and Washington will not stand in the way of this local decision-making process.

Mr. President, I ask that this amendment be accepted.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. Mr. President, this has been cleared on both sides. It is a managers' amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2124) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the Senator from Minnesota wishes to offer some amendments and have them sort of get in line. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Alaska.

AMENDMENTS NOS. 2125, 2126, 2127, AND 2128 EN BLOC

Mr. WELLSTONE. Mr. President, I send four amendments to the desk and ask that they be separately reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes amendments numbered 2125, 2126, 2127, and 2128.

The amendments (Nos. 2125, 2126, 2127, and 2128) en bloc are as follows:

AMENDMENT NO. 2125

(Purpose: To encourage reform of International Monetary Fund policies, and for other purposes)

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with

all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies, including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

(Purpose: To express the sense of Congress on the treatment of Muchtar Pakpahan)

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

(Purpose: To encourage the International Monetary Fund to require burden-sharing by private creditors, and for other purposes)

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institutions that had extended such credit make a significant poor contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

(Purpose: To provide for an Advisory Committee on IMF Policy)

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, these amendments deal with IMF.

I ask unanimous consent that they now be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that they be in order behind the two amendments offered by the Senator from Missouri.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2123

Mr. JEFFORDS. Mr. President, I want to speak first very briefly on the amendment offered by the Senator from Missouri that would help the disaster areas of the Northeast.

First I want to commend the Senator from Missouri for helping the areas of the Northeast that were so punished by the recent problems with respect to the ice storms. Vermont suffered very significantly in the upper part of the State, but with the knowledge that we have with respect to what happened in New York and Maine which so far outpaced our problems, I can certainly commiserate with their need to have assistance, especially with respect to utilities, which have been greatly harmed by the weather problem.

AMENDMENT NO. 2120

I now would like to talk a little bit about the problems regarding the Kennedy-Kassebaum bill of the 104th Congress, the Kassebaum-Kennedy legislation, also known as the Health Insurance Portability and Accountability Act of 1996, called HIPAA. Many consider this legislation to be the most significant Federal insurance reform in the past decade. During this Congress, I have tried to closely monitor the impact of HIPAA over the past year to ensure successful implementation and consistency with legislative intent.

On March 19th, the Labor and Human Resources Committee held an oversight hearing to focus on the findings of a GAO report, which I requested, entitled, ''Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators.'' The report examines the HIPAA first-year implementation issues and the challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage.

This legislation was limited to the problems of individual insurance. And another GAO report will be coming forward with respect to the problems of going from one group to another.

The report confirms that federal regulators have faced an overwhelming new set of duties under HIPAA. In the five states that have failed to or chosen not to pass the legislation required by HIPAA (California, Massachusetts, Michigan, Rhode Island, and Missouri), the Department of Health and Human Services is now required to act as insurance regulator for the state HIPAA provisions. As a result, HHS has requested an additional $6 million in the supplemental appropriations bill to fund 65 new full-time equivalent staff for HIPAA-related enforcement activities in fiscal year 1998.

I share many of the concerns raised by my friend Senator NICKLES in offering his amendment. The federal government is ill equipped to carry out the role of insurance regulator. Building a dual system of overlapping state and federal health insurance regulation is in no one's best interest, and I intend to examine carefully this consequence of the act. However, we are currently faced with a real problem. We do not know when the five states will pass the necessary legislation in order to rely on state regulation. I believe HCFA currently lacks the expertise and resources to carry out its HIPAA-related responsibilities absent state action.

I suggested to Senator NICKLES an alternative to his amendment. HCFA has identified a need for 36 employees for essential enforcement in those states where conforming legislation has not passed. I believe that Congress should grant HCFA temporary authority to hire these 36 employees for its new HIPAA enforcement in these states for this fiscal year only. By approving the temporary positions during this fiscal year at a cost of $3.3 million, we will

have met today's real need—without permanently adding to the number of employees at HCFA for non-HIPAA related duties in the future. We should have the necessary debate on the need to continue this level of staffing through the normal appropriations process.

I am concerned that if we make these permanent, then California will just say, ''Well, we might just as well leave it with them,'' and then we will have employees doing what the States should be doing.

So I will support the amendment of my friend from Oklahoma with the understanding that during the conference the authors will work out just how many they have. But I strongly urge they be made temporary employees and not permanent employees.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, I think we are very close to concluding debate on this amendment.

I want to thank my colleague from Vermont, and my colleague from New Mexico and others who have spoken on behalf of this amendment. I also share his concern. If there are going to be that number of employees in HCFA, it should be temporary. I very much appreciate that.

I also mention that my friend and colleague from Massachusetts said that Oklahoma had recently hired five employees to comply with this provision. I think that is fine. I think that is great, because I happen to believe in State control of insurance instead of the Federal Government. States are trying to comply. They are in the process of complying. The State of Oklahoma can probably hire five employees for less than $93,000 each, as we would be doing under this piece of legislation.

So, again, for the information of our colleagues, my amendment would strike out the provision that would add $16 million for HCFA for the hiring of an additional 65 employees. I do not think that is necessary. They have over 4,000 employees today. They certainly can borrow, they can use, they can have temporary employees. They do not need 65 permanent employees.

We also do not need to be taking money away from the Medicare's Hospital Insurance Trust Fund, a permanent entitlement provision, to pay for this measure.

Again, the administration was well aware. The Health and Human Services Administration has 58,000 employees. Surely they can shuffle some employees around, if necessary, to meet any emergency that might arise.

So I urge my colleagues to vote for this amendment.

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.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. 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. 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, the situation is now that we have nine amendments in order and probably at least three more that I know of that are coming. So we have 12 amendments to deal with before we can get down to the managers' package on this bill. At the request of the Senator from Massachusetts, I am going to ask that this amendment be set aside and that it be regular order on the list that we have, to come before the Senate again after action on the Bond amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The Nickles amendment is set aside.

Mr. STEVENS. Mr. President, that would mean that at this time, as I understand it, if I ask for the regular order, the amendment before the Senate will be the amendment by Senator Faircloth. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2103

Mr. STEVENS. I ask for the regular order.

The PRESIDING OFFICER. The pending question is the FAIRCLOTH amendment, No. 2103. The Senator from Alaska.

Mr. STEVENS. Mr. President, I once again ask Senators to come forward and tell us if they are going to offer amendments to the supplemental bill. As I have indicated, we now have at least 12 that are on our screen and we would like to start working out some sort of time agreement to dispose of this bill.

I might state to the Senate that as soon as the Senator from North Carolina has presented his amendment, I intend to make a point of order against it. That will take place as soon as he has finished his statement.

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. 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. For information of all Senators, it is my understanding the Senator from North Carolina will take but a short time, and following his statement, as I indicated, I will make a point of order against his amendment. He has indicated to me he will ask to waive that point of order, so that would mean there would be a vote before the Senate at approximately 10 minutes of 1.

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. 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, after discussing the statement I made previously, I ask unanimous consent that the vote on the waiver of my point of order on the amendment that is going to be offered by Senator FAIRCLOTH—Senator FAIRCLOTH will make a motion to waive my point of order—I ask that the vote take place at 1:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2129 TO AMENDMENT NO. 2103

(Purpose: To provide for a reservation of funds for activities under part B of the Individuals with Disabilities Education Act)

Mr. GREGG. Mr. President, I have an amendment which I send to the desk which is an amendment in the second degree to the Faircloth amendment which is pending. Is the Faircloth amendment pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. This is an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2129 to amendment No. 2103:

At the end, add the following:

(4) EXPENDITURES FROM TRUST FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Trust Fund shall be available to the Secretary of Education for making expenditures to carry out subsection (a).

(B) RESERVATION.—

(i) IN GENERAL.—The Secretary of the Treasury shall reserve $1,000,000,000 of the amounts in the Trust Fund for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) USE.—Amounts reserved under clause (i) shall be available to the Secretary of Education, during the 5-year period beginning on the date of establishment of the Trust Fund, for use in carrying out activities under such part B.

Mr. GREGG. Mr. President, I will go into this amendment in more depth after the Senator from North Carolina has proceeded with the core of discussing his basic amendment. Essentially what this amendment does—the underlying amendment takes the money from the stabilization fund and puts it

toward school construction. Instead of putting it all towards school construction, this amendment puts $1 billion of it towards special education. We as a Government have an obligation to special needs children. I have discussed that on the floor many times. We have made a 40 percent commitment as a Government that, regrettably, is an unfunded mandate that has not been fulfilled. We are only paying 9 percent of the local cost. This would help pick up the 40 percent, move towards that 40 percent, and that is the purpose of this amendment.

I appreciate the courtesy of the Senator from North Carolina. As I understand it, he does not object to this second-degree amendment. I look forward to hearing this discussion of his underlying amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I am delighted to accept the amendment from Senator GREGG. It is a good amendment. The States have a burden complying with this law, and I have no problem with using $1 billion of the $5 billion we are proposing so the States can meet the law.

Again, these are loans to the States which, in my opinion, is much better than loans to Korea, Mexico, Indonesia, and others, the likes of which we have been giving it to.

The PRESIDING OFFICER. Will the Senator suspend. Can we take our conversations off the floor, please. The Senator deserves to be heard.

The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, I would like to make a motion to waive the Budget Act with respect to this amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding, if the Senator will yield, before he can do that, I have to make a point of order, which I have not made.

Mr. FAIRCLOTH. I was expecting the Senator from Alaska to make the point of order.

Mr. STEVENS. Mr. President, in view of the information I have just received that several Senators want to speak on this amendment, I ask unanimous consent that my previous unanimous consent request be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. That means there will not be a vote at 1:30, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2103

Mr. FAIRCLOTH. Mr. President, what this amendment is about is very simple. As I have said many times, if we can provide $18 billion for the IMF without any budget impact at all, I think we can certainly waive the Budget Act, if it comes to that, to provide $5 billion for school construction. I don't think it violates the Budget Act.

The ESF at Treasury loans out money. This is what it does. This is what the new fund will do. The only difference is that this money, I propose, will be loaned to the school systems throughout this Nation to rebuild the schools rather than to overseas ventures.

The reason I offer this amendment is this appropriations bill went from a $2 billion emergency bill yesterday to an $18 billion international bailout today. I am concerned about the priorities of some of my colleagues in this body. We are spending money in a supplemental for operations in Bosnia—a supplemental. Is there anyone who seriously thought that the President was going to remove the troops in June of 1998, as we committed he would? Why did we ever think he would keep that promise? We have no plans to leave Bosnia. There is no plan to leave Bosnia. We could well be there on into infinity. As long as we put up money, we will be there.

Second, we are spending money for operations in the Persian Gulf, $1 billion already, to back up a U.N. resolution. Yet, the administration says that we haven't paid our dues to the United Nations. Well, if they will pay us for the Persian Gulf operation, we will give them a check for the United Nations.

Third, we are providing $18 billion for the IMF—$18 billion. I am as opposed as a man can be to sending our money—and they were identified by the majority leader in this body as Socialists—I am opposed to sending our money to silk-suited dilettantes to spread around the world like it was holy water and theirs to do with as they see fit. This is not what our money should go for. These are not my priorities. These are the priorities of the Clinton administration, to send the money to the IMF while they flit around the country on a diet of champagne and caviar at the expense of the American taxpayer.

I am tired of and not going to go along with the Tom Sawyer trick of us painting the fences for the administration, and that is, very frankly, what we have done. We have catered to and gone along, one behind the other.

I have priorities that I think need pushing. I think it is far more important to rebuild the schoolhouses and school buildings in North Carolina than it is to spend the money around the world for international bailouts. There is no end to them.

Just to take 1 minute on this international bailout, if the Secretary of the Treasury Rubin and the administration will come forth and say this is the last $18 billion, then I might think more kindly of it, but they wouldn't begin to tell you that, because they know they are going to be back before the year is out for $28 billion more. They have already planned it.

I don't work for President Clinton, thank goodness. I work for the people of North Carolina. Very simply, if we can afford to make loans to Mexico, Korea, and Indonesia from the Exchange Stabilization Fund, then we can afford to make loans to the States for school construction and modernization.

According to the Congressional Research Service, this Exchange Stabilization Fund had over $30 billion at the end of 1997. This has become a giant slush fund in the Treasury Department. They do their dead-level best to keep the fund a secret, because it is under the exclusive control of the Secretary of the Treasury, and, as I say, they flit around and pass it out. I think it is time for the Congress to stand up and say where it goes and when it goes and spend the money for domestic purposes, whether the Treasury likes it or not.

I thank you, Mr. President, and I yield the floor.

Mr. STEVENS addressed the Chair.

Mr. STEVENS. Mr. President, there are a few times when a chairman faces dilemmas of this magnitude. I support the concept of more funds going to schools and to the Disabilities Act. If I make a point of order, and the Senator makes a motion to waive the point of order, I think that will carry. I think the Senate will vote to waive. I know that my friends on the Democratic side of the aisle would vote to make that money available and, obviously, I think Members on this side of the aisle think this is a way to somehow or another deal with the budget in a different way using the stabilization fund.

The net result of the Senator's amendment, if the budget is waived, is that there will be $5 billion spent from the stabilization fund and that, in effect, would require our committee to go back and take $5 billion out of the nondefense side of the budget and rescind it. If we did not do that, our whole bill is subject to a point of order and the disaster money and the defense money that we so vitally need will not be available.

I can tell the Senate, it would take me a week to find $5 billion in nondefense money that we could rescind for 1998. The Senator is aware, I am sure, that his amendment makes the money available in 1998. It says that in 1998 the administration is directed to spend $5 billion from the stabilization fund.

At the time of the Mexico crisis, I did a study of the stabilization fund. It was created at the time the United States went off the gold standard, and someone in the Treasury decided that since we are off the gold standard, we ought to figure out what the gold in Fort Knox is worth, and they did. As the price of gold went up, the stabilization fund went up. It does not represent any capital in the sense of income that is saved; it represents the value of the gold in Fort Knox.

Literally, in order to pay for the expenditures that the Senator's amendment would authorize, otherwise

pressed, the Treasury would have to sell the gold in Fort Knox. Unfortunately, the value of that has gone down, and the stabilization fund may really not be worth as much as people think it is.

In any event, this amendment has some strange quirks to it, as far as this bill is concerned. I do not want the Senate to waive the Budget Act, because if we waive the Budget Act, as I said, the whole bill is subject to a point of order. If we adopt the amendment, the bill is subject to a point of order similarly, in my opinion, unless we go back and take out the $5 billion that it would spend in 1998.

I may be misinformed on that regard, but I know the effect of spending that kind of money would require us to go back and take the money out of existing accounts on the nondefense side.

I think the Senate ought to have some time to think about this. I think the Senator ought to think about it, because it is not going to achieve the result the Senator seeks. It is not going to embarrass anybody on the Democratic side. They are going to vote for his amendment. It is not going to embarrass anyone on our side of the aisle; they are going to vote for the amendment. And it is not going to embarrass the administration; they want to spend that kind of money, $5 billion more money.

As my grandmother said, it is money made of whole cloth. It is not there. It wasn't in the budget to start with and somehow that money will have to be accounted for in the budget process this year.

I understand what the Senator from North Carolina is trying to do, but it is not going to achieve the result that he seeks. I can tell him I am informed the Democratic Members will vote for his amendment, as Democratic Members will vote to waive, as he seeks to make. The net result is the Senator will increase spending by $5 billion, unless we go back, as I said, and take $5 billion out of the nondefense side of the budget that is left to be taken out in the last 6 months of this year.

I can tell the Senator, in order to do that, you have to take out about $15 billion, because we are talking about outlays, and it is just not possible this time of the year to get that kind of money without doing severe damage to a lot of programs, whether they be agriculture programs—they would be on the nondefense side. We cannot touch defense on this amendment.

It is a nightmare, really. But it comes about because I understand Senators do not want to vote against the Senator's amendment, as he might have anticipated. They will not vote against this amendment.

Mr. President, I ask unanimous consent to set the Senator's amendment aside to a time certain at 5 o'clock, and we will find some time to deal with it between now and then.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2120

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly upon the amendment which was argued a little earlier in the day. I had been on the floor when the amendment by the distinguished Senator from Oklahoma, Mr. NICKLES, was offered. There were many Senators here, and I had other commitments. I am going to support Senator NICKLES' amendment, although I do so with some substantial concern for the funding at HCFA.

When the additional personnel had been requested to move forward on the provisions of the Kassebaum-Kennedy bill, it seems to me that Senator NICKLES had made a valid argument that most of the States, almost all of the States, have applied and it is not in an emergency classification. I am further concerned that this funding has been requested by the Department of Health and Human Services on an emergency appropriations bill which does not quite fit the mold. Where we have these emergency appropriations bills, it is my view that we really ought to limit them to matters that are truly emergencies and not seek to pile on and use this as an occasion for appropriations which really can wait their turn.

I speak on this amendment in my capacity as chairman of the appropriations subcommittee which has jurisdiction over the Department of Health and Human Services. We conduct, through my subcommittee, considerable oversight on HCFA. I am very much concerned that they should be adequately funded to carry out their duties.

Last week, we had a hearing with HCFA on the issue of the changes in compensation for a variety of physician categories, and at the same time we also had a hearing for the appropriation for fiscal year 1999 where the Secretary of Health and Human Services testified and the Administrator of HCFA, Min DeParle, testified as well, and did not raise the issue of this appropriation in this emergency appropriations bill. So I do think that had it been a matter of great urgency, in my capacity as chairman of that subcommittee, it would have been called to my attention, it would have been impressed on me, which was not the case.

In reviewing this matter with the distinguished chairman of the Appropriations Committee, I do concur with his analysis that it is not an appropriate matter for an emergency appropriation. And if it is the enforcement of Kassebaum-Kennedy, there are personnel available to do that, and that is not at a critical stage.

I had heard that the appropriation was sought to carry forward the change in the schedule on physicians' compensation, but apparently that does not seem to be the case. So, as I say, I am ready, willing, and able to take a look at what HCFA needs. We are now in the process of considering the appropriations bill for next year, and I think an orderly process makes it preferable that we consider this appropriation request at that time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. COATS). Who yields time?

Mr. SPECTER. In the absence of any other Senator seeking recognition, 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. 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, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment No. 2128.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that that amendment be temporarily set aside and that my amendment concerning Bosnia be before the body.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 2121

Mr. FEINGOLD. Mr. President, I am glad to have a brief opportunity to further explain why I have offered this amendment concerning Bosnia. I believe there will be an opportunity to vote on this, perhaps in the context of a motion to table, very soon, perhaps as soon as 1:30, so I would like to offer just a couple of remarks about why I have offered this amendment.

What the amendment would do is remove the emergency designation from the Bosnia money that is in this bill. There are various pots of money in this bill, but I am only talking here about the Bosnia money concerning the operation in the Bosnia theater. If the Senate determines that these funds are not an emergency—if I am able to prevail in this amendment—then they would be treated like any other kind of spending, any other kind of regular spending. In other words, under this scenario, if the administration wants to have these expenditures, they would have to follow the regular procedure. That is, the administration and the Members of Congress would have to find an offset from within the budget caps for these defense expenditures. Otherwise, these defense expenditures would be sequestered.

The reason I am offering this is that the emergency designation as drafted in this bill for the Bosnia funding is really just a way around spending caps. In my mind, it is a ruse. It is just a budget fiction. It means we are ignoring our own budget caps.

My personal preference would be that we had not put ourselves in the first place in the position of having our troops in Bosnia this way. I opposed the deploying of our troops to Bosnia and still do. Since we have and we are in the situation that we are in, I think at a bare minimum with regard to the continuing of the Bosnia mission, we have to exercise some budget discipline here. Why wouldn't the budget rules apply to this Bosnia situation?

What my amendment does is help us exercise that discipline. It strikes the emergency designation for the Bosnia money, again for the simple reason that the Bosnia operation is certainly a very important operation but it is not an emergency. It is very hard to argue that the ongoing, ever-lengthening mission in Bosnia is an emergency. Yet we are faced with this emergency designation as a way to bootstrap this funding into this bill which is supposed to be about emergencies.

This amendment does not set an end date by which our troops should leave Bosnia, although I do want to see us do that. I hope it would be no later than June 30 of this year. This amendment does not call for our troop withdrawal at this time, although I very much would like to see that happen. All it does is simply force the administration to be straightforward and force the supporters of the administration's policies to be straightforward and to face the reality of the fiscal demands of this mission.

What has happened here is an operation that we were told would only cost $2 billion has already cost the American people $8 billion, and now we are asked to put another half a billion into this, and somehow people are arguing that it is on the basis of an emergency situation. That is simply not credible. This speaks both to the problem of the Bosnia mission and the problem we have with budgeting in general in this country. People are appalled that emergency bills are used as windows of opportunity to achieve other agendas. I am the first to admit that there have been more gross violations than this one, but this is a lot of money, and the American people are beginning to wake up to the fact that we have spent 8 billion American dollars in the Bosnia situation.

At a bare minimum, what we try to do in this amendment is say, ''Let's find out how we are going to pay for this. Let's have the budget rules apply. Let's have the administration and the Congress say exactly how they will pay for this,'' instead of, in effect, deficit spending that is being used to fund the Bosnia mission.

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. GREGG. 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. 2129

Mr. GREGG. Mr. President, I know the Feingold amendment is pending, but I want to speak to the issue of the Faircloth amendment which was offered earlier and which I understand will be resumed and possibly voted on later this afternoon, specifically to my second-degree amendment to the Faircloth amendment.

The second degree says that of the $5 billion that would be taken from the stabilization fund—which is, I believe, essentially a fund that allows the Treasury the flexibility to do things like Mexico bailout and the bailouts in Asia, of the $5 billion that Senator FAIRCLOTH has suggested we take back into the Treasury to take control over, which I think is a good idea—that $1 billion of that would go towards special education.

As many people who have listened to me speak occasionally on this floor know—or some people know because I suspect many don't listen or would rather ignore it—the special education funding accounts of this Government are totally skewed in that when the bill for special education was first passed back in 1976, the Federal Government said it would pick up 40 percent of the costs of the special needs child in the local school districts. Over the years, the Federal Government has failed miserably in fulfilling its obligations, and instead of paying for 40 percent of costs, as of 2 years ago it was down to paying for only 6 percent of the costs of the special needs child.

As a result of efforts by a number of Senators, including myself and Senator LOTT and the Presiding Officer, we have been able in the last 2 years on the Republican side to significantly increase funding for special education, with no support, by the way, from the administration, to the point where we now have it up to approximately 9.5 percent of the costs of the special education being borne by the Federal Government—still a far cry from the 40 percent.

The administration has put forward a budget this year which calls for virtually no increase in special education funds, which is an outrageous position in light of the fact that they are also suggesting we create new programs in the elementary and secondary school level that would cost approximately $12 billion. But they can find no room in their budget for special education for kids who need special education, which is truly inappropriate.

What has happened is the special needs child finds himself put in a situation where in local school district after local school district that child is really in an untenable and unfair position relative to other children in the school system. The parents of that child are forced to be put in confrontation with the children and parents who do not have special needs, in different school systems, in a competition for resources, in a competition for resources which should be there if the Federal Government paid its fair share but which are not because the Federal Government does not pay its fair share.

This administration, in suggesting $12 billion in new programs outside of special needs funding, is essentially saying we are not only not going to fund the needs of the special education to the level required by the law; we are going to take money which would relieve the pressure on the special education child, which would relieve the pressure on the local school district, we will take that money and create new programs, new mandated programs, new categorical programs where the local school districts will have to do what we say they have to do in Washington in the area of buildings and in the area of class size at the expense of the special needs child, one more time.

If this money was put where it was supposed to be under the law, the 40 percent as the Federal Government is supposed to pay for it, if the President's budget funded special education at the level that it was required to be funded under the law, then those new programs, instead of being started in buildings, instead of being started in class size, those dollars would flow to the special education accounts and the local school districts could make the decisions because they would then have their resources freed up as to what type of buildings they wanted, what type of courts they wanted, and the decision process would be controlled where it should be—at the local level, not here in Washington. But that is not the policy of this administration. The policy of this administration is to essentially try to take control over local education, pull it into Washington through these categorical grant programs, and, at the same time, underfund the special needs program, putting the local school districts in the lose-lose position of having to pay the Federal share of special needs and they also have to do what the Federal Government wants it to do in other areas in order to get any Federal money at all—totally inappropriate and extremely prejudicial, especially to the local school districts and the special needs.

That is a long explanation, but it is an attempt to lay the groundwork for the purpose of my amendment. If we are going to bring more money back into the Federal Treasury under the control of Congress, which we should—and I think Senator FAIRCLOTH's amendment is appropriate in this area—we should not have this, for want of a better word, ''slush fund'' sitting there for the purposes and under the control of the Congress to spend, the $5 billion. If we are going to bring that $5 billion back into the control of the Congress, not only should we bring it back here, but we should spend it on obligations that we know we have, which are on the books and, specifically, special education.

So the vote on this Faircloth amendment really becomes fairly simple. To put it in its starkest terms, you can vote for a slush fund that may be used to bail out the Soeharto family, which is worth billions and billions of dollars in Indonesia, or you can vote for the special-ed child back in your hometown and your home State who needs the support of this Government and whom this Government said they were going to support. That is the vote. The choice is simple. I certainly hope that this Senate will come down on the side of special education.

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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Ann Sauer and Orlando Taylor of my staff be granted privileges of the floor during consideration of S. 1768, the 1998 emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

AMENDMENT NO. 2121

Mr. STEVENS. Mr. President, the Feingold amendment strikes the emergency designation for the Bosnian funds from the bill. This supplemental request is mandated by section 8132 of the appropriations bill for 1999. If the President certifies that the mission to Bosnia must continue, under the law this then continues. Bosnia costs are emergency, as Congress specifically funded only through June 30, 1998.

The problem we face now is the cost of the continued deployment has already been paid. The administration has sought to seek these funds to avoid damage to the readiness and the quality of life that the military faces, which is not currently deployed, but they may face missions, as I have told the Senate before, to Bosnia or Iraq within the remainder of this year.

The emergency designation allows those moneys necessary for this deployment to come out of the emergency fund rather than having to come out of reprogrammed accounts for the moneys we have already appropriated for quality of life and for readiness for the remainder of the force that is not deployed.

Under the circumstances, I agree with Senator FEINGOLD's position. We, however, thought we had a commitment that the troops would be out on July 1. I think the Senate realizes that. The President made the finding that the law required it if he was going to continue the deployment, and that is not only for 1998 but for 1999.

We will address, as we have already indicated with the comments of the Senator from Texas, Mrs. HUTCHISON, today, the continued deployment in Bosnia at length during the consideration of both the authorization bill and the defense appropriations bill this year as we look to 1999. But for the purpose now of dealing with the continued deployment for the remainder of this year, I implore the Senator not to require, by striking the emergency designation, that these funds must be taken from other portions of the Department of Defense that are already accounted for in the appropriations we have made for those functions. And we would again just be doing that.

I feel like a white rat in one of those circular wheels. We just continue to go around and around. And we don't get anywhere if we appropriate money and we have to go back and take that money and put it into another purpose, particularly this late in the year.

It would also have a problem because some of the moneys that have already been committed would not actually be spent until 1999. We went into that yesterday in connection with another matter.

But, clearly, if we do not have the emergency designation, those moneys that are actually spent in 1999 will be counted against our allocation that we are already working on for 1999 in terms of the new bill for fiscal year 1999. And, unfortunately, the Congressional Budget Office has already told us we are $3.7 billion short to meet the level of funding that is indicated in the budget.

There is this battle between the Congressional Budget Office and the Office of Management and Budget. This will add to that deficit. When we try to correct that deficit, it would mean the moneys that are basically emergency moneys to deal with the continued deployment through September 30 of this year must actually be counted against 1999. I have to tell you, Mr. President, that makes that problem of the deficit and defense allocation for outlays for 1999 even that much worse.

So, under the circumstances, I have no alternative but to urge the Senate to table the Feingold amendment. Let us deal with Bosnia in terms of the 1999 bill, and let us address the whole subject of the continued deployment and the funding for anything that goes on.

I will tell the Senate that it is not possible to get those soldiers out of there at one time. There has to be, if we are going to have a staggered withdrawal, a staged withdrawal, a downsizing to the point where we can do it legitimately, and without risk to anyone.

So I urge the Senate to support me in the motion that I am going to make in order to prevent us from forcing the Department of Defense to use moneys that have already been appropriated for other functions in the Department to pay the cost of this emergency caused by the President's determination that the troops will stay there after July 1.

I am about ready to make the motion to table. Before I do so, does the Senator wish to make one last statement concerning his amendment?

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy, and I want to speak for just a minute in response to the chairman's remarks. I appreciate the remarks. I understand the difficult situation he is in.

But what I can't understand is why we let the administration and others who have represented to us certain limits with regard to the Bosnia operation put us in this position. The leadership of this body said this would cost $2 billion, and that is it, and we would be there for 1 year, and that is it. Now it has cost $8 billion and another $½ billion. Yet they don't provide us with a way to prepay for it. They don't tell us how to offset it. But what they are, in effect, asking us to do—forcing us to do—is to take this out of Social Security. It is deficit spending. It is deficit spending. Sometimes we have to do it, as the chairman has pointed out, in true emergencies. Some of what is in this bill I can't deny involves true emergencies, such as tornadoes and floods. But why should we let this administration put us in the position of having to deficit spend to add onto what is already a quadruple of the $2 billion we were promised this would cost?

So, Mr. President, all we are trying to do is have a little truth in budgeting here, remove the emergency designation, and have an honest accounting of how this should be paid for.

But I sure want to recognize the chairman's challenge in this area. It is very difficult. In effect, he and others are being forced to have to do this in a situation that isn't appropriate. The administration and others should have identified an offset.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I move to table the Feingold amendment, and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—92

Abraham	Bryan	Conrad
Akaka	Bumpers	Coverdell
Allard	Burns	Craig
Baucus	Byrd	D'Amato
Bennett	Campbell	Daschle
Biden	Chafee	DeWine
Bingaman	Cleland	Dodd
Bond	Coats	Domenici
Boxer	Cochran	Dorgan
Breaux	Collins	Durbin

Enzi	Kennedy	Robb
Faircloth	Kerrey	Roberts
Feinstein	Kerry	Rockefeller
Ford	Kyl	Roth
Frist	Landrieu	Santorum
Glenn	Lautenberg	Sarbanes
Gorton	Leahy	Sessions
Graham	Levin	Shelby
Grams	Lieberman	Smith (NH)
Gregg	Lott	Smith (OR)
Hagel	Lugar	Snowe
Harkin	Mack	Specter
Hatch	McCain	Stevens
Helms	McConnell	Thomas
Hollings	Mikulski	Thompson
Hutchinson	Moseley-Braun	Thurmond
Hutchison	Moynihan	Torricelli
Inhofe	Murkowski	Warner
Inouye	Murray	Wellstone
Jeffords	Reed	Wyden
Kempthorne	Reid	

NAYS—8

Ashcroft	Gramm	Kohl
Brownback	Grassley	Nickles
Feingold	Johnson	

So the motion to lay on the table the amendment (No. 2121) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from North Carolina.

AMENDMENT NO. 2103 WITHDRAWN

Mr. FAIRCLOTH. Mr. President, I make a motion to withdraw the amendment that I had introduced, No. 2103. It was introduced yesterday. I would like to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2103) was withdrawn.

Mr. STEVENS. Mr. President, I thank the Senator from North Carolina. It does relieve a problem we are developing here.

AMENDMENT NO. 2122

Mr. STEVENS. Under the previous agreement we have, it is my understanding now that the pending business will be amendment No. 2122, offered by Senator BOND. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. D'AMATO. Mr. President, I rise in strong support of the amendment offered by my friend and colleague, Senator KIT BOND. I am pleased to cosponsor this measure. This amendment will help address the devastating effects of the 100-year ice storm which tore through the north country of New York and the Northeast this past January.

The amendment will provide $260 million in community development block grant (CDBG) funds to State Governments for recovery efforts in federally-declared disaster areas. The CDBG program has the advantage of providing states and localities with a great degree of flexibility in meeting local needs and can be used in the emergency context to fund home repairs, debris removal and the restoration of electrical power to low and moderate income families.

Mr. President, the six counties in New York which were declared federal disaster areas—Franklin, St. Lawrence, Essex, Clinton, Lewis, and Jefferson—comprise a 7,000 square mile area. This represents an area roughly the size of Massachusetts. Tens of thousands of homes in this area suffered structural damage from ice, severe winds and subsequent flooding. Families were displaced and electricity to over 400,000 people was cut off. The entire high voltage transmission system for this area was wiped out and replaced in a three-week period.

This amendment will provide much-needed relief for New York homeowners and ratepayers. This assistance is vital to repair storm-related damage to the homes of the families of the north country. Unfortunately, assistance from the Federal Emergency Management Agency (FEMA) and Small Business Administration (SBA) disaster loan programs have not met all the needs of affected families. These funds will help homeowners repair damaged roofs, plumbing and heating systems.

In addition, this amendment will also help to address the massive costs associated with the near-total devastation of the region's electric power system. During the storm, nearly 10,000 utility poles were destroyed—many literally snapped in half. Repair crews worked 16- to 18-hour shifts—often in sub-zero conditions in the dead of night—removing downed utility lines, fallen trees and debris, removing destroyed poles from the frozen ground and drilling holes for new poles.

Line crews and tree-cutting crews were brought in from other regions of New York State, as well as from Pennsylvania, Vermont, Connecticut, Michigan, Virginia, and North Carolina. These crews replaced hundreds of miles of electrical cable, 150 two-pole 90-foot-tall transmission towers and over 2,000 transformers. The equipment and materials for this undertaking had to be brought in from as far away as Oregon, Florida, Georgia, and Nevada.

Mr. President, without this funding, the costs incurred by this massive restoration effort could be passed on to the utility ratepayers of New York. New York currently has one of the highest electric rates in the nation—some 40% higher than the national average. The hard-working families of the north country who have bravely endured the ice storm should not have to suffer additional increases in their utility bills.

Mr. President, I commend Senator BOND for including language in this amendment which will ensure that these funds are allocated in a fair and cost-effective manner. Specifically, the amendment provides that funds should be dedicated to states based on unmet needs which have been identified by the Director of the Federal Emergency Management Agency (FEMA). By providing a role to the Director of FEMA, the amendment will help ensure a fair distribution of funds.

FEMA has made an excellent start in identifying unmet needs which have not been addressed by other federal disaster assistance programs. The February 1998 FEMA Report, ''A Blueprint for Action,'' clearly identifies the principal unmet needs of New York and the Northeast region resulting from the ice storm. Under the terms of the amendment, the Department of Housing and Urban Development (HUD) will take into account the costs associated with these unmet needs in making allocation decisions. The amendment effectively addresses concerns which have been raised regarding HUD's past distribution of emergency CDBG funds. Under some previous allocations, large states have fared poorly. Specifically, HUD has at times used a ratio which unfairly penalized states with larger gross products. This amendment effectively addresses those concerns and makes clear that funding allocations are to be based on needs which cannot be addressed through other federal disaster programs.

In addition, I support Senator BOND's inclusion of a requirement for a State match of public or private funds. This provision is consistent with other federal disaster programs and will help leverage additional resources for disaster recovery efforts. This matching requirement will also give States an added incentive to ensure that funds are used in a cost-effective and efficient manner.

Mr. President, this amendment is a necessary and vital step to help the families of the north country recover from the devastation caused by the ice storm. These funds will bring much-needed relief to a region which has suffered terrible loss from this natural disaster.

Once again, let me thank Senator BOND for offering this important measure and providing assistance to the people of New York. In particular, I thank Senator SNOWE for her efforts on behalf of the Northeast States affected by the ice storm. Also, my friend Senator MOYNIHAN deserves praise for his efforts on behalf of the people of the north country. He has helped ensure that their voice has been heard here today. Finally, I would like to thank Senator TED STEVENS, the chairman of the Appropriations Committee, for his diligence in bringing this amendment up for consideration by the Senate. I urge its immediate adoption.

FUNDING INCREASE

Mr. President, at this point I would like to engage my good friend Senator BOND, the Chairman of the VA–HUD Appropriations Subcommittee, in a colloquy regarding the amendment to provide critically needed funding to the emergency CDBG program. I appreciate your efforts to increase the funding provided by this amendment from $200 to $260 million. As the Senator is aware, this additional funding is vital to ensuring that the States in the Northeast which were devastated by the ice storm receive adequate funding to speed this recovery.

Unfortunately, while both the Small Business Administration and the Federal Emergency Management Agency (FEMA) have contributed significant resources to homeowners in the region—the funds provided have been insufficient to address the full impact of the storm. For instance, while FEMA's Individual and Family Grant Program has helped hundreds of families, thousands of other families—including low-income and elderly persons—have been unable to access the program because of FEMA's daunting application procedures.

Together with the 25-percent matching requirement which was included in the amendment this funding increase will help the areas affected by the ice storm get back on their feet.

Mr. BOND. I thank Senator D'AMATO, the chairman of the Ranking Committee which has jurisdiction over the Community Development Block Grant Program for his kind words. It was a pleasure to work with you to ensure that the Supplemental Emergency Appropriations Act contains sufficient funding to help impacted areas recover from natural disasters. Specifically, I commend the Senator from New York for his diligence in ensuring that the full scope of the impact of the ice storm in the Northeast was made known to the Appropriations Committee. Without his efforts, and those of his colleagues, many of the needs of the people of New York and the entire Northeast region might not have been fully addressed. Given the circumstances which have been brought to our attention, the committee believes the additional $60 million is fully justified and will help the residents of the area recover from the ravages of the ice storm.

Mr. D'AMATO. I thank the Senator and appreciate his willingness to address our concerns.

Ms. SNOWE. Mr. President, 1998 will long be remembered in the State of Maine as the year of the Ice Storm. In early January the state was coated with more than three inches of ice—the result of a once in a lifetime storm that left more than 80 percent of the State without power.

It was an extraordinary event—both for the way the people of Maine pulled together and for the damage it did to the state's utility infrastructure. The reaction of the people of Maine was proof positive that ''Maine: the way life should be'' is not just a slogan, it is a fact. I was overwhelmed by the resiliency and compassion I witnessed across the state last month, and Senator COLLINS and I shared our thoughts and our praise for the people of Maine on the Senate floor.

We have worked, along with our colleagues from Vermont, Senators JEFFORDS and LEAHY and New York, Senators D'AMATO and MOYNIHAN, to obtain additional federal assistance, through the Community Development Block Grants Program (CDBG) to help cover damage done in the state that FEMA did not cover. Specifically, the damage done to the state's utility infrastructure.

I appreciate the assistance provided to us by the Chairman, the Senator from Alaska, Mr. STEVENS, Chairman BOND of the VA/HUD Subcommittee, and the Ranking Member of that Subcommittee, Senator MIKULSKI in crafting this amendment. The amendment, which I am cosponsoring, will provide $260 million for the CDBG program. This money will allow states, like mine, that have been declared disaster areas, to obtain CDBG money to address the unmet disaster needs—or fill the gaps—that FEMA has identified.

In Maine, the biggest cost of the storm was the damage done to the utility infrastructure. Vice President GORE, during a visit to Maine on January 15, summed up the situation succinctly when he said ''We've never seen anything like this. This is like a neutron bomb aimed at the power system''.

The combination of heavy rains and freezing temperatures left the State coated with more than three inches of ice. The weight of this ice downed wires, toppled transformers and snapped utility poles in two. At the peak of the storm 65 percent of the customers—more than 275,000 households served by Central Maine Power (CMP) Company were without electricity. Bangor Hydro Electric Company had 75 percent of its customers—more than 78,000 without power.

In fact at the height of the storm more than 80 percent of the entire State of Maine was in the dark.

It took CMP, which supplies power to 77 percent of the State, 23 days to restore power to all its customers. They did it with 1,048 crews working around the clock and running up 177,000 hours of overtime. They had to secure downed wires, replace more than 1 million feet of cable, 3,050 utility poles and 2,000 reformers. They have estimated the cost of this heroic effort to be $74 million.

Bangor Hydro nearly tripled the number of crews it normally used—going from 40 to 117 and put in an estimated 54,402 hours on storm damage. Their crews worked more overtime in January then they did in all of 1997. And once they completed their restoration efforts, they loaned crews to CMP. They estimate they spent more than $7 million to bring all their customers back on line.

My colleagues will tell similar stories, Mr. President. The rain and freezing temperatures proved to be a fatal combination for the utility infrastructure. As Maine Governor Angus King said ''If you designed a storm to take out the electrical system, this was it''.

I cannot offer enough praise to the men and women of Maine's utilities and their brethren who came in from all over the East Coast—including several crews from my good friend, Senator MIKULSKI's home state of Maryland. These crews faced freezing temperatures and hazardous situations as they worked to kill live wires and free remaining wires from the downed trees and poles. They worked round the clock until the light was back on in every house in the State. As we say in Maine, they are the ''Finest Kind''.

And the federal response was just as important and just as swift. The Federal Emergency Management Agency (FEMA), the Small Business Administration, the Department of Defense—all answered Maine's call for immediate help. We truly appreciate it, Mr. President, and like many of my colleagues whose states have suffered from mother nature's rage, I have seen first hand how vital the federal response is in the early days of a disaster.

Once we were assured of federal assistance and the agencies were in the State and working, the Maine Congressional Delegation asked the Governor what else was needed. He told us they needed federal assistance to cover the extraordinary costs associated with the destruction of our utility infrastructure. And he asked the President to include supplemental funding for this purpose, as did the Governors of Vermont and New York.

The Stafford Act which provides FEMA's guidelines for assistance covers public power. It will reimburse 75 percent of the costs related with a disaster. But because Maine and much of the northeast have investor-owned utilities as opposed to government-owned utilities, we are ineligible to receive assistance from FEMA for this purpose, despite the fact that it is the greatest cost of the storm. When we learned this, we went looking for other sources of federal assistance, but we could find nothing that could address the magnitude of the costs of this storm.

Without assistance, the utilities in the states of Maine, Vermont and New York will have to pass these costs onto the ratepayers, who already pay some of the highest rates in the country for electricity. Maine's residential rate is 48 percent higher than the country's average and New York pays the highest rates in the country. Vermont pays 28 percent more than the national average.

Yet these ratepayers—who also happen to be taxpayers—have helped pay the bill for FEMA assistance for utilities in other states, with lower rates, when they were faced with disasters of their own.

The CDBG funding provided in this amendment will allow Maine and the other northeast states to apply to HUD for funds to reimburse the utilities for the huge cost of repair and recovery. FEMA has identified utility costs as the major unmet need from the Ice Storm of 1998.

Mr. President, I know that some of my colleagues are wondering the States have asked for assistance for private companies. But a utility is a

unique animal. Whether it is a public or private utility is immaterial to the role it plays. It provides a public service and it has an obligation to provide that service 24 hours a day, 7 days a week, 365 days a year—rain or shine, tornado or flood, ice storm or earthquake.

The fact is that these utilities didn't shut down like many private businesses did during the ice storm—because they couldn't. They had to protect the public from the danger of live, downed wires and from freezing to death in their own homes. It was a matter of public safety—not a business decision. They had to right downed poles, replace crumpled transformers and get the power back on.

They did not have the luxury of sitting down and saying ''this is going to cost us a bundle, our stockholders won't like it, we should take a pass''. They couldn't. They provide a public service, and they had an obligation to the people they served to restore power as quickly as possible.

In a letter to Vice President GORE, Governor King explained:

> It is important to emphasize that this cost . . . was purely a function of protecting the life and safety of our people. . . . the quick restoration of power . . . was not a matter of convenience, but was an unequivocal necessity.

The amendment we have worked out with the Committee will provide $260 million in supplemental funding to HUD for the CDBG program. This money, which will go to the states, can be used for a number of activities, including reimbursement of costs to privately owned utilities. HUD regulation 24 CFR Section 570.201(l) states:

> CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities. . . .

And HUD Secretary Cuomo has assured Maine that if funds are appropriated, they can be used for this purpose.

In its Ice Storm ''Blueprint for Action'' FEMA, which listed utility costs as the top unmet need, noted:

> (The) HUD Community Development Block Grant Program can supplement other federal assistance in repairing and reconstructing infrastructure, including privately-owned utilities. . . .

In fact, this amendment, Mr. President, asks for the same assistance this Congress gave to Minnesota, North Dakota and South Dakota last year in an effort to help these states get back on their feet after they had been ravaged by the worst flooding in 100 years. In the FY97 supplemental, $500 million was appropriated for CDBG to help with disaster assistance. The Northern States Power Company applied to the State of Minnesota for funding and was turned down. Minnesota could have provided them with the funding, but chose not to. The same utility has applied to Grand Forks, North Dakota—a CDBG entitlement city—for funding and is still waiting for a response. Again, Grand Forks can give the money to the utility or turn them down—it is their decision.

Another concern that has been raised is the issue of accountability. How do we know that this money will cover only those costs related to the ice storm and not be used by the utilities to upgrade their infrastructure? Again, the answer lies in the fact that utilities are unique. They are regulated at the State level, and they must justify their costs to the regulators who allow them to recover only those incremental costs directly attributable to the ice storm. In addition, the bulk of the costs associated with this storm are related to the cost of labor—not to the cost of new equipment.

In Maine, the Public Utility Commission issued an accounting order on January 15 that required the utilities to segregate their storm related costs. The PUC just started an audit of these accounts. If our amendment is adopted, Maine will receive additional CDBG money that it will provide to the utilities to cover only those incremental costs the PUC says are prudent and directly related to the storm.

Without this additional assistance, the ratepayers of Maine will cover the costs through rate increases. CMP has said it will need a ten percent rate hike to cover its costs so 77 percent of the utility customers in Maine will pay 10 percent more. Bangor Hydro has said its rates will need to increase three percent to cover the storm costs.

One question I asked myself was what about insurance? The utilities do have insurance, and it is determined by their regulating body. The coverage, a dollar figure determined on past risk experience, is set aside. For CMP that is $3.9 million, enough to deal with several major outages—20,000 to 40,000 households—a year.

Because of the extensive damage done to utilities as a result of Hurricanes Hugo, Iniki and Andrew, the ability of utilities to obtain traditional insurance coverage has become very costly. CMP was offered one policy that provided $15 million worth of coverage. To get this coverage, the deductible was $5 million and the yearly premium was another $5 million. So, they were being asked to pay $10 million to get $5 million worth of coverage. Even with this coverage, Mr. President, CMP would have been left with $54 million in uncovered costs.

The fact is that the 1998 Ice Storm was a 100 year storm. The Chair of the Historical Committee of the American Meteorological Association, who happens to reside in Maine, has said that ''So far this century, there has been nothing like it. It will probably make the meteorological text books—even history books—as one of the biggest storms ever.''

To put this storm into perspective, I want to share a comparison of the damage done by Hurricane Gloria in 1985 and Hurricane Bob in 1991 with the Ice Storm of 98. The Ice Storm destroyed 3,050 utility poles compared to 350 as a result of Hurricane Bob. One million feet of cable had to be replaced in January compared with 52,000 feet in 1991. It took 1,048 crews working 23 days to restore power to everyone in January. It took 320 crews working 8 days to restore power after Hurricane Gloria.

The Ice Storm was simply unprecedented. Nothing had caused damage that even comes close to the Ice Storm. The utilities self-insured for the types of storms they were used to dealing with. They couldn't insure for this storm—because it was completely outside the realm of their experience and therefore, their expectations.

And it is because the Ice Storm was a once in a hundred year storm that the people of Maine, and Vermont and New York have asked the federal government for assistance in addressing the costs associated with it. Without this assistance the ratepayers will be asked to bear the burden of a rate hike. This will be in addition to all the other storm-related costs they have already paid.

Many of my colleagues know, from the experiences in their own states, the true costs of a disaster. Based on this experience, I would ask them to lend their assistance to the people of Maine, Vermont and upstate New York to provide this much needed assistance, and I urge them to support this amendment.

Ms. COLLINS. Mr. President, I am delighted to be joining Maine's senior Senator and a number of my other colleagues in sponsoring an amendment to the FY 98 Defense/Disaster Supplemental Appropriations bill that will provide $260 million in additional funding for HUD's Community Development Block Grant program.

This money is urgently needed to assist the people of my State recover from the worst natural disaster in Maine history. I refer, of course, to the unprecedented Ice Storm that began, innocently enough, as a light rain on the morning of January 7, 1998 and ended four days later with our State encased in as much as 10 inches of solid ice. The additional CDBG funding will help not only Maine, but New York and Vermont as well, rebuild the electric infrastructure of our three states.

I want to pay a special thanks to the Chairman of the Appropriations Committee, to the Chairman of the Subcommittee on VA, HUD, and Independent Agencies, and to all of the Committee members for recognizing the harm caused by the Ice Storm and for providing a mechanism whereby we can secure sorely needed aid. Their cooperation is greatly appreciated by the people of Maine.

Mr. President, the Ice Storm of 1998 was unlike anything Maine had ever seen. Having grown up in the most northern part of the State, I know something about ice and snow. But this was less like a storm and more like a carefully targeted and highly effective attack on our electric transmission and distribution system. The damage

to that system in Maine alone was $81 million, a formidable sum for the ratepayers of a small state.

Mr. President, there is an erroneous belief in some quarters that because the CDBG money would be used to rebuild the electric infrastructure of investor owned utilities, it will benefit a private corporation and its shareholders. That is not the case. Under the law, a utility earning less than its allowed rate of return, as is the situation with the two Maine utilities, is constitutionally entitled to pass along prudently incurred costs to its ratepayers. And there can be little doubt that the cost of rebuilding the system by which electricity is delivered to our homes and businesses is not only a prudent cost, but indeed, a cost that must be incurred.

Let me make this point somewhat differently. Without federal help, the money to rebuild the system will not come from corporate coffers. It will not come from the pockets of company executives. It will not come from the dividends or equity of shareholders.

Who will bear the expense? It will be the elderly widow who heats her mobile home with electricity and is already struggling to pay her bills. It will be the small company that uses electricity in its manufacturing process and is already fighting an uphill battle because its power costs are 40% above the national average. Indeed, it will be virtually all Maine's ratepayers, who because we all use electricity, are really the same as Maine's taxpayers. That makes them the very people who have paid their fair share to help defray the costs of natural disasters that have struck other regions.

Mr. President, let me dispel another potential misconception. This assistance will not result in special treatment for the citizens of Maine, New York, and Vermont, but rather put them on an equal footing with people in other parts of the country.

To be more specific, it is well established that federal emergency aid can be made available to municipally owned utilities and electric cooperatives. Some might argue that ours is a different situation, in that we are dealing with investor owned utilities. Once again, that argument would make sense if the utility stood to benefit from the relief. But it is the ratepayers who will be assisted by this amendment, and there is no reason why the victims of a natural disaster should be helped if they are customers of a municipal utility or an electric cooperative but not if they are customers of an investor owned utility.

Mr. President, in the case at hand, the utilities are really like the post office. They deliver the bills; they do not pay them. Without the CDBG money made available through this amendment, the people who will pay are those to whom the bills will ultimately come—the ordinary citizens of Maine, New York, and Vermont. And since, unlike a progressive tax system, electric rates are not based on income, those who will be hurt the most will be those least able to afford it.

Let me also emphasize that to use the money provided by this amendment to rebuild our electric infrastructure does not require legislation to authorize a new type of spending. That authority is already found in existing HUD regulations. To quote the relevant language,

> CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines of privately owned utilities. . . .

In short, this amendment provides the funds to carry out an already existing program under circumstances where that program is urgently needed by the citizens of our three states.

To give my colleagues a better understanding of the source of that need, I would offer a description of the storm not in my words but in the words of ''The President's Action Plan for Recovery from the January 1998 Ice Storm.''

> The storms of January 1998 will not soon be forgotten. . . . While ice storms are not uncommon to the region, the system that battered the . . . region in early January was unprecedented. Below-freezing temperatures combined with record rainfall to cover an area extending from Western New York to Maine with solid ice. . . .
>
> The results were staggering. Massive tree limbs shattered under the weight of the ice, choking roads and trails with wood debris. Power lines snapped, leaving communities without electrical power in bone chilling temperatures. At the height of the crisis, nearly 500,000 homes and businesses were without electric power.

Of greatest significance is the following observation in the President's report: ''The single most critical concern is the loss of electric power caused by the storm.''

Let me supplement the description in the President's report with facts from Maine. For at least some part of the storm, more than 800,000 people, or seven our of every ten of our residents, lost power. In most instances, they went without electricity for days, lasting in some cases as long as two weeks. When you contemplate this, keep in mind that it occurred in the dead of winter—not a Washington winter but a Maine winter.

The storm spared no one. Not homes, not businesses, not public buildings. Schools across the southern half of the State closed, causing some to cancel their winter vacations to make up part of the lost time. Even the National Weather Service in Gray, Maine lost power for more than a week, during which time it struggled mightily to track weather developments with a less than fully reliable generator. For many, the experience was like the movie, ''The Day the Earth Stood Still.'' Only it lasted far more than a day and occurred during the most difficult time of year.

The restoration of power involved a monumental effort taking 17 days. Twelve hundred utility crews from as far away as Nova Scotia, North Carolina, and Michigan were sent to Maine to help with the effort. Approximately 3000 utility poles and three million feet of electric cable had to be replaced. All of the poles in one ten-mile stretch were down, cutting off power to a large section of a rural county. In the words of Maine's Governor, it seemed like a huge monster had walked across the state deliberately stepping on all of the electric lines in its path.

As if guided by a perverse force, the Ice Storm of 1998 struck a region with some of the highest electric prices in the country. The rates in both Maine and the affected areas of New York are 40% above the national average. Thus, without this federal assistance, the rebuilding costs will fall on some of our country's most heavily burdened ratepayers.

Some of the areas hit by the storm were already economically distressed. Indeed, looking at the entire region, one observer has concluded that the victims of the storm were predominantly persons of low and moderate income who, even without increased electric rates, have been seriously harmed by this disaster.

Mr. President, the two utilities serving the areas affected by the storm in Maine are not wealthy. Indeed, one has been wrestling with serious money problems, and the financial performance of the other has been mediocre at best.

Furthermore, while they are private companies, they are also public utilities. When the ice storm hit, they could not shut down operations. They could not leave the state until times were better. To the contrary, they had a legal and moral obligation to do whatever it took to restore power to people desperately in need of electricity. While their performance will ultimately be judged by the State Public Utilities Commission, there is no evidence that they made anything less than a maximum effort to discharge their public responsibility.

Under these circumstances, should the utilities be able to recover from the ratepayers the cost of rebuilding Maine's electric infrastructure? I would be hard pressed to say that would be an unreasonable result, but in the final analysis, my opinion is irrelevant. What matters, and the only thing that matters, is that the law mandates such a result.

Mr. President, on a comparative basis, Maine is not affluent, but its people have a generous spirit. They believe in helping their neighbors, whether those neighbors live across the street or 3000 miles away.

They have gladly paid their fair share to help their neighbors in California recover from earthquakes, to help their neighbors in the Midwest recover from floods, and to help their neighbors in the Southeast recover from hurricanes. Their generosity has to not been limited to money, as they have sent men and women to fight forest fires in the Northwest. They have

not split hairs over the precise source or nature of the harm. As long as the ultimate victims of a disaster have been ordinary citizens like themselves, they have stood ready to help.

Mr. Chairman, the situation has changed, and we are now the neighbor in need of assistance. By making funds available to help us defray the costs of rebuilding our electric infrastructure, our neighbors will be treating us as we have treated them.

Mr. LEAHY. Mr. President, I would like to join Senator SNOWE and my other Colleagues from the Northeast in thanking Senator STEVENS and Senator BYRD for agreeing to include emergency Community Development Block Grant (CDBG) funding in the disaster supplemental. This funding is desperately needed to assist in recovery in areas where there are significant gaps in existing disaster programs.

On January 9, the Northeast was hit by an ice storm of an unprecedented scale. The storm downed trees and power lines throughout the northeast. In Vermont, one power company alone replaced more than 50 miles of power lines and 200 power poles. Crews came from as far away as Hawaii to aid in the effort to restore power to the 10,000 people left without electricity for up to 11 days during what is traditionally one of the coldest months of the year. Damage to Vermont utilities was extensive in the six counties declared disaster areas, with storm damage totaling over $9 million. Of that, only $552,648 was covered by FEMA.

The storm was unique in the type of damage it inflicted—buildings, roads, and water and sewer systems were left largely untouched, but electric utility lines and trees were wiped out completely in some areas and suffered significant damage throughout the region. This is not the kind of damage traditional disaster programs were designed to address, as the ''Blueprint for Action'' report FEMA produced after the storm makes clear. According to that report ''the single most critical concern is the loss of electric power caused by the storm.''

The Community Development Block Grant program is designed to provide flexible funding to promote economic development. That is exactly the kind of assistance needed to repair the damage to the power infrastructure in the Northeast. The most serious concern raised by the damage to the utility system is the cost it will impose on all Vermont rate payers. At 11.29 cents per kilowatt hour, utility rates in New England are already 64% higher than the national average. This increased cost of doing business is a significant hurdle to attracting and keeping businesses in Vermont. The cost of the storm damage is expected to force some utility companies to seek further increases in electric rates. Any increase would be a serious blow to economic development throughout the region.

The need for Federal assistance to recover from the ice storm is not the result of poor planning on the part of the utilities. All of the affected utilities built average annual storm damage costs into their rate structure. However, the cost of this one storm was so extraordinarily high, that it dwarfed those set-asides. One company is facing damage from this one storm equal to eight times its annual budget for emergency repairs. This is not a cost that these companies can just absorb.

The need for emergency CDBG funding is clear. I strongly support this amendment and urge my colleagues to do so as well.

Mr. STEVENS. 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. 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.

The Senator from Alaska.

Mr. STEVENS. Mr. President, the pending amendment, No. 2122, is the CDBG amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, this amendment will provide $260 million for emergency Community Development Block Grants that will fund disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared disasters that have occurred in this fiscal year, 1998. This funding is needed to supplement funding provided through the more traditional emergency disaster programs under the Federal Emergency Management Agency, FEMA, the Small Business Administration, SBA, and the Army Corps of Engineers.

I have concerns about using CDBG funds for emergency purposes, especially since the Department of Housing and Urban Development did not really provide adequate data and accountability concerning the use of these emergency CDBG funds in the past. Nevertheless, this legislation is designed to ensure that funds go to disaster relief activities that are identified by the Director of FEMA as unmet needs that have not been or will not be addressed by other Federal disaster assistance programs.

In addition, to assure accountability, States must provide a 25 percent match for these emergency CDBG funds and HUD must publish a notice of program requirements and provide an accounting of CDBG funds by the type of activity and the amount of funding and the recipient.

Mr. President, I know of no opposition to this amendment. I ask for the immediate adoption of this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is agreed to.

The amendment (No. 2122) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, as I understand it, we will now move to amendment No. 2123, which is the FEMA amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2123

Mr. STEVENS. Mr. President, is this amendment before the Senate?

The PRESIDING OFFICER. Yes; the Senator is correct.

Ms. MIKULSKI. Mr. President, I rise today to support this amendment to the fiscal year 1998 emergency supplemental bill.

But first, let me extend my deepest sympathies to those communities and families who have had to deal with the loss and anguish caused by the terrible natural disasters over the last 6 months.

From the ice storms in New England that left thousands without power, to the devastating floods in California, and the deadly tornadoes in Florida. Across this country in these States and in others, we have seen the destruction and despair that nature can cause.

I know all Marylanders join me in extending our thoughts and prayers to everyone impacted by the recent disasters.

Mr. President, this amendment will provide $1.6 billion to the Federal Emergency Management Agency to meet its requirements for fiscal year 1998 and prior years.

Mr. President, FEMA is the Government's ''911'' agency. It is crucial that FEMA have the resources necessary to provide the type of response that our communities so desperately need.

I am pleased that we are finally providing this money as emergency money—off budget. As you know, the VA–HUD subcommittee is annually raided to provide funds for disasters in our emergency supplemental appropriations bill.

Often, the result is that we have to make decisions about cutting critical programs at agencies like the VA, HUD, EPA, NASA or the National Science Foundation to provide funds for the much needed emergency recovery efforts.

Mr. President, this amendment also provides $260 million for the HUD emergency community development block grant—CDBG—account. This money will be used to provide funding for several critical needs:

For disaster recovery needs in communities that are not covered by FEMA, SBA or the Army Corps of Engineers.

This money is designed to fill the gap for legitimate emergency needs.

Mr. President, I am a strong advocate for fiscal prudence. I am also a strong believer in the notion that this is a Government ''of the people, by the people and for the people''.

The emergency funds provided with this amendment is our way in Congress, in a clear way, of working for the people. When people are suffering, trying to rebuild lives, homes and communities, it is no time to be partisan. The citizens we serve deserve a swift, decisive and effective response.

I am proud that we are working in a bi-partisan way with this amendment to provide the resources necessary to ensure that the agencies responsible can respond to the real needs of our people.

I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, this amendment would replenish FEMA's disaster relief fund by $1.6 billion, as requested by the administration, consistent with FEMA's current estimate of the additional funds needed to meet the fiscal year 1998 and prior year disaster requirements.

So far this year, there have been Presidential disaster declarations in 17 States and territories. These disasters include snowstorms, typhoons, tornadoes, flooding, and ice storms. Most of these disasters have been related to the weather phenomenon we now know as El Nino.

While funds are currently available in the disaster relief fund, there are not sufficient funds on hand to meet the total costs which are estimated to stem from current disasters. In fact, FEMA estimates it will need every penny currently in the disaster relief fund to meet the existing cost projections of more than $3 billion from the disasters that have occurred prior to fiscal year 1998.

Included in the $1.6 billion appropriations request are funds for disasters which are also anticipated to occur in fiscal year 1998 based on the 5-year historical average cost of disaster relief. To date, FEMA disaster relief has been running very close to that 5-year average, despite the fact that a number of Senators and some people have raised questions about there being more damage that is caused by El Nino than has been caused in recent years.

I support FEMA's expeditious provision of aid to many of the needy communities that are stricken by disasters and wish to be sure that the disaster fund is fully funded, but, as I stated yesterday, I continue to be deeply concerned about the cost of disaster relief. Each year, we are seeing these costs rise exponentially, and the need for cost containment now is paramount. I urge the authorizing committees to look at these costs and determine if there is some way to reduce the costs for these funds. In the last 5 years, we have appropriated a staggering $18 billion to FEMA for disaster relief compared to $6.7 billion for the prior 5-year period. Clearly, the costs associated with disaster relief are growing out of control.

Unfortunately, we also have learned over the past few years that disaster funds have gone to some facilities like golf courses or to refurbish shrubbery in high-income communities, to facilities associated with universities that already have impressive endowments and revenue-generating capabilities, and to provide housing assistance to some who are really not in need. I really hope that the administration will realize it must put controls on these expenditures if FEMA is to continue to get the support of the Congress.

Moreover, Senator BOND, over the last few years, has pushed FEMA to submit a legislative plan of reforms to control disaster costs. With some reluctance, FEMA did submit a proposal for reforming the Stafford Act last summer. The proposed amendments address several very important areas, including new incentives for mitigation, streamlining the grant process, and eliminating certain facilities currently eligible for disaster relief, such as I said, golf courses. It is critical that this FEMA reform legislation be acted upon by the authorizing committees this year, and I urge them to work with Senator BOND to enact these reforms.

Meanwhile, while it is clear that we expect and need reform of FEMA programs, we also believe that Congress must complete action on this disaster relief funding legislation as quickly as possible, so that the disaster needs of our communities can be met.

I see the Senator from Oklahoma is here. I wish to state, I did reconsider the vote on the prior amendment. I did not know whether it was this amendment or the prior amendment that the Senator wished to address. If he wishes to address the first one, I will be happy to withdraw that and bring it back to where the Senator can offer an amendment to it.

Mr. NICKLES. If the Senator will yield, I appreciate his willingness to do that, because I am opposed to both amendments. I do not find that to be necessary. I will confine my remarks to this amendment. My guess is the outcome would be identical. But I feel rather strongly about it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I notice my colleague from Missouri is here. He is in charge of the subcommittee with responsibility for FEMA. He may want to make some comments on this amendment. Does the Senator from Missouri want to speak on this?

Mr. STEVENS. I will say for the Senator, I have just read his remarks.

Mr. BOND. I thank the chairman.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, yesterday Senator GRAMM had an amendment that said let's fund the 1998 emergencies and we will call it an emergency; we don't have to have an offset. That was the underlying bill. The underlying bill had money for defense, money for Iraq, money for Bosnia, money for the so-called emergencies—weather-related emergencies. I thought he had a good amendment. I did not speak out on the floor, and I wish I had. That was on the underlying bill, which is about $3.3 billion. Now we are looking at an amendment to expand that bill by an additional $1.6 billion. I ask the Senator from Missouri, is that correct—$1.6 billion for FEMA?

Mr. BOND. That is correct. The amendment would appropriate an additional $1.6 billion for FEMA.

Mr. NICKLES. The reason I ask the question is because I have heard this figure bandied around the last few days. But anyway, FEMA did not request any money initially. This is a late request. This is a late request, and the Senators from Missouri or Alaska can correct me if I am wrong, this request did not come in from the administration when they were marking up the bill; this request just came in lately: ''Oh, we need an additional $1.6 billion for disasters that we think might happen. And, oh, yes, we want to call it an emergency.''

What does that mean? By calling it an emergency means there will be no offsets. These emergencies have not happened yet, but we are basically going to take this $1.6 billion, and most of the money, I might mention, will be spent in 1999 and the year 2000, maybe 2001. The money is going to be spent in the future, but, ''Oh, we don't have to put that in the budget.''

I am on the Budget Committee, and we had an agreement. The President signed that agreement, and he said, ''Here's how much money we are going to spend on discretionary accounts,'' and we passed it. The President in his State of the Union Address bragged about how good that is: ''Boy, now we have a balanced budget. We are going to have a balanced budget for a long time because we worked together.''

Well, this is voiding that agreement. This is saying, let's take $1.6 billion for the future and we are going to call it an emergency and, therefore, we don't have to have any offsets—none. It is just going to come out of, I guess, the surplus.

Guess what? The budget that we are going to be considering next week talks about the surplus. Senator DOMENICI did a very good job in working it through. Guess how much the surplus is in the year 2000 when probably most of this money would be spent. The surplus is $1 billion. And we are working on an emergency supplemental, if we adopt this amendment, which will be over $5 billion and probably a couple billion of that will be spent in the year 2000. In other words, certainly if we adopt this amendment, we are going to be spending 100 percent of the surplus in 2 years. And we are spending real money.

I just don't think we should do it. If FEMA wants to ask for this money, it should be in their budget. They come before the appropriators. Senator BOND does a very capable job in that subcommittee. They can come up and say, ''Here is the historical average; therefore, we should have a couple billion

dollars a year in FEMA for our budget.'' They have not done that. What they are really trying to do is, ''Hey, we want to get around the budget.'' In other words, we have a cap on discretionary spending but we are not going to include FEMA, like it doesn't count, even though we have historical averages.

I do not think we should prefund the account and call it an emergency. If we want to prefund it, fine. I am just saying we should take the emergency designation off. We should not declare it an emergency; it has not happened. Frankly, if we have an emergency in 3 months, FEMA will not be able to spend the money until the year 1999, and we won't have an appropriations bill. Let's go through the appropriations process.

AMENDMENT NO. 2131 TO AMENDMENT NO. 2123

(Purpose: To ensure that additional funding for the Federal Emergency Management Agency does not reduce the unified budget surplus)

Mr. NICKLES. Mr. President, I send a second-degree amendment to 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 Oklahoma [Mr. NICKLES] proposes an amendment numbered 2131 to amendment No. 2123.

Mr. NICKLES. 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:

Beginning on page 1, line 5, strike everything after the word ''expended:''.

Mr. NICKLES. Mr. President, the essence of this amendment, I tell my colleagues, is it says that we allow the money to go in for an additional amount for disaster relief, $1.6 billion to remain available until expended, period. What I am deleting is the emergency. The additional part of this amendment says that I am deleting ''provided these funds will be available only to the extent the official budget request for a specific amount includes the designation of the entire amount of the request as an emergency requirement defined in the Balanced Budget Emergency Control Act of 1985,'' and so on.

In other words, I am striking the emergency section of this request. So we can put the money in. If there is an emergency, by golly, FEMA has the money; it can pay it. So nobody should say, ''Hey, you took money away from my emergency.''

What it does mean is, in the budget next year we are going to have to include whatever portion of that $1.6 billion would be spent in 1999 in the budget. We have caps to spend about $580 billion, I am going to guess, next year in the discretionary accounts. This is going to have to be part of it, or, in the year 2000, this will be part of it. This means we still may be able to have a surplus in 2002. It means maybe our budgets mean something.

How in the world can you have a budget and say we are going to have caps on discretionary spending and then we say, ''Oh, we're going to fund in advance future emergencies, and, oh, yes, we're not going to count that as part of the budget and it's not necessary to affect the caps''?

Domestic total discretionary spending increased from $274 billion in 1997 to $288 billion in 1998. That is more than a 5 percent increase, and that is for the year we are in right now. All I am saying is if we are going to future fund FEMA, it ought to be in the budget.

I do not object to adding $1.6 billion so FEMA will have the money, and if there is an emergency this year, they can pay for it; if there is an emergency next year, they can pay for it. But what I am objecting to is having it classified as an emergency in advance so there have to be no offsets.

I just think that if we are going to be spending next year in total discretionary spending, that it should be included and get away from this game of, ''Oh, we're only going to fund a few couple hundred million dollars in FEMA, and, oh, yes, if an emergency comes up, we will just declare an emergency and it doesn't count.'' I do not want to spend 100 percent of the surplus in 2000 on this bill. I think that is a serious mistake.

I urge my colleagues to allow the funding to go forward for FEMA, but let's strike the emergency section of this bill so in the future years it will have to be paid for. We will have to incorporate that in our total amount of spending so that our budget will mean something; so a budget that we are going to be working very hard and probably have several contentious and tough votes on, probably a good debate on in the next few days, will mean something.

It is a heck of a deal for people to be saying, ''Oh, yes, we're fighting for a balanced budget; oh, we can waive the budget, we can waive it in the future, we don't have to budget for emergencies.'' We should budget for emergencies. We should have truth in budgeting. We should say, ''Hey, this should be included and it shouldn't be exempt from the budget.''

I did not say anything about the $3.3 billion. I think Senator GRAMM was right yesterday, but we did not touch that. Certainly if we are going to take it from $3.3 billion to over $5 billion, which is what we are getting ready to do—we started with an appropriations request from the administration that started around $2 billion, and the administration keeps sending amendments up: ''Oh, yes, now we have a little amendment; we want another $300 billion, some $260 billion, I think, for community block development grants,'' that was just adopted. ''Now we have another little amendment, $1.6 billion for FEMA; ''oh, yeah, we would like that, too.''

They did not give us that request when we had the markup. They did not give us that request 2 weeks ago. But all of a sudden, they just determined a new need. The reason they determined a new need, in my opinion, is they said, ''Hey, if this is an emergency, this will give us more money to spend next year for other purposes.'' I think that is wrong. I think it is a serious mistake.

So I urge my colleagues to adopt our second-degree amendment and strike the emergency portion of this future funding for FEMA.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, while I appreciate the concerns of the Senator from Oklahoma, let me clarify one point that I think may be somewhat confusing. The funding in this amendment is to reimburse FEMA and to cover costs for disasters occurring in this and prior fiscal years, not in future fiscal years. It would simply allow us to begin fiscal year 1999 without an enormous, outstanding disaster relief requirement. In particular, this $1.6 billion appropriation includes funds to cover the costs of disasters anticipated to occur in the balance of fiscal year 1998. This amendment is not about advance funding, but is intended to provide the necessary funding only for disaster relief requirements for fiscal year 1998 and prior years.

The Senator from Oklahoma has expressed his concern about the cost of disaster relief. No one has been more concerned about the cost of disaster relief than I. In our subcommittee, we have held a number of hearings focused almost solely on FEMA reform and the exploding costs of disaster relief. In response to these hearings, we demanded that the administration and FEMA submit a responsible package of Stafford Act amendments. While FEMA has provided a package of FEMA reform amendments, these are a difficult sell, although we remain hopeful that the authorizing committees will work to implement these and other reforms.

I have been joined by my distinguished colleague and ranking member from Maryland, who had the great privilege and high honor of chairing this subcommittee previously and has been an absolutely essential part of the committee deliberations. I will ask her in just a moment to address some of these.

I emphasize that we need to amend the Stafford Act. We also need administrative changes. Nevertheless, at the same time, these FEMA funds of $1.6 billion are needed now to meet current FEMA requirements. This appropriation is needed to ensure that we have adequate funding for disaster relief.

Nevertheless, there are a number of us who are very much concerned about the cost of disaster relief. Each year, we see the costs of disaster relief rising exponentially. The need for cost containment is paramount. For example, in the last 5 years, we have appropriated a staggering $18 billion to

FEMA for disaster relief, compared to $6.7 billion in the prior 5-year period. While I know we have had some major disasters in the last 5 years, we also had significant disasters in the previous 5 years. The costs are clearly out of control.

As I have noted, for several years, I requested that FEMA submit a legislative plan to control disaster costs. After cajoling and arm twisting, threats of reduced funding, FEMA finally submitted a proposal for reforming the Stafford Act last summer. The proposed amendments address several very important areas, including new incentives for mitigation, streamlining the grant process, and eliminating certain facilities currently eligible for disaster relief, such as golf courses.

This is how we must address the cost of disaster relief. It is far better for authorizing legislation to say what we are going to replace and for what we are going to provide assistance. It is very difficult to address disaster relief issues after the fact when people come to the floor and there is a great outpouring of sympathy. I have been here, I have done that, I have seen it. We have a T-shirt with it emblazoned on it. Once there is a disaster, people come in and they have all of these needs for disaster assistance. And I might say that this body has been extremely generous and, in some ways, we have opened the floodgates.

Well, we are not talking with this amendment about what we would do in the future. We are talking about requirements that have already occurred. I strongly agree that in the future we should limit disaster aid to those truly in need, to people, to entities, to communities that cannot protect themselves against disaster. If they are a profitmaking business, if they are a revenue-generating business, then let them purchase insurance, let them take care of their needs in advance. We need to come in and help those who truly cannot help themselves. However, until we do that, we have to do something to fund and to provide the resources for the commitments already made.

If the Nickles amendment succeeds or if this amendment is not adopted, we are going to be facing in the VA–HUD Subcommittee a $4 billion lien against the bill. And there will be some very untenable choices. We are the ones, Senator MIKULSKI and I, who have to take the first cut at funding the programs in the VA/HUD Appropriations Subcommittee. To be clear, without this amendment, it will be very difficult for us to even meet the President's request for Veterans Administration medical care, which is $40 million less than the fiscal year 1998 level. We would be shorting veterans medical care which is not acceptable. In addition, we would be forced to make drastic cuts to low-income housing, including elderly housing, EPA, and Superfund, as well as important space and science programs.

I can tell you that this will not be pretty. I can tell you that the disasters have occurred and that commitments have been made. The question is, will we, in this measure, replenish those funds and carry through on the obligations FEMA has made for this year?

As we look to the future, I would love to see us get disaster relief under control with an appropriate authorizing reform measure and also adjust the budget for regular and timely disaster appropriations. Disaster relief needs are running over $3 billion a year—to some $3.6 billion a year. If we are serious about meeting FEMA disaster requirements in the future, I would love to see the budget take account of the needed $3.6 billion worth of FEMA disaster relief requirements each year. We are not there yet, but I am committed to getting FEMA disaster relief and disaster relief requirements under control.

Mr. President, I see my distinguished colleague on the floor. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support the Bond-Mikulski amendment and also to oppose the second-degree amendment offered by our colleague from Oklahoma.

Mr. President, I want to support my colleague from Missouri, the chairman of the subcommittee on appropriations for FEMA, Senator BOND, in his remarks about the need for the reform on the funding of FEMA.

Now, Mr. President, let me take a few minutes to say that during the last 5 years FEMA has reformed itself. Prior to James Lee Witt becoming the Administrator, FEMA itself in the way it responded to disasters was a disaster. Each President—Mr. Reagan and then Mr. Bush—often had to send in a trusted aide to oversee whenever disaster affected a community because FEMA itself was so obsessed with a bunker, cold war, civil defense, hide-under-your-desk mentality for nuclear warfare, that it had not gone to a risk-based strategy to be able to respond to the disasters that America faced.

When Hurricane Andrew so devastated Florida that the response of FEMA itself was a disaster, President Bush sent the very able and talented Secretary of Transportation, Mr. Card, to Florida because FEMA could not get it together to do the job.

I think we are all agreed that now FEMA has moved into being an appropriate agency for the post-cold war era. It has focused on the domestic needs of the American people. It has gone to being an all-hazards response agency for not only natural disasters but any of the other kinds of disasters that it has faced. It has worked with Governors and State agencies on three things: readiness and preparedness, response, and then rehabilitation after that response—the three R's of disaster response.

Now, when we have responded, the need has spoken for itself. And that is what is in this year's appropriation—an urgent supplemental. This is the need. It is not a made-up need; just like it was not a made-up disaster. We are living in the year of El Nino. And El Nino is the weather event of the century and has really triggered a variety of natural disasters throughout the United States. As has been indicated in Senator BOND's testimony, there have been 17 Presidential disaster declarations this year in both States and territories. This $1.6 billion will address current needs and the total cost which will be generated from the current disasters. These needs are certainly emergency needs, just like over the last 5 years FEMA has incurred an average of $2.3 billion in obligations each year; and each year the VA Subcommittee absorbs the cost; and each year we take it out of other Federal agencies within our subcommittee.

Now, we do not take it out of agriculture. We do not take it out of defense. We take it out of the 25 different agencies that are within the VA Subcommittee. We have already given, and we have given over a number of years. We cannot continue to do it this way.

I support in the most enthusiastic and the most firm way the call of the chairman, Senator BOND, for a new authorizing framework on how we are going to fund FEMA.

Lots of times, because of compassion or empathy, we then often repair things that might raise eyebrows. But in the midst of a disaster, no one wants to say no to community need. When it comes to disaster funding, we cannot have it both ways. When the Clinton administration has asked for a contingency fund to handle these disasters and emergencies, it has been dismissed as a slush fund. ''Well, you can't have a slush fund. We'll do it as pay as you go. Let's see what the disasters are and make it up in the urgent supplemental.'' Well, now we are making it up in the urgent supplemental and at the same time we know that this isn't the most desirable way to do it and therefore need the authorizers to set that policy.

But I must say, the authorizers and the authorizing committees have not given this the attention it deserves nor have they had the same sense of urgency that is required when we meet disaster funding. So, therefore, for this year, please pass the Bond-Mikulski amendment; and also for this year's legislative session, give us a new authorizing framework, invite our participation, as well as the National Governors' Association, as well as the Director of FEMA, and have a bipartisan approach to how we are going to fund disasters in the future. But do not penalize the other agencies within this subcommittee because of the fact that El Nino and many other terrible situations have affected the American people.

Our heart goes out to the people who have been hit by the ice storms in New England, and the horrendous tornadoes

that devastated Georgia and Florida. There are these disasters. And if we are going to be in this, we have to have, No. 1, a new authorizing framework; No. 2, adequate funds, and, No. 3, maybe we have to also come up with new mechanisms where perhaps residents and businesses have a new insurance framework to be able to practice self-help. But we cannot do this today on the urgent supplemental.

What we can do is meet obligations made which need to be obligations met. So I urge the defeat of the Nickles amendment, the support of the Bond-Mikulski amendment, and then let us have a new authorizing framework.

I want to thank the chairman of the subcommittee for the way he has worked hard on this. We look forward to moving this legislation and meeting the obligations that have been made, at the request, I might add, of Governors. President Clinton doesn't make these up. For it to be a FEMA-declared disaster grant it has to come at the request of a Governor.

I might add, when disaster hits, you don't know if it is a Democratic Governor, you don't know if it is a Republican Governor. We just know for all Americans it requires the response of the Federal Government.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate the comments of both my friends and colleagues. I had the pleasure of serving on this subcommittee with them. They do an outstanding job.

Let me make a couple of comments. Is this an emergency? I don't think so. I have been informed that the administration requested this $1.6 billion yesterday. Wait, these disasters have happened for the last several months. They requested this yesterday. Gravy train.

The Senate is in the process of moving an appropriations bill, and they are calling it an emergency bill. If the Senate was having ''pay fors,'' which we probably should do, they wouldn't be doing this, in my estimate. Maybe I am wrong. I know in the past this committee has already made some changes on section 8 to pay for it. I compliment them for that.

I am not faulting my colleagues on this subcommittee. I am faulting the Senate, I am faulting the Budget Committee, because we have gotten this historical, sloppy budgeteering process for FEMA that we will be funding at $300 million a year when it averages $2 billion or $3 billion a year.

I agree entirely with my colleagues from both Missouri and Maryland. They say we need to reform the FEMA funding process. That is exactly right. Maybe now that I have had a chance to look at it, I can help you with that. Let us give it a little attention. We need to give it attention. This is ridiculous.

For my colleagues who think we are budgeting and we are real serious next week, we are serious, except for when we happen to call something an emergency. This wasn't an emergency 2 days ago, but it is an emergency now. So here is another $1.6 billion. We just had an emergency, too. We are going to add $260 million on community development block grants.

Let me read something from the committee report on community development block grants. I was going to oppose both. The vote will be the same. This is from the committee report, and I compliment the authors.

> The committee remains concerned about the Department of Housing and Urban Development's administration of $500 million in emergency community development block grant funding which was provided in fiscal year 1997, Emergency Supplemental Act, public law 105–18, June 12, 1997, last year's urgent supplemental. This was an unprecedented amount of emergency community block development grant funding and it raised a number of concerns regarding inadequate award procedures and accountability measures. Despite repeated requests by the committee, HUD has provided little or no data regarding the funding procedures for emergency CDBG funds for the amounts of CDBG funds allocated by HUD to the States and localities by the amount or activity. It is expected that by April 15, 1998, HUD will provide a summary of the procedures used for allocating and awarding emergency CDBG funds, a summary of all waivers made, and a list of all grants by State, locality and activity.

I compliment them for doing it. But the net essence is last year we gave community development block grants $500 million in emergency funds, and HUD can't account for it. We added $260 million this year, and in addition we are adding $1.6 billion. In a period now we are going to spend $1.9 billion, call it emergency, and say none has to be counted as discretionary spending under the budget. Almost all of this money will be spent in 1999 and the year 2000, probably 100 percent of it, yet it is off budget, it doesn't count.

Every penny of that is coming out of the surplus, every single penny. I heard the President, ''We will save that surplus for protecting Social Security''—except for what he calls an emergency. And we have a supplemental bill going through and it has emergency designation. Let's pile on, let's add some more money, add $1.6 billion, make it $1.9 billion.

They gave us that request yesterday, and we are going to submit to it. The managers of this bill will probably win and so we are going to spend probably 100 percent of the surplus in the year 2000 in this bill on this amendment. The year 2000, the Budget Committee did good work, but we have a $1 billion surplus forecasted for the year 2000—$1 billion—and we are going to spend it because we are calling it an emergency.

All I am saying, is that it is not an emergency. Those funds should be allocated and should be under the caps. We should pay for it. I want to pay for emergencies as much as anybody else in this room, but we should put it in the budget. This is a fraud on the whole budget process to say emergency spending, we are not going to count that for the future years.

Mr. GREGG. Will the Senator yield?

Mr. NICKLES. I am happy to yield to the Senator.

Mr. GREGG. Didn't we say we were saving the surplus for Social Security? Didn't the President in the State of the Union say that surplus would be reserved in addressing Social Security? And if we undertake this procedure, which is a request from the administration——

Ms. MIKULSKI. We can't hear you.

Mr. GREGG. Soft-spoken.

The question I was asking the Senator from Oklahoma, didn't the President, in the State of the Union, say we were going to save the surplus until the issue of Social Security had been addressed? Shouldn't we be saving the surplus for Social Security? Doesn't this proposal which has come up from the administration essentially undermine that goal of saving the surplus for Social Security?

Mr. NICKLES. To respond to my friend and colleague from New Hampshire, who also serves on the Budget Committee, he is exactly right. The President said we wanted to save every penny of the surplus for Social Security, and right now we getting ready to spend it.

My amendment, I might remind my colleague from New Hampshire who has had some disaster, and several other States—I don't want anybody coming to the floor and voting against this saying, ''I need to fund my disaster because we had flooding,'' or, ''We had a freeze,'' or, ''We had milk cows that needed assistance,'' or whatever that emergency might be, we put money in for the emergency. We put money in to fund the emergency.

We are just saying it has to be on budget so next year we will have to plug money in. We can't get away with the $300 million facade we have been doing under the Budget Committee and under the Appropriations Committee and pretending we are funding things.

All I am saying is go ahead, put the $1.6 billion in to take care of whatever emergency, but take the emergency designation off so Congress will have to live within the caps and hopefully still have a surplus so we can save Social Security.

Mr. GREGG. If I could continue that line of questioning, if you were to support your amendment, you would be protecting the surplus for Social Security, or hopefully for Social Security, but at least this spending which is incurred as a result of this proposal would come under the budget process in the manner which would require it be accounted for in the caps and therefore it would not impact the surplus.

Mr. NICKLES. The Senator is exactly right. I appreciate the comment.

I yield the floor.

Ms. MIKULSKI. Will the Senator yield?

Mr. NICKLES. I yield to the Senator.

Ms. MIKULSKI. Let me understand the consequences of what the Senator from Oklahoma is recommending.

If the emergency designation is removed, the phrase ''emergency designation,'' then what are the consequences to that? Does that mean we have to find offsets? What would be the consequences of following the Senator's suggestion?

Mr. NICKLES. To respond to my colleague from Maryland, the consequences would be this: We would appropriate $1.6 billion for FEMA. There would be money in FEMA's account to meet whatever emergencies might arise. It also means that the money that is spent when spent in the year 1999 and the year 2000, which is when the money would actually be spent, would come under the caps. And we have caps, we agreed to caps, we said here is how much money we will spend on discretionary spending accounts. It is $580-some billion. That money would have to go in that amount.

Ms. MIKULSKI. Where does the money come from? Is the Senator saying this would require us to identify offsets?

Mr. NICKLES. It would mean that it would have to come within the total amount of money that we have on domestic discretionary spending caps. It would be in that amount, several hundred billion.

Ms. MIKULSKI. I don't understand that. I appreciate the Senator's in-depth knowledge of the Budget Committee, but if I am a Governor, say, in California or Florida where the bulk of the El Nino disasters have occurred, what are you saying that we should do to fund? You say it is under the caps and all this. If we follow your suggestion, do we or don't we have to find offsets for the $1.6 billion?

Mr. NICKLES. To respond to my colleague, this year, 1997, we have domestic discretionary caps at $288 billion. What we will have to do is fund it within that amount. To answer you specifically, if you wanted to stay on your HUD baseline—you have a baseline, all the other subcommittees have a baseline—you would either have to fund it within your baseline, within your group, within your subcommittee, or if that wasn't possible, you would have to borrow from some other subcommittee, but the total would have to stay on the cap amount.

Ms. MIKULSKI. That would mean finding an offset.

Mr. NICKLES. Right.

Ms. MIKULSKI. To be clear, talking of baseline and living within caps, if we eliminate the emergency designation, fund the $1.6 billion, it means we will have to find $1.6 billion by taking money from some other account or some other agency or agencies; am I correct in that?

Mr. NICKLES. Let me respond.

The $1.6 billion, in all likelihood you would have about, I will say, $600 million next year and probably $600 million——

Ms. MIKULSKI. Do we or do we not have to use offsets?

Mr. NICKLES. Madam President, you have to use offsets; $600 million in 1999, we have a total amount of spending on domestic discretionary side. I have the 1997 figure of $288—it is more than that in 1999.

I might mention, between 1997 and 1998, it went from $274 to $288, an increase of $14 billion that went into domestic discretionary accounts. I don't have the figure in front of me, what it increases in the next year, but there was $14 billion in increases. You only have outlays of about $600 million. Somewhere in that $288 or almost $300 billion we have to find an offset. I think we should do that.

Ms. MIKULSKI. Which means it has to come from another agency.

Mr. NICKLES. If I can respond, it would either come from within your subcommittee's budget or it could come from some other budget. Some budgets have been growing. I mention we had a $14 billion growth in domestic discretionary between 1997 and 1998. It could be in the growth funds. We are only talking about maybe $600 million or $500 million per year. It could come out of your subcommittee or out of another subcommittee, but the point is it would be accountable.

We wouldn't have something totally extraneous to whatever budget agreement we come up with.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, let me get in on this very elucidating discussion my colleagues are having. It seems to me that if the emergency designation was taken off the FEMA amendment without offsets, I believe this bill would be subject to a point of order. In particular, we would have to come up with offsets of $1.6 billion in budget authority for the current year. Plus, we also would have to offset the outlays.

If you are trying to take $1.6 billion in budget authority out of a program 7 months into the year, the impact on any one program would be devastating and, in many cases, would defund the program. If there are programs with such offsets which my colleague can identify where there is totally wasteful spending, we would be happy to discuss those offsets. Frankly, I don't know of any program from which we could take $1.6 billion in budget authority out of this year's appropriations in the current fiscal year 1998.

I agree with many of the things the Senator from Oklahoma has said. He is very eloquent. I look forward to going into battle with him to trim down and to rationalize the emergency funding process. We need a champion like the Senator from Oklahoma. I really appreciate him reading the plaintive words we put in the committee report. I did not think anybody read committee reports. I am deeply indebted to my colleague for laying them out for the Senate, because nobody would have believed me if I had read them.

But this process of putting money into CDBG has gotten out of control. Frankly, what we said in the committee hearings was far stronger than what I said in that committee report. The $500 million we appropriated for the CDBG emergency program in FY 1997 was more than I recommended. This was for the disastrous flooding in the Upper Midwest. I thought CDBG emergency funding was out of control, and, frankly, nobody has yet been able to tell us where the money has been spent. I wish that everybody who so strongly supported and steamrolled the passage of that emergency designation and that emergency CDBG funding would come and help us look through the debris of the accounting systems and find out where the money went.

But that does not change the fact that we have, in this measure, tried to establish for emergency CDBG funding some criteria and some guidelines to make sure that the money is not totally wasted. We say the money has to go to disaster relief activities identified by the Director of FEMA as unmet needs that have not or will not be addressed by other Federal disaster assistance programs. To ensure accountability, States must provide a 25 percent match for these emergency funds and HUD must publish a notice of program requirements and provide an accounting of the CDBG funds by the type of activity, by the amount of funding, and a listing of each recipient. That is our effort to get a handle on these things.

The Senator from Oklahoma has identified a much larger problem. We need to get a handle on our disaster program. We have attempted to establish reforms. I lost out. I was steamrolled last year, and I am sure someday we will find out where the money went. But in response to emergencies, we come through again and again and we are very generous. For example, in July of 1995, we put in $39 million in CDBG funds for the Oklahoma City bombing, which was a real disaster. That was put in as an emergency and it was offset.

Now, the problem of offsets is a problem that we have faced every year. Over the last 3 and a half years, we have offset the cost of emergencies out of HUD section 8 housing reserves at a cost of some $10 billion. Last year alone, Congress used $3.6 billion in excess section 8 reserves to pay for disaster relief.

Madam President, the well has run dry. We are at the bottom. If you want to start throwing people out of publicly assisted housing and say that rather than designate the FEMA amendment as an emergency, we are going to walk down the street and tell a sweet little lady in section 8 housing that we need to balance the budget, that we are sorry, but your section 8 assistance is no longer valid and you have no housing—well, that is harsh and not acceptable. However, these are the kinds of decisions we have to make. Nevertheless, I am delighted to know that we will be working with the Senator from Oklahoma in an attempt to reform FEMA programs and get FEMA expenses under control.

I urge my colleagues to support a motion, which I must regrettably make, to table the second-degree amendment. I certainly want to give my colleague the opportunity to conclude, and the Senator from Maryland, if she wishes.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I appreciate the comments made by my good friends from Missouri and Maryland. I do look forward to working with them.

We need to reform this program. A lot of evidence is in need of reforming this program because, in fact, we do not fund it but then every year we come up and start asking for more money. I want to tell my friend and colleague from Maryland something, because I gave you half an answer. I said that within the caps we would have to offset, although the caps have increased. There is one other option. If we breach the caps, the budget law calls for a sequester to offset. That is how that would happen—one of those two ways. I wanted to make sure of that. That is my purpose. I think we should stay within the caps, so we can keep more money to either pay down the debt, or if there is a surplus, we can save Social Security or give taxpayers relief, not spend more money.

I hate to work so hard on the budget and come and say we are going to have a great big bill and spend billions of dollars. This started at $2 billion, and now it is going to be over a $5 billion bill. My colleague from Missouri mentioned that I read the committee report. It said that in last year's emergency bill we spent $500 million, I tell my friend from Alaska. We do not know how they spent it.

I compliment my colleagues that are heading up the HUD subcommittee. They are trying to stay up with the housing people and say, ''Where did that money go?'' It is not accountable. Then I heard, ''Well, we spent $500 million on rebuilding one hospital.'' I appreciate the fact when Oklahoma City had the Murrah Building bombing in 1995, which killed 169 people, we put in $39 million. We also paid for it; we had an offset. That was good. I might have supported it without an offset.

But I think we ought to be within the budget and try to fix this problem. We ought to find out what happened to that $500 million Community Development Block Grant money last year. I do not like that. I would have opposed the amendment. I was going to oppose the $260 million add-on for Community Development Block Grant money. I am bothered that the administration didn't request this money until yesterday, if this was such an urgent need and we had to have this for these emergencies. They came up yesterday. They had plenty of money a week ago. But all of a sudden, now we need the money. I cannot help but get the feeling that they see a gravy train coming along and we are going to call this thing an emergency and say, give us an extra almost $2 billion so we can fund a lot of things that will be off budget, so we don't have to live by the caps.

Mr. STEVENS. Will the Senator yield there?

Mr. NICKLES. I would be happy to.

Mr. STEVENS. When I was informed that we were running out of money, according to the projections for FEMA, and would be out of money if they met all of the disaster requirements for fiscal year 1998, I said we had to do something about it but we would not do anything about it unless we got a request from the administration. That is why it came in yesterday.

Mr. NICKLES. Do we have the request in writing? The staff informs me that we do. I have not seen that. I would appreciate a copy of that. It is a heck of a deal. Here we are on Wednesday, and this request came in on Tuesday to give us another $1.8 billion or $1.9 billion, and we are just going to do it. For the life of me, if this is that much of an emergency, you would think James Lee Witt would have been working on every Member of the Congress saying, ''We have to have this money.'' He has not.

What I was hearing up until a week or so ago is that they had enough. Now, all of a sudden, they need $1.6 billion or $260 million on Community Development Block Grant money, and we do not even know how they spent $500 million last year. They cannot even account for that $500 million of the emergency money last year. Yet, we are getting ready to give another $260 million plus $1.6 billion for FEMA. I think that is a mistake. I am told that there are no community block development requests from the administration—none. There may be a verbal request, but no written request. I am assuming that is what my staff is telling me. They did not make the request, but we gave them the money anyway. I know some of my colleagues would like to have that money.

Mr. BOND. Will the Senator yield?

Mr. NICKLES. I will yield.

Mr. BOND. The request for emergency CDBG funds came from our colleagues. If you wish to have all of them speak to you personally, I would be happy to direct them to you. I can assure you that the $260 million in emergency CDBG funding is significantly less than has been requested by our colleagues in this body.

Mr. NICKLES. I am getting too many fights going at the same time. I have a nice engagement with Senator KENNEDY on a HCFA add-on that was put into the budget, which we will be voting on later. And $1.6 billion is on the floor now. That is enough. I am not trying to anger Members; I am trying to have a little bit of fiscal responsibility.

Again, since FEMA did not make this request until yesterday, I cannot believe it is that urgent. But I remind my colleagues, my amendment does not strike the $1.6 billion; it just says that the emergency classification will not be in there. So for next year's budget it will have to live within the caps, and for the following year it will have to live within the caps. That is the essence of my amendment, so we can help protect the surplus and maybe give taxpayers some relief.

So that is my hope, and that is my desire. If there is going to be a motion to table my amendment, I urge colleagues to vote no on tabling the amendment.

Mr. BOND. Madam President, I was preparing to move to table. But I wondered whether my colleague was going to offer a similar amendment to take the emergency designation off of the CDBG, and if he wanted to have one vote serve for two——

Mr. NICKLES. No. The result would be the same.

Mr. BOND. That would certainly expedite matters and allow us to express ourselves. There will not be an effort to change that. So this will be on the second-degree amendment to FEMA.

Madam President, I move to table 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 the amendment of the Senator from Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—68

Akaka	Dorgan	Lugar
Baucus	Durbin	Mack
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Moynihan
Boxer	Gorton	Murray
Breaux	Graham	Reed
Bryan	Grassley	Reid
Bumpers	Harkin	Roberts
Byrd	Hollings	Rockefeller
Campbell	Inouye	Sarbanes
Chafee	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kennedy	Snowe
Collins	Kerrey	Specter
Conrad	Kerry	Stevens
Coverdell	Landrieu	Thurmond
D'Amato	Lautenberg	Torricelli
Daschle	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lott	

NAYS—31

Abraham	Grams	McCain
Allard	Gregg	Murkowski
Ashcroft	Hagel	Nickles
Brownback	Hatch	Robb
Burns	Helms	Santorum
Coats	Hutchinson	Sessions
Craig	Hutchison	Smith (NH)
Enzi	Inhofe	Thomas
Faircloth	Kempthorne	Thompson
Feingold	Kohl	
Gramm	Kyl	

NOT VOTING—1

Roth

The motion to lay on the table the amendment (No. 2131) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from Alaska is recognized.

AMENDMENT NO. 2123

Mr. STEVENS. Mr. President, I ask for a vote on the pending amendment, the amendment of the Senator from Missouri, Senator BOND. I urge adoption of the amendment at this time.

The PRESIDING OFFICER. Without objection, the underlying amendment of the Senator from Missouri is agreed to.

The amendment (No. 2123) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent to set aside the pending amendment so Senator HELMS may offer his amendment. And I state to the Senate that this amendment will require a rollcall in the not-too-distant future.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished senior Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have an amendment at the desk that I want to call up momentarily, but not at this minute.

Mr. STEVENS. May we have order, Mr. President?

The PRESIDING OFFICER. There are 14 doors. If you want to talk, use one of them.

Mr. HELMS. Mr. President, I thank the Chair.

As I was saying, I, first, want to offer my personal assessment of some of the red hot rhetoric coming from and by critics of the United Nations, and even from this administration, regarding the decision by the Congress to withhold a portion of the funding for the United Nations until genuine reforms are implemented by the United Nations. I happen to know quite a bit about this as a result of my having spent months and hundreds of hours in painstaking negotiations with Members of both the House of Representatives and the U.S. Senate and the administration in coming up with a legislative package to pay the so-called ''U.S. arrearages'' to the United Nations in exchange for meaningful reform of the United Nations.

That package of reforms passed the Senate twice—once by a vote of 90 to 5. And the conference report has been filed with the House and Senate. But, unfortunately, by an astounding display of administration priorities, the White House chose to block this reform bill at the end of the first session of this Congress after the House of Representatives added one single provision protecting unborn babies from deliberate mass destruction.

Amidst all of that, our able and distinguished Secretary of State was reported as having claimed that not paying the United Nations would result in what she called a ''shutdown of our national security policy.'' That statement, by a lady whom I admire and respect, surprised and saddened me, Mr. President, because Madeleine Albright is bound to know better than almost anybody else that U.S. national security policy is run out of the White House, along with the State Department, which Madeleine Albright, of course, heads. And also it is run by the Defense Department.

But, Mr. President, Congress has a critical role in all of this as well—''this'' being a tripartite system of government that we have in our country. The security policies of the United States are not run by the United Nations, nor by the U.N. Security Council, nor by Kofi Annan. Thus, holding out a portion of U.S. funds for the United Nations in exchange for long overdue significant reforms designed to strengthen the U.S. national security certainly will not result in a ''shutdown of our national security policy.''

It is not surprising, however, to hear the familiar anti-American drumbeat out of the United Nations and from some of its members. I find it interesting that some diplomats at the United Nations undiplomatically tossed around the name ''deadbeat,'' referring to the United States. In fact, the U.N. Secretary General, Mr. Kofi Annan, implied as much in his March 9 New York Times op-ed piece entitled, ''The Unpaid Bill That's Crippling the U.N.''

I have a chart here showing that article by the Secretary General, and I hope the people operating the cameras will make that clear.

I like Kofi Annan fine. He has visited me a number of times—one time recently in my office in the last 10 days. But in this piece, the Secretary General made the absurd declaration, a non sequitur, if I ever heard one. And I quote him: ''Fiji has done its part. What about the U.S.?''

Well, Mr. President, the Secretary General is a man, I must reiterate, whom I have regarded and have often described as an honorable man. I brought up his statement when he visited me in my office 2 weeks ago.

And, by the way, Mr. President, just for the record, Fiji's United Nations' assessment for 1998 was precisely $47,636. The assessment for the United States, our country, on the other hand, was billed for $297,727,256. But that is not the all of it. The U.S. taxpayers will pay a total of $901 million to the United Nations and its affiliated agencies and other international organizations in fiscal year 1998. And that does not include another $210 million that American taxpayers are being demanded to pay for U.S. peacekeeping. And that all adds up to $1.110 billion.

So, it goes without saying that our friend, the U.N. Secretary General—I suppose in trying to be a little bit cute—in fact ended up both absurd and untruthful. And I do hope that it was his staff, not the Secretary General himself, that came up with that quip. Because, as I say, I have always regarded Kofi Annan as a sensible man.

Nevertheless, it is a perfect example of the disingenuous, even dishonest arguments being floated to misrepresent the United States of America, designed to make us pay even more than what we are willing to or obliged to pay in support of the United Nations. Clearly, it is time for Congress to meet head on such outrageous charges from those who do not represent American taxpayers. That is what my amendment is intended to do.

AMENDMENT NO. 2130

(Purpose: To recognize the generous support of United States taxpayers towards international peace and security)

Mr. HELMS. Mr. President, I now call up amendment No. 2130 and ask that its text be read in full and the cosponsors identified. I hope the full text of the amendment will appear in the CONGRESSIONAL RECORD at this point, following which I shall continue my discourse.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. LOTT, Mr. GRAMS, Mr. GREGG, Mr. HOLLINGS, Mr. BYRD and Mr. FAIRCLOTH, proposes an amendment numbered 2130.

Mr. HELMS. 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 in the bill, insert the following:

SEC __. UNITED STATES TAXPAYER SUPPORT TOWARDS INTERNATIONAL PEACE AND SECURITY.

(a) FINDINGS.—Congress finds that—

(1) 8,500 men and women from the United States Armed Forces are currently serving in and around Bosnia, and 44,200 men and women from the United States Armed Forces are currently serving in and around the Persian Gulf;

(2) the Department of Defense has spent $2,200,000,000 in fiscal year 1995, $3,300,000,000 in fiscal year 1996, and $2,973,000,000 in fiscal year 1997 for the incremental costs of implementing or supporting United Nations Security Council resolutions for which the United States received no credit at the United Nations;

(3) as of March 1, 1998, the United States Federal debt totaled $5,537,630,079,097;

(4) as of the date of enactment of this Act, the United States, according to an audit by the General Accounting Office, has spent more than $6,400,000,000 in incremental costs to the Department of Defense in and around

Bosnia for which the United States received no credit at the United Nations;

(5) the President is now requesting an additional $486,900,000 for United States deployments in and around Bosnia and $1,361,400,000 for United States deployments in and around the Persian Gulf in ''emergency fiscal year 1998 supplemental funds'';

(6) those funds are in addition to the President's request for $1,020,000,000 in arrears for all assessed contributions to international organizations, including a request for $658,000,000 for United States arrears for United Nations peacekeeping operations;

(7) in response to spiraling United Nations peacekeeping costs and excessively broad mandates, the President on April 30, 1994, approved Public Law 103–236, which in section 404 limits the payment of the United States assessed contribution for any United Nations peacekeeping operation to 25 percent of the total of all assessed contributions for that operation;

(8) the United Nations continues to charge the United States for 30.4 percent of the costs of United Nations peacekeeping operations, despite Public Law 103–236;

(9) the United Nations continues to demand payment from the United States of the difference between 25 percent and 30.4 percent of bills for United Nations peacekeeping operations;

(10) United States law prohibits payment of those amounts as arrears to the United Nations, and the United States is not obligated to pay those amounts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) United States taxpayers should be commended for their generous and unparalleled support in maintaining international peace and security through these additional contributions in support of United Nations Security Council resolutions, and that the United Nations should acknowledge publicly the financial and military support of the United States in maintaining international peace and stability;

(2) the United Nations should immediately reduce the percentage that the United States is assessed for United Nations peacekeeping operations to 25 percent to reflect United States law that limits assessments the United States will pay to support United Nations peacekeeping operations.

(c) RECOGNITION OF UNITED STATES SUPPORT.—

(1) REPORT BY THE SECURITY COUNCIL.—The President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council, requiring that the Security Council publicly report to all United Nations member states on the amount of funds the United States has spent since January 1, 1990, in implementing or supporting United Nations Security Council resolutions, as determined by the Department of Defense.

(2) DEMARCHE TO SECURITY COUNCIL MEMBERS.—The Secretary of State should issue a demarche to all member countries of the United Nations Security Council, informing them of the amount of funds, both credited and uncredited, the Department of Defense has spent since January 1, 1990, in support of United Nations Security Council resolutions.

(d) REPORT TO CONGRESS.—Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate with regard to actions taken to carry out the provisions of subsection (c).

Mr. HELMS. Mr. President, instead of complaining that the United States is not handing over even more millions and millions of dollars, the United Nations and its members should be thanking the American taxpayers for their generosity for the past 50 years and the support of the United States, which continues to provide it. I doubt that anybody will seriously argue that the United Nations would even exist today had it not been for the United States and for the generous support provided by the American taxpayers through good times and bad times. So the pending amendment stresses this obvious truth and suggests that the United Nations tone down its crybaby rhetoric and acknowledge the plain truth. The amendment also calls upon the United Nations to adjust its peacekeeping assessments to reflect the 25 percent U.S. support for peacekeeping costs that the Congress and the administration have agreed to pay.

The amendment further asks that the administration introduce a resolution in the U.N. Security Council to require the United Nations to report the total amount of money the United States has paid in supporting and/or implementing Security Council resolutions since 1990 and for the Secretary of State to inform all United Nations members of this report.

Finally, the amendment requires the President of the United States to detail all actions taken by the United States to carry out the aforementioned recommendations.

Mr. President, let me offer several examples of why the pending amendment is essential. First, a scandalous situation in which the United States is treated unfairly involves the assessment for regular operations of the United Nations. This past December, the United Nations General Assembly voted to reduce the minimum assessment a country must pay to be a member of the United Nations. They reduced it from one-hundredth of 1 percent, that's 0.01, to one-thousandth of 1 percent, 0.001, and the Clinton administration went along with this giveaway. Of course the U.S. assessment was not reduced 1 cent, not a farthing, not a penny.

Under this new formula, 29 countries now pay just one-thousandth of 1 percent, .001 of the regular U.N. budget, amounting to $10,516 a year for each of the 29 countries for the year 1998. Mr. President, 41 other countries pay between two-thousandths of 1 percent, that is .002, and .009, nine-thousandths of 1 percent. That is between $21,032 and $94,647 of the regular U.N. budget for 1998. Four countries pay one-hundredth of 1 percent, that is .01 of the budget, U.N. budget, for an assessment of $105,163 each. Another 84 countries, like Red China, for example, which regularly undermines U.S. interests in the Security Council, will pay less than 1 percent—less than 1 percent—of the U.N. budget. But the American taxpayers, they will foot the bill for 25 percent of the U.N. regular budget, and that is $297,727,256, or 28,312 times more than what 29 countries pay, and it is far more than what all the rest pay.

Mr. President, 7 years ago I asked my lifelong friend, Adm. Bud Nance, with whom I grew up in Monroe, NC, to assume the responsibilities of chief of staff of the Foreign Relations Committee. Bud Nance had completed a distinguished 38-year career in the Navy. Among other things, he was skipper of the U.S.S. *Forrestal*, an aircraft carrier that had more sailors aboard than we had people in our hometown. He later served as President Reagan's Deputy National Security Adviser. But the point is, Bud Nance, my friend, agreed to serve his country and his friend—that is the way he put it—on one condition. He would come and work as chief of staff if he received no pay. He did not want to be paid a cent because, he said, his country had paid him well while he was in the Navy and now he wanted to return something to his country. So he came.

The admiral and I learned, after he came, that no staff person in the Senate can hold a security clearance, which is essential for holding a job, unless he or she is paid at least a minimum salary, just over $1,000 a year. Several years later Congress applied the laws it forces the rest of America to live under to itself. It was made applicable to Bud Nance, and we had to give Bud a pay raise. It was forced upon him, and he was therefore paid the minimum wage for being chief of staff with one of the Senate's most important committees; that is to say, Bud Nance earns $10,712 a year. That is all he earns. He does not want to accept that.

In any case, when Bud Nance told me that the United Nations reduced the assessment of 29 countries to just $10,560 apiece annually, he reminded me that the minimum annual wage in this country, the $10,712 the Senate pays him, is more than these sovereign countries pay in annual dues to the United Nations.

Mr. President, how about another example? Compare Russia's 2.8 percent U.N. assessment, compare it with the United States 25 percent assessment. And Egypt? Egypt is one of the largest recipients of U.S. foreign aid, and it will receive $2.1 billion in foreign aid from the American taxpayers this year. Yet Egypt will pay just 69-hundredths of 1 percent of the regular U.N. budget, far less than $1 million. By the way, Egypt voted against the United States 61 percent of the time in the United Nations in 1997.

India, which will receive approximately $143 million in foreign aid from the United States, that is to say the American taxpayers—India will pay just three-tenths of 1 percent of the regular U.N. budget. India voted against the United States 76 percent of the time in 1997.

So it is obvious that the United States pays far more than its fair share. And what about the U.S. support for peacekeeping operations? The

amount that I mentioned earlier for this, $210 million, really is only a fraction of the amount the United States will pay for U.N. peacekeeping in fiscal year 1998. As a part of the 1997 appropriations for the Armed Forces, Congress required the Pentagon to report on the costs incurred by the U.S. military in implementing or supporting U.N. Security Council resolutions. Heretofore, the U.N. payment by the United States has been off the books and intentionally hidden from the American taxpayers. This chart will be very interesting to American taxpayers, I think, because it has some rather precise arithmetic, and I hope the camera can focus upon it.

The information on this chart came from the official Department of Defense report for fiscal year 1997: $2,972,938,000 was stripped away from the training and the readiness of our U.S. armed forces and handed over to support the U.N. Security Council resolutions. This is nearly $3 billion, mind you, and it is in addition to the $902,102,000 the American taxpayers provided to the United Nations and its affiliated agencies and other international organizations, also, in addition to the $334,780,000 that the American taxpayers were forced to fork over for U.N. peacekeeping in fiscal year 1997.

So, while the U.N. crybabies whine about not receiving enough of the American taxpayers' money, the real truth is that the United States volunteered more than three times what we were asked to pay; that is a total of $4,209,820,000 to the United Nations in fiscal year 1997. That is almost $3 billion which was taken off the books, courtesy of the American sailors, soldiers, airmen and marines. It was taken from them in terms of what should have been spent for their development in defense of this country.

Most Americans do not even realize that billions of dollars are being siphoned away from the shrinking U.S. military budget to support the United Nations. In fact, most Americans have not the vaguest idea how much money the United States provides for the United Nations. In 1995, the United States—that is to say the American taxpayers—provided 30.7 percent of all of the United Nations peacekeeping costs, far more than any other country. That may have seemed fair in the 1950s, but it is out of line today. That is why Congress and the administration agreed to scale back U.S. payments for U.N. peacekeeping to 25 percent, and that is still far more than any other country pays. Yet, the crybabies continue to whine at the United Nations.

But the United Nations ignores the will of Congress and continues to demand—not anything courteous about it at all—continues to demand that the United States pay the 30.7 percent of the peacekeeping costs.

The United Nations calls this extra 5.7 percent add-on an ''arrear.'' They talk about arrearages, even though it represents hundreds of millions of dollars that we do not owe and that we should never pay, and I respectfully suggest that somebody should inform the international diplomatic corps that the United States controls the U.S. Government purse strings, not the United Nations.

All of which reminds me of Sam Ervin, that great Senator from North Carolina, with whom I was honored to serve a couple of years before he retired. Senator Sam Ervin quoted a Latin proverb that seems apt. He said: ''Small gifts make friends; great gifts make enemies.'' And I can imagine what Senator Sam would be saying if he were still sitting right over there, if he were still around as a Member of the Senate, about what little impact the United States has had on the operations of the United Nations, in light of the total amount of millions and millions of dollars that we have paid to the United Nations, especially since Americans are being smothered under a $5,531,793,429,306.24 Federal debt as of March 23.

Some Americans would mistakenly suppose that at least 25 percent of United Nations employees are American citizens, since the United States provides 25 percent of the budget and that the United Nations headquarters is in New York City. But only 7.1 percent of U.N. employees are U.S. citizens. Surely it is obvious that the Congress needs to pass and President Clinton needs to sign into law the U.N. reforms that Senator JOE BIDEN of Delaware and I negotiated and which were approved by this Senate last year by a vote of 90 to 5.

Mr. President, I am going to close with one final thought. The administration spends a lot of time talking about how the United States has become the indispensable Nation in the post-cold war era, and I agree with that. But at the same time, the administration acts as if America is powerless to act in our own people's interest unless the United Nations is calling the tune. Small wonder that so many Americans are confused about U.S. foreign policy and the direction this country is heading internationally.

No; let the record be clear—let the record be clear—America is anything but a deadbeat nation. The real problem is an administration that has allowed too many handout artists at the United Nations to go unchallenged in their arrogance. Mr. President, enough is enough.

I thank the Chair, and I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, I congratulate the Senator from North Carolina for his amendment, because it clearly outlines the problems which we have as a Congress with the representations that we continue to hear from the United Nations and some of the member nations within the United Nations relative to the obligations of the U.S. arrearages and, as we go into the future, relative to the obligations for the payment of the operation of the United Nations and the payment for the international organizations for the United Nations and the payment for peacekeeping.

The fact is that the United States and the taxpayers of this country, to whom we answer, have been extremely generous with the United Nations—extremely generous. We have undertaken as a nation far more—far more—than our fair share of the costs of initiatives which the United Nations is pursuing, and we are today undertaking far more than is our fair share, both in Southwest Asia and also in Bosnia.

This supplemental appropriations bill has in it $1.9 billion, the purpose of which is to try to put our Defense Department into a position of solvency, for lack of a better term, relative to the costs of these peacekeeping missions, so that we are not culling, draining from our core defense establishment, funds necessary to maintain that establishment in order to undertake these peacekeeping initiatives in two areas where the United Nations has a primary role and has been one of the primary promoters. That is why we are pursuing this supplemental appropriations.

But it is part of a larger picture, and the Senator from North Carolina has outlined it and pointed out rather precisely the dollars involved and the commitments we have made just in these two areas.

I want to highlight a couple of points, because I am very tired, as chairman of the appropriating subcommittee that has responsibility for the U.N. accounts—I am very tired of hearing this constant moaning from New York, from members of the United Nations, about American arrears. Let's look at what those arrears are.

Only $54 million—$54 million—a small number in the context of the entire budget, although a big number in the context of a small State like New Hampshire and certainly a very expensive number for the people of New Hampshire because that is coming out of our taxes—only $54 million goes to the operation of the United Nations of the alleged arrears that are presented to us.

Of the total arrearage—and the debate is out there as to whether it is $600 million, $900 million, or $1.2 billion—of that total arrearage, only $54 million goes to operating accounts within the United Nations. The vast majority of the balance—there are a couple of international organizations involved here—but the vast majority of the balance flows through the United Nations to other nations to reimburse them for their peacekeeping costs.

Let me list a few of these: France alleges it is owed $151 million; Italy alleges it is owed $62 million; Belgium,

$58 million; The Netherlands, $50 million; India, $47 million; Pakistan, $45 million; Russia, $36 million.

So, of the arrearages that are allegedly owed by the United States, they do not go to the operations of the United Nations. So when I see a headline like was held up earlier by the Senator from North Carolina which said we were undermining the United Nations by our failure to pay these arrearages, that is just poppycock. That is purely a statement of politics, not a statement of substance.

The fact is that of the arrearages that are owed, should we end up paying them in full under our definition of what is ''in full,'' almost all that money is not going to stay at the United Nations; it is going to flow out to these other countries.

I think the question has to be asked, What part have these other countries played in undertaking the burden of our activities, for example, in Iraq? Were they participants in the costs that we just incurred as a nation, which were dramatic, in Iraq? The present estimate of the Iraq costs, I think, is somewhere in the vicinity of $4.6 billion to our Defense Department in order to try to contain Saddam Hussein, and this was purely—purely—a U.N. initiative and effort. We were there flying under the flag of the United Nations, although our country obviously bore the biggest responsibility, because we are the most capable military power in the world.

But to the extent we were there, we were picking up this ticketed cost of $4.6 billion to date, and it goes up every day. How much of that cost did these other nations, which are claiming that we are in arrears on peacekeeping and that they want us to pay them, pay for? How much of that cost? Well, France did not participate and has not participated in this most recent Iraqi buildup, to my knowledge. Italy did not participate. Belgium did not participate. The Netherlands did not participate. India did not participate. Pakistan did not participate. Russia did not participate. So, essentially, they are asking us to pay twice. They are saying first we have to pay these peacekeeping arrears to them, and then we have to go out and keep peace for them in Iraq.

At some point, the American taxpayer starts to scratch his or her head and say, ''Hold it. You know, this is our money. We recognize we have a responsibility to the United Nations, but don't try to make fools of us.'' And that is the concern. The concern is that we are being asked to pay a disproportionate share of the burden of the peacekeeping activities of the United Nations today in Bosnia and in Iraq, and we are not getting any credit for it.

To the credit of the Senator from North Carolina, he worked very hard to reach an agreement on how these arrearages should be managed as part of an overall reform package for the United Nations. A basic element of that reform package was that our peacekeeping responsibility would drop from 30 percent to 25 percent and that our dues for the operational aspects of the United Nations would drop from 25 percent down to, hopefully, 20 percent, at least 22 percent.

We have not seen any action in that area, nor have we seen any action in the fundamental reforms which were alluded to, not specifically, but alluded to by the Senator from North Carolina as to the management of the United Nations, where American tax dollars are being used to hire the friend of a friend who happened to be the president of some country somewhere; an institution which is replete with duplication, bureaucracy, and, regrettably, in many instances pure old-fashioned patronage.

American tax dollars are not being accounted for. They do not have a system of telling us where they spent the money. They do not have a personnel system that can tell us whom they hire, and they do not have a system which can tell us how their programs are being delivered and what the overhead of those programs is. So we asked for that as a condition for paying any further arrearages. None of this has been met.

I come here with the same frustration as that of the Senator from North Carolina and, I think, the Senator from West Virginia as a cosponsor of this, and he is certainly a much more eloquent spokesman on issues like this than I am. But I, like many Americans, am saying, how can they continue to come to us and say, ''Give us more,'' when they are not giving us credit for what we have already done?

The American taxpayer has a legitimate complaint here. The amendment of the Senator from North Carolina is a way to try to raise the visibility of that complaint. I congratulate him for it, and I hope we will adopt it. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I strongly support the amendment offered by the senior Senator from North Carolina. The administration has been on a nonstop campaign to color the Congress as irresponsible chiselers on U.N. dues. At the same time, however, we are forking over emergency money for Bosnia operations and for Southwest Asia operations in this bill that amounts to nearly $2 billion.

It was the present NATO-led operation that bailed out the embarrassingly bad failure of the United Nations to keep the peace in Bosnia which had witnessed a modern version of the Holocaust. It was the U.S. military operation, exclusively in Southwest Asia, that gave teeth to the U.N. Secretary General's negotiations with Saddam Hussein, a fact readily admitted by U.N. Secretary General Kofi Annan.

The United States has paid out many times over in unilateral costs the so-called arrearages claimed by the United Nations to be owed by the United States in support of the objectives of the United Nations in both theaters.

The amendment by Mr. HELMS is truth in international funding, truth in international fundraising.

We do not see much in the way of contributions by other members of the Security Council to our operations in either theater.

The figures used by Mr. HELMS, some $6 billion or more in U.S. unilateral outlays since 1990, compared to the trumpeted past due bill of $1 billion we supposedly owe to the United Nations, provides the stark contrast—the stark contrast—the basic unfairness of the charge that the United States is some kind of debtor to the United Nations, some kind of deadbeat, as it were, some kind of chiseler, as it were.

My mom used to keep boarders back in the coal mining community. And we took on boarders who came to our house. I often listened to a new boarder for a few minutes. From time to time I would say to the woman who raised me—''He's going to beat you out of your board bill. That man won't pay you.'' And I was amazed in so many instances to find, to my chagrin, that that man would not pay his board bill. He was a chiseler. That is what we are portrayed to be—chiselers; deadbeats—we will not pay our dues; we will not pay our arrearages.

The United States has been bailing out the rest of the United Nations for years now. Take the United States out of the United Nations, what do you have left? What is there left? The other members of the United Nations, in fact, owe the United States. They owe us a massive back bill for military operations and funding.

The first question that was ever asked in the history of the world, in the history of the universe, in the history of all creation, the first question that was ever asked was when God walked through the Garden of Eden, in the cool of the day, searching for Adam and Eve.

They had forfeited—they had forfeited—their right to that everlasting life in that garden of bliss, a virtual paradise, by eating from the Tree of Knowledge in violation of God's warning not to do so. So God came looking for them in the cool of the day. God asked that first question: ''Adam, where art thou?'' They had hidden themselves from Him. ''Adam, where art thou?''

Mr. President, we might well ask the other members of the United Nations, ''Where were you when we were in the hot sands of the gulf, when we had sent our men and women away from their homes, away from their firesides, away from their children, away from their loved ones to take possible action to protect you and yours? Where were you? Where were you?''

Mr. President, the time has come for the administration to cool down—cool down—it's hot rhetoric on the matter of the so-called arrearages by the United States. The time has come to see the forest—not just the trees—on the matter of who is fulfilling the responsible role—the responsible role—of international leadership against aggression.

I commend the Senator for his amendment. I thank him for allowing me to be a cosponsor of it. I hope that it will get a big vote in this Chamber so that a clear message is sent to the whiners—to the whiners—both in New York and down Pennsylvania Avenue on this whole issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from the great State of Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I also rise today to support this amendment. The United States has been called a ''deadbeat''; it has been called a ''bully'' at the United Nations. The United States has been accused of being ''heavy-handed'' and not doing its ''fair share'' for the international community. The United States has been berated and belittled at every turn by many of the countries that have been benefiting most from U.S. generosity—both in terms of security guarantees and also in terms of economic assistance.

Mr. President, America bashing is a popular pastime at the United Nations, and this administration is doing nothing to stop it. In fact, this administration has been contributing to the feeding frenzy by trying to undercut the terms of the U.N. reform plan instead of standing by the deal that it helped negotiate. If this administration is encouraging anti-American sentiment at the United Nations in order to gain leverage with Congress to water down the reforms, well, it is unconscionable and it is not going to work.

Mr. President, this administration has been so weak in defending the honor and the reputation of the United States at the United Nations, and so negligent in highlighting the great contributions that America is making to promote international security, that we feel compelled to direct the administration to do so with this amendment.

Now, while the United States is being called a ''deadbeat'' regarding its international obligations, well, the facts say something quite different. The United States may owe arrears to the United Nations, but that is only because the United States received no credit at the United Nations for the $2.97 billion that U.S. taxpayers spent in fiscal year 1997 implementing U.N. Security Council resolutions—again, nearly $3 billion of U.S. taxpayer money to help implement U.N. Security Council resolutions last year alone.

We received no credit for the more than $6.4 billion that the U.S. taxpayers have spent to date in and around Bosnia. We will receive no credit for the emergency funding of an additional $487 million for the Bosnia mission and the $1.4 billion for U.S. deployments in the Persian Gulf that the President is asking for in this bill.

As we all know, our troops are in the gulf to enforce U.N. Security Council Resolution 687 on Iraq. But that does not mean that we will get credit for our contribution at the United Nations. And while we do need to settle our disputed arrears to the United Nations, Mr. President, we should not be myopic. The U.S. taxpayers are doing far more than just pulling their weight in the international community.

Mr. President, this amendment is necessary to ensure that all U.N. member states are aware of the great sacrifices that the American taxpayers are making to support U.N. Security Council resolutions since U.N. bookkeeping obscures the facts.

First, the amendment states that U.S. taxpayers should be commended for their generous support in maintaining international peace and security; the United Nations should publicly acknowledge this support and immediately reduce the U.S. peacekeeping assessment to 25 percent that is in accordance with U.S. law.

Second, it calls on the President to direct the U.S. Ambassador to the United Nations to introduce a Security Council resolution requiring the Security Council to report to all member states on the amount that the United States has spent supporting U.N. Security Council resolutions just since January 1, 1990, as determined by the Department of Defense.

Third, it requests the Secretary of State to notify all members of the Security Council on the amounts—both credited and uncredited—that DOD has spent supporting U.N. Security Council resolutions, again, just since January 1, 1990.

And, fourth, Mr. President, it requires the President to report back to the appropriate committees in the House and the Senate within 45 days on the efforts to carry out these steps in this amendment.

Now, I do not know how far this amendment will go toward getting the U.S. taxpayers the recognition that they deserve for U.S. support of the United Nations, but I do hope it will put the U.S. arrears in perspective. Both the administration and the Congress agree that the U.S. owes only $54 million to the U.N. regular budget and $658 million for peacekeeping expenses. Now, that is $712 million. You compare that to the nearly $3 billion the Department of Defense spent in fiscal year 1997 alone—we spent more than four times that amount last year alone—implementing U.N. Security Council resolutions.

Mr. President, throughout the history of the United Nations, the United States has always been its most generous donor. American taxpayers currently are billed for 25 percent of the entire U.N. operating budget and 30.4 percent of the peacekeeping budget, although the United States now pays 25 percent, as I mentioned, in accordance with a law passed by, again, a Democratic-controlled Congress and signed into law by President Clinton.

Currently, those bills total more than $600 million annually. In contrast, Saudi Arabia, Kuwait and China—which has a veto in the Security Council—only pay about 1 percent of the entire U.N. regular budget. The floor of assessment levels was just lowered from .01 percent of the U.N. operating budget, from about $106,000 a year, to .001 percent, or under $11,000. So each contribution from those nations will not be enough to even cover one-tenth of the salary of one of their highly priced bureaucrats. It will only pay about one-tenth of the salary of one of their bureaucrats at the United Nations. That is all they pay.

Despite this fact, each member of the United Nations has one vote on budget issues. In addition to the assessed payments I just mentioned, the United States voluntarily and generously contributes hundreds of millions of dollars to programs like UNICEF, UNHCR, and the U.N. Voluntary Fund for Victims of Torture. So, Mr. President, the United States pays more than its fair share for world peace, stability, and humanitarian efforts.

That being said, we do need to settle our disputed arrears to the United Nations. We did engage in good-faith negotiations with the administration, and we made a deal on the U.N. reform package. The Senate, with the full support of the administration, passed this bipartisan legislation twice—by a 90–5 rollcall vote and again by unanimous consent. The only thing that prevented this agreement from becoming law was a dispute over an unrelated issue.

This administration then decided to forgo nearly $1 billion for the United Nations and $3.5 billion for the IMF so it could preserve the ability for U.S. grant recipients to lobby foreign governments to liberalize their abortion laws.

Mr. President, Secretary Albright recently said that failure to pay the U.N. arrears would result in a ''shutdown of our national security policy.'' I must admit, I was somewhat taken aback by that statement, as I was not aware that this administration had officially subcontracted our national security policy to the United Nations.

Indeed, I will fight to make sure that it will never happen. But if the United States truly is suffering a loss of prestige and effectiveness in the global arena because of our U.N. arrears, as the administration contends, then it is irresponsible for this administration to jeopardize our security interests and influence for domestic political considerations.

I hope that in the near future Congress will pass the U.N. reform package and the President will sign it into law

so we can put this small matter of the disputed arrears behind us. Regardless of the fate of that legislation, I also believe it is important that we pass this amendment so that the rest of the world will be aware of what we all know, and that is the huge sacrifice that the United States taxpayers make to support U.N. Security Council activities.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I thank the Senator for his remarks, as I do Senator GREGG, and particularly Senator BYRD, who is always eloquent.

Now, Mr. President, I want to be sure that all of the cosponsors are identified. I ask unanimous consent that the distinguished majority leader, Senator LOTT, be listed as a cosponsor, as well as Senator GREGG, Senator GRAMS, Senator HOLLINGS, Senator BYRD, Senator FAIRCLOTH, and Senator ASHCROFT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. 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.

Mr. HELMS. Are the yeas and nays ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, parliamentary inquiry. Was there a unanimous consent for a time to vote? If not, I would like to speak for 3 minutes on this amendment.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

Mr. BIDEN. I thank the chairman of the committee for accommodating one of my concerns that I expressed through staff on this amendment that he changed.

I agree fully, as the Senator knows from our many discussions on the United Nations and some disagreements relative to the United Nations, that I, like he, believe we do not get sufficient credit. He may remember the debate we had in the committee where I found myself at odds with some of my colleagues who share my view that we, in fact, owe a good deal of money and should pay it.

I take issue, for the record, with my friend from Minnesota about his characterization of what a terrible job the administration has done. I do not believe that is the case. I believe that Secretary Albright, when she was at the United Nations, and others have never failed to point out the extent of our involvement.

I do not think we should confuse apples and oranges here. The truth of the matter is there are certain things that are U.N. sanctioned and there are other things that are U.N. administered. When folks wear blue helmets, everybody gets repaid. When they are not wearing blue helmets, they do not get repaid unless it is a chapter 7 undertaking administered by the U.N. I will not bore my colleagues with the details that relates to, but let me say we are not the only country who has acted unilaterally under the cover of or with the sanction of a U.N. resolution. There are other countries who have done so and have not been reimbursed for their contributions, from France to Germany to Great Britain.

For example, in 1994 voluntary expenditures by France amounted to $747.5 million, for which they did not seek reimbursement; Italy, $347.7 million, et cetera. We by far and away are the biggest of the contributing non-credit-given countries in the United Nations, I acknowledge that. And I think we should be doing what the Senator from North Carolina is saying: We should make it clear, in part to our folks as well as the rest of the world, that we do a great deal more than we get credit for.

I further say that we could amend—and I am not going to —we could amend this resolution to ask the world body to understand that there are other tens of billions, hundreds of billions, we spend that are not under any U.N. auspices, that are done for the good of the world, that we get no credit for.

It is true we do not get sufficient credit. But I respectfully suggest that it should not be confused with whether or not we owe or do not owe what we agreed to under the deal we signed up to when we joined the United Nations. I make a distinction here. No state receives credit against assessments for unilateral activities in support of U.N. security council resolutions which represent a majority of the U.S. cost incurred during the period my friend from Minnesota is talking about.

Again, I will ask unanimous consent a written statement be printed in the RECORD to explain in more detail the points I know my colleagues understand but maybe the public at large, listening to the truncated debate on my part, may not understand.

For example, let me conclude with this. Italy just spent a lot of money on Albania under a U.N.-sanctioned resolution. Now, Italy did it because if Albania goes bad, Italy is in trouble. Italy has a real problem, a serious problem. It was in their overwhelming interest to see to it that things did not deteriorate more than they did in Albania. So the rest of the world did what they always do with us—they kind of stood by a little bit, and we held Italy's coat, in effect, and we said, ''OK, you go ahead, you go ahead and spend that money. We know basically it is in your interest. You would want to do it even if there were no U.N. resolution authorizing you to do that. You would still want to do it, because it is in your overwhelming interest and it is in the world's interest.''

The no-fly zone in Iraq. We have used an attenuated rationale—which I think we should have—to enforce the no-fly zone. We are paying for the bulk of that, the United States of America. It is not because the rest of the world is saying, go in and enforce the no-fly zone. Half the United Nations might say, don't enforce the no-fly zone. The reason they do not want to pay, the reason it is not a blue helmet operation, they could not get the United Nations to go along.

Here is a case where we believe it is in our overwhelming naked self-interest to enforce the no-fly zone, because oil in that region of the world is as big a deal to us as it is to the rest of the world. Granted, it benefits the whole world, but we are big boys. We have to grow up. We have to understand there are certain times when we do things and expend money that incidentally benefits other people but we would do even if the United Nations was not around.

So the technical distinction that is made in reimbursement is between—to overstate it in the interest of time—a blue helmet being worn and us going in and doing it with the sanction of the United Nations, saying, ''OK, we have a resolution that says it is OK to do that.'' There are two different deals.

So we should do what is being proposed. I am voting with my leader on this issue. He is correct. But let's not get carried away, as I respectfully suggest my friend from Minnesota maybe has in terms of how, (a), the administration has done nothing to make clear our contributions, and (b), that somehow this is the same as what is owed by us and we are trading apples for apples. They are apples and oranges. Maybe we should change the way the charter reads. Maybe we should change it to say, ''Anything done under the guise of''—or ''under the umbrella of a U.N.-sanctioned operation should be given credit for.'' Maybe we should say that. I am not sure we want to say that, because we may find a lot of folks involved in things we do not want to have to contribute to but maybe we should. But it does not say that now. That is not the way it works now.

Mr. President, I compliment my friend, and I do not disagree with the underlying thrust of what my friend from Minnesota is saying, that we do not get enough credit. We do not get enough credit. If we do not get up there and beat our chest a little bit about what we are doing, sure in the heck, no one else will give us credit for it. I think it should at least be done now in part, quite frankly, and you might consider this typically—my friend from North Carolina would be too polite to say this—kind of a typically Biden view of this thing in the following respect: I think it is important to do this now, because we haven't paid.

In other words, I am so upset about us not having met our obligations that

we signed on to, coupled with the damage I think it is doing to our ability to get other things that are in our naked self-interest done in the United Nations, that at least this might, by advertising what we have done, sort of take the stinger out of the rhetoric that is going around up in the United Nations that we do not do anything, that we are the bad guys, we are the pariah, we are the total deadbeat. That is one of the reasons why I am glad we are doing it.

I do not think we should confuse what we have done in other areas, and I will list for the RECORD what they are. I am sure my colleagues already know how we get to the $2,972,938,000. They are: Former Yugoslavia and Iraq operations, including Able Sentry, Deny Flight, IFOR/SFOR operations, Southern Watch, Sentinel, and Provide Comfort. They basically relate to what was cited here, the former Yugoslavia and Iraq, and with the exception of Able Sentry, I think we would find that each of the things we have done in there that have not been compensated for are things we pushed to have done.

There is resistance at the United Nations and in NATO to do —we brought them around through, in effect, sanctioning us to do this.

I end by saying I think my colleagues would probably be apoplectic if everything we did in order to get reimbursed we had Americans with blue helmets on. I think you would all be up here going bananas if that were the case. Be careful what you wish for; you may get it.

In this case, I think it is worth making the case, I think you overstate the criticism of the administration.

I thank the chairman of the full committee for allowing me, and I thank my friend from North Carolina for allowing me to be part of this amendment.

Mr. President, I ask unanimous consent that the written material that I referred to earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, February 13, 1998.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As required by Section 8091 of the Department of Defense Appropriations Act for 1997, I enclose a report on costs incurred by the Department of Defense ''in implementing or supporting resolutions of the United Nations Security Council.'' Specifically, the report provides incremental costs for the fourth quarter of fiscal year 1997 as well as cumulative costs for the 1997 fiscal year to the end of the fourth quarter. The report also provides information on efforts the Department has made to be reimbursed for troop contributions and provision of services and commodities to U.N. peacekeeping operations.

We take seriously our commitment to provide data to the Congress regarding the costs incurred in support of U.N. activities. I trust that you will find the enclosed report to be a useful summary of the costs that the Department has incurred in support of U.N. activities as well as the Department's efforts to seek reimbursement for these activities.

Sincerely yours,

WALTER B. SLOCOMBE.

Enclosure: as stated.

REPORT TO THE CONGRESS FOR THE FOURTH QUARTER, FISCAL YEAR 1997 IN COMPLIANCE WITH SECTION 8091, DEFENSE APPROPRIATIONS ACT OF 1997

The DoD Appropriations Act for 1997 (Act) requires the Secretary of Defense to submit a report at the end of each quarter indicating ''all costs (including incremental costs) incurred by the Department of Defense (DoD) during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council.'' The data included herein are provided in response to section 8091.

The Defense Finance and Accounting Service (DFAS) compiles incremental costs associated with United States military operations based on data provided by the military departments and defense agencies. These data were modified, as necessary, to properly reflect transfer actions and unreported costs applicable to support to U.N. operations. Data are presented below in both quarterly and cumulative (for the fiscal year) format. It is important to note that DFAS cost reports include information received during a particular quarter of the fiscal year: comprehensive cost data are not available in the immediately succeeding quarter. The Department collects only incremental costs, which are defined as additional costs to the DoD component appropriations that would not have been incurred if a contingency operation had not been supported. All incremental costs included below are current as of 30 September 1997, and are aggregated for FY97, and exclude reimbursements received for troop contributions (section 2), which are presented individually.

Operation/Region	Reported for 4Q FY97	Cumulative for FY97 through 4Q
Former Yugoslavia Operations:		
ABLE SENTRY (FYROM)	$2,950,000	$11,727,000
DENY FLIGHT/DECISIVE EDGE	30,101,000	183,266,000
IFOR/SFOR Operations	779,316,000	2,087,518,000
SOUTHERN WATCH/VIGILANT SENTINEL (Iraq)	185,499,000	597,312,000
PROVIDE COMFORT/NORTHERN WATCH (Iraq)	20,627,000	93,115,000
Total	1,018,493,000	2,972,938,000

The Act requires the Secretary of Defense to ''detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.''

The Administration's policy is to seek reimbursement, or compensation as the Act terms it, for all allowable costs of participation in U.N. peacekeeping operations. There are two instances in which costs are allowable: (1) costs related to troop contributions to U.N. peacekeeping operations, and (2) provision of services and commodities to United Nations peacekeeping operations. The provision of services and commodities occurs under a process known as the Letter of Assist (LOA). The LOA process is similar to a contract between the USG and the UN whereby the USG agrees to provide support to the U.N. with the understanding that the U.N. will provide reimbursement under established terms. Only expenditures in support of a peacekeeping operation conducted by the U.N. approved by the Security Council and authorized by the General Assembly (through its annual budget approval process) as a legitimate charge to the UN are eligible for reimbursement. No state receives credit against assessments for unilateral activities ''in support of'' UN Security Council resolutions, which represent the majority of U.S. costs incurred during this reporting period.

Information regarding billings and reimbursements for the fourth quarter of fiscal year 1997 is provided below. Data on reimbursable support are divided into two sections. The first section accounts for the provision of defense articles and services. The Department of Defense submits bills to the U.N. for these articles and services on a monthly basis. The second section identifies reimbursements to the United States Government for troop contributions to a U.N.-mandated and assessed peace operation. The United Nations reimburses troop contributors for specific United Nations peacekeeping operations on a periodic basis depending on the availability of funds. No troop-contributing government submits bills for troop reimbursements. Rather, the U.N. reimburses governments on its own initiative when sufficient funds are available to pay all contributors to a particular mission for at least a one-month increment; all member states involved in a particular mission are reimbursed for troop contributions simultaneously. Reimbursements for incremental troop contribution costs are made by the U.N. directly to the Department of Defense. The Department of Defense has determined that its incremental costs are $318 per soldier per month.

SECTION 1—FY 97 PROVISION OF DEFENSE ARTICLES AND SERVICES

DoD component	Billed (cumulative)	Reimbursements [1]
NIMA	$9,550.32	$00.00
Army	98,939.67	350.32
Total	101,489.99	350.32

[1] The United Nations has not been able to make full payments to the U.S. and to other member states because of a lack of funds resulting from unpaid peacekeeping assessments. All DoD bills that have been presented to the United Nations during FY97 have been certified as legitimate claims.

SECTION 2—FY 97 TROOP CONTRIBUTION REIMBURSEMENTS

Operation	Reimbursements	Period covered by reimbursements [1]
	0	NA

[1] The United Nations has not been able to make full payments to the U.S. and to other member states because of a lack of funds resulting from unpaid peacekeeping assessments. All DoD bills that have been presented to the United Nations during FY97 have been certified as legitimate claims.

Mr. STEVENS. Have the yeas and nays been ordered on the Helms amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent this vote take place at 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. 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. BIDEN. 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. BIDEN. Mr. President, I say to the chairman of the full committee I will summarize my statement here, and when anyone is ready to go with an amendment, I will cease. But I will

speak on the overall supplemental, if I may.

I rise in strong support of the supplemental appropriation for troops in the Persian Gulf and for our troops in Bosnia. I want to say a few words about our policy in the Persian Gulf and then turn to a more detailed discussion, if I have time, of our SFOR mission in Bosnia.

Passing this supplemental appropriations sends an unequivocal message to Saddam Hussein that the United States is committed to thwarting his intent to threaten our national interest. Diplomacy backed by the credible threat of force has put the international inspectors back in business, and for the first time in 7 years these inspectors, Mr. President, are doing their work without hindrance. Maintaining our military force in the gulf is as important as anything else in keeping Saddam Hussein honest, although it is expensive and it is costly in many ways.

I know that some of my colleagues, including the senior Senator from Alaska, have expressed concerns about the willingness of our allies in the gulf to share the financial burden of our current deployment.

Many of these concerns are valid. We should expect our allies to support us militarily and otherwise, especially when our actions safeguard their interests. But I think it is equally important to recognize that we are in the Persian Gulf, first and foremost, to protect our own vital interests.

But I think it is equally important to recognize that we are in the Persian Gulf first and foremost to protect our own vital interests. First, we ignore at our peril the chemical and biological weapons programs of a leader with a demonstrated proclivity for using weapons of mass destruction. Second, whether we like it or not, sixty-five percent of the world's proven oil reserves are in Saddam Hussein's backyard.

None of us wants to hand over our energy security to the whims of a maniacal tyrant. But that is exactly what we would be doing if we withdrew our forces from the Persian Gulf.

Failure to approve this supplemental would lead Saddam to conclude that the United States is losing its resolve. He would resume his defiance in short order, and before long he would menace the region once again with chemical and biological weapons.

Now, Mr. President I want to discuss the mission in Bosnia.

By now the importance of the American-led SFOR mission in Bosnia should be manifest. The Dayton Accords of November 1995 ended three-and-a-half years of carnage and gave Bosnia and Herzegovina a roadmap for rebuilding a peaceful, civil society.

No one can dispute that it is the overall security environment created by the international community through SFOR that makes civilian progress possible.

Mr. President, several Members have already spoken this morning on the Bosnia amendment offered, and then withdrawn, by the junior Senator from Texas.

Had the Senator not withdrawn her amendment, I would have opposed it. If she offers it again on the Defense Appropriations bill, I will speak against it.

For now, however, I would make only two brief comments on the amendment before I turn to a more detailed discussion on our strategy in Bosnia.

First, mention was made of ''shifting goalposts.'' I quite agree, but the shifting has been done by the opponents of our involvement in Bosnia, not by President Clinton.

In an effort to prevent, then shorten, our Bosnia mission, the opponents complained that the Administration had not spelled out clear benchmarks, which, if met, would enable our troops to withdraw from Bosnia.

Now, my friends, he has given us these benchmarks. And what do the opponents of our Bosnia policy say? They say that he has shifted the goalposts by giving specifics. Give me a break!

Second, I understand that the Senator from Texas said that she didn't find the benchmarks to be very concrete. After having examined the conditions and benchmarks, I find her confusion rather puzzling. Therefore, I will now go into detail about them.

I have spoken frequently about the enormous progress that has been achieved in Bosnia since the cessation of hostilities and about the difficult tasks remaining ahead.

Today I will concentrate on showing that in voting to fund a continuation of the SFOR mission, we are not voting for an open-ended commitment.

Rather, the Administration has drawn up clear benchmarks, which, when met, will allow our troops to come home.

But, Mr. President, part and parcel of these benchmarks is interpreting them, and in this connection I will insist that the Senate is part of the process.

Mr. President, ten key conditions have been identified, each containing objectives and concrete benchmarks, which constitute our ''game plan'' in Bosnia.

These ten conditions are: 1. Military Stability; 2. Police and Judicial Reform; 3. Functioning National Institutions; 4. Reformed Mass Media; 5. Democratization and a Functioning Electoral Process; 6. Economic Reconstruction and Recovery; 7. Refugee Returns; 8. A Settlement for Brcko; 9. Resolution of War Crimes; and 10. International Organizations Able to Function without Military Support.

I would like to turn to the benchmarks for each of these conditions.

The precondition for all progress, of course, is the creation of military stability. The benchmarks of this first of the ten conditions include the maintenance of the ceasefire, weapons secure in their cantonment sites, and the arms control limits set since Dayton adhered to.

The special police forces must be disbanded or restructured and inter-entity arms control and confidence and security building measures adopted.

In addition, the American-run Train and Equip Program must be successfully completed, with a traditional support and sustainment arrangement with the Federation Army in place.

Second, the benchmarks for police and judicial reform require that all local police forces are restructured and ethnically integrated. Basic skills and human rights training must be completed so that the police can deal effectively and fairly with civil disturbances. Police academies with professional leadership must be functioning.

The intelligence services and the secret police must be stripped of all police functions, and an effective judicial reform program must be in place.

Benchmarks for attaining the third condition for troop withdrawal are in the governmental area. They include all outlawed pre-Dayton institutions having been dissolved. Foremost among these are the remnants of the Bosnian Croat so-called ''Herceg-Bosna.''

A functioning customs service and control over state revenues must be established, including transparency in budgets and disbursements. Funds must be flowing to national, not entity, institutions, which have permanent staffs and facilities in place.

The fourth condition for the withdrawal of our troops concerns the mass media. Its benchmarks begin with political parties being divested of their control of the broadcast networks. Entity and national-level media policy and regulatory structures must be in place. A new election law must guarantee that opposition parties have access to the airwaves. Independent media, already in existence, should be generally available throughout the country.

Benchmarks for the fifth condition, democratization and the electoral process, are particularly important. Local, entity, and national governments must be beginning to function transparently. Political parties will have to accept binding arbitration for the implementation of the results of contested local elections.

Bosnian electoral laws must be modified to meet the standards of the Organization for Security and Cooperation in Europe (OSCE). The September 1998 elections must be conducted in a free and fair manner, with the need for OSCE supervision reduced.

The sixth condition for withdrawal of American troops involves economic reconstruction and recovery. As benchmarks, agreement must be reached on a permanent national currency. Privatization laws must be drawn in line with Dayton. Major infrastructure including transportation, power grids, and telecommunications must be repaired and functioning.

The program of the International Monetary Fund must be in place with traditional lending programs begun.

The fundamental and emotional issue of refugee returns comprises the seventh condition. The property laws of both entities in Bosnia must comply with the Dayton Accords. Property commissions must be fully functioning. Both the Federation and the Republika Srpska must be participating in phased and orderly cross-ethnic returns.

The key cities of Sarajevo, Banja Luka, and Mostar must have accepted substantial returns of refugees and displaced persons, and the local police throughout Bosnia and Herzegovina must protect returnees, whatever their religion or ethnicity.

The thorny subject of Brcko comprises the eighth condition needed to be met before all troops can be withdrawn. An arbitration award must have been implemented without violence. As we know, Mr. President, in mid-March the arbitration award on Brcko was postponed for the third time.

Specific benchmarks for Brcko include local elections having been implemented, an integrated police force functioning, two-way refugee returns and ethnic reintegration continuing to progress, and job creation underway.

The ninth condition involves war crimes. All parties to the Dayton Accords, including entity justice authorities, must be cooperating with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Local authorities must facilitate the apprehension of indictees.

The tenth and final condition necessary for withdrawal of American troops, Mr. President, concerns the relationship of Bosnia with international organizations. One benchmark is certification that local authorities and the entity armies are capable of assuming responsibility for demining operations.

Another is that the Office of the High Representative in Bosnia (OHR) demonstratres its authority to enforce inter-entity agreements without military back-up.

A third, more general, benchmark is that the OSCE, NATO, and the European Union develop more traditional relationships with Bosnia and Herzegovina.

Mr. President, I believe that these detailed conditions and benchmarks show conclusively that the Administration is not asking for an open-ended commitment. It has the exit strategy that critics have long been demanding.

One or two of the ten conditions, and several more of the individual benchmarks have already been met. Many others are well on their way to fulfillment. Many others are only just beginning to be implemented.

And, Mr. President, I would repeat my cautionary word that the fulfillment of such a detailed formulation leaves much open to interpretation.

If the Senate approves this supplemental appropriation for our troops in Bosnia—as I strongly believe it should—we have the right to insist that the Congress be consulted on an ongoing basis on how the implementation of these civil-military benchmarks is going and also that our NATO and other SFOR partners are continuing to shoulder their responsibilities.

The SFOR mission is of high national security importance for the United States.

We have every right to be pleased with the quite striking progress that has been achieved in Bosnia over the past year. Much remains to be done, and with the game-plan—the ''exit strategy'' if you will—that the Administration has provided, closer cooperation with Congress is possible.

I urge passage of this supplemental appropriation for both Iraq and Bosnia. I think that it is vital that the Senate and House pass this supplemental as soon as possible. The more expeditiously we act, the less our military readiness will suffer. The brave men and women serving in Bosnia and Iraq deserve to know that their missions are adequately funded by a proud Congress and not by cannibalizing important core military accounts.

For that, they should thank the Senator from Alaska, because he has been absolutely, positively—how can I say it politely—consistent in insisting that we undertake these missions without cannibalizing our core accounts.

Both of these missions further America's national security interests. They have achieved real results and what the Chairman of the full committe is suggesting is the way to go.

I compliment the chairman in being able to fend off the amendments put forward so far today. I wish him luck for the remainder of the process here.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Illinois seek time?

Ms. MOSELEY-BRAUN. Yes, only 2 minutes. It was really a very short statement.

Mr. STEVENS. Mr. President, I yield to the Senator for not to exceed 5 minutes because we want to get to the Wellstone amendment as soon as possible.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

THE TRAGEDY IN JONESBORO, ARKANSAS

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a brief moment to express my condolences to the families of the students and teachers killed or wounded during yesterday's tragic shooting at the Westside Middle School in Jonesboro, AR. The Nation's prayers are with those families today and, of course, the thoughts of all Americans are with the people of the Jonesboro community. It is yet another American community whose residents' lives have been changed forever by children who managed to get access to firearms.

The attack yesterday was the third multiple killing in a school by a youth under the age of 16 in the last 6 months. Mr. President, these horrific crimes amply demonstrate that we have a responsibility to oppose the proliferation of violence and to stand fast against any effort to make firearms more freely available. Does anyone in their right mind still believe that it is possible to raise children in a society where guns are so easily obtained? It is clear that we cannot protect our children in such a world. They are such easy prey for those who seek to maim and to kill.

Now, Mr. President, until all the facts have been obtained, it would not be prudent to speculate on the events leading up to the massacre in the school yard yesterday. But this much we do know: We must come together as a society and recommit ourselves to keeping firearms out of the hands of children and guaranteeing that only those people who know how to use guns responsibly have access to them. In order to make our community safer, we must expand programs to train gunowners in the proper use and storage of their weapons.

I believe that responsible gunowners have nothing to fear from reasonable gun laws, and that is what I think we need to have a debate and talk about, and that is what the majority of us who support reasonable gun control seek to have happen—laws that will help to keep tragedies like the one that happened yesterday in that small community in Arkansas from ever happening again. I think it is appropriate for us to have that debate, given the importance to our children, to their safety, to our liberty and freedom and safety in our communities.

I yield the floor.

Mr. BUMPERS. Mr. President, will the Senator yield? Senator MOSELEY-BRAUN was speaking about the shooting in Jonesboro, and I have not said anything on the floor about that. I would like 2 minutes to follow up on that.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Arkansas be recognized for 2 minutes, and following that, the Senator from Ohio be recognized for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

THE TRAGEDY IN JONESBORO, ARKANSAS

Mr. BUMPERS. Mr. President, let me just, first of all, express my profound thanks to the distinguished Senator from Illinois for her sensitivity and sincere compassion over what is the most traumatic event, perhaps ever, in my State. We have tornadoes and we lose a lot of lives in tornadoes, and we have a lot of property damage. But for just sheer trauma, this event is really

unique to us, as it would be to any State in the Nation. The grief is indescribable. The circumstances are indescribable. Nobody could speculate with any degree of accuracy as to what possesses an 11- or 13-year-old child to do this. You can wonder how did they lay their hands on such an arsenal of weapons in order to perpetrate the crime? But at this point, I share the comments of the Senator from Illinois that it is premature to speculate on that because that will all come out as the investigation goes forward and is unwound.

I simply want to say that it is a terrible plight in this country when such an event can even be thinkable, let alone happen. It is becoming all too frequent that you pick up the paper and find that this is happening in the school yards of America. This is not a high school, this is a middle school of 11-, 12-, and 13-year-old youngsters. Nineteen were injured and five are dead. It is an unspeakable horror. I know I speak for all the Members of the Senate in expressing our sincere grief, our condolences and sincere sympathies to all the people who have been affected in this, the parents and relatives of the children who have been injured and killed, and to those others who were not but will be traumatized and scarred by this for the rest of their lives.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 5 minutes.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1862 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alaska.

Mr. STEVENS. Mr. President, I believe the Senator from Minnesota now has an amendment that is on the list.

Mr. WELLSTONE. Mr. President, I will be calling up amendment No. 2128, and ask that it be modified with the language that is at the desk right now.

Mr. STEVENS. Mr. President, will the Senator agree to some sort of a time agreement?

Mr. WELLSTONE. I think I can do this in 30 minutes.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. STEVENS. Let's get this straight. The Senator wants 30 minutes total on the amendment equally divided.

Mr. WELLSTONE. I would like to have 30 minutes to speak on this. I wasn't aware that there would be opposition.

Mr. STEVENS. I am not sure there will be. I have to reserve some time in case there is someone on this side.

Mr. WELLSTONE. I may be able to do it in less time, but I have been wanting to speak about the IMF amendment. I will try to do it in less. But I would like now to reserve 30 minutes. At one point in time, as my good friend from Alaska knows, I had four amendments.

Mr. STEVENS. Is the Senator prepared to withdraw the other three amendments?

Mr. WELLSTONE. I say to my colleague from Alaska, I will withdraw the other three amendments. And then I would like to have an agreement that I would have 30 minutes with no second degree on this amendment, which I think will generate widespread support.

Mr. STEVENS. I am not prepared to agree that some Senator will not come in with a second-degree amendment. I will not present a second-degree amendment myself. I would like the Senator, if he would agree, to withdraw the other three amendments—the Senator has 30 minutes—and 10 minutes in case we need it.

Mr. WELLSTONE. Mr. President, I can't agree to a time limit if I can't get agreement on a second-degree amendment. I ask unanimous consent that I be able to move to this amendment and that there be no second-degree amendments.

Mr. STEVENS. I can't do that. I will have to object. Mr. President, I cannot accept that. I have not read the amendment myself. I will do that now.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I have the floor. I would like to work this out.

Mr. LEAHY. Mr. President, if the Senator from Alaska will yield for a moment, while he is checking the amendment, I wonder if I might, without he yielding the floor, take 4 minutes while he is looking at the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. LEAHY. Will the Senator from Alaska give me 4 minutes while he is looking at this?

Mr. STEVENS. This is a modification of the amendment sent to the desk. I am trying to figure out if there would be a second-degree amendment to it. I am informed that it is modified and that we would not have a second-degree amendment. And I am prepared to agree to the Senator's suggestion of 30 minutes for him. I still want to reserve 10 minutes on this side in case someone wants to speak on it to answer the Senator. I do not intend to do that. But I then ask unanimous consent that the Senator be recognized to call up amendment No. 2128, as modified, and that he have 30 minutes, and we reserve 10 minutes on this side. My advice to the Senator would be to yield 2 minutes to the Senator from Vermont.

Mr. LEAHY. Reserving the right to object, would he be willing to modify that to give me the first 3 minutes on the pending amendment before he brings up his amendment?

Mr. WELLSTONE. Mr. President, I am pleased to do that.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What happens? The Senator gets 5 minutes. The Senator from Minnesota gets 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont will have 3 minutes to speak with respect to the amendment previously offered, followed by the Senator from Minnesota to speak with respect to the amendment which he is prepared to modify, for 30 minutes, followed by up to 10 minutes in response to his amendment.

Mr. WELLSTONE. With no second degree.

The PRESIDING OFFICER. There would be no second-degree amendment to the amendment of the Senator from Minnesota.

Is there objection?

Without objection, it is so ordered.

Under the agreement, the Senator from Vermont is now recognized for up to 3 minutes.

AMENDMENT NO. 2130

Mr. LEAHY. I tell my friend, the Presiding Officer, if I could have the attention of the Presiding Officer, I will not give a great speech but a small speech.

Mr. President, just a few weeks after we pushed the U.N. Security Council to support strong resolutions against Iraq, we are on the amendment by the distinguished senior Senator from North Carolina proposing ways to further undercut the effectiveness of the United Nations and our leadership in the United Nations. In regular U.N. peacekeeping operations, blue helmet operations, we sought reimbursement for our in-kind contributions, and we are reimbursed today. But there are many other U.N. operations that have the blessings of the Security Council but are not actually U.N. peacekeeping operations, including U.N. troops that were included because it was important to the United States interests.

I will give you an example. Operation Provide Comfort in northern Iraq is an example. The United Nations has given its blessing because we, the United States, asked the United Nations to support it. But it is, above all else, as we all know, a U.S. operation.

There are other examples where we pushed for a U.N. Security Council resolution in support of our position to give a broader degree of support. But if the United Nations were to adopt all of these operations as its own, I expect that the Senator from North Carolina would probably be the first to object. I doubt he would want our troops to be wearing blue helmets in those operations.

As Senator BIDEN has said, maybe we should seek to change the U.N. charter

so all activities blessed by the Security Council require reimbursement. But do we really want to have to pay for everything the Security Council decides? I doubt it. Other nations undertake operations after receiving the blessings of a U.N. Security Council resolution. We may support that. But we don't want to participate in it and we don't want to pay for it.

It is easy to take a shot at the United Nations. It is a little bit more difficult to make it work. I remind Senators that just last year many in the leadership of the House and the Senate, the majority leadership in the House and the Senate, promised, along with the President of the United States, that we would pay our arrearage in dues to the United Nations. But then in what was probably the most irresponsible foreign policy action I have seen in 23 years here, the most irresponsible actions on the very day that the United States was before the U.N. Security Council begging the U.N. Security Council to back us in Iraq, the leadership in the House of Representatives broke their commitment and killed the appropriations for the payment of dues to the United Nations.

If we want to get out of the United Nations, then let us vote to do that. If we want to say we will never spend another cent in the United Nations, let us vote to do that. But to first give our word that we will pay what we contractually owe and then on the day when we desperately are pushing the United Nations to back us in Iraq, to say we break our word, we can't do that.

I see the Senator from Minnesota is ready.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent the Senators from New Mexico now have each 5 minutes to report a sad event to the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Following that, the pending question will be the Wellstone amendment numbered 2128, as modified. Under the previous order, amendments 2125, 2126, and 2127 have been withdrawn.

The Senator from New Mexico.

U.S. REPRESENTATIVE STEVEN SCHIFF

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I are on the floor of the Senate today in a sense to report bad news to the Senate about a wonderful New Mexican.

Late this morning, in my home city in Albuquerque, New Mexico, U.S. Representative STEVE SCHIFF, 51 years of age, died as a result of a lingering cancer. We both felt we ought to share a few thoughts with the Senate and with our people.

So I would just like to say to the Senate that you know when you meet different people in political life certain things stand out about them. STEVE SCHIFF used to almost brag about the fact that he came from Chicago, that he was a Jewish boy from Chicago who came to New Mexico. Some would not want to talk about being from Chicago if they were representing New Mexicans, but somehow or another he kind of thought he would like to tell them that, so he told it to them so often, they never cared. He served as a district attorney and probably was the best prosecutor we have had in terms of getting his job done.

As I was coming over, I told Senator BINGAMAN I was voting one day in a precinct of my home in Albuquerque and I saw two elderly women behind me checking off whom they would vote for. One said to the other, ''Vote for STEVE SCHIFF.'' And the other lady, probably about 75 said, ''Why?'' She said, ''Because he was a great district attorney and he did his job well there. He'll do it well in Washington.'' That said to me that people really understand when you have a real public servant.

In behalf of my wife Nancy and myself, I guess I want to say that we have been very lucky because we got to know STEVE SCHIFF. We are very fortunate because we got to know a public servant who just exemplified what we would think a public servant should be. He was of the highest integrity, he had a deep and fundamental decency, and, yes, he had an acute and open mind. He was very, very bright.

New Mexico and the rest of this Nation have lost a wonderful public servant. He was the best of political leaders. And I lost a good friend. He was of my party, but he had great bipartisan support. He was always around to listen and always gave great advice.

Today on the Senate floor I extend, on behalf of my wife and myself, our condolences to his many close friends, to his wife and their two wonderful children, and I look forward to seeing all of them when we attend his wake. But here today in the Senate, I just want to say, ''Thank you, STEVE. Thanks for what you were, thanks for what you left us to understand and remember about you, and may more people try to be like STEVE SCHIFF, a real, decent, honest public servant.''

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I join my colleague, Senator DOMENICI, in expressing our grief at the loss of STEVE SCHIFF. He is someone I became friends with when we—he and I—were both young lawyers in New Mexico, beginning our legal careers. Of course, when he became district attorney for Bernalillo County, I had the good fortune to be attorney general and worked with him very closely on many issues in those jobs.

STEVE did have the respect of the people he represented because of the good, hard, nonpolitical work that he did for them, first as district attorney and later as U.S. Representative. He was not partisan in his approach to his job. He was quick to reach across party lines. I can remember many phone calls from STEVE where he would call and say, ''I have a bill that we have been able to pass in the House, and I need your help in the Senate.'' And I can remember many phone calls I made to him, asking for his help with legislation that I was pursuing as well.

STEVE was a person who kept clearly in mind the commitment and the job that he was sent here to do for the people of our State. He had great respect in our State and here in the Congress as well. His family deserves our condolences. We certainly send those to his wife and children.

The State of New Mexico has lost a tremendous public servant. Senator DOMENICI put it well by pointing out he was, first and foremost, a public servant in the very best sense of that term. He did not see himself as a politician who was trying to put a good face on the job he was doing. Instead, he saw himself as a mechanic, working in the machine and in the engine of Government to do the right thing for the people of New Mexico and for the country.

STEVE was a good friend to many of us and a great contributor to our State and to the Nation. I join Senator DOMENICI in expressing our grief and our condolences to his family.

I yield the floor.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Alaska.

Mr. STEVENS. The Senator from Wyoming has an amendment. I would like him, at this time, to offer it and ask for its consideration so we can set it aside and bring it up after the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Will the Senator send his amendment to the desk and ask for its consideration? We will take it up after the amendment of Mr. WELLSTONE, which is the next amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2133

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities)

Mr. ENZI. I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself and Mr. BRYAN, Mr. REID and Mr. SESSIONS, proposes an amendment numbered 2133.

Mr. STEVENS. Mr. President, I ask that further 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:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

Mr. STEVENS. Mr. President, I ask unanimous consent this amendment be considered immediately after the amendment presented by the Senator from Minnesota, for which there is a time agreement already.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2128, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 30 minutes.

The amendment (No. 2128, as modified) is as follows:

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet requisite policy goals, particularly those set forth as follows:

(1) in this Act;

(2) in Article I (2) of the Fund's Articles of Agreements, to promote and maintain high levels of employment and real income and the development of the productive resources of all members;

(3) in Section 1621 of P.L. 103–306, the Frank/Sanders amendment on encouragement of fair labor practices;

(4) in Section 1620 of P.L. 95–118, as amended, on respect for, and full protection of, the territorial rights, traditional economies, cultural integrity, traditional knowledge, and human rights of indigenous peoples;

(5) in Section 1502 of P.L. 95–118, as amended, on military spending by recipient countries and military involvement in the economies of recipient countries;

(6) in Section 701 of P.L. 95–118, on assistance to countries that engage in a pattern of gross violations of internationally recognized human rights; and

(7) in Section 1307 of P.L. 95–118, on assessments of the environmental impact and alternatives to proposed actions by the International Monetary Fund which would have a significant effect on the human environment.

(d) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, I will try not to take 30 minutes. Since the manager of the bill supports this amendment, if we want to do it on voice vote, if that will be better for colleagues, I will be pleased to do it that way as well.

Mr. STEVENS. Mr. President, I welcome that opportunity. I want to say Senators ought to be on notice we will get to the Enzi amendment sooner, and I thank the Senator.

Mr. WELLSTONE. Mr. President, this amendment says that the Treasury Secretary shall appoint an advisory committee, composed of eight members, at least two of whom are from organized labor, two from nongovernment environmental groups, and two from nongovernmental human rights or social justice organizations. This is an advisory group on IMF policy, which the Senator in the Chair right now has worked very hard on. I know that.

This advisory group would meet at least twice a year to advise the Treasury Secretary on IMF's compliance with existing statutory requirements relating to IMF promotion in a variety of different areas: High levels of income and employment in other countries, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights, and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and provide advice on IMF compliance with these mandates.

There is no legislative mandate. All the Treasury Secretary has to do is meet twice per year with the committee to hear their views on IMF compliance with existing mandates.

Let me explain to my colleagues why I bring this amendment to the floor. We spent, yesterday, altogether 30 minutes in debate on IMF. We are talking about, roughly speaking, $17 billion to go to IMF. We are talking about countries in Asia—I have heard my colleague from Alaska say this very forcefully—that are really right now in economic trouble. We are talking about a lot of economic pain. I agree—I am an internationalist—what happens in these countries will dramatically affect people in our country as well. There is no question about it.

But I want to suggest to colleagues that the question is whether or not the IMF, as I look at the record of the IMF, has been helpful or not helpful in helping these economies and helping the people in these countries. What happens in some of the Asian countries will dramatically affect the lives of people in our country in a number of different ways. Either people in countries like Thailand or Indonesia will not be able to work at decent jobs, will make subminimum poverty wages—in which case, they will not be able to have the money to purchase goods—or, because of IMF policies, which has too often been the case, they will be forced to currency devaluation and they will try to work themselves out of trouble through cheap exports to our country. Either way, working families in Nebraska and Minnesota and Alaska and around our country are hurt if we do not put some focus in the IMF.

I am about to go through existing laws and statutes that the IMF is supposed to live up to, and I am just going to talk about a whole history of noncompliance. We have not had this discussion on the floor of the Senate. We should. I mean, if in fact what happens in these Asian countries is that we have the IMF pouring fuel on the fire, if you have an International Monetary Fund that imposes austerity measures on these countries, depresses wage levels, has no respect for international labor standards, shows no respect for human rights—people cannot even organize to make a decent living, people cannot even organize in these countries like Indonesia in order to make sure that they are paid decent wages—then what is going to happen is, you have countries with a populous where the vast majority of the people cannot buy what we produce in our country. This is like economics lesson No. 1. Or—and this has happened all too often because of IMF prescriptions—what happens is, these countries try to export themselves out of trouble: Currency devaluation, cheap exports to our country, and our workers and our families cannot compete.

Let me just go through some existing laws right now that are supposed to govern the International Monetary Fund. By the way, they are in noncompliance. The problem is, the administration has not spent much time really insisting on accountability. The problem is, we have turned our gaze away from this. I wish our country would be stronger in supporting international labor standards, stronger in supporting environmental standards, stronger in supporting basic human rights for people. But we have not done that.

The Secretary of Treasury shall direct the United States executive directors of the international financial institutions to use the voice and vote of the United States to urge the respective institution [this covers

the IMF] to adopt policies to encourage borrowing countries to guarantee internationally recognized worker rights and to include the status of such rights as an integral part of the institution's policy dialog with each borrowing country.

I suggest to colleagues, even though we have not discussed this on the floor of the Senate, that the IMF has ignored this law and that the International Monetary Fund pays precious little attention to whether or not these countries that we bail out live up to internationally recognized labor rights.

Mr. President, to go on:

Beginning 2 years after the date of enactment of this section, the Secretary of the Treasury shall instruct the United States executive director of each multinational development bank not to vote in favor of any action proposed to be taken by the respective bank which would have a significant effect on the human or environmental assessment for at least 120 days before the date of the vote until an assessment analyzing the environmental impacts of the proposed action and alternatives to the proposed action has been completed by the borrowing country or institution.

Again, another law that the IMF is supposed to live up to, another relevant statute that there ought to be an environmental impact statement. We ought to look at what these countries are doing; we ought to look at where the money is going. These countries—or many of these countries—are in noncompliance, and the IMF just turns its gaze away from this, as does the United States, our Government. This is not in the name of our people, because I think people in our country support human rights, support respect for the environment.

Human rights title:

The U.S. Government in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the InterAmerican Development Bank, the African Development Bank [so on and so forth] the International Monetary Fund, shall advance the cause of human rights including by seeking to channel assistance toward countries other than those whose governments engage in a pattern [and I am quoting] of gross violations of internationally recognized human rights such as torture or cruel, inhumane or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty and the security of person.

Mr. President, in this connection, let me point out that a labor leader in Indonesia, Mochtar Pakpahan—we are about to provide the IMF, and the IMF is about to provide, based upon, in part, the U.S. contribution, Indonesia with bailout money—and this man, this labor leader, I say to my colleagues, is in prison. Why is he in prison? He is in prison for organizing workers in support of a higher minimum wage, people who work for wages that don't enable them or their families even to be able to have enough food to eat. And this man's crime, this labor leader's crime in Indonesia is that he has organized workers to get better wages.

I just read the statute that applies to IMF policy. The way I read this—maybe I will read it again—is that the ''International Monetary Fund shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in gross violations of humans rights of citizens.''

What do we think is happening in Indonesia? Does any Senator on the floor of the Senate want to defend the Government of Indonesia for imprisoning a labor leader?

Mr. President, I will suggest—and I will go on and read other laws that apply to the IMF—that what is wrong with this IMF provision, the amendment that we are going to vote on eventually, is that nowhere in here do we have any conditions dealing with labor, human rights standards, nowhere in here do we have any conditions dealing with environmental standards, nowhere in here do we have any discussion about the importance of promoting employment and higher wage levels for the citizens of these countries.

So, it is a flawed institution. I am all for making sure these countries do better, but I don't think the IMF is going to help these countries do better. In fact, I think what the IMF does over and over again is make matters worse. I look at the record in some of these countries, and I see no evidence whatsoever that IMF policies have led to an improvement in the living standards of people in these countries. For the bankers, yes; for the investors, yes; and for some of these governments which are all too often corrupt, yes, but not for the people.

We have an IMF agreement. I know that the Chair has worked hard on this. I know that the Senator from Alaska has been involved in this. And that is why I come out with an amendment that is very reasonable, because all this amendment says is, look, we have these existing statutes, it is already law, this is what the IMF is supposed to live up to, but we have a clear record of flagrant noncompliance.

At the very minimum, let's make sure the Secretary of the Treasury meets with an advisory committee made up of some non-Government people dealing with human rights, dealing with labor, dealing with the environment at least twice a year so that we can put this on the radar screen.

I know colleagues feel strongly that we must do something. I hope it works out. But I have to say that on the basis of the record of the IMF, I see no evidence whatsoever that the IMF's economic policies are going to help the Asian countries or help the people in the Asian countries. Instead, what I think is going to happen, since we have not had any clear provisions with real teeth in this legislation—and the best I can do today is to get a strong vote on this advisory committee, and I am intending to send a message to the administration.

Secretary of the Treasury Rubin is a fine Secretary. He is skillful, he has been gracious, and I think he is committed to doing better. It isn't even personal, because I think he believes that we have to do better. But in all due respect, we at the very minimum ought to begin to put these questions on the table. We ought to put these issues on the table. In all due respect, I say to my colleagues, I am just telling you this is a flawed institution.

We are about to invest a lot of money in the International Monetary Fund, which has a record of imposing economic policies on countries which depress the living standards of most of the people in those countries. That is the record. As a result, those people don't have the economic power, the dollars to consume products that we make in our country; as a result, quite often these countries barrel down the path of exporting cheap products to our country, and, again, working families in the United States of America pay the price.

It is a lose-lose situation. The people in Indonesia are not going to win, the people in Thailand are not going to win, and the people in the United States are not going to win.

Let me go on and read a few other provisions. Talking about the International Monetary Fund, one of the goals must be to ''facilitate the expansion and balanced growth of international trade and to contribute thereby to the promotion and maintenance of high-level employment and real income and to the development of productive resources of all members as primary objectives of economic policy.''

I have to say to colleagues, I cannot believe that this is a statute that applies to the IMF, because that is not what the International Monetary Fund has been about. I do not know how anybody here can make the case that the IMF's economic prescriptions for these countries have been about promoting ''high levels of employment and real income and the development of productive resources of all members as primary objectives of economic policy.'' That is almost laughable. That is not what the IMF has done.

I think what we have done is we have forfeited a historic opportunity to strengthen the position of working people in these other countries, to support the human rights of citizens in these other countries, to take a look at Thailand and Indonesia, who are among the worst offenders in Asia denying worker rights, among the worst offenders in Asia in violating the human rights of their citizens, and, basically, what we have on the Senate floor is silence on these questions.

Why don't we have any connection to what are, I think, the most important factors in determining whether or not the people in these countries are going to do well and the majority of the people in our own country are going to do well?

As I look at these provisions—and I will go back and I will summarize this amendment—this amendment essentially instructs the Treasury Secretary to appoint an advisory committee composed of eight members, at least two of which will be from organized labor, two from nongovernmental environmental groups and two from nongovernmental human rights or social justice organizations. This advisory committee will meet with the Secretary of the Treasury twice a year, and they will talk about IMF policy, whether or not the IMF is in compliance or not with existing statutory requirements relating to IMF promotion of high levels of income, employment, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and to provide advice on IMF compliance with these mandates.

I will say one more time, by way of conclusion, the IMF is not in compliance with these mandates, not in compliance with the existing laws that apply to IMF, not in compliance on internationally recognized labor rights, not in compliance of respect for indigenous people, not in compliance in human rights, not in compliance with sensitivity to environmental concerns. We have a golden opportunity, and we are missing it. That is why I am not going to vote for this amendment that deals with International Monetary Fund assistance to these countries to make things much better.

I believe that what we are about to do, the amendment we are going to adopt on the International Monetary Fund, will, in fact, not help those countries in Asia, not help the peoples of those countries that are struggling, and will end up hurting not only people in countries like Indonesia, but also will hurt families in our country as well.

Why in the world don't we have more to say about a brutal dictatorship in Indonesia? Why don't we have more to say about the ways in which this dictator crushes people in his own country? Why don't we have more to say about the depressing of living standards of people in Indonesia? Why don't we have more to say about all the ways in which those people, not having decent jobs and decent wages, cannot buy what our working people produce? Why don't we have more to say about the way in which the IMF comes in, bails out the bankers, bails out the investors, insists on currency devaluation, insists on austerity and, therefore, forces those countries into currency devaluation and to exporting cheap products into our country, thereby hurting, again, working families in the United States of America? Not a word about that.

I think the Senate is in serious error for not focusing like a laser beam on these concerns. But I will thank my colleagues for at least supporting this amendment, which I will fight very hard to keep in conference committee, because I really do believe that if we can have this advisory committee which will meet with the Secretary of the Treasury twice a year and which will raise these issues twice a year and which will discuss with the Secretary and analyze with the Secretary whether or not the IMF is in compliance with all of the statutory requirements relating to environmental protection, relating to human rights, relating to international labor standards, I think this will at least be a step forward.

I am, on the one hand, just saying to colleagues that I think the provisions we have out here in relation to the IMF, the investment we make in the International Monetary Fund is mistaken. I think we miss a tremendous opportunity to exert leadership, the United States of America exerting leadership in behalf of working people in other countries, in behalf of human rights, in behalf of the environment. We are not doing that. But at the very least, I hope my colleagues will support this amendment.

I said to my colleague from Alaska that if the Senate is, in its wisdom, going to support this amendment, then I am pleased to have a vote right now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see the Senator from Minnesota has finished his comments on his amendment. I have had no request for time. So if the Senator is prepared to vote, I am prepared to yield back the time allocated to our side. I so yield back the time.

Mr. WELLSTONE. I am prepared to vote.

Mr. STEVENS. The Senator said we will have a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment No. 2128, as modified.

The amendment (No. 2128), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the next order of business will be the amendment of the Senator from Wyoming. I ask unanimous consent that that be the pending business.

The PRESIDING OFFICER. The Senator is correct, the pending business is the amendment of the Senator from Wyoming.

Mr. STEVENS. Is it possible, Mr. President—I know the Senator from Wyoming is for the amendment and I understand the Senator from Hawaii is opposed to the amendment. Can we have a time agreement on the amendment?

Mr. ENZI. Mr. President, 40 minutes on a side; 80 minutes equally divided will be agreeable. We were just talking about reducing that by 10 minutes a few moments ago, but I have not had a chance to check with the other side.

Mr. STEVENS. Seventy minutes equally divided. I say to the Senator, that is agreeable, but we have a time already set for the vote on the Helms amendment. Mr. President, parliamentary inquiry. If we enter into a time agreement, what happens to the vote at 6:30?

The PRESIDING OFFICER. We would suspend consideration on the Enzi amendment until we have the vote on the Helms amendment, and after that, we would resume debate on the Enzi amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that we enter into such an agreement, 70 minutes equally divided on this amendment and no second-degree amendments be in order to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming.

AMENDMENT NO. 2133

Mr. ENZI. Mr. President, I call up amendment No. 2133.

The PRESIDING OFFICER. That is the pending question.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Andrew Emrich and Katherine McGuire be granted the privilege of the floor during the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to offer an amendment with my colleagues, the distinguished Senators from Nevada, Senator BRYAN and Senator REID, and the Senator from Alabama, Senator SESSIONS.

This bipartisan amendment touches an issue that is very important to me, and that is the issue of States rights. This amendment is very simple and straightforward. It would prohibit the Secretary of the Interior from finalizing the proposed rules published on January 22 of this year. It would also prohibit the Secretary from proposing or promulgating any similar regulations. In effect, this amendment would prohibit the Secretary of the Interior from bypassing the States in the process of approving class III Indian casino gambling.

Mr. President, I must admit that I am disappointed this amendment is necessary at all. Last year, I offered an amendment, along with a number of my colleagues, on the Interior appropriations bill. We debated that on the floor. That prohibited the Secretary of the Interior from approving any new tribal-State gambling compacts which had not first been approved by the State in accordance with existing law.

Although that amendment provided only a 1-year moratorium, the intent of

the amendment was clear. Congress does not believe that it is appropriate for the Secretary of the Interior to bypass the States or to spend money bypassing the States in an issue as important as whether or not casino gambling will be allowed within a State's borders.

The debate bore out that intent. I think it was clearly understood. It ended with a voice vote. It was passed by wide bipartisan support. Unfortunately, the Secretary did not think, evidently, that Congress was serious when we passed the amendment last year.

On January 22 of this year, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations which would allow the Secretary of the Interior to bypass the State's authority in the compacting process. In effect, these proposed regulations would allow Secretary Babbitt to approve casino gambling agreements with the Indian tribes without the consent or approval of the States. This is precisely what Congress prohibited in last year's amendment. Evidently, Secretary Babbitt did not think we were serious.

Mr. President, this amendment is designed to ensure that the proper process is followed in the tribal-State compacting process. There may be those who argue that changes need to be made to the Indian Gambling Regulatory Act. I would not necessarily disagree with my colleagues on that point. However, if any changes are to be made, the changes must come from Congress, not from an unelected Cabinet official. By proposing these regulations, the Secretary of the Interior has shown an amazing disregard for Congress and for all 50 States.

Mr. President, I have to admit that I find the timing of the Secretary's actions ironic. Just recently, the Attorney General appointed an independent counsel to investigate Secretary Babbitt's actions in regard to approving and denying tribal-State gambling compacts from Indian tribes in Wisconsin.

Although we will have to wait for the investigation to take its course, it is evident that serious questions have been raised about the Secretary of the Interior's objectivity in approving Indian gambling compacts. We should not allow the Secretary of the Interior to usurp the rightful role of Congress and the States in addressing the difficult question of Indian casino gambling.

Mr. President, this amendment has the strong endorsement of the National Governors' Association. At their annual convention this year, the Governors adopted a resolution strongly opposing the Secretary's proposed regulations. I have a copy of that letter. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 25, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.
Hon. TED STEVENS,
Chair, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. THOMAS A. DASCHLE,
Senate Minority Leader, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER LOTT, MINORITY LEADER DASCHLE, CHAIRMAN STEVENS, AND SENATOR BYRD: This letter is to confirm Governors' support for the Indian gaming-related amendment offered by Senators Michael B. Enzi, Richard H. Bryan, and Harry Reid to the Senate supplemental appropriations bill. This amendment prevents the secretary of the U.S. Department of the Interior from promulgating a regulating or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact, as required by law.

The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary of the Interior to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states.

Further, the secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes.

We urge your support of the Enzi/Bryan/Reid amendment. Please contact us if you have any questions about our position on these matters, or call Larry Magid of NGA, at 202/624–7822.

Sincerely,

RAYMOND C. SCHEPPACH.

Mr. ENZI. Mr. President, I also have a letter from the Western Governors' Association, signed by the Governor of Alaska, who is the chairman of that association, again, reiterating their concerns about bypassing the States rights. I ask unanimous consent that that letter also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, December 5, 1997.

WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: It is the understanding of the Western Governors' Association, that the Secretary of Interior has proposed a rule-making on Indian Gaming that would usurp the Governors authority to enter into compact negotiations on gaming with Indian tribes. States have repeatedly voiced their concerns about the Secretary's desire to promulgate this rule. On October 10, a letter was sent by the National Governors' Association Chairman and Vice-Chairman to the Secretary of Interior on this rule-making proposal.

It is evident that the states' concerns have gone unheard or at least have not been responded to by the Secretary. As a former Governor, you can appreciate how troubling it is when a cabinet member fails to consider or enter into a dialogue with us about state's legitimate concerns.

The Secretary is using the Seminole Tribe of Florida vs. Florida decision by the Supreme Court to inappropriately expand his authority. The Indian Gaming Regulatory Act (IGRA) established a procedure whereby decisions could be made when a state and tribe were unable to agree to the terms of a compact. Before the Secretary is authorized to provide a compact to a tribe under IGRA, the courts must first make a finding of bad faith on the part of the state. When the Supreme Court stuck down the portion of IGRA that permitted tribes to sue states in Federal Court, it eliminated the mechanism for arriving at a finding of bad faith by the court. It would be inappropriate for the Secretary to now take the authority to render a finding of bad faith and then to authorize a gaming compact to a tribe over the objections of a state. Moreover, the Secretary's action contradicts the clear intent of Congress as embodied in the final Interior conference report that you signed, which imposes a one-year moratorium on imposition of a procedure that would result in tribal Class III gaming in the absence of a tribal-state compact as required by law.

As the National Governors' Association policy states ''nothing remains in the Indian Gaming Regulatory Act or any other law that endows the Secretary with the authority to independently create such a process. . . . The Governors will actively oppose any independent assertion by the Secretary of the power to authorize tribal governments to operate Class III Gaming. State and tribal governments are best qualified to craft agreements on the scope and conduct of Class III Gaming under IGRA.''

Furthermore, under the duties of the office, the Secretary has a special legal relationship to Native Americans, and it would be impossible for him to be objective in making decisions settling compact differences between states and tribes—in effect the Secretary becomes a self-appointed judge and jury.

These are difficult issues, and we understand the Secretary interpreting his role as advocate for Native Americans. However, Governors have Constitutional responsibilities to all of the people of our states. Based on these responsibilities we are compelled to tell you that the Secretary started down an unproductive path when he concluded that the Interior Department should become the sole arbiter in the compact process.

We urge you to find a resolution to the conflicts between the states and tribes that is more appropriate than that initiated by the Secretary. The Western Governors' Association stands ready to participate in such an effort.

Sincerely,

TONY KNOWLES,
Governor of Alaska, Chairman.

Mr. ENZI. Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution passed by the National Association of Attorneys General at their spring meeting.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

RESOLUTION; OPPOSING PROPOSED DEPARTMENT OF INTERIOR REGULATIONS REGARDING SECRETARIAL PROCEDURES FOR CLASS III GAMING

Whereas, Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. Sections 2701 to 2721 (1998)(''IGRA''), creating a statutory basis for the regulation of gaming by Indian tribes; and

Whereas, IGRA provided the States a role in the regulation of class III gaming through a process utilizing compacts; and

Whereas, IGRA provided a remedial process for tribes seeking to allege that a State has failed to negotiate for class III gaming in good faith; and

Whereas, this statutory remedial process could not be initiated until a federal court determined that the State had failed to negotiate in good faith; and

Whereas, on March 27, 1996, the Court in *Seminole Tribe* v. *Florida,* 116 S.Ct. 1114 (1996), held that Congress could not abrogate the States' 11th Amendment immunity pursuant to the powers granted to it in the Indian Commerce Clause, thereby closing the door to the remedial process in IGRA unless a State consents to being sued; and

Whereas, on May 10, 1996, the Bureau of Indian Affairs published an Advanced Notice of Proposed Rulemaking in response to the decision in *Seminole Tribe* v. *Florida,* seeking comment on, among other things, whether and under what circumstances the Secretary of the Interior is empowered to prescribe procedures for the conduct of class III gaming when a State interposes its 11th Amendment immunity to suit under IGRA; and

Whereas, some 22 State Attorneys General have signed a letter concluding that ''It is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested'' in the Advanced Notice of Rulemaking; and

Whereas, on January 22, 1998, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations governing class III gaming procedures;

Now, Therefore Be It Resolved That the National Association of Attorneys General:

(1) opposes promulgation of the proposed rules by the Department of the Interior, Bureau of Indian Affairs, on the basis that the Department lacks the legal authority to promulgate such regulations, as more fully set forth in General Butterworth's letter of June 28, 1996 to Secretary Babbitt (see attached);

(2) opposes the proposed regulations because they empower the Secretary of the Interior to determine which games are ''permitted'' in a given state, as that term is used in IGRA, a determination that requires an interpretation of state law which should be the exclusive province of the states themselves;

(3) opposes the proposed regulations because they empower the Secretary of the Interior to determine whether a State has negotiated with a Tribe in good faith, even though the Secretary has an acknowledged trust responsibility for the Tribes, thus creating a clear conflict of interest;

(4) opposes the proposed regulations because, in direct defiance of the Supreme Court's holding in Seminole Tribe, 116 S. Ct. at 1133, they ''rewrite the statutory scheme in order to approximate what [the Department] think[s] Congress might have wanted had it known that section 2710(d)(7) [the lawsuit provision] was beyond its authority''; and

(5) authorizes the executive director and General Counsel of NAAG to transmit copies of this resolution to the Department of the Interior, Bureau of Indian Affairs, before the close of the comment period for the proposed regulations on April 22, 1998, and to other interested individuals, members of Congress, and agencies, as appropriate.

Mr. ENZI. Mr. President, finally, I ask unanimous consent to have printed in the RECORD relevant excerpts from a 1996 letter from Attorney General Butterworth from Florida and signed by 22 State Attorneys General. This letter explains that the Attorneys General believe any attempts to circumvent the States in the compacting process violates the language and meaning of the Indian Gambling Regulatory Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
OFFICE OF ATTORNEY GENERAL,
June 28, 1996.

Re comments on establishing departmental procedures to authorize class III gaming on Indian lands when a State raises an eleventh amendment defense to suit under the Indian Gaming Regulatory Act, Vol. 61 Fed. Reg. No. 92, pg. 21394 (5/10/96).

Hon. BRUCE BABBITT, SECRETARY OF THE INTERIOR, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC.

DEAR SECRETARY BABBITT: Please accept this letter as the comments of the undersigned Attorneys General relating to the above referenced Advance Notice of Proposed Rulemaking. The undersigned, on behalf of our respective states, have a vital interest in the proper execution of the Indian Gaming Regulatory Act and in gambling activities in our states generally. In *Seminole Tribe v. Florida,* 116 S.Ct. 1114 (1996), the Supreme Court upheld the Eleventh Circuit's opinion that Congress had no authority to abrogate the Eleventh Amendment immunity of the States in the passage of IGRA and that the doctrine of *Ex parte Young* could not be used to circumvent the States' immunity. The court did not however address the issue raised by Part V of the lower court opinion regarding the remaining remedy for Tribes faced with States allegedly not bargaining in good faith, as required by IGRA.

INTRODUCTION AND BACKGROUND

It is uniformly the legal view of the undersigned state Attorneys General that, absent congressional authorization, the Secretary of Interior has no authority to prescribe class III tribal gaming procedures when a state raises an Eleventh Amendment bar to a ''bad faith'' lawsuit under IGRA. Further, there is no legal question but that if the Secretary were to assume such power, without congressional authorization, the Secretary would be constrained by existing federal law, including the federal Gambling Devices (Johnson) Act, 15 U.S.C. 1175, from prescribing procedures that include any form of electronic or electro-mechanical gambling devices.

Section 23 of IGRA also bars the Secretary from prescribing any gambling procedures that are inconsistent with ''State laws pertaining to the licensing, regulation, or prohibition of gambling.'' Section 11(d)(6) of IGRA lifts the prohibition of the Johnson Act only if there is a tribal-state compact in a state where ''the gambling devices are legal'' under state law. If the Secretary were to adopt procedures governing gaming procedures inconsistent with or abrogating state law, it would be in violation of federal law.

Nor can the Secretary legally ''fuzz'' the statutory distinction between a tribal-state compact and post-mediator secretarial procedures—the Congress gave these matters legally distinct and meaningful definitions. Congress intended secretarial procedures in lieu of a compact to occur only when a state has been adjudged to have negotiated, or to have refused to negotiate, in ''bad faith.'' The raising of an Eleventh Amendment defense by a State is not itself ''bad faith''—indeed, the Constitution permits it, as the Supreme Court has noted. Certainly the Secretary, who holds a trust responsibility to the tribes, is in no position to judge a State to be in ''bad faith.'' Nor can the Secretary re-write the statute to provide for a new form of ''secretarial procedures,'' designed to apply only when there has been no finding of ''bad faith.'' If there were the law Congress intended, it could have simply provided for the Secretary of Interior to provide for tribal gaming procedures and regulations in all cases as a matter of federal law.

An analysis of the legal error in Part V of the Eleventh Circuit's Seminole opinion clearly demonstrates these points. In the opinion that was appealed to the Supreme Court, the Eleventh Circuit Court of Appeals included dicta stating that if a State invoked its Eleventh Amendment immunity, then a Tribe could apply directly to the Secretary for the promulgation of procedures for class III gambling in that state. By request of the Supreme Court, the Solicitor General filed a brief for the United States addressing the petition and cross petition in the Seminole case. With respect to the remedy suggested by the appeals court, he stated at page 9,

''The state petitioners in Nos. 94–35 and 94–219 seek review of the court of appeals' expression of the view that, if a state does not consent to suit by a Tribe, the Secretary of the Interior would have the authority to prescribe regulations to govern the conduct of gaming on the Tribe's Indian lands. *That discussion in the opinion below is dicta,* since the court ordered the case dismissed on sovereign immunity grounds[.]'' (emphasis added)

Because the appeals court held that the case should be dismissed on sovereign immunity grounds, the dicta in part V of the opinion does not provide any legal authority for the Department of the Interior to act. In contrast to the dicta of the Eleventh Circuit, the Ninth Circuit Court of Appeals stated in Spokane, that:

''The Eleventh Circuit was concerned by the regulatory void that it might leave by invalidating the IGRA's provisions for federal judicial enforcement. Those concerns illustrate the problem caused when state sovereignty is injected into the federal scheme. The Eleventh Circuit reasoned that a void was not necessary because the provisions of the statute authorizing the Secretary of Interior to impose regulations would come into effect once a state asserted immunity from suit.

When that occurred the Secretary of the Interior would, in the Eleventh Circuit's view, remain authorized to impose regulations for Class III gaming. Seminole Tribe, 11 F.3d at 1029. *In our view, however, such a result would pervert the congressional plan.* This is because the Secretary of the Interior under the statute is to act only as a matter of last resort, and then only after consulting with the court appointed mediator who has become familiar with the positions and interests of both the tribes and the states in court directed negotiations. 25 U.S.C. Sec. 2710(d)(7)(B)(iv)–(vii). *The Eleventh Circuit's solution would turn the Secretary of the Interior into a federal czar, contrary to the congressional aim of state participation.''—Spokane Tribe of Indians v. Washington State,* 28 F.3d 991, 997 (C.A.9 (Wash.) 1994) (emphasis added)

Any proposal to allow a direct by-pass to the Secretary is inconsistent with Congressional intent for two reasons: (1) it allows the tribes to circumvent State participation, thereby not recognizing a legitimate interest of the States; and (2) it ignores IGRA's design to include the states. It should be clearly understood that the proposed remedy has the effect of taking the states completely out of the IGRA process. A Tribe would be able to request a compact with a demand it knows the State cannot accede to, thereby

guaranteeing that there will be no compact within 130 days, and providing the ''predicate'' for a ''bad faith'' lawsuit. This is possible because IGRA does not require that the *Tribe* negotiate in good faith. At the end of 180 days, with no progress toward a compact, the Tribe may file suit. If the State raises its Eleventh Amendment defense, the Tribe will petition directly to the Secretary of the Interior, undoubtedly for the gaming activities it knew the State could not agree to, including, in most cases, gambling devices and activities criminally prohibited in the state. State participation has thereby been rendered meaningless.

The proposed Secretarial remedy is inconsistent with the plain language of the statute and is an effort to grant a remedy to the Tribes not found in IGRA. The Eleventh Circuit erroneously stated that the new remedy is consistent with the intent of Congress. By creating the remedy, the Eleventh Circuit sacrificed the States' role in an effort to effectuate its notion of the broad intent of Congress.

''Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statute's primary objective must be the law.''—*Rodriguez* v. *United States,* 480 U.S. 522, 526 (1987). The process and the remedy set forth in §2710(d)(7) was: ''[T]he result of the Committee balancing the interests and rights of the tribes to engage in gaming against the interests of the States in regulating such gaming.'' S. Rep. 100–446, S. 555, 100th Cong., 2d Sess., 14. The Eleventh Circuit even recognized that IGRA was passed: ''[A]fter contentious debate concerning the appropriate state role in the regulation of Indian gaming.''—*Seminole Tribe,* 11F.3d at 1019.

The Eleventh Circuit's attempt to legislate a new remedy and the Department of the Interior's proposal to implement such a remedy are inappropriate and it should be left to Congress to reevaluate the balance of interests and purposes of this act in fashioning a new remedy, if one is needed. The Court of Appeals is not free to fashion remedies that Congress has specifically chosen not to extend. *Landgraf* v. *U.S.I. Film Products,* ___U.S.___. n 36, 62 U.S.L.W. 4255, 4267 n. 36 (April 26, 1994); *see, Northwest Airlines, Inc.* v. *Transportation Workers.* 451 U.S. 77, 97 (1981). Nor can the Secretary fashion such a remedy.

The legal error underlying the suggested process can be shown by the facts of the *Seminole* case itself. The Seminole Tribe requested a compact and proceeded to file suit against the State of Florida with a demand for slot machines and gambling activities criminally prohibited by Florida. The District Court found that the State had not failed to negotiate in good faith. Accordingly, the Tribe was not entitled to mediation or the ''secretarial procedures'' that follow a court-appointed mediator's involvement. However, under the suggested ''Secretarial remedy,'' the Seminole Tribe could apply to the Secretary for gaming procedures, even in the face of a finding of good faith on the part of the State. This locks the State out of the process, contrary to the intent of Congress.

The states have a legitimate interest in what transpires on Indian reservations within their borders. It is clear that the patrons of Indian gambling operations are not tribal members, but generally non-Indian members of the surrounding communities. Further, the States have an interest in protecting all state citizens.

* * * * *

CONCLUSION

The undersigned Attorneys General strongly believe that it is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested. If Congress determines that there needs to be a change in IGRA based on the Supreme Court's holding in Seminole, then it is the appropriate forum for discussion of the balancing of interests among the state, federal and tribal governments.

''Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statutes primary objective must be the law.''—Rodriguez v. United States, 480 U.S. 522, 526 (1987).

Thank you for the opportunity to comment on the proposed rulemaking.

Sincerely,

Robert A. Butterworth, Attorney General of Florida; Jeff Sessions, Attorney General of Alabama; Winston Bryant, Attorney General of Arkansas; Daniel E. Lungren, Attorney General of California; Grant Woods, Attorney General of Arizona; Richard Blumenthal, Attorney General of Connecticut; M. Jane Brady, Attorney General of Delaware; Alan G. Lance, Attorney General of Idaho; Frank J. Kelly, Attorney General of Michigan; Joseph P. Mazurek, Attorney General of Montana; Frankie Sue Del Papa, Attorney General of Nevada; Margery S. Bronster, Attorney General of Hawaii; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Don Stenberg, Attorney General of Nebraska; Jeffrey R. Howard, Attorney General of New Hampshire; Betty D. Montgomery, Attorney General of Ohio; Thomas W. Corbett, Jr., Attorney General of Pennsylvania; Jeffrey L. Armestoy, Attorney General of Vermont; William U. Hill, Attorney General of Wyoming; Drew Edmondson, Attorney General of Oklahoma; Jeffrey B. Pine, Attorney General of Rhode Island; Darrel V. McGraw, Jr., Attorney General of Virginia.

Mr. ENZI. Mr. President, the rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, social services, and communities are seriously impacted by the expansion of casino gambling on Indian tribal lands. Therefore, a decision about whether or not to allow casino gambling on Indian lands should be approved by popularly elected representatives, not by an unelected Cabinet official.

I urge my colleagues to stand up for the rights of the States and the rights of this Congress, as popularly elected leaders, by voting for this amendment. And, Mr. President, the chairman of the subcommittee, Senator GORTON, also approves of the amendment. I do ask for your consideration of that amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming for yielding me time.

I rise to endorse the comments made by Senator ENZI. In 1996, I was the attorney general of the State of Alabama, and I was one of the 22 attorneys general that signed the letter that Senator ENZI mentioned earlier. This letter, which was initiated under the leadership of Attorney General Bob Butterworth of Florida, was a 13-page letter discussing the legal reasons why the attorneys general believe that the Secretary of the Interior ought not to be setting the gambling policies for our various States. Why did we take this position? Because our review of applicable law revealed to us that there was no legal basis for the Secretary of Interior to act this way, especially in light of the important *Seminole Tribe* v. *Florida* case decided by the U.S. Supreme Court in 1996.

The issue of tribal gaming is a matter of extreme importance. My home state of Alabama has consistently rejected casino gambling in the State. We have one small Indian tribe that owns several pieces of property in the State. If that tribe were able to go to the Secretary of the Interior and obtain approval to build casinos on their property, we would soon have three major, active casinos in the State of Alabama bringing with them all the problems that are associated with casino gaming. The tribal reservations are extremely small, however they would impact the community to a great degree.

As the Senator from Wyoming so eloquently said, it is the States who will bear the burdens and the responsibility and the consequences of having the Secretary of Interior impose gambling on them. The Secretary of the Interior should not be imposing tribal gaming decisions on the States. In the past, the Secretary had indicated that he would prefer not to intervene in these matters. If that is so, then he certainly should not oppose this legislation that would prohibit his ability to unilaterally decide state gaming issues. I think this issue is a matter that we need to treat very significantly.

Make no mistake about it, having been involved in the process, I learned something that is quite important, and that is just how much money is involved. When the Secretary of the Interior, one man, can look at one group of claimants, or favor one Indian tribe over another, and he can then select a group and say, ''You can get a gambling casino,'' he may have made that group hundreds of millions of dollars—I do not mean one million, I mean hundreds of millions of dollars—and another tribe may get nothing from that. The Secretary's ability to make one decision which makes certain groups rich and certain groups poor is one reason why the committee testimony concerning Mr. Babbitt's dealing with contributions tied to Indian gaming was such a dramatic, and unseemly, event.

So I think that is not the way public policy and gambling policy ought to be set in America. It ought to be set on a rational basis by the people of the State who would have to live with that

activity. I think Senator ENZI is correct. Similar legislation passed once before, I think, with consent. I hope that it will again. I believe we need to make clear that the people of our States will be the ones to decide whether or not gambling occurs.

I would just like to share a quote from an editorial appearing in the Montgomery Advertiser last year. In this editorial the Advertiser, the newspaper of the capital of Alabama, says:

> Regardless of whether one favors or opposes legalized gambling on Indian lands, surely there can be little dispute over the legitimate interest of states in having some say in the matter, rather than having gambling instituted within their borders through federal-level negotiations.

Respecting the role of states is fundamental to this issue, and Senator ENZI's amendment solves the problem of Federal intrusion created by the regulations put forward by the Secretary of Interior. I salute Senator ENZI for his amendment, and I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield such time as Senator BRYAN needs, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank you.

I am happy to yield to the distinguished Senator from Hawaii, who has not had an opportunity to speak. If he wishes to precede me, I would be happy to yield.

Mr. President, I think it is helpful to our colleagues if we put this amendment in some context.

In 1988, the Congress enacted the Indian Gaming Regulatory Act. That act says that to the extent that States permit gaming activities within the States, that Indian tribes within those States should have the same opportunity. Let me say that I am in support of that philosophy.

In Nevada, we have a full range of casino gaming activity. There is no question in my State that tribes within Nevada have the same opportunity, and, indeed, we have five compacts that have been ratified between the Governor and the tribes in my State permitting those tribes to conduct the same kind of activity for gaming enterprises that we have in Nevada.

Let me give a contrast, if I may. My friend from Hawaii and our colleagues from Utah—in those two States a determination has been made that no form of gaming activity should be permitted, something that I believe is a matter of public policy for those two States to make a determination. So it is equally clear under the act that Indian tribes would have no opportunity to participate in Indian gaming unless the States chose to permit it because they have made a public policy not to have any form of gaming.

In between, there are 48 other States that have adopted variations of gaming. So there are a number of States that have entered into compacts; that is, agreements between Governors and tribes. The Enzi-Bryan-Reid amendment in no way impacts those States that have previously entered into compacts. Those are valid and continue to be effective.

What is at issue here is that some tribes, particularly in California and Florida, have tried to force the respective Governors of those States to permit gambling activity, which those States do not permit, specifically in the form of slot machines. California has made a determination that they do not, as a matter of public policy, favor slot machines, so therefore slot machines are not permitted in California. In Florida, the same public policy prevails. And the tribes have sought to force those Governors to negotiate this kind of gambling activity.

In California today, there are 40 tribes that operate 14,000 illegal slot machines, slot machines that are not part of negotiated compacts. Recently, the Governor of California and the Pala Band Indian Tribe have entered into a compact that does not, Mr. President, include the gambling activity that currently illegally exists in these 20 reservations; namely, slot machines.

What is troublesome to my colleagues who join me on this amendment and what was of concern to the Congress in the last session is the Secretary of the Interior has moved forward with regulations that would say the Governors and the tribes are not the ones to determine the scope of gaming in a given State; the Secretary of the Interior should have that right.

So in the Interior appropriations bill that was approved last year, we offered a provision that said, in effect, the Secretary of Interior is prohibited from expending any money to implement a regulation which would give to him the authority to be the final arbiter between a tribe and a State as to what should be negotiated.

What causes our renewed concern is, the Secretary of Interior has now begun a rulemaking process that has been out for public comment, that is currently before the Office of Management and Budget for review, that is doing the very sort of thing that we sought to prohibit in the appropriations bill last year.

What this amendment does is to reaffirm the policy of the Congress that the Secretary of Interior shall not move forward in overriding, if you will, a determination between a Governor and the tribe as to the scope of gaming. I am familiar with no circumstance—none—in which a Governor today has refused to negotiate in good faith for gambling activity on a tribal reservation that is consistent with that State's public policy. So what we are really talking about here are tribes that have been putting a lot of pressure on Governors to, in effect, open up casino gaming, as the distinguished Senator from Alabama pointed out. I believe that is a determination the States, the Governors, ought to make.

The law is clear, once a State crosses the Rubicon and permits a form of gaming, the tribal governments within that State should be entitled to the same. That is fair. What is sauce for the goose is sauce for the gander. There is no quarrel with that.

But the tribes have sought to push some of the Governors and say, ''Look, we want slot machines. Even though you do not permit that as a matter of public policy, we believe you ought to be required to negotiate that, and if you won't negotiate that, we will accuse you of acting in bad faith and will go to the Secretary of Interior and have him make that determination.''

I believe however we line up on the political spectrum in this Chamber, that is not a decision that the Secretary of Interior ought to be making. That is a decision which the State, as a matter of public policy, should determine for itself—how much, how little, if any, gaming activity should be allowed.

What our amendment does is to refine the amendment that was offered as part of the appropriation process and goes further and says, ''Look, you shall not go forward with this rulemaking process,'' in the context of the appropriations for this year. I believe that is totally consistent with what we began last year, and I believe it is something this Chamber ought to reaffirm.

My concern is that the rate in which this rulemaking process is proceeding is, the day after the current appropriations bill expires, October 1, we have a regulation out there and the Secretary of Interior will begin to make determinations as to the scope of gaming permitted in States. May I say in the two States in question, one of them presided over by a Democrat, one by a Republican, this is bipartisan. Both of those Governors have resisted that. The National Governors Association has gone on record as opposing the Secretary of Interior's position, the National Association of Attorneys General has gone on record as opposing it, Democrats and Republicans in both of those two associations, because in effect the Secretary of Interior would be allowed to preempt State public policy. That is something that I believe none of us would want to occur.

I yield the floor.

AMENDMENT NO. 2134

(Purpose: To express the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs)

Mr. BUMPERS. I ask unanimous consent I be permitted to send an amendment to the desk, the same be immediately laid aside, and later brought for consideration.

Mr. STEVENS. Reserving the right to object, what is the amendment?

Mr. BUMPERS. I will send the amendment to the desk to be set aside to be brought up at your discretion.

Mr. STEVENS. Is this the one on which I was to have the colloquy with the Senator from Arkansas?

Mr. BUMPERS. I will discuss that with you in just a moment.

Mr. STEVENS. The Senator has that right.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2134.

Mr. WARNER. 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 appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the FY98 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the FY98 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives FY98 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

The PRESIDING OFFICER. The amendment is set aside.

The Senator from Hawaii has the floor.

Mr. INOUYE. Parliamentary inquiry. Is there a vote scheduled at 6:30?

The PRESIDING OFFICER. The Senator is correct; there is a vote scheduled for 6:30.

Mr. INOUYE. 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. 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.

VOTE ON AMENDMENT NO. 2130

The PRESIDING OFFICER. Under the previous order, debate on the Enzi amendment will be suspended in order to vote on amendment No. 2130.

The question is on agreeing to the amendment of the Senator from North Carolina, Mr. HELMS.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—90

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Allard	Feingold	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boxer	Gramm	Murkowski
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bumpers	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hatch	Roberts
Campbell	Helms	Roth
Chafee	Hollings	Santorum
Cleland	Hutchinson	Sessions
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Jeffords	Snowe
Coverdell	Johnson	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerrey	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wyden

NAYS—10

Bingaman	Kerry	Sarbanes
Dodd	Lautenberg	Wellstone
Feinstein	Leahy	
Kennedy	Rockefeller	

The amendment (No. 2130) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are waiting on an agreement on what to do with the bill for the remainder of the evening and tomorrow. I urge Senators—again, we are making up a list. We call it a finite list. We hope to get an agreement before we leave here that amendments, unless they are on the list, will not be in order for this bill. So I urge Senators to speak to their respective sides to see to it. That is the suggestion.

I yield to the Senator from Virginia. He wants to qualify an amendment now.

Mr. ROBB. Mr. President, I thank the Senator from Alaska.

AMENDMENT NO. 2135

(Purpose: To reform agricultural credit programs of the Department of Agriculture, and for other purposes)

Mr. ROBB. 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 Virginia (Mr. ROBB) proposes an amendment numbered 2135.

Mr. ROBB. 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, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

''(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

''(i) consolidation, rescheduling, reamortization, or deferral of a loan;

''(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

''(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.''.

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

''(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.''.

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

''(2) RESERVATION AND ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

''(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may

reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.''.

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.''.

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

''(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.''.

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

Mr. ROBB. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, very briefly, this is an amendment to correct a measure that was in the 1996 agriculture bill. There are $48 million in this emergency bill to provide for direct operating loans to farmers. But most of the minority and small farmers are not able to get to those loans because of a disqualifying provision. This corrects that. We will try to work it out so it will be accepted when it is taken up on the floor.

Mr. President, I rise today to offer an amendment to improve access to the USDA's lending programs for farmers.

The emergency supplemental appropriations bill we're considering contains enough funds to allow $48 million more money to be available for direct operating loans. These loans are crucial to farmers, especially in the spring, because they use the borrowed funds to buy the seed, fertilizer and other material essential for planting, which they repay after harvest.

Unfortunately, there are many minority and socially disadvantaged farmers who will not have access to these critical loan funds because of a provision in the 1996 farm bill. That provision bars a farmer—forever—from turning to the USDA's loan programs if they have ever defaulted previously on a federally-backed agricultural loan. This inflexible provision permanently eliminates the farmers' access to these loan programs, even if the cause of the previous default was the result of racial discrimination against the farmer perpetrated by the Federal Government, or a disaster beyond the farmer's control, or a medical condition which affected the farmer's ability to pay.

My amendment addresses this situation.

FARAD

Mr. BAUCUS. Mr. President, I understand that the USDA is working toward the release of funds relating to the competitively awarded Smith Lever 3(d) Food Safety grants program. An eligible activity of this program is the Food Animal Residue Avoidance Database (FARAD). The American people are demanding higher levels of food safety, and the FARAD program will help develop better methods of assuring the safety of food products from our livestock sector.

The Smith Lever 3(d) Food Safety program contains a total of $2,365,000, but it has been suggested that only $195,000 would be available for the FARAD activities. However, I understand that FARAD is not limited by the suggested amount of $195,000 and that additional funds under the Smith Lever 3(d) Food Safety grants program could be directed to FARAD as a competitive award. I further understand that no funds under this program have been obligated for the current fiscal year.

Mr. BUMPERS. The Senator from Montana is correct. The suggested figure of $195,000 is not a binding cap on the funds potentially available to FARAD in fiscal year 1998. I understand that grants under the Smith Lever 3(d) Food Safety program will be awarded in the near future and that proponents of the FARAD program should be advised that additional competitive funds may be available and they may wish to craft their applications to reflect this opportunity.

DISASTER ASSISTANCE

Mr. CLELAND. Mr. President, I would first like to thank my distinguished colleagues, the Chairman, Senator STEVENS and Ranking Member Senator BYRD for addressing the issue of providing relief for Georgia disaster victims in this bill. And, to my colleague, Senator COVERDELL the Senior Senator from Georgia for his direct involvement and for offering his amendment to see that adequate relief is obtained for Georgia. I am proud to be a co-sponsor of his amendment. I would also like to thank my colleague Senator BUMPERS, for his skillful work as the Ranking Member on the Agriculture Appropriations Subcommittee in his efforts to incorporate the valuable requests for disaster assistance into this bill.

Mr. BUMPERS. I thank the Senator.

Mr. CLELAND. I would like to follow up on the comments made yesterday by my colleagues, Senator COCHRAN and Senator COVERDELL with a question to Senator BUMPERS. I wanted to confirm the report that the $60 million from the Emergency Conservation Program along with the amendment providing an additional $50 million from the Emergency Watershed and Flood Prevention program provided in the 1998 Emergency Supplemental Appropriations Bill will be sufficient to fully cover the losses in Georgia resulting from the recent flooding and tornado?

Mr. BUMPERS. My colleague from Georgia is correct. The reports from officials at the Department of Agriculture would suggest that with an additional $50 million, which would bring the total supplemental appropriation for the Emergency Watershed and Flood Prevention account to $100 million along with the $60 million allocated for the Emergency Conservation Program, the needs of Georgia as well as the numerous other Americans around the country who are in need of natural disaster relief will be met.

Mr. CLELAND. I thank my colleague for his assistance. The vital funds for disaster assistance provided in this bill will be a blessing for those farmers in Georgia who have been so devastated by the severe weather that they have endured for the past year. I also will be thankful to see that relief is provided to those in the Northeast and California as well as the many other Americans who have been victims of natural disaster. I thank Senator BUMPERS for his leadership in this effort for the people of Georgia and all those affected.

Mr. WARNER. Mr. President, I am privileged to be the chairman of the Subcommittee on Transportation and Infrastructure of the full Committee on Environment and Public Works. I have been involved in the Patent and Trademark Office space consolidation for the past 4 years. However, this has had a much longer history of review. In August of 1995, GSA, the Department of Commerce, and the PTO negotiated with OMB on alternatives for proceeding to consolidation and the placement of the PTO's expiring leases scheduled for 1996. The administration determined that there were insufficient funds available in the President's budget for the foreseeable future to pursue these alternatives of direct Federal construction or an equity lease.

Let me repeat, Mr. President: That history has shown that often construction is less expensive than the option of leasing. There is no mystery here. The problem is, we do not have $250 million to construct such a building. Budget constraints dictate a lease in this instance.

For this reason OMB then authorized the General Services Administration to transmit a prospectus, pursuant to the Public Buildings Act, to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committees requesting authorization to acquire a competitively procured, 20-year operating lease for 1,989,116 occupiable square feet (osf) to consolidate the PTO on a Northern Virginia site within boundaries extending from the Potomac River along the Dulles corridor. Once again, let me stress that this is a competitively procured lease.

Mr. President, the prospectus was approved by the Senate Committee on Environment and Public Works on October 24, 1995, and the House Committee on Transportation and Infrastructure on November 16, 1995. The Senate

Committee on Environment and Public Works carefully considered the need for the facility, various alternatives, and the costs of each approach before authorizing the lease procurement to be conducted by the GSA for the PTO. Further, both Committees directed GSA to amend its Source Selection approach to provide ''that any evaluation used for such acquisition considers proximity to public transportation, including MetroRail, to be a factor as important as any other non cost factor.''

I have been assured by the PTO, Senator GREGG, that prior to the issuance of the Solicitation for Offerors (SFO), the PTO undertook a detailed analysis and review of case law, news articles, and recent Federal acquisitions and leases such as: the Internal Revenue Service, the Federal Communications Commission, and the Ronald Reagan Building etc. to identify potential problems with the PTO procurement.

In short, the analysis that the Senator seeks was performed by the Administration in developing the prospectus, was reviewed by both the House and Senate authorizing committees, and approved in 1995. Furthermore, as I have already stated, the PTO and the Administration are continuing to revalidate that analysis.

Mr. President, to date, all analysis of this procurement has shown that under the current budget scenario, this procurement is needed by the PTO, and is in the best interest of the taxpayers. PTO currently resides in expired holdover leases. This is an untenable and costly situation that must be addressed immediately.

Senator GREGG will now join in a colloquy.

As we discussed, am I correct that the current language as drafted excludes comparison in the requested report between leasing and federal construction?

Mr. GREGG. That is correct.

Mr. WARNER. Would the Senator also agree that the budget will not likely enable us to proceed with any project which will be scored as a capital investment?

Mr. GREGG. That is correct.

Mr. WARNER. Does the Senator have a view as to whether the Appropriations Committee would be prepared to fund a lease/purchase arrangement, given the scoring impacts that would result in such a transaction?

Mr. GREGG. No we are not.

Mr. WARNER. Is it the Senator's understanding that a lease-purchase would require that budget authority be scored against this project? Where as a operating lease is only scored for the annual rent payment?

Mr. GREGG. Yes, that is my understanding.

Mr. WARNER. I thank the Senator. Is it true that this budget authority for any lease-purchase would be scored against GSA's Federal Buildings Fund?

Mr. GREGG. That is my understanding.

Mr. WARNER. Is it the Senator's understanding that there is no capital available for either construction or lease-purchase of this project? That is what the Senate Environment and Public Works Committee was relying upon when we authorized this long-term lease.

Mr. GREGG. That is also my understanding.

Mr. WARNER. Finally, I am concerned that the study comparing the cost versus the benefit of relocating to a new facility compares ''apples to apples''. Therefore, it is important that such things as the cost of space required to accommodate new staff at the PTO's existing locations; the costs of bringing existing facilities into compliance with current, not grandfathered, codes for life safety and accessibility for the disabled, and the costs of providing amenities such as day care facilities be considered as part of the costs of PTO's remaining in its current space. Do you agree?

Mr. GREGG. I believe that these things should be considered in the cost versus benefit analysis.

Mr. WARNER. I have taken a very active role in this matter because of the wonderful, loyal, dedicated service of the thousands of employees of PTO. I think our Federal Government owes them no less than the opportunity to have a new facility to perform their valuable work, and I hasten to say this building will largely be financed not by Federal taxpayers funds but by funds derived from the sevices performed by the people.

I yield the floor.

Mr. STEVENS. Mr. President, I do not know of any further amendments on our side. There will be a managers' package. I understand Senator SMITH has an amendment, and Senator MURKOWSKI has an amendment.

Mr. President, before we do anything more, I would suggest the absence of a quorum and wait for the leader to come.

Mr. KENNEDY. Will the Senator withhold so I may speak briefly?

Mr. STEVENS. We have a pending matter with people entitled to speak now if we go back on the bill. I would suggest the absence of a quorum so we can straighten that out, and the Senator can speak. If we make this arrangement, anyone who wants to speak may do so.

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.

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. STEVENS. Mr. President, in behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, March 26, that immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, tomorrow the Senate will resume consideration of this emergency supplemental appropriations bill with 50 minutes remaining on the Enzi amendment to begin at 10 o'clock. We have a couple of calendar items to take place before that time. So we will start on the bill at 9:30.

I further ask unanimous consent that the vote on or in relation to the Enzi amendment occur at the expiration of the 50 minutes, which will be at 10:50 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Following that vote, I anticipate final action on IMF, amendment No. 2100. And that leaves the Nickles amendment as the only other issue that is presently brought to debate to be concluded prior to ending this bill.

It is my understanding that about seven amendments on what we call the finite list are before the body now. We have two that have been brought forward on this side.

I now ask unanimous consent that, unless an amendment is listed on that list tonight before we conclude business today, no further amendment other than what is on that list be in order for tomorrow.

If you want to read that list, I will be happy to read that list.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I wonder if we could find out if our amendments are on the list?

Mr. STEVENS. They have both been identified and they are on the list as far as I am concerned. We will put them on the list now.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. I would like to, if I could, include a slot for an amendment that will be related to the Nickles amendment if it is necessary to call that up.

Mr. STEVENS. All right. As long as it is disclosed tonight, fine.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. As I understand, that will be a Kennedy amendment to the Nickles amendment, relating to the Nickles amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Will the Senator from Massachusetts clarify, is the amendment a second-degree for Nickles or a substitute for Nickles?

Mr. KENNEDY. It would be a second-degree.

Mr. STEVENS. I have on the list, for everyone's notification, another version of the IMF amendment should the pending McConnell amendment be defeated, which I don't anticipate, but I just want people to know that.

Mr. BYRD. Will the distinguished Senator restate what the situation will be in the event that the IMF amendment is defeated?

Mr. STEVENS. If the IMF amendment is defeated, we would call up another version of that amendment.

Mr. BYRD. Would amendments then be in order?

Mr. STEVENS. No other amendments would be in order unless they are on the list tonight, but the second IMF amendment is on the list, Senator. It is my amendment.

Mr. BYRD. Mr. President——

Mr. STEVENS. Will the Senator permit me to make a statement?

Mr. BYRD. Yes.

Mr. STEVENS. On behalf of the majority leader, I announce there will be no further votes tonight.

Mr. BYRD. Mr. President, if the Senator will allow me, I am hearing that further amendments would be in order if the IMF amendment is defeated. I just want to be sure that the agreement allows for such an eventuality.

Mr. STEVENS. I know there are at least three IMF amendments on the amendments listed on your side, and I have another one on my side, which is another IMF amendment similar to the one that is already before the Senate should the McConnell amendment be defeated.

Mr. BYRD. But it is my understanding other Senators may be at liberty to offer additional amendments; they need to be able to offer additional amendments, in the event the IMF amendment is defeated.

Mr. STEVENS. There are four that are there. You mean other Senators? If the Senator wishes to do this, I would say this: If the McConnell amendment is defeated, any amendment pertaining to IMF will be cleared on this list. Any amendment—any Senator will be free to offer an amendment on IMF if the McConnell amendment is defeated.

Mr. BYRD. Mr. President, I am advised that is satisfactory.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, would the distinguished Senator state again what time tomorrow morning the first vote will occur?

Mr. STEVENS. The first vote will not occur under the agreement that has already been entered before 10:50 a.m.

Mr. BYRD. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am informed by the Parliamentarian that the correct request would have been, since the Nickles amendment is to strike, that my amendment to that would be in the first-degree rather than the second-degree, and I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. That amends the previous agreement. That very much clarifies it, that the amendments discussed with Senator SMITH and Senator MURKOWSKI are on the list, my IMF amendment is on the list, and the amendments that are on the list that the lady has here—and the managers' package. There is a managers' package. That is ours that is on the list, also. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. For clarification, to offer those amendments we can offer them at any time? Tomorrow morning? Whenever?

Mr. STEVENS. There will be no more votes tonight, so if anyone has votes they will not be in order tonight.

The PRESIDING OFFICER. Is there objection? Without objection, it so ordered.

Mr. STEVENS. 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. 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.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask there be a period for routine morning business with Senators being allowed to speak for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

PASSAGE OF NATIONAL TARTAN DAY RESOLUTION

Mr. LOTT. Mr. President, today, I rise to personally commend Senator HATCH, my colleague and friend, for his leadership in helping obtain the passage of the National Tartan Day Resolution.

Last week, the Senate passed the resolution by unanimous consent. This was no easy task and I want to acknowledge his efforts to ensure that the contributions of Americans of Scottish ancestry are recognized. I, along with many other Scottish-Americans, were very pleased with the passage of this legislation.

I also want to thank the national and state associations which represent citizens of Scottish ancestry for their efforts to get the word out. They made sure that the members of the Senate were fully informed on the merits of this legislative initiative. They were active in obtaining cosponsors. They certainly made a difference in the legislative success of Senate Resolution 155.

Mr. President, Scottish Americans have made many great contributions to our country. They work in many different fields and professions. They add to the very essence of what is known across the globe as the American character. Let me name a few of the more prominent Scottish-Americans: Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, William Faulkner, Malcolm Forbes and Elizabeth Taylor, just to name a few. Today many Americans of Scottish ancestry continue to make an impact.

Mr. President, National Tartan Day is more than a recognition of Americans with Scottish ancestry. National Tartan Day is about liberty. It is about the demand of citizens for their freedom from an oppressive government. Freedom is the significance of April 6th. On this day nearly seven hundred years ago, a group of men in Arbroath, Scotland asserted their independence from the English king. These Scots declared ''We fight for liberty alone.'' These are powerful words that should not be forgotten today or in the future.

These were daring words. These Scotsmen were claiming liberty as their birthright. These were enduring words, like the mountains, hills and stones of Scotland. These words still ring true.

The words and thoughts of those long-ago Scottish patriots live on in America. Liberty has been good to their descendants in the United States.

Beyond all the accomplishments of Scottish-Americans are those words of strength, courage and perseverance: ''We fight for liberty alone, which no good man loses but with his life.''

By honoring April 6, Americans will annually celebrate the true beginning of the quest for liberty and freedom.

Mr. President, I want to thank my colleagues who joined me in supporting this resolution; so that we may never forget, so that the world, in some small way, may never forget, far-away, long-ago Arbroath and the declaration for liberty.

''THE LEADERS LECTURE SERIES''—REMARKS OF SENATOR MIKE MANSFIELD

Mr. LOTT. Mr. President, last night was a memorable night for this Senator and I believe a number of others in this Chamber. On Tuesday evening, I was honored and humbled to introduce to this body, Senator Mike Mansfield for an address in the old Senate Chamber. This inaugural lecture was the first of what I hope will be a continuing number of addresses for ''The Leader's Lecture Series''.

I think I can speak for all Members of this Senate in saying we were honored in having as the first speaker in

this series, the longest serving majority leader of this body, Senator Mike Mansfield of Montana.

I look forward to future addresses from former Senate leaders and other distinguished Americans in sharing their insights about the Senate's recent history and long-term practices.

I ask unanimous consent that the remarks of the distinguished former majority leader be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE SENATE AND ITS LEADERSHIP: A SECOND LOOK

(Remarks by Mike Mansfield—March 24, 1998)

Thank you for your very kind introduction. I am deeply appreciative of what you have had to say, even though I think you put too much icing on the cake. The real credit of whatever standing I have achieved in life should be given to my wife Maureen, who, unfortunately, could not be with us this evening. She was and is my inspiration. She encouraged and literally forced a dropout 8th grader to achieve a University degree and at the same time make up his high school credits. She sold her life insurance and gave up her job as a Butte High School teacher to make it possible. She initiated me into politics—the House, the Senate and, diplomatically speaking, the Tokyo Embassy. She gave of herself to make something of me. She has always been the one who has guided, encouraged and advised me. She made the sacrifices and deserved the credits, but I was the one who was honored. She has always been the better half of our lives together and, without her coaching, her understanding, and her love, I would not be with you tonight. What we did, we did together.

In short, I am what I am because of her.

I would like to dedicate my remarks tonight to my three great loves: Maureen, Montana, and the United States Senate.

It is an honor to ''kick off'' the first in the Senate Lecture Series with the Majority Leader, Senator TRENT LOTT, and the Minority Leader, Senator TOM DASCHLE, in attendance. They represent the continuity of the office first held by Democratic Senator John Kern of Indiana in 1913 and by Republican Senator Henry Cabot Lodge of Massachusetts in 1917. They—the two Leaders—represent positions of trust and responsibility in today's Senate. They are the two among one hundred whom their respective parties have placed first among equals. Incidentally, it is my understanding that less than 3,000 men and women have served as Senators since the beginning of our Republic. They have been the ''favored few'' among the hundreds of millions in their overall constituencies.

Twenty-two years ago, on June 16, 1976, an audience of senators and their guests filled this chamber, much as you do this evening. On that occasion, the Senate convened here in formal legislative session. Their purpose was similar to ours today. Carving out a few moments from crowded and distracting schedules, those Senators of the 94th Congress came to honor the history and the traditions of the United States Senate. On that occasion, they came to rededicate this grand chamber—to celebrate the completion of a five-year-long restoration project.

The idea for this room's restoration to its appearance of the 1850's may have first surfaced in 1935. In that year, the Supreme Court, a tenant since 1860, moved into its new building across the street. I know for sure that the idea received close attention in the early 1960's. This once-elegant chamber had become an all-purpose room—whose uses included conference committee meetings, catered luncheons and furniture storage. Where once stood the stately mahogany desks of Clay, Webster and Calhoun, there then rested—on occasion—stark iron cots. These cots accommodated teams of senators on call throughout the night to make a quorum against round-the-clock filibusters. By the late 1960's, the idea for this room's restoration moved toward reality—and the 1976 ceremony—thanks largely to the vision and persistence of the legendary Mississippi Senator, John C. Stennis.

And we now have Senator Stennis' immediate successor, Senator TRENT LOTT, to thank for inaugurating his ''Leader's Lecture Series.'' Here is another welcome opportunity, on a periodic basis, to consider the foundations and development of this United States Senate. Thank you for inviting me, Mr. Leader.

There are very few advantages to outliving one's generation. One of them is the opportunity to see how historians describe and evaluate that generation. Some historians do it better than others.

One such historian is Senator ROBERT C. BYRD. As all of you know, ROBERT BYRD has combined a participant's insights with a scholar's detachment to produce an encyclopedic four-volume history of the Senate. Near the end of his first volume appear two chapters devoted to the 1960's and '70's. ROBERT has entitled them ''Mike Mansfield's Senate.''

Now, I have no doubt that he would be the first to acknowledge the accuracy of what I am about to say. If, during my time as Senate leader, a pollster had asked each Senator the question, ''Whose Senate is this?'' that pollster would surely have received 99 separate answers—and they would all have been right. Only for purposes of literary convenience or historic generalization could we ever acknowledge that one person—at least during my time—could shape such a body in his own image.

Senator BYRD has been doubly generous in assigning me a seat in the Senate's Pantheon. Volume Three of his history series contains forty-six so-called ''classic speeches'' delivered in the Senate over the past century and a half. Among them is an address that was prepared for delivery in the final weeks of the 1963 session. My topic was ''The Senate and Its Leadership.''

By mid-1963, various Democratic senators had begun to express publicly their frustration with the lack of apparent progress in advancing the Kennedy administration's legislative initiatives. Other Senators were less open in their criticism—but they were equally determined that I, as majority leader, should begin to knock some heads together. After all, they reasoned, Democrats in the Senate enjoyed a nearly two-to-one party ratio. With those numbers, anything should be possible under the lash of disciplined leadership. Sixty-five Democrats, thirty-five Republicans! (Think of it, Senator DASCHLE.) Of course, I use the word ''enjoy'' loosely. Ideological differences within our party seriously undercut that apparent numerical advantage.

I decided the time had come to put down my views in a candid address. There would then be no doubt as to where I stood. If some of my party colleagues believed that mine was not the style of leadership that suited them, they would be welcome to seek a change.

I had selected a Friday afternoon, when little else would be going on, to discuss ''The Senate and Its Leadership.'' The date was Friday, November 22, 1963.

That day's tragic events put an end to any such speechmaking. On the following week, as the nation grieved for President Kennedy, I simply inserted my prepared remarks into the CONGRESSIONAL RECORD. (November 27, 1963)

I have waited thirty-five years to give that speech. I wish to quote from that address to present views that I believe are as relevant today as they were more than a third of a century ago. But first, before I do so, I would like to quote Lao Tsu, a Chinese philosopher of ancient times, who said, ''A leader is best when the people hardly know he exists. And of that leader the people will say when his work is done, 'We did this ourselves'.''

''THE SPEECH

''Mr. President, some days ago, blunt words were said on the floor of the Senate. They dealt in critical fashion with the state of this institution. They dealt in critical fashion with the quality of the majority leadership and the minority opposition. A far more important matter than criticism or praise of the leadership was involved. It is a matter which goes to the fundamental nature of the Senate.

''In this light, we have reason to be grateful because if what was stated was being said in the cloakrooms, then it should have been said on the floor. If, as was indicated, the functioning of the Senate itself is in question, the place to air that matter is on the floor of the Senate. We need no cloakroom commandos, operating behind the swinging doors of the two rooms at the rear, to spread the tidings. We need no whispered word passed from one to another and on to the press.

''We are here to do the public's business. On the floor of the Senate, the public's business is conducted in full sight and hearing of the public. And it is here, not in the cloakrooms, that the Senator from Montana, the majority leader, if you wish, will address himself to the question of the present state of the Senate and its leadership . . . It will be said to all senators and to all the members of the press who sit above us in more ways than one.

''How, Mr. President, do you measure the performance of this Congress—any Congress? How do you measure the performance of a Senate of one hundred independent men and women—any Senate? The question rarely arises, at least until an election approaches. And, then, our concern may well be with our own individual performance and not necessarily with that of the Senate as a whole.

''Yet that performance—the performance of the Senate as a whole—has been judged on the floor. Several senators, at least, judged it and found it seriously wanting. And with the hue and cry thus raised, they found echoes outside the Senate. I do not criticize senators for making the judgment, for raising the alarm. Even less do I criticize the press for spreading it. Senators were within their rights. And the press was not only within its rights but was performing a segment of its public duty, which is to report what transpires here.

''I, too, am within my rights, Mr. President, and I believe I am performing a duty of the leadership when I ask again: How do you judge the performance of this Congress—any Congress? Of this Senate—any Senate? Do you mix a concoction and drink it? And if you feel a sense of well-being thereafter, decide it is not so bad a Congress after all? But if you feel somewhat ill or depressed, then that, indeed, is proof unequivocal that the Congress is a bad Congress and the Senate is a bad Senate? Or do you shake your head back and forth negatively before a favored columnist when discussing the performance of this Senate? And if he, in turn, nods up and down, then that is proof that the performance is bad? . . .

''There is reference (by members and the media), to be sure, to time-wasting, to laziness, to absenteeism, to standing still, and so forth. But who are the time wasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment of any other member. On that score, each of us will answer to his own conscience, if not to his constituents.

''But, Mr. President, insofar as the performance of the Senate as a whole is concerned, with all due respect, these comments in time wasting have little relevance. Indeed, the Congress can, as it has—as it did in declaring World War II in less than a day—pass legislation which has the profoundest meaning for the entire nation. And by contrast, the Senate floor can look very busy day in and day out, month in and month out, while the Senate is indeed dawdling. At one time in the recollection of many of us, we debated a civil rights measure twenty-four hours a day for many days on end. We debated it shaven and unshaven. We debated it without ties, with hair awry, and even in bedroom slippers. In the end, we wound up with compromise legislation. And it was not the fresh and well-rested opponents of the civil rights measure who were compelled to the compromise. It was, rather, the exhausted, sleep-starved, quorum-confounded proponents who were only too happy to take it.

''No, Mr. President, if we would estimate the performance of this Congress or any other, this Senate or any other, we will have to find a more reliable yardstick than whether, on the floor, we act as time wasters or moonlighters. As every member of the Senate and press knows, even if the public generally does not, the Senate is neither more nor less effective because the Senate is in session from 9 a.m. to 9 p.m., or to 9 a.m. the next day.

''Nor does the length of the session indicate a greater or lesser effectiveness. We live in a twelve-month nation. It may well be that the times are pushing us in the direction of a twelve-months Congress. In short, we cannot measure a Congress or a Senate by the standards of the stretch-out or of the speedup. It will be of no avail to install a time clock at the entrance to the chamber for Senators to punch when they enter or leave the floor.

''There has been a great deal said on this floor about featherbedding in certain industries. But if we want to see a featherbedding to end all featherbedding, we will have the Senate sit here day in and day out, from dawn until dawn, whether or not the calendar calls for it, in order to impress the boss—the American people—with our industriousness. We may not shuffle papers as bureaucrats are assumed to do when engaged in this art. What we are likely to shuffle is words—words to the President on how to execute the foreign policy or administer the domestic affairs of the nation. And when these words pall, we will undoubtedly turn to the Court to give that institution the benefit of our advice on its responsibilities. And if we run out of judicial wisdom, we can always turn to advising the governors of the states, or the mayors of the cities, or the heads of other nations, on how to manage their concerns.

''Let me make it clear that Senators individually have every right to comment on whatever they wish, and to do so on the floor of the Senate. Highly significant initiatives on all manner of public affairs have had their genesis in the remarks of individual Senators on the floor. But there is one clear-cut, day-in-and-day-out responsibility of the Senate as a whole. Beyond all others, it is the constitutional responsibility to be here and to consider and to act in concert with the House on the legislative needs of the nation. And the effectiveness with which that responsibility is discharged cannot be measured by any reference to the clocks on the walls of the chamber.

''Nor can it be measured, really, by the output of legislation. For those who are computer-minded, however, the record shows that 12,656 bills and resolutions were introduced in the 79th Congress of 1945 and 1946. And in the 87th Congress of 1961 and 1962, (that number had increased by) 60 percent. And the records show further that in the 79th Congress, 2,117 bills and resolutions were passed, and in the 87th, 2,217 were passed.

''But what do these figures tell us, Mr. President? Do they tell us that the Congress has been doing poorly because in the face of an 8,000 increase in the biannual input of bills and resolutions, the output of laws fifteen years later had increased by only a hundred? They tell us nothing of the kind.

''If these figures tell us anything, they tell us that the pressures on Congress have intensified greatly. They suggest, further, that Congress may be resistant to these pressures. But whether Congress resists rightly or wrongly, to the benefit or detriment of the nation, these figures tell us nothing at all.

''There is a (more meaningful way to measure) the effectiveness of a Democratic administration. I refer to the approach which is commonly used these days of totaling the Presidential or executive branch requests for significant legislation and weighing against that total the number of congressional responses in the form of law.

''On this basis, if the Congress enacts a small percentage of the executive branch requests, it is presumed, somewhat glibly and impertinently, to be an ineffective Congress. But if the percentage is high, it follows that it is classifiable as an effective Congress. I am not so sure that I would agree, and I am certain that the distinguished minority leader (Senator Dirksen) and his party would not agree that that is a valid test. The opposition might measure in precisely the opposite fashion. The opposition might, indeed, find a Democratic Congress which enacted little, if any, of a Democratic administration's legislation, a paragon among congresses. And yet I know that the distinguished minority leader does not reason in that fashion, for he has acted time and time again not to kill administration measures, but to help to pass them when he was persuaded that the interests of the nation so required. . . . I see no basis for apology on statistical grounds either for this Congress to date or for the last. But at the same time, I do not take umbrage in statistics. I do not think that statistics, however refined, tell much of the story of whether or not a particular Congress or Senate is effective or ineffective.

''I turn, finally, to the recent criticism which has been raised as to the quality of the leadership. Of late, Mr. President, the descriptions of the majority leader, of the Senator from Montana, have ranged from a benign Mr. Chips, to glamourless, to tragic mistake.

''It is true, Mr. President, that I have taught school, although I cannot claim either the tenderness, the understanding, or the perception of Mr. Chips for his charges. I confess freely to a lack of glamour. As for being a tragic mistake, if that means, Mr. President, that I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, or a wheeler and dealer, then I must accept, too, that title. Indeed, I must accept it if I am expected as majority leader to be anything other than myself—a Senator from Montana who has had the good fortune to be trusted by his people for over two decades and done the best he knows how to represent them, and to do what he believes to be right for the nation.

''Insofar as I am personally concerned, these or any other labels can be borne. I achieved the height of my political ambitions when I was elected Senator from Montana. When the Senate saw fit to designate me as majority leader, it was the Senate's choice, not mine, and what the Senate has bestowed, it is always at liberty to revoke.

''But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I would not, even if I could, presume to a tough-mindedness which, with all due respect to those who use this cliché, I have always had difficulty in distinguishing from soft-headedness or simple-mindedness. I shall not don any Mandarin's robes or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader—however a majority leader is supposed to look or sound. I am what I am, and no title, political face-lifter, or image-maker can alter it.

''I believe that I am, as are most Senators, an ordinary American with a normal complement of vices and, I hope, virtues, of weaknesses and, I hope, strengths. As such, I do my best to be courteous, decent, and understanding of others, and sometimes fail at it.

''I have always felt that the President of the United States —whoever he may be . . . is worthy of the respect of the Senate. I have always felt that he bears a greater burden of responsibility than any individual Senator for the welfare and security of the nation, for he alone can speak for the nation abroad; and he alone, at home, stands with the Congress as a whole, as constituted representatives of the entire American people. In the exercise of his grave responsibilities, I believe we have a profound responsibility to give him whatever understanding and support we can, in good conscience and in conformity with our independent duties. I believe we owe it to the nation of which all our States are a part—particularly in matters of foreign relations—to give to him not only responsible opposition, but responsible cooperation.

''And, finally, within this body, I believe that every member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the nation. And to the extent that the Senate may be inadequate in this connection, the remedy lies not in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body.

''The constitutional authority and responsibility does not lie with the leadership. It lies with all of us individually, collectively, and equally. And in the last analysis, deviations from that principle must in the end act to the detriment of the institution. And, in the end, that principle cannot be made to prevail by rules. It can prevail only if there is a high degree of accommodation, mutual restraint, and a measure of courage—in spite of our weaknesses—in all of us. It can prevail only if we recognize that, in the end, it is not the Senators as individuals who are of fundamental importance. In the end, it is the institution of the Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic.''

Thus ended my abridged observations of November 1963.

In my remarks during the 1976 dedication ceremonies in this chamber, I returned to the themes of 1963. I stated my belief that, in its fundamentals, the Senate of modern times may not have changed essentially from the Senate of Clay, Webster, and Calhoun.

What moved Senators yesterday still moves Senators today. We have the individual and collective strength of our predecessors and, I might add, their weaknesses. We are not all ten feet tall, nor were they. Senators act within the circumstances of their fears no less than their courage, their foibles as well as their strengths. Our concerns and our efforts in the Senate, like our predecessors and successors, arise from our goals of advancing the welfare of the people whom we represent, safeguarding the well-being of our respective States and protecting the present and future of this nation, a nation which belongs—as does this room—not to one of us, or to one generation, but to all of us and to all generations.

The significance of that 1976 gathering—and perhaps of our being here tonight—is to remind us that in a Senate of immense and still unfolding significance to the nation, each individual member can play only a brief and limited role. It is to remind us that the Senate's responsibilities go on, even though the faces and, yes, even the rooms in which they gather, fade into history. With the nation, the Senate has come a long way. And still, there is a long way to go.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 24, 1998, the federal debt stood at $5,542,617,421,989.90 (Five trillion, five hundred forty-two billion, six hundred seventeen million, four hundred twenty-one thousand, nine hundred eighty-nine dollars and ninety cents).

One year ago, March 24, 1997, the federal debt stood at $5,370,449,000,000 (Five trillion, three hundred seventy billion, four hundred forty-nine million).

Five years ago, March 24, 1993, the federal debt stood at $4,222,103,000,000 (Four trillion, two hundred twenty-two billion, one hundred three million).

Ten years ago, March 24, 1988, the federal debt stood at $2,480,220,000,000 (Two trillion, four hundred eighty billion, two hundred twenty million).

Fifteen years ago, March 24, 1983, the federal debt stood at $1,223,450,000,000 (One trillion, two hundred twenty-three billion, four hundred fifty million) which reflects a debt increase of more than $4 trillion—$4,319,167,421,989.90 (Four trillion, three hundred nineteen billion, one hundred sixty-seven million, four hundred twenty-one thousand, nine hundred eighty-nine dollars and ninety cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MARCH 20TH

Mr. HELMS. Mr. President, the American Petroleum Institute's report for the week ending March 20, that the U.S. imported 8,724,000 barrels of oil each day, 2,318,000 more barrels than the 6,406,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 57.6 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.

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 8,724,000 barrels a day.

A TRIBUTE TO ZION GROVE MISSIONARY BAPTIST CHURCH

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous community which exemplifies citizenship, character, and service to humanity, the Zion Grove Missionary Baptist Church.

On January 18, 1998, the members of the Zion Grove Missionary Baptist Church held their long and eagerly anticipated ''Mortgage Burning Party.'' Under the guidance of their respected pastor, the Reverend Frank L. Selkirk III, Ph.D., the Zion Grove Missionary Baptist Church will draw to a close its financial debts and begin to look forward, with faith, hope and love to a future filled with opportunity.

The history of this wonderful church has been nothing short of a small blessing. From its humble beginning on October 15, 1938, with a congregation of only eight members, Zion Grove Missionary Baptist Church continued to grow and flourish with each year and each dedicated pastor until it reached its present location at 2801 Swope Parkway in Kansas City, Missouri. This church and the community which comprises it are examples of dedication, perseverance, and commitment to the future.

With God's blessing, and the faithful support of the Zion Grove Missionary Baptist Church community, ''The Mortgage Burning Party'' will be a celebration of the blessings that will continue to reward the Zion Grove Missionary Baptist Church.

TRIBUTE TO HELEN COX

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Helen Cox.

Helen Cox of Willow Springs, Missouri has been a foster parent since 1989. Throughout her tenure as a foster parent, Helen has cared for over 150 foster children. Helen has spent countless hours drying tears, rocking children to sleep, and sitting up night after night with children unable to sleep. The golden rule of doing unto others as you would have them do unto you is exemplified in Helen's home. Through patience and firmness, Helen has taught these children that household tasks, school work and other responsibilities are a part of learning how to survive and thrive in the world. The comfortable country environment, that includes the friendship and therapy of animals, has nurtured many children.

Helen recently celebrated her seventy-second birthday and was honored at a reception on December 7, 1997, by the Foster Parent Association of West Plains, Missouri. Even at the age of seventy-two, she is serving others and maintaining frequent contact with many of the children who were placed in her home. It is an honor to commend Helen for her commitment to provide a loving home for the many children she has served as a foster parent.

MESSAGES FROM THE HOUSE

At 11:55 a.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participant on the part of the House to the National Summit on Retirement Savings to fill the existing vacancy thereon: Mr. Jack Ulrich of Pennsylvania.

The message also announced that pursuant to the provisions of section 801(b) of Public Law 100–696, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission: Mr. WALSH of New York.

The message further announced that the Houses has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 118. An act to provide for the collection of data on traffic stops.

H.R. 2843, An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 3211. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

H.R. 3213. An act to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment 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, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in State of Virginia, and for other purposes.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act.

At 6:03 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 395. *Resolved*, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 118. An act to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

H.R. 2843. An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons; to the Committee on Governmental Affairs.

H.R. 3211. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3213. An act to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment 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, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–361. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 66

Whereas, Our country is in the midst of remarkable change in the amount and the variety of information communicated across the spectrum of radio frequencies. The communications age is having an effect on all Americans. Radio frequencies are a finite resource used to handle news, information, entertainment, education, vital services, and commercial activity. Computers, cell phones, television and radio, and emergency equipment compete for access to the spectrum of radio frequencies; and

Whereas, As the federal government, through the Federal Communications Commission, allocates space on the spectrum, it is critical that local police and fire operations have enough access to handle the communications challenges of saving lives in emergency situations. This has long been a point of concern for those closest to public safety issues. The FCC last allocated channels for public safety in 1987. Since that time, the number of communications devices and capacity needs have exploded. During crisis situations, for example, heavy use of cellular phones in a disaster area can impede the lifesaving work of emergency personnel; and

Whereas, Authorities need space on the radio frequency spectrum not only for voice communications, but also for transmitting fingerprints, mugshots, medical information, and other data. Without adequate access to communications, the results in a specific incident or community will one day result in a disaster that is entirely preventable if we act wisely today; now, therefore, be it.

Resolved by the Senate, That we memorialize the Congress of the United States to ensure that pubic safety agencies are allotted sufficient access to radio frequency space; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–362. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 11

Whereas, In recognition of the fact that the maintenance of high-quality potable water is essential to safeguard the health and welfare of the nation's citizens, the federal government enacted the Safe Drinking Water Act (42 U.S.C. s.300f et al.); and

Whereas, The State of New Jersey enacted the ''Safe Drinking Water Act'' in 1977, empowering the Department of Environmental Protection to assume primary enforcement responsibility under the federal Safe Drinking Water Act, and to adopt and enforce additional State rules and regulations to purify drinking water prior to its consumption by the public; and

Whereas, It was recently discovered that the drinking water in parts of Ocean County, most notably in Toms River and Dover Township, contain a SAN trimer that is a by-product from the manufacturing of a plastic, styrene acrylonitrile copolymer, from the manufacturing of a plastic, styrene acrylonitrile copolymer, from the chemicals styrene and acrylonitrile; and

Whereas, Although acrylonitrile, through scientific analysis, has been associated with certain brain and central nervous system cancers, and styrene is listed in the federal regulations as a substance that must be tested for in public drinking water supplies, there are no drinking water standards for the various substances created when these two independently hazardous substances are combined; and

Whereas, The abnormally high incidence of cancer, especially in children, in the Toms River area of Ocean County, coupled with the identification of high levels of a potentially carcinogenic substance in that area's drinking water supply, have created an urgent need for additional action; and

Whereas, Further testing is necessary to determine the effects of the SAN trimer by-product on human health and to establish a federal standard, the exceedance of which would result in immediate remediation efforts; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House memorializes the Congress of the United States and the United States Environmental Protection Agency to establish a safe drinking water standard for the SAN trimer by-product of manufacturing processes using styrene and acrylonitrile.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of Congress elected from the State of New Jersey, the Administrator of the United States Environmental Protection Agency, the Region II Administrator of that agency, the Commissioner of the New Jersey Department of Environmental Protection, and the Commissioner of the New Jersey Department of Health and Senior Services.

POM–363. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

JOINT RESOLUTION

Whereas, the Government of the United States of America, the Government of Canada and the Government of Mexico resolved in 1993 to implement the provisions of the North American Free Trade Agreement, commonly referred to as NAFTA; and

Whereas, an objective of the North American Free Trade Agreement is to eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the parties and to promote conditions of fair competition in the free trade area; and

Whereas, despite the free trade agreement and the worldwide tendency toward more open borders, there remains a barrier gravely affecting trade along the Maine-New Brunswick border; and

Whereas, the barrier concerns the disparity created by the tax-free personal allowance exemptions of the United States and Canada. Currently, Canadians are permitted to bring $50 in American purchases back to Canada in any 24-hour period. The United States, however, allows a $200 exemption for Canadian purchases; and

Whereas, steps need to be taken to achieve parity between Maine and the Province of New Brunswick to ensure that Maine businesses are able to compete in Canada; now, therefore, be it

Resolved: That We, your Memorialists, recommend and urge the Congress of the United States to act upon the current barrier affecting trade along the Maine-New Brunswick border; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the United States Trade Representative, Charlene Barshefsky, and to each Member of the Maine Congressional Delegation.

POM–364. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

RESOLUTION

Whereas, 1998 begins on a rare note of cautious hope for Northern Ireland, as multiparty talks aimed at achieving a lasting peace in the North have recommenced; and

Whereas, the American people have a deep and abiding interest in the ongoing Northern Ireland peace process, to the extent that the current peace talks are chaired by special envoy and former U.S. Senator George Mitchell at the behest of President Clinton; and

Whereas, the Northern Ireland peace process is of particular concern to the citizens of Massachusetts, owing to the Commonwealth's unique bonds with Ireland and all 32

counties that comprise historical Ireland, forged over centuries; and

Whereas, citizens of Massachusetts and their elected representatives have an honorable tradition of speaking out against inequality and intolerance wherever they occur in the world, including South Africa, Burma, and the People's Republic of China; and

Whereas, the Massachusetts General Court and its members have long been staunch advocates for peace and justice in Northern Ireland, with Massachusetts being the first State in the Union to embrace and ratify the MacBridge Principles, a set of guidelines designed to fight job discrimination and secure economic justice for the minority citizens of Northern Ireland; and

Whereas, it is universally recognized that permanent peace in Northern Ireland must be built upon the foundation stones of equality, liberty, justice, and democracy, all basic principles embodied in such documents as the United States Constitution and Bill of Rights, in domestic and international law and treaties, and in basic concepts of fair play and equity; and

Whereas, such a blueprint for a just and equitable society now exists in the form of the Charter for Change, a document conceived by concerned citizens of Northern Ireland as a vehicle to achieve and ensure basic rights for all citizens of Northern Ireland; and

Whereas, tenets of the Charter for Change include such fundamental and necessary reforms as overhaul of the judicial system and reformulation of the police department; and

Whereas, the Charter for Change seeks a Northern Ireland where minority and majority citizens may enjoy full human rights and the fruits of their labors in an environment free from fear or reprisal, all prerequisites for ensuring that any peace agreement emerging from the current talks may be a long-lasting one: Now, therefore, be it

Resolved, That the Massachusetts Senate welcomes and endorses the Charter for Change as a democratic concept that points the way to and can be a catalyst for peace, justice, and reconciliation in Ireland, and urges the President and the Congress of the United States to join in endorsing the Charter for Change; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

POM–365. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 197

Whereas, Rapid advancement in technology and science are bringing serious challenges to conventional thinking about humankind's ability to manipulate the most basic building blocks of life. As a result, we face critical decisions on central moral questions. The application of cloning technologies holds profound implications for our society and the entire world. The 1997 news of the cloned sheep in Scotland and the recent announcement by a Chicago scientist of plans to create a cloned human being demonstrate the urgency of addressing this issue; and

Whereas, In June 1997, the National Bioethics Advisory Commission issued a series of recommendations. This group of prominent scholars, scientists, and ethicists presented a unanimous finding that it is ". . . morally unacceptable for anyone to attempt to create a child" with the technology of cloning used to create the cloned sheep known as Dolly. The President has called for implementation of the commission's recommendation, particularly its call for the enactment of legislation to prohibit cloning of human life; and

Whereas, In response to the disturbing implications of creating human beings through cloning, nineteen European nations signed an agreement to prohibit the genetic reproduction of human beings. The international community expressed deep concerns over the moral issues and the scientific implications of possible effects on the character of the human species; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–366. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Labor and Human Resources.

JOINT RESOLUTION

Whereas, the State of Maine has suffered one of the worst natural disasters in its history; and

Whereas, 800,000 people have been without power for a week or more; and

Whereas, the need for emergency assistance is growing; and

Whereas, the State of Maine is seeking every avenue of assistance possible; and

Whereas, the State of Maine is still responding to the emergency and is preparing to start the recovery process; and

Whereas, the United States Government has a $300,000,000 Low-Income Home Energy Assistance Program (LIHEAP) emergency fund set aside to ensure that unique demands for assistance be addressed in situation such as the one being experienced in the State of Maine; and

Whereas, the United States Government through its LIHEAP emergency fund assisted other states that have experienced similar disasters; and

Whereas, the State of Maine's situation is equally compelling, due to the widespread loss of electricity and severe weather; and

Whereas, the State of Maine is requesting assistance from the United States Government for its low-income households through the LIHEAP emergency fund; and

Whereas, the State of Maine requests that the United States Government act quickly so that it may make the most efficient use of the funds and can assist families that have been affected by this disaster; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge the President of the United States to release from the Low-Income Home Energy Assistance Program emergency funds to assist the citizens of Maine during their current crisis; and, be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

POM–367. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

SENATE RESOLUTION NO. 112

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The application of the Fair Labor Standards Act to recipients who are placed in jobs, whether in subsidized or unsubsidized work, is proper. Further, welfare recipients ought not be used to supplant existing workers. However, welfare recipients who are receiving training such as planned work experience, job shadowing, mentoring, and cooperative education activities and are not receiving monetary compensation are not employees of the state. They are beneficiaries who are being introduced to the world of work; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States Department of Labor ruled that a host of labor laws, regulations, and taxes apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, The Department of Labor ruling is harmful to recipients who do not receive compensation for their participation in training programs or community service. It would be much more realistic and fairer to extend an exemption to these people for a period of time not to exceed one year; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling affects recipients who do not receive compensation for their participation in training programs or community service projects. We urge that the ruling be modified to permit these recipients with an exemption for a period of time not to exceed one year; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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. GRASSLEY (for himself, Mr. BREAUX, Mr. JEFFORDS, Mr. GRAHAM, Mr. BAUCUS, and Mr. HATCH):

S. 1856. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1857. A bill for the relief of Olga, Igor, and Oleg Lyamin; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. HARKIN):

S. 1858. A bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. LUGAR):

S. 1859. A bill to correct the tariff classification on 13″ televisions; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1860. A bill to amend Section 313(p)(3) of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether (''MTBE''), a finished petroleum derivative; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1861. A bill to amend the Tariff Act of 1930 to permit duty-free sales enterprises to be located in certain areas; to the Committee on Finance.

Mr. DEWINE:

S. 1862. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 1863. A bill to suspend temporarily the duty on certain polyethylene base materials; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS:

S. Con. Res. 87. A concurrent resolution to correct the enrollment of S. 419; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. JEFFORDS, Mr. GRAHAM, Mr. BAUCUS, and Mr. HATCH):

S. 1856. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Finance.

THE ENHANCED SAVINGS OPPORTUNITY ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation that lifts the unfair limits on how much people can save in their employer's pension plan. Last year, Congress took an important first step in helping people prepare for retirement through educating the public about private savings and pensions. But education can only go so far. We also must remove the barriers that prevent working Americans from achieving a secure retirement.

Removing the barriers means taking a fresh look at some of the provisions in the Internal Revenue Code which discourage workers and employers from putting money into pension plans. One of the most burdensome provisions in the Internal Revenue Code is the 25 percent limitation contained within section 415(c). Under 415(c), total contributions by employer and employee into a defined contribution (DC) plan are limited to 25 percent of compensation or $30,000 for each participant, whichever is less. That limitation applies to all employees. If the total additions into a DC plan exceed the lesser of 25 percent or $30,000, the excess money will be subject to income taxes and a penalty in some cases.

To illustrate the need for elimination of the 25 percent limit let me use an example. Bill works for a medium size company in my home state of Iowa. His employer sponsors a 401(k) plan and a profit sharing plan to help employees save for retirement. Bill makes $25,000 a year and elects to put in 10 percent of his compensation into the 401(k) plan, which amounts to $2,500 per year. His employer will match the first 5 percent of his compensation, which comes out to be $1,250, into the 401(k) plan. Therefore, the total 401(k) contribution into Bill's account in this year is $3,750. In this same year Bill's employer determines to set aside a sufficient amount of his profits to the profit sharing plan which results in an allocation to Bill's account in the profit sharing plan the sum of $3,205. This brings the total contribution into Bill's retirement plan this year up to $6,955.

Unfortunately, because of the 25 percent of compensation limitation only $6,250 can be put into Bill's account for the year. The amount intended for Bill's account exceeds that limitation by $705. Hence, the profit sharing plan administrator must reduce the amount intended for allocation to Bill's account by $705 in order to avoid a penalty. Bill is unlikely to be able to save $705, a significant amount that would otherwise be yielding a tax deferred income which would increase the benefit Bill will receive at retirement. Bill's retirement saving is shortchanged by $705 plus the tax-deferred earnings it would have generated.

Now let us look at Irene. Irene works for the same company, but she makes $45,000 a year. She also puts in 10 percent of her compensation into the 401(k) plan, and her employer matches five percent of her salary into the account. That brings the combined contribution of Irene and her employer up to $6,750. She would also receive a contribution of $3,205 from the profit sharing plan. This brings the total contribution into Irene's pension plan for that year to $9,955. She is also subject to the 25 percent limit, but for Irene, her limit would not be reached until $11,200. She is able to put in her 10 percent, receive the five percent match and receive the full amount from the profit share because her amount doesn't exceed the limit.

Despite the fact that Bill and Irene have the same discipline to add to their pension plans and save for their retirements, Bill is penalized by the 25 percent limitation. By lifting the 25 percent limit, we can provide a higher threshold of savings for those who need it most.

Permitting additional contributions to DC plans will help women ''catch up'' on their retirement savings goals. Women are more likely to live out the last years of their retirement in poverty for a number of reasons. Women have longer lifespans, they are more likely to leave the workforce to raise children or care for elderly parents, are more likely to have to use assets to pay for long-term care for an ill spouse, and traditionally make less money than their male counterparts. Anyone who has delayed saving for retirement will get a much needed boost to their retirement savings strategy if the 25 percent limit is eliminated for employees.

Not only does this proposal help individual employees save for retirement but it also helps the many businesses, both small and large which are affected by 415(c). First, the 25 percent limitation causes equity concerns within businesses. Low and mid-salary workers do not feel as if the Code treats them equitably, when their higher-paid supervisor is permitted to save more in dollar terms in a tax-qualified pension plan.

Second, one of the primary reasons businesses offer pension plans is to reduce turnover and retain employees. Employers often supplement their 401(k) plans with generous matches or a profit-sharing plan to keep people on the job. The 415(c) limitation inhibits their ability to do that, particularly for the lower-paid workers who are unfairly affected.

Third, this legislation will ease the administrative burdens connected with the 25 percent limitation. Dollar limits are easier to track than percentage limits.

Finally, I want to placate any concerns that repealing the 25 percent limit will serve as a windfall for high-paid employees. The Code contains other limitations which provide protection against abuse. First, the Code limits the amount an employee can defer to a 401(k) plan. Under section 402(g) of the Code, workers can only defer up to $10,000 of compensation into a 401(k) plan in 1998. In addition, plans still must meet strict non-discrimination rules that ensure that benefits provided to highly-compensated employees are not overly generous.

The value to society of this proposal, if enacted, is undeniable. Increased savings in qualified retirement plans can prevent leakage, meaning the money is less likely to be spent, or cashed out as might happen in a savings account or even an IRA.

There will be those out there who recognize that this bill does not address the impact of the 415 limit for all of the plans that are subject to it. I have included language that would provide relief to 401(k) plans and 403(b)

plans, for example. Plans authorized by section 457 of the Code—used by state and local governments and non-profit organizations have not been specifically addressed. I want to assure organizations who sponsor 457 plans that I support ultimate conformity for all plans affected by the 415(c) percentage limitation. Over the next couple of weeks, I hope to work with these organizations to identify the changes that are necessary to achieve equity and simplicity for their employees. In the mean time, this is a positive step toward enhancing the retirement savings opportunities of working Americans.

We have begun to educate all Americans about the importance of saving for retirement, but if we educate and then do not give them the tools to allow people to practically apply that knowledge, we have failed in our ultimate goal to increase national savings. Let's help Americans succeed in saving for retirement. In helping them achieve their retirement goals, they help us to achieve our goal as policymakers of improving the quality of life for Americans.

I would like to thank the Profit Sharing Council of America and the many members of the Retirement Savings Network for their considerable help in championing this proposal. I ask unanimous consent that their letter of support be included in the RECORD. I also want to thank an Iowa company, IPSCO, in Camanche, Iowa, and its many employees for bringing this issue to the forefront. I ask unanimous consent to include a letter from IPSCO in the RECORD, and note that their letter was accompanied by a petition signed by nearly 200 employees. Finally, I want to extend my appreciation to Senators BREAUX, JEFFORDS, GRAHAM, and BAUCUS for co-sponsoring this important bill. I encourage all of my colleagues to give careful consideration to lending your support to this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 25, 1998.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

We, the undersigned organizations, commend you for introducing the Enhanced Savings Opportunity Act that repeals the Section 415(c) 25% limitation currently imposed on employees participating in defined contribution plans and pledge our support of your efforts to obtain passage.

This legislation promotes a conducive environment for expanding the savings opportunities in employer-provided retirement programs by removing one of the impediments that prevents employees, especially lower-paid employees, from taking full advantage of profit sharing, 401(k), 403(b), and other defined contribution programs. It will also decrease the burdensome testing currently imposed on plan administrators and better enable companies to take advantage of the new SIMPLE 401(k) program for small employers.

For example, the Enhanced Savings Opportunity Act will permit employees who leave and reenter the workforce, many of whom are women, to make larger contributions when they are working, in effect allowing them to ''catch up'' their contributions. It will also promote equal treatment by allowing all employees to defer up to $10,000 of their income into a 401(k) plan. Finally, the existing section 415(c) 25% limitation frequently requires that a company limit its contributions to lower-paid employees who take full advantage of the savings feature of a 401(k) plan. By modifying Section 415(c) you will permit more generous company matching and profit-sharing contributions to its employees. Similarly, your legislation will allow participants in 403(b) plans to increase savings in those plans. We appreciate your efforts to preserve equity by extending relief to 401(k), 403(b), and other types of defined contribution plans.

Again, thank you for introducing the Enhanced Savings Opportunities Act. Please feel free to call on us as you move forward to seek its enactment.

American Bankers Association, American Council of Life Insurance, American Society of Pension Actuaries, APPWP—The Benefits Association, Association for Advanced Life Underwriting, Employers Council on Flexible Compensation, The ERISA Industry Committee, Financial Executives Institute, Investment Company Institute, National Association of Manufacturers, National Employee Benefits Institute, National Rural Electric Cooperative Association, National Telephone Cooperative Association, Profit Sharing/401(k) Council of America, Securities Industry Association, Small Business Council of America, Society for Human Resource Management, Stable Value Investment Association, and United States Chamber of Commerce.

MARCH 20, 1998.

Hon. CHARLES GRASSLEY,
Washington, DC.

DEAR SENATOR GRASSLEY: Currently Code 415(c) of the IRS rules does not permit an employee to receive contributions that total more than 25% of his or her income or more than $30,000. The intent was meant to limit the contributions of highly paid executives. Defined contribution plans have become a very popular method to save for retirement, but the rules have not kept pace with the times. Now, non-executives are slighted by the rules that were designed to help them by limiting the amount that can be put away for retirement.

Since 1994 the 415(c) code has prevented IPSCO from contributing the fully allocated, pretax funds, to each employee's retirement fund. Each year several thousand dollars of pretax money, earmarked for retirement, has been disbursed as taxable income to many employees. The employee's retirement plan is short changed, because the plan cannot receive all of the funds that it should and the employee ends up with taxable earnings that were intended for retirement. Non-executive employees should not have artificial limits set on their retirement savings.

If your efforts are successful and a bill is passed to lift the percentage limits on contributions to retirement contributions this problem will be redressed.

Yours truly,

IPSCO EMPLOYEES.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. HARKIN);

S. 1858. A bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient; to the Committee on Finance.

THE WORK INCENTIVES IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, it is with great pleasure that I rise today, with my friend and colleague, Senator EDWARD KENNEDY, to introduce the Work Incentives Improvement Act of 1998.

This bill has developed over many months with the help of the disability community, the Social Security Administration, the Health Care Financing Administration and other Congressional offices to help the insurmountable health barriers to individuals who wish to work, but must remain dependent on the Social Security Disability system to continue to access needed health benefits provided by the Federal and State governments.

Mr. President, the current system has had very limited success. The benefits offered are too expensive, time limited, and offer too few health care services for the many persons with disabilities who wish to work. Currently, less than 5 percent of beneficiaries have taken advantage of this so called work incentive.

Mr. President, I have worked for more than a year with Senator KENNEDY to assess why so few SSI and SSDI beneficiaries return to work. We have found that the primary barrier is a lack of available health care coverage—this needed coverage is either unavailable or unaffordable in the private sector for those with disabilities.

Specific barriers facing individuals with disabilities who want to work include an inability to obtain affordable health insurance through Medicare. After a period of time on the current SSDI work incentives program, the individual must pay full fare—more than $370 a month. We researched how many individuals take advantage of this and would you believe, Mr. President, that out of more than 3.5 million beneficiaries, only 114 have chosen to buy in to Medicare. People with disabilities simply cannot afford the coverage over more than a short period of time.

Another barrier is that the critical services people with disabilities need are unavailable. Personal assistance services and drugs are available only through a state's Medicaid plan. SSDI beneficiaries do not have access to Medicaid unless they impoverish themselves to get it. When we looked into this we found that SSDI people who need Medicaid covered services, those so-called ''dual eligibles,'' are the fastest growing entitlement population in the government. For those SSI beneficiaries who have access to Medicaid, personal assistance services are covered in only half the states.

Mr. President, our Work Incentive Improvement Act will provide incentives for persons with disabilities to return to work and still be able to access health insurance. It will ensure that an attempt to work, or an inability to remain working, does not penalize participants for future SSDI and SSI eligibility.

Under our legislation, those SSDI applicants who want to return to work could access Medicare Part A for free. If their incomes rise above 250 percent of poverty they would buy-in based on 10 percent of earned income above 250 percent. Part B premium contributions would remain the same. They would also be able to access a new State Work Options Program that provides personal assistance services and prescription drugs to those states that chose to set one up.

Long term disabled SSDI beneficiaries who have been receiving cash benefits for more than 24 months would be eligible for Medicare A&B for the same rates as described above, the State Work Options Program, and an expanded Impairment Related Work Expense to include the cost of automobiles in areas where accessible transportation is unavailable. Such an incentive would do much to keep an individuals income below SGA, and be more likely to keep their cash benefits.

Persons with disabilities who are working under SSI's work incentive program would have access to the State Work Options Programs if they needed personal assistance services to begin working. The legislation also strengthens current State Medicaid Waiver projects that provide health services and supports to persons with disabilities who want to work.

This legislation also supports the development of demonstration projects that gradually phase out the loss of cash benefits as a worker's income rises, instead of the current cash cutoff that so many disabled persons who return to work face today.

Finally, this legislation will enable Congress to obtain the kind of information it needs to undertake more comprehensive reform of disability work incentive programs.

Mr. President, no one in this body can disagree with the idea that work is a central part of the American dream. I am committed to ensuring this Congress that we pass legislation to provide cost-effective assistance to help disabled Americans pursue a career, and the American dream.

Mr. KENNEDY. Mr. President, it is an honor to join Senator JEFFORDS and Senator HARKIN in introducing the Work Incentives Improvement Act to provide more affordable and accessible health care for persons with disabilities so they can work and live independently.

Despite the extraordinary growth and prosperity the country is enjoying today, persons with disabilities continue to struggle to live independently and become fully contributing members of their communities. We know that of the 54 million disabled people in this country, may have the capacity to work and become productive citizens, but they are unable to do so because of the unnecessary barriers they face.

We have made progress through a special education system committed to excellence in learning, and through a rehabilitation system designed to promote independent living skills. Too often, however, the goals of independence are still out of reach. Too often, disabled people are afraid that if they take jobs they will lose the medical coverage that makes such a large difference in their lives. Too often, disabled people are afraid of losing their current cash benefits if the salary they earn at work is too large. We need to do more so that the benefits of our prosperous economy are truly available to all Americans, including our fellow citizens with disabilities. We need to ensure that all disabled children and adults have access to the benefits and supports they need to achieve their full potential as American citizens.

Our long term goal is to restructure and improve existing disability programs so that they do more to encourage and support a disabled person's dream to work and live independently. That goal should be the birthright of all Americans—and when we say all, we mean all.

This bipartisan work incentive legislation will help us to remove the unfair barriers facing persons with disabilities who want to work. It will make health insurance coverage more widely available, through opportunities to buy-in to Medicare and Medicaid at an affordable rate. Social Security will be able to fund demonstration projects that gradually phase out the loss of cash benefits, instead of the arbitrary sudden cutoff that so many disabled workers face today.

Our goal is to create fair and realistic new assistance that offers greater support for disabled persons who want to work, live independently, and be productive and contributing members of their community. This bill is the right thing to do, and it is the cost effective thing to do. For too long, our fellow disabled citizens have been left out and left behind.

I commend Senator JEFFORDS and Senator HARKIN for their impressive leadership on this issue. We look forward to working with all members of Congress to help give disabled persons across the country a better opportunity to fulfill their dreams and fully participate in the social and economic mainstream of our nation.

Mr. HARKIN. Mr. President, I am pleased to be an original co-sponsor of the Work Incentives Improvement Act of 1998. I would like to thank Senator KENNEDY and JEFFORDS for all their work on this important piece of legislation. I'd also like to commend the work of their staff, Connie Garner and Chris Crowley.

Many individuals receiving SSI and SSDI want to work and are able to work. But less than ½ of 1% of these individuals leave the Social Security rolls and become self-sufficient. Clearly, there is something wrong with the system.

When we enacted the ADA, we put our nation on a new path. A path toward independence, not dependence. Toward inclusion, not exclusion. Toward empowerment, not paternalism. The ADA opened the door to employment opportunities for people with disabilities.

Today, we take another major step along that path. The Work Incentives Improvement Act removes artificial impediments faced by people with disabilities when they are ready to work. The bill offers persons with disabilities affordable and accessible health care, so that they no longer have to face the choice between working and paying taxes, on the one hand, or having access to health care benefits on the other.

In the wake of the ADA, we must now bring our other federal policies into the 1990s. This Act begins to do that. Access to health care is critical if people with disabilities are to live independently and remain self-sufficient. If we can provide a reasonable support structure for people with disabilities who can work and who want to work, then we should. It's the right thing to do.

Things usually don't get done because they are right. They get done because people stand up and take action. Now is the time to take action on this issue. If our efforts here are successful, Americans with disabilities will no longer face disincentives for working, for wanting a piece of the American dream, for remaining vital members of our society, and for reminding all of us that disabled does not mean unable.

I hope my colleagues in the Senate quickly take action on this bill, and that this bill soon becomes law.

By Mr. ROTH (for himself and Mr. LUGAR):

S. 1859: A bill to correct the tariff classification of 13″ televisions; to the Committee on Finance.

THE TECHNICAL CORRECTION ACT OF 1998

Mr. ROTH. Madam President, I rise today to introduce legislation to make a technical correction to the diagonal measurement of video displays in the Harmonized Tariff Schedule of the United States (HTSUS).

During the Uruguay Round negotiations, the United States agreed to phase down U.S. tariffs on ''13-inch'' television receivers, monitors, and picture tubes, and on combination TV/VCRs, over the period from 1995 to 1999. The tariff on receivers and monitors was to be reduced from 5 percent to zero, on picture tubes from 15 percent to 7.5 percent, and on combination TV/VCRs from 3.9 percent to zero. The ''13-inch'' designation historically has included television products whose picture tubes are approximately, but not exactly, 13 inches by diagonal measurement. The 1997 HTSUS, however, converted the diagonal picture tube measurement into 33.02 centimeters or exactly 13 inches. With the implementation of the 1997 HTSUS, the former ''13-inch'' televisions have been classified as larger than 13-inches and assessed a higher rate of duty.

I am proposing this technical correction to amend the HTSUS to allow television receivers, monitors, and picture tubes, and combination TV/VCRs with a diagonal measurement of up to ''34.29 centimeters'' (or 13.5 inches) to be classified as ''13-inches''. This action is consistent with our Uruguay Round commitments.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1859

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

SECTION 1. TARIFF CLASSIFICATION OF 13 INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking ''33.02 cm'' in the article description and inserting ''34.29 cm'':

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this Act apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act,

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry, and

(C) that is—

(i) unliquidated,

(ii) under protest, or

(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

By Mrs. FEINSTEIN:

S. 1861. A bill to amend the Tariff Act of 1930 to permit duty-free sales enterprises to be located in certain areas; to the Committee on Finance.

THE DUTY FREE SALES ENTERPRISES ACT AMENDMENT ACT OF 1998

Mrs. FEINSTEIN. Mr. President, in 1988, Congress passed the Duty Free Sales Enterprises Act which, among other things, gave Customs the authority to audit duty free stores to ensure compliance with laws and regulations governing import activities. The Act also permitted off-airport sites, as long as they were in within 25 miles of the airport. What happens is: tourists visit the off-airport site, buy duty-free goods and those goods are shipped to meet them when they arrive home.

When the bill was passed, audits were conducted in person by Customs inspectors. The 25-mile limit was imposed so as not to unduly burden inspectors who would otherwise have to travel great distances between stores. However, audits are no longer conducted in person; rather they are done by computer. Inspectors no longer have to travel between stores.

This legislation adds new section to the law establishing the 25-mile limit to allow exceptions if Customs is reasonably assured the goods being sold are duty free items for people leaving through international airports. All of the other regulations controlling audits and inspections are still in effect; this simply allows stores outside of the 25-mile limit.

I urge my colleagues to support this bill.

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. 1861

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

SECTION 1. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) by striking ''or'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting ''; or'', and

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

''(C) the customs territory, if reasonable assurance can be provided that the purchaser of the duty-free merchandise will depart from an international airport located within the customs territory.''.

By Mr. DEWINE:

S. 1862. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Labor and Human Resources.

THE POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT

Mr. DEWINE. Mr. President, I rise today to introduce the Poison Control Center Enhancement and Awareness Act of 1998.

Mr. President, America's poison control centers do important work—and they need our help. The number of centers has been declining over the last several years. Their funding has been unstable—and this has resulted in the closing of many of them.

Poison control centers manage poisonings over the telephone, direct those that cannot be managed at home to a local hospital for treatment, provide professional and public education and training, and collect data on poisoning exposures.

Each year, more than 2 million poisonings are reported to poison control centers throughout the United States. More than 90% of these poisonings happen in the home—and over fifty percent of poisoning victims are children younger than 6 years of age.

By providing expert telephone advice to distraught parents, poisoning victims, and health care professionals, poison control centers decrease the severity of illness and prevent deaths. Let me illustrate the value of poison control centers by telling you about two similar poisoning cases that had very different outcomes.

In the first case, a 3 year old child swallowed several tablets of aspirin. His mother called the poison control center and was told to give the child syrup of Ipecac (pronounced ip-ah-kak) to make the child vomit before taking him to the emergency room. The boy was examined in the emergency room and sent home.

In the second case, another toddler swallowed several aspirin while visiting her grandmother's house. Her family was unaware that aspirin can be very dangerous for children, and did not think to call the poison control center. Nine hours later, the child started to have a seizure. When she arrived at the hospital, she was severely ill and nearly died. She spent almost two weeks in the pediatric intensive care unit.

Mr. President, I can tell you that even after eight children, it's often hard to know exactly what to do in these emergencies. In this kind of situation, poison control centers can save lives.

They are life-saving—and they are truly cost-effective public health services. For every dollar spent on poison control center services, $7 in medical costs are saved. The average cost from a poisoning exposure call is $31.28, while the average cost if other parts of the health care system are used is $932.

In spite of their obvious value, poison control centers are seriously underfunded, and the funding situation threatens to get worse. These centers have so far been financed through unstable arrangements involving a variety of public and private sources.

In Ohio, poison control centers are funded primarily by hospitals, with some funds coming from the State. Ohio's poison control centers are working together to coordinate services and consolidate resources, while they continue to look for stable funding sources.

Currently, the Federal Government provides 5% of poison control center funding, but reaps most of the cost-savings benefits from poison control center services. It is only fair that the Federal Government pay for its share of the cost burden for poison control center services. This legislation provides Federal dollars to stabilize poison control center funding and improve poison control center services. I have

tried to write this legislation so that existing private and state dollars can be leveraged, rather than displaced, by Federal funds.

Over the last two decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. In 1978, there were over 600 poison control centers; now, there are 75. This trend has jeopardized the capacity of poison control centers to provide equitable services to all Americans. As a result, more people may die, more people may be injured and the costs for treating poisonings may increase.

For example, in 1991, Louisiana closed its poison center and referred all calls to Alabama. After its closing, Louisiana found that ''the cost attributable to unnecessary emergency department visits was more than three times the amount allocated to operate the poison control center each year.'' Louisiana also found that medically treated poisonings, those treated in emergency rooms or by physicians, increased 42%. It reopened its poison control center.

My office has consulted with a number of experts on how we can best improve poison control operations on a national scale, and my legislation contains a number of their suggestions.

Here's what the bill does.

It establishes a national toll-free number to ensure that all Americans have access to poison control center services. This number is then automatically routed to the center designated to cover the caller's region. This system will improve access to poison control center services for everyone. It will also simplify efforts to educate parents and the public about what to do in the event of a poisoning exposure and how to do it quickly.

It begins a nationwide media campaign to educate the public and health care providers about poison prevention, and advertise the new, nationwide toll-free number. I've seen the great work done by some non-profit groups, and how effective their public health campaigns have been. That's what I'd like to see here.

It establishes a grant program to stabilize the funding mechanism and prevent certified regional poison control centers from closing. This program will support activities to prevent and treat poisonings; develop standard education programs; develop standard patient management protocols for commonly encountered toxic exposures; improve and expand the poison control data collection system; and improve national toxin exposure surveillance.

Mr. President, I have always been a supporter of the prevention and treatment services provided by poison control centers. As a member of the Congressional Prevention Coalition, I hope to increase awareness of this very important issue. Federal support for poison control centers will help ensure that all Americans continue to have access to quality poison control center services.

It will reduce the inappropriate use of emergency medical services and other costly health care services.

And, most importantly, it will save lives.

Mr. President, I ask unanimous consent that this statement and 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. 1862

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 ''Poison Control Center Enhancement and Awareness Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. 53 percent of poisoning victims are children younger than 6 years of age.

(2) Poison centers are life-saving and cost-effective public health services. For every dollar spent on poison control centers, $7 in medical costs are saved. The average cost of a poisoning exposure call is $31.28, while the average cost if other parts of the medical system are involved is $932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Currently, there are 75 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

SEC. 3. DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 1999 through 2001.

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $600,000 for each of the fiscal years 1999 through 2003.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

(a) REGIONAL POISON CONTROL CENTERS.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

(1) develop standard education programs;

(2) develop standard patient management protocols for commonly encountered toxic exposures;

(3) improve and expand the poison control data collection systems; and

(4) improve national toxic exposure surveillance.

(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (a) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, local or private funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is equal to not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1999 through 2001.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 775

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the

computation of capital gain net income for purposes of the earned income credit.

S. 1344

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1344, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia.

S. 1406

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1481

At the request of Mr. DEWINE, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1481, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide for continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1722

At the request of Mr. FRIST, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. COVERDELL), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors 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.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. SMITH) 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 RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Nevada (Mr. REID), the Senator from Michigan (Mr. ABRAHAM), and the Senator from South Carolina (Mr. THURMOND) 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 189

At the request of Mr. TORRICELLI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1481

At the request of Mr. DEWINE the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. MACK) were added as cosponsors of amendment No. 1481 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. 2081

At the request of Mr. CRAIG the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 2081 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 2082

At the request of Mr. CRAIG the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 2082 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 2083

At the request of Mrs. HUTCHISON the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 2083 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

SENATE CONCURRENT RESOLUTION 87—TO CORRECT THE ENROLLMENT OF S. 419

Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike ''1997'' and insert ''1998''.

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and insert ''1999''.

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and all that follows through ''2001'' and insert ''1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002''.

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

FEINGOLD AMENDMENT NO. 2121

Mr. FEINGOLD proposed an amendment to the bill (S. 1768) making emergency supplemental appropriations for

recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30 1998, and for other purposes; as follows:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $184,000,000: *Provided,* That of such amount, $72,500,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $22,300,000: *Provided,* That of such amount, $19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $5,100,000: *Provided,* That of such amount, $3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $10,900,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,100,000: *Provided,* That of such amount, $2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $1,886,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $33,272,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $21,509,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-wide'', $1,390,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for ''Operation and Maintenance, Defense-wide'', $44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided,* That the entire amount shall be available only to the extent that an official budget request for $44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further,* That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $650,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $229,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $175,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Overseas Contingency Operations Transfer Fund'', $1,556,000,000, to remain available until expended, of which $46,000,000, shall be available for classified programs: *Provided,* That of such amount, $1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,

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BOND (AND OTHERS) AMENDMENT NO. 2122

Mr. BOND (for himself, Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT—BLOCK GRANT FUNDS

For an additional amount for ''Community development block grants funds'', as authorized under title I of the Housing and Community Development Act of 1974, $260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided,* That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further,* That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further,* That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further,* That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further,* That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further,* That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further,* That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further,* That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further,* That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of

the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BOND (AND MIKULSKI) AMENDMENT NO. 2123

Mr. BOND (for himself and Ms. MIKULSKI) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster relief'', $1,600,000,000, to remain available until expended: *Provided*, That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, that the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2124

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 29, line 20, strike ''(PANO'', and insert ''(JPANO''. At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike ''**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**'', and insert ''**PLANNING AUTHORITY.**''.

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A–2 of the Unser Middle Transportation Corrider Record of Decision prepared by the city of Albuquerque dated December 199? * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter ''the Director''), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting ''(1)'' after ''(a)'';

(C) by adding at the end the following:

''(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—''.

On page 34, line 9, strike ''DOCUMENT.—''.

On page 34, line 12, after ''Corridors','', insert ''dated October 30, 1997,''.

WELLSTONE AMENDMENTS NOS. 2125–2128

Mr. WELLSTONE proposed four amendments to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2125

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies,including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institutions that had extended such credit make a significant prior contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an

overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as ''Advisory Committee'').

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

GREGG AMENDMENT NO. 2129

Mr. GREGG proposed an amendment to the amendment No. 2103 proposed by Mr. FAIRCLOTH to the bill, S. 1768, supra; as follows:

At the end, add the following:

(4) EXPENDITURES FROM TRUST FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Trust Fund shall be available to the Secretary of Education for making expenditures to carry out subsection (a).

(B) RESERVATION.—

(i) IN GENERAL.—The Secretary of the Treasury shall reserve $1,000,000,000 of the amounts in the Trust Fund for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) USE.—Amounts reserved under clause (i) shall be available to the Secretary of Education, during the 5-year period beginning on the date of establishment of the Trust Fund, for use in carrying out activities under such part B.

HELMS (AND OTHERS) AMENDMENT NO. 2130

Mr. HELMS (for himself, Mr. LOTT, Mr. GRAMS, Mr. GREGG, Mr. HOLLINGS, Mr. BYRD, Mr. FAIRCLOTH, and Mr. ASHCROFT) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC __. UNITED STATES TAXPAYER SUPPORT TOWARDS INTERNATIONAL PEACE AND SECURITY.

(a) FINDINGS.—Congress finds that—

(1) 8,500 men and women from the United States Armed Forces are currently serving in and around Bosnia, and 44,200 men and women from the United States Armed Forces are currently serving in and around the Persian Gulf;

(2) the Department of Defense has spent $2,200,000,000 in fiscal year 1995, $3,300,000,000 in fiscal year 1996, and $2,973,000,000 in fiscal year 1997 for the incremental costs of implementing or supporting United Nations Security Council resolutions for which the United States received no credit at the United Nations;

(3) as of March 1, 1998, the United States Federal debt totaled $5,537,630,079,097;

(4) as of the date of enactment of this Act, the United States, according to an audit by the General Accounting Office, has spent more than $6,400,000,000 in incremental costs to the Department of Defense in and around Bosnia for which the United States received no credit at the United Nations;

(5) the President is now requesting an additional $486,900,000 for United States deployments in and around Bosnia and $1,361,400,000 for United States deployments in and around the Persian Gulf in ''emergency fiscal year 1998 supplemental funds'';

(6) those funds are in addition to the President's request for $1,020,000,000 in arrears for all assessed contributions to international organizations, including a request for $658,000,000 for United States arrears for United Nations peacekeeping operations;

(7) in response to spiraling United Nations peacekeeping costs and excessively broad mandates, the President on April 30, 1994, approved Public Law 103–236, which in section 404 limits the payment of the United States assessed contribution for any United Nations peacekeeping operation to 25 percent of the total of all assessed contributions for that operation;

(8) the United Nations continues to charge the United States for 30.4 percent of the costs of United Nations peacekeeping operations, despite Public Law 103–236;

(9) the United Nations continues to demand payment from the United States of the difference between 25 percent and 30.4 percent of bills for United Nations peacekeeping operations;

(10) United States law prohibits payment of those amounts as arrears to the United Nations, and the United States is not obligated to pay those amounts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) United States taxpayers should be commended for their generous and unparalleled support in maintaining international peace and security through these additional contributions in support of United Nations Security Council resolutions, and that the United Nations should acknowledge publicly the financial and military support of the United States in maintaining international peace and stability;

(2) the United Nations should immediately reduce the percentage that the United States is assessed for United Nations peacekeeping operations to 25 percent to reflect United States law that limits assessments the United States will pay to support United Nations peacekeeping operations.

(c) RECOGNITION OF UNITED STATES SUPPORT.—

(1) REPORT BY THE SECURITY COUNCIL.—The President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council, requiring that the Security Council publicly report to all United Nations member states on the amount of funds the United States has spent since January 1, 1990, in implementing or supporting United Nations Security Council resolutions, as determined by the Department of Defense.

(2) DEMARCHE TO SECURITY COUNCIL MEMBERS.—The Secretary of State should issue a demarche to all member countries of the United Nations Security Council, informing them of the amount of funds, both credited and uncredited, the Department of Defense has spent since January 1, 1990, in support of United Nations Security Council resolutions.

(d) REPORT TO CONGRESS.—Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate with regard to actions taken to carry out the provisions of subsection (c).

NICKLES AMENDMENT NO. 2131

Mr. NICKLES proposed an amendment to amendment No. 2123 proposed by Mr. BOND to the bill, S. 1768, supra; as follows:

Beginning on page 1, line 5, strike everything after the word ''expended:''.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

DODD AMENDMENT NO. 2132

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code for 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

ENZI (AND OTHERS) AMENDMENT NO. 2133

Mr. ENZI (for himself, Mr. BRYAN, Mr. REID, and Mr. SESSIONS) proposed an amendment to the bill (S. 1768) supra; as follows:

At the appropriate place, insert the following:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian

tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

BUMPERS AMENDMENT NO. 2134

Mr. BUMPERS proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the fiscal year 1998 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the fiscal year 1998 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives fiscal year 1998 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the fiscal year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

ROBB AMENDMENT NO. 2135

Mr. ROBB proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

''(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

''(i) consolidation, rescheduling, reamortization, or deferral of a loan;

''(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

''(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.''.

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

''(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.''.

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

''(2) RESERVATION AND ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

''(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.''.

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.''.

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

''(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.''.

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 25, 1998, in open session, to receive testimony on the situation in the Persian Gulf.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 1998, to conduct a hearing on the re-nomination of Arthur Levitt, Jr., to be a commissioner and chairman of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to continue markup of S. 8, the Superfund Cleanup Acceleration Act of 1997, Wednesday, March 25, 9:30 a.m., Hearing room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 25, 1998, at 10 a.m., for a hearing on the Government Secrecy Act of 1997, S. 712.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 25, 1998 beginning at 9:30 a.m., until business is completed, to receive testimony on the Federal election Commission's budget authorization request for FY99.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs requests unanimous consent to hold a joint hearing with the House Committee on Veterans Affairs to receive the legislative presentations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, and the Retired Officers Association.

The hearing will be held on March 25, 1998, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. 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 25, 1998 at 3 p.m. and Thursday, March 26, 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 AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet on Wednesday, March 25, 1998, at 10 a.m., in open session, to receive testimony on Tactical Aviation Modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 25, 1998, at 2:30 p.m., on 271 Application Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 25, 1998 at 2 p.m., to hold a hearing in Room 226, Senate Dirksen Building, on: ''The Tradition and Importance of Protecting the United States Flag.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 890, the Dutch John Federal Property Disposition and Assistance Act of 1997; S. 1109, a bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements; S. 1468, a bill to provide for the conveyance of one (1) acre of land from Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire substation; S. 1469, a bill to provide for the expansion of the historic community cemetery of El Rito, New Mexico, through the special designation of five acres of Carson National Forest adjacent to the cemetery; S. 1510, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; S. 1683, a bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; S. 1719, the Gallatin Land Consolidation Act of 1998; S. 1752, a bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; H.R. 1439, a bill to facilitate the sale of certain lands in Tahoe National Forest in the State of California to Placer County, California; H.R. 1663, a bill to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 1998, at 10 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REAUTHORIZATION OF THE CORPORATION FOR NATIONAL SERVICE

● Mr. REED. Mr. President, the New England Governors recently passed a resolution calling on Congress to adopt legislation to reauthorize the Corporation for National Service this year.

As a strong supporter of national and community service, I am heartened by the New England Governors' enthusiasm for AmeriCorps, the National Senior Service Corps, the Learn and Serve program, and other Corporation for National Service initiatives. It is my hope that the Corporation for National Service reauthorization legislation will be considered by the Senate this year.

Mr. President, I ask that the New England Governors' resolution be printed in the RECORD.

The resolution follows:

RESOLUTION NO. 140

Whereas, the citizens of New England have benefited in a variety of ways from the important contribution made by the service programs of the Corporation for National Service in partnership with the states of the region; and

Whereas, New England states have profited from the power and promise of citizen service and traditional volunteers through the efforts of 90,000 New Englanders who serve our states each day through AmeriCorps, Learn and Serve America, and the National Senior Service Corps programs of the Corporation for National Service; and

Whereas, New England states have been assisted by the Corporation for National Service programs that use service as a strategy to improve the quality of life in the region; and

Whereas, AmeriCorps members and National Senior Service Corps volunteers have improved education achievement, enhanced our environment, made our neigbhorhoods safer, and addressed other human needs; and

Whereas, the students in Learn and Serve America have been afforded the opportunity to serve their communities and reflect on the meaning of that service; and

Whereas, AmeriCorps and the other programs supported by the Corporation for National Service have provided critical resources to our states; and

Whereas, the proposed reauthorization legislation, entitled the National and Community Service Amendments Act of 1998 will devolve more authority and greater flexibility to states in the implementation of programs funded by the Corporation for National Service; and

Whereas, the existing distribution of AmeriCorps grant funds, two-thirds for AmeriCorps State and one-third for AmeriCorps National, is retained in the proposed legilation; and

Whereas, New England has benefited substantially from the law's existing allocation of state funds which redistribute one-half through formula and one-half through national competition; Now, therefore, be it *Resolved*, That the Governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, through their New England Governors' Conference, Inc., urge their respective Congressional delegations and the Congress to support the National Community Service Amendments Act of 1998, reauthorizing the Corporation for National Service, to support the bill's devolution provisions that add authority and flexibility to states and state commissions, to support the bill's directives that AmeriCorps State funds provide Governor-appointed state commissions more control over program selection, and particularly to support the bill's continuation of the existing 50/50 state funds disitribution division between formula and nationally competitive AmeriCorps grant funds.

Adoption certified by the New England Governors' Conference, Inc. on February 24, 1998.●

TRIBUTE TO DR. JOHN R. KREICK AS HE RETIRES FROM SANDERS

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dr. John R. Kreick as he retires from Sanders after a distinguished 28-year career. I commend and admire his dedication and commitment to the defense industry, the community and the employees of Sanders.

John joined Sanders in 1969, after receiving his doctorate in theoretical physics as a research physicist. He proceeded to manage and direct the development and production of infrared countermeasure systems that are

today deployed on U.S. and allied helicopters and fixed-wing aircraft around the world. John moved up to technical director for the Sanders Defense and Information Systems Division in 1983 and was then promoted to vice president and chief engineer for the division that same year. He was named vice president of the company's airborne countermeasures product line in the Electronic Warfare Division in 1984 and was named President in 1988.

John is nationally recognized as a leader in the electronic warfare field. He was honored in 1995 by Aviation Week magazine with the Aerospace Laurels Award and he holds a gold medal award from the Electronic Warfare Association.

As Chairman of the U.S. Senate Strategic Forces Subcommittee, I have witnessed firsthand John's contributions to our national defense and how his efforts have helped protect American lives. Our rights to ''life, liberty and the pursuit of happiness'' are safer today because of John's leadership.

I have had the pleasure of John's friendship and mutual respect for the past 13 years. I wish John, Carole and his family much happiness in his retirement and I know he will enjoy his free time skiing mid-week in the White Mountains. John Kreick, best wishes and Godspeed. It is an honor to represent you in the U.S. Senate.●

BATAAN DEATH MARCH

● Mr. REID. Mr. President, during the early days of World War II, General MacArthur withdrew his forces from Luzon to the Bataan Peninsula. These forces were responsible for delaying the Japanese timetable for conquest by four months and for keeping the Japanese forces tied up in the Philippines. After four months of fighting, the combined American and Filipino forces were forced to surrender. Many perished in the fight, those that survived were in poor health or were wounded.

Following the surrender of forces in April 1942, the Japanese marched the 70,000 prisoners the length of the Bataan peninsula to prisoner of war camps. It is estimated that more than 10,000 perished during the Death March.

The tragedy and horror of the Death March is almost impossible to imagine. The prisoners were marched with little food and water from the southern end of the Bataan Peninsula to San Fernando, a total of 55 miles. From San Fernando, the prisoners were taken by rail to Capas where they were marched the final eight miles to Camp O'Donnell. Many of the prisoners were weakened from disease and from months of fighting. Those that fell behind were beaten badly by the Japanese troops—a prisoner unable to get up was often executed on the spot. Two out of every three Americans who fought at Battan failed to return home, having either died in battle, during the Death March, or in prison camps.

This week, 80 survivors of the Bataan Death March are meeting in Reno, Nevada for the American Defenders of Bataan & Corregidor Western Chapter Convention. I want to take this opportunity to recognize some of the heroic veterans who were part of MacArthur's army which held off the numerically superior Japanese forces on the Bataan Peninsula for four long months. These heroes not only survived the horrific battle and the subsequent Death March, but also endured internment in POW camps in the Philippines, Manchuria, Korea, and Japan.

Several of the Bataan Death March survivors attending the convention are from my home state of Nevada. I'd like to recognize these veterans in the RECORD: Arthur Bartholf, Bill R. Black, John Bowler, Richard Breslin, Raymond Cavellaro, Chesley H. Irvin, Ralph Levenberg Donald McDougall, Patrick E. Morris, Manuel Navarez, Douglas Northam, Tomas Pagaliluan, John D. Pasini, John Perkowski, Steve Rogers, George Small, Karl D. Tobey. There will also be survivors from California, Arizona, Oregon and Washington at the convention this week.

Mr. President, I speak for myself, for everyone here in the Senate, and for all Nevada citizens, I am deeply appreciative for the sacrifices these heroic men made who survived such horrific circumstances surrounding the Bataan Death March. I know this is a debt which we can never completely repay, but nonetheless it is so important to say—Thank you for your dedication and devotion to protecting our freedom and liberty.●

DISASTER ASSISTANCE TO ROCKINGHAM COUNTY, NORTH CAROLINA

● Mr. FAIRCLOTH. Mr. President, North Carolina suffered a great tragedy last Friday. In less than a moment, without any time for warning, two communities in Rockingham County were hit by powerful tornadoes that left two dead, nearly 30 injured, and indescribable destruction in their wakes.

The good people of Stoneville and Mayodan have pulled together and have already set about the difficult job of picking up the pieces and rebuilding their communities. Homes and businesses are being put back together. Roads, fields, and streams are being cleared of trees and debris.

Speaking for the state and Rockingham County, Mr. President, we are thankful for the federal disaster declaration, which came so quickly, and permitted the Federal Emergency Management Agency, and all the agencies and volunteer organizations to come to the scene so soon after disaster struck. And I have confidence that appropriate federal aid will continue.

Mr. President, I have been assured that funding in this Emergency Supplemental Appropriation will be used for recovery in Rockingham County. Further, I have a letter from Director James L. Witt indicating that FEMA has adequate funding for its emergency response and recovery activities for this disaster. This federal help, combined with state and local resources, is exactly what is needed. I ask that Director Witt's letter be printed in the RECORD.

I offer my deepest sympathy to the families and loved-ones of those who perished in this disaster. They will be greatly missed. And, I wish a speedy recovery to those injured, with the hope that they will soon be able to join their communities in the rebuilding efforts.

The letter follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, March 25, 1998.

Hon. LAUCH FAIRCLOTH,
U.S. Senate, Washington, DC

DEAR SENATOR FAIRCLOTH: This is in response to your question regarding the Federal Emergency Management Agency's (FEMA) Disaster Assistance Program funding. I can assure you that our Agency has adequate funding to carry out eligible emergency response and recovery activities for Rockingham County, NC, after last week's devastating tornadoes.

As you know, the President declared Rockingham County a Federal Disaster area on Sunday during my visit there. We are already serving citizens under our Individual Assistance program. In addition, we are awaiting the results of the States' Preliminary Damage Assessments to determine the need for Public Assistance. As soon as that information is collected and submitted to FEMA, we will review it and make a determination as appropriate.

We appreciate your interest in FEMA's Disaster Assistance programs and are standing by to offer North Carolinians assistance. If you have any further questions, please have a member of your staff contact our Office of Congressional and Legislative Affairs at (202) 646–4500.

Sincerely,

JAMES L. WITT,
Director.●

FCC REPORT ON SCHOOLS AND LIBRARIES

● Mr. HOLLINGS. Mr. President, the Appropriations Supplemental contains a provision sponsored by myself, the Appropriations Committee Chairman, Senator STEVENS, and the Commerce Committee Chairman, Senator MCCAIN, requiring the Federal Communications Commission (FCC) to submit a report to Congress by May 8, 1998.

My provision requires the FCC to do several things. First, it directs the FCC to cure the defects found by the General Accounting Office (GAO) in the program's administrative structure. The GAO found that the FCC's implementation of schools/libraries program violated the Government Corporations Control Act (GCCA) in setting up independent corporations to administer the schools/libraries program. Mr. President, when the Congress wants to establish a separate corporation to administer a program it does so. That's why Congress set up the Corporation for Public Broadcasting. The FCC does not have such unilateral authority to go creating a corporation because it wants to.

The report also asks detailed questions about how much money will be

needed to fund the program and how the FCC intends to collect the money. The goal is to administer the program without raising telephone rates. Therefore, the report asks detailed questions that are necessary to put the FCC on record to justify the cost of the program. The FCC made commitments to Congress that schools/libraries program would not raise rates and I intend to ensure that the agency keeps its word. If the FCC does not deliver on its commitments to protect consumers from rate increases, Congress will step in and make the FCC accountable.

Finally, my amendment also directs the FCC to cap the salary of the program's administrator at a government salary—as opposed to the $250,000 salary the FCC set up. I support the program but the Congress must take measures such as these to ensure that the agency administers the law and policy that the Congress adopts. It is not the FCC's job to adopt policies which exceed the authority given to it by the Congress.●

COMMEMORATION OF GREEK INDEPENDENCE

● Mr. REED. Mr. President, I rise to commemorate the 177th Anniversary of the beginning of the revolution that won Greece's independence from the Ottoman Empire. I was proud to join with fifty-one of my colleagues in sponsoring Senate Resolution 171 which designates today ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

The strong ties between the United States and Greece extend back to the birth of this nation. Indeed, the Founding Fathers looked to the principles formulated by the Greek philosophers when composing the governing documents of the United States. As Thomas Jefferson stated, ''to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness.'' America owes much to the Greeks for all they have given us, then and now.

The Greeks have been members of my state's communities for over one hundred years. Over 6,000 residents of Rhode Island claimed Greek heritage in the last Census. When they first came to the state they worked in the factories and on the shores. Today, the descendants of these first immigrants continue to prosper and enrich the state and rest of the country through their contributions to banking, medicine, the tourism industry and the arts.

Although today we commemorate the Greek victory over 400 years of domination by the Ottoman Empire, we must also remember that Greece is still not able to celebrate complete peace and freedom. Almost twenty-four years ago, Turkey invaded Cyprus and today 35,000 troops continue to occupy over 40% of the island and inflict human rights abuses on the 660,000 Cypriots. Recently, I was proud to sign on as a cosponsor of a concurrent resolution which calls for the U.S. to encourage the end of restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus. We must continue to work to resolve the Cyprus problem and reduce the tensions that exist between Greece and Turkey.

But, for today, let us celebrate the anniversary of Greek Independence, the richness of the Greek heritage and the legacy of democracy that country gave to the world.●

IN RECOGNITION OF ALDO VAGNOZZI

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a good friend from my home state of Michigan, Mr. Aldo Vagnozzi. Aldo is retiring after a long and distinguished career as a journalist for labor publications.

In 1948, Aldo Vagnozzi began his career in journalism as a Senior at Wayne State University, writing for the Michigan CIO News. He became editor of the Michigan AFL-CIO News, and served in that position until 1968, when he joined the Detroit Labor News. By 1970, Aldo was already considered a legend by many of his fellow labor journalists for the way in which he kept the labor community informed about news affecting the working people of Michigan. One of his colleagues is quoted in the Detroit Labor News as saying ''The movement for worker rights and justice has been immeasurably strengthened by his dedication to his craft and his talents as a labor journalist.''

Although he is retiring after 50 years of work, that does not mean that Aldo Vagnozzi's commitment to the people of Michigan is also coming to an end. In early May, he will participate in the Michigan Labor Press Conference, where he will share with other labor editors and writers some of the insights he gained throughout his career. And Aldo will also continue his leadership in the public service arena as well. His strong principles and beliefs have earned him the support of people from all walks of life and political persuasions in his home city of Farmington Hills, Michigan, where he serves as the first directly elected mayor in history.

Mr. President, throughout his 50 years in journalism, Aldo Vagnozzi has used the power of the written word to advance the cause of workers' rights, safety and justice. I know my colleagues will join me in saluting Aldo for his exceptional career and in wishing him well in his retirement.●

ORDER OF PRECEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask to be recognized in morning business.

The PRESIDING OFFICER. The Senator is recognized.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I come to the floor of the Senate to speak of the tragedy which occurred in Jonesboro, AR, yesterday. News reports tell us that two boys, aged 11 and 13, dressed in camouflage, opened fire on the students and teachers of the West Side Middle School. Four children were killed, and a teacher who tried to shield other children also lost her life.

This tragedy did not occur in my home State of Illinois, but, sadly, it could have. Gun violence on children has become so common in America that kids killed in drive-by shootings are no longer lead stories on the national news. We are jarred into the harsh reality of modern American violence only when there is something unusual about the gun violence on children: the number of victims, the setting, or the perpetrators.

In Jonesboro, AR, five victims at a peaceful school, dead at the hands of other children with guns, have caught the national attention for at least a moment. News stories headline the tragedy. This evening's news begins with long features about what this means. Today, from Africa, President Clinton calls on Attorney General Reno to investigate. Parents across America pause for a heartbeat to wonder, ''Can it happen to my child? Can it happen at my child's school?''

Sadly it can and it does.

I hope that America is not so careless or so inattentive not to take a moment and reflect on what is happening with these terrible crimes. Sadly, this is not the first or only instance when this has occurred. On December 1 of last year, a young boy opened fire on a student prayer circle in the hallway in Heath High School in West Paducah, KY. Three students were killed, five others wounded. A 14-year-old student, described as small and emotionally immature, was arrested.

Two months earlier, a 16-year-old outcast in Pearl, MI, was accused of killing his mother, then going to school and shooting nine students. Two of them died, including the boy's ex-girlfriend. Authorities later accused six friends of conspiracy, saying the suspects were part of a group that dabbled in satanism.

Closer to here, a sniper who holed up in the woods wounded two students December 15 outside a school in the southwestern Arkansas town of Stamps. The two, both wounded in the hip, were hospitalized overnight. A 14-year-old boy was arrested in the manhunt.

And now the news reports to us what was confiscated as being in their possession. Mr. President, listen to what was confiscated in the possession of these two boys, 11 and 13, who opened gunfire at this Jonesboro school: three rifles, three revolvers, two semiautomatic pistols, two derringers, and 3,000 rounds of ammunition.

It is interesting when foreign visitors come to the United States and reflect

on the great American culture and on our values, how many of them that I have entertained in Illinois or in Washington comment about the love affair America has with guns. They are puzzled—what is it about this great Nation that would allow so many people to own so many guns and so many to be used recklessly, causing such violent crime and death on a daily basis?

There are some things that are being done about it on a State basis that we should reflect on at this moment. Some States have decided that adults in possession of firearms have a responsibility to possess those firearms in a way that is safe and that protects members of their family as well as others from coming into contact with the firearms.

I recall a story that came about at a recent family reunion, because in my family in Illinois there are many gunowners. One of them was talking about the fact that one of my relatives, he was a father of a young boy, but he had his guns safely locked away, that that little boy could never get to those guns. And another older man in the family said, ''Yes, I know, that's how I used to do it. I'd lock them away and my son could never find them.'' But his son was sitting there and he said, ''Dad, I got into those guns all kinds of times.'' Guns and Christmas presents are going to be discovered by kids. And if they can be discovered, tragedy can happen.

So a number of States have decided to do something about it. They have assigned responsibility to the adults involved and said that they must be careful. If you want to own a handgun, a pistol, a rifle, a shotgun, you must own it responsibly so that gun does not become a weapon of violence and death and some innocent victim result.

Listen to what is happening in America with gun crimes:

The rate of firearm-related deaths among American children is 15 times greater than that in 25 other industrialized countries combined.

In a 1-year period, 86 percent of all gun-related deaths in the industrialized world occurred in the United States of America.

Every day in my home State of Illinois, a child is killed by gun violence.

At least one child in Illinois every month is unintentionally killed as a result of a gun accident.

In 1993, the Department of Justice issued a report that concluded street gang violence in Chicago is becoming increasingly lethal, primarily because of escalating gang firepower.

We took a survey for 1 month in the State of Illinois of gun crimes involving children. In 1 month in 1996 in a Chicago suburb, 15-year-old Ronald Walker was shot in the head as he left a grocery store.

That same month, police had to rush two 7-year-old boys, Donnell Ross and Kenyon Pope, to Cook County Hospital when they wounded each other while playing with a .38 pistol found in their apartment. One of the boys was shot in the chest.

Earlier in the same week that Donnell and Kenyon were shot, an 18-year-old boy handed a 9-year-old boy a loaded gun and told him the safety was on. It wasn't. That 9-year-old pulled the trigger. He shot 15-year-old Theunco Bell in the throat.

A day before that incident, a 10- and 12-year-old were playing with a gun. It went off and killed the 10-year-old whose name was Michael Fuller.

As former staff physician at Cook County Hospital said:

> Whether intentional or unintentional . . . children have access to guns. Children are naturally curious, and a gun can be a very sexy toy for them.

So what can we do? Can we watch in horror as the stories come to us from Chicago, from Jonesboro, from Kentucky, from Mississippi? Can we lament the horror that has been visited on these children, their families, their teachers and the whole community? Can we say that this is just part of the price of doing business in America today, or do we act? Do we decide as a nation that it is time for us to come to grips with this challenge, to accept the reality that people, if they are to own guns, must own them responsibly?

Senator KOHL of Wisconsin has trigger-lock legislation, which I support, which would reduce the likelihood of gun violence among children and, as I mentioned, many States have passed legislation imposing responsibilities on gun owners so that they not let these guns go into the hands of children.

Are these laws in the States effective? Well, as a matter of fact, a study published in October in the Journal of the American Medical Association makes clear that children's lives have been saved when States have required gun owners to make guns inaccessible to children. The study found that accidental shooting deaths were reduced by 23 percent in States that passed child access prevention gun laws.

Mr. President, I will be preparing legislation to federalize child access prevention gun laws. There is no reason why every child in America shouldn't be protected at least in some small way by assuming that every owner of a gun has to own it responsibly, keep it in a safe manner, keep it in a way where it cannot be accessed by children.

I know this won't put an end to gun violence. There is just too much of it going on in America. But, in fact, it may slow down the carnage and it may reduce the horror of the stories that we heard just this evening and last night from Jonesboro, AR. As we reflect on these four children and their teacher and this terrible tragedy, keep in mind that gun violence every day claims the lives of children and adults alike across America, black and white and Hispanic. It is a scourge, a scourge on those who live not only in big cities but in small towns.

I hope that my colleagues on a bipartisan basis will join me in this effort to reduce the incidence of gun violence. I also hope that this tragedy in Jonesboro, AR, will inspire us to do it and do it quickly. I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, I will just take a few moments of time to revisit the proposal of the Senator from Oklahoma, Senator NICKLES, to strike the funding that would be available under this legislation to implement the Kassebaum-Kennedy bill. According to GAO that legislation benefited some 25 million Americans who change or lose their job every year and could face preexisting condition exclusions or denial of coverage. That legislation passed 100–0 in the Senate; the conference report passed 98 to 0.

We know there are gaps in terms of the implementation for providing these critical protections to those in the disability community and really for any American who has a condition that could make it difficult for them to get or keep insurance. HCFA asked the Appropriations Committee to reallocate resources to give them the ability to hire the necessary skilled staff, primarily with expertise in the insurance business, who would be able to assist them to carry forward these protections for the disabled community, the mental health community, and for all Americans. That is very, very important, Mr. President. We had some debate and discussion about this earlier today.

At this time, I want to read into the RECORD a very fine letter from Nancy-Ann Min DeParle, who is the head of HCFA. She writes:

> DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 billion and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently, 5 states are not implementing HIPAA. HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.
>
> Moreover, we understand that as many as 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because states are not required to notify HCFA about their intentions to implement these two laws. In addition, we believe that many states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of creditable coverage. Moreover, HCFA also has enforcement authority over non-Federal governmental plans.

Mr. President, I ask unanimous consent to have printed in the RECORD this

letter from Nancy-Ann Min DeParle, Administrator of HCFA.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
HEALTH & HUMAN SERVICES,
Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 million and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently 5 states are not implementing HIPAA (CA, RI, MI, MA, MO). HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.

Moreover, we understand that as many 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because States are not required to notify HCFA about their intention to implement these two laws. In addition, we believe that many other states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of crediable coverage. Moreover, HCFA also has enforcement authority over non-federal governmental plans (e.g., state and local governments).

Sincerely,

NANCY-ANN MIN DEPARLE.

Mr. KENNEDY. Mr. President, I will also have printed in the RECORD the various letters that support our position in opposition to the Nickles amendment:

Families USA hopes that the Nickles amendment will be defeated;

The Consortium for Citizens with Disabilities, more than 20 different organizations that have been in the vanguard of protecting and advancing the cause of those disabled Americans. They are in strong opposition to the Nickles amendment;

The National Alliance for the Mentally Ill is in strong opposition to the Nickles amendment.

These are only some of the organizations, but they represent the leading organizations that have over the past years been the most involved and active in protecting the rights of the disabled and of consumers—all in opposition to the Nickles amendment. We are not talking about adding more money. We are talking about reprogramming existing money.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
March 25, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Consortium for Citizens with Disabilities, which represents almost 100 national disability organizations, strongly opposes the Nickles' Amendment which would deprive the Health Care Financing Administration (HCFA) of sufficient funds to enforce the Health Insurance Portability and Accountability Act (P.L. 104–191). The HIPPA legislation—also known as the Kassebaum-Kennedy Act—is a stellar example of bipartisan legislation that would benefit individuals of all ages, including people with disabilities.

The provisions in HIPPA related to pre-existing condition exclusions and portability of health insurance are working to open the doors to many individuals with disabilities and their families who could not previously access appropriate health insurance or who were imprisoned by ''job lock''.

We urge all Senators to oppose the Nickles' Amendment.

Sincerely,

The Arc; National Association of Protection and Advocacy Systems; National Easter Seal Society; American Association on Mental Retardation; Association for Persons in Supported Employment; LDA, the Learning Disabilities Association of America; RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America; National Alliance for the Mentally Ill; Bazelon Center for Mental Health Law; NISH; Paralyzed Veterans of America; Inter-National Association of Business, Industry & Rehabilitation; Council for Exceptional Children; National Association of Developmental Disabilities Councils; United Cerebral Palsy Association; American Congress of Community Supports and Employment Services; American Network of Community Options and Resources; National Association of People with AIDS; Center for Disability and Health.

DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND, INC.,
March 25, 1998.

Senator EDWARD M. KENNEDY,
Russell Senate Building
Washington, DC.

DEAR SENATOR KENNEDY: The Disability Rights Education and Defense Fund (DREDF) strongly opposes the Nickles Amendment to S. 1716, the Emergency Supplemental Appropriations Bill.

Passage of the Nickles Amendment would stop the civil rights protections guaranteed by the Health Insurance Portability and Accountability Act (PL 105–191) and the only accountability left would be the fox guarding the chickens.

Without these provisions in HIPPA, the doors to health insurance for millions of people with disabilities will be forever locked.

Please, as you have done so many times before, oppose the Nickles Amendment and open the doors to employment, vote no on the Nickles Amendment.

Sincerely,

PATRISHA WRIGHT,
Director of Governmental Affairs.

NATIONAL ALLIANCE FOR THE
MENTALLY ILL,
Arlington, VA, March 25, 1998.

Senator EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: As you know, the National Alliance for the Mentally Ill (NAMI) has been a leading voice in advocating for parity coverage in health insurance policies for people who suffer from schizophrenia, manic-depressive illness or other severe mental illnesses. Enactment of the Domenici-Wellstone Mental Health Parity Act of 1996 was a significant but incomplete step towards ending pervasive discrimination against people with these severe brain disorders in health insurance and other aspects of their lives.

Because of the importance we attach to parity and other protections for vulnerable consumers in health care, we have been concerned that the Health Care Financing Administration (HCFA) may not have sufficient resources to carry out adequately its important role in enforcing mental health parity and other consumer protections embedded in the Health Insurance Portability and Accountability Act (HIPAA). Consequently, on behalf of NAMI's 172,000 members nationwide, I am writing to express my strong appreciation of your leadership in advocating for adequate funding to support HCFA's enforcement responsibilities under HIPAA. We stand ready to work with you and HCFA to ensure that the mental health parity provisions and other consumer protections contained in HIPAA are aggressively and effectively enforced.

Please do not hesitate to call upon us if we can provide further assistance to you on this important effort.

Sincerely,

LAURIE M. FLYNN,
Executive Director.

CONSUMERS UNION,
Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
Ranking Minority Member, Committee on Labor & Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are writing in opposition to the Nickles' amendment which would strip $16 million allocated to enforcement efforts by the Department of Health and Human Services of the Health Insurance Portability and Accountability Act (HIPAA).

As you know, HIPAA was enacted in 1996 to help make health insurance more accessible to people who lose their employment-based coverage. Implementation is still at its early stages. The legislation spells out important functions for the Department of Health and Human Services. In addition, several states (including California) have opted for federal enforcement instead of state enforcement. This necessitates federal funding level to ensure that consumers in these states are protected by the legislation.

Only through adequate funding, will people with pre-existing health conditions be assured they can change jobs without facing new pre-existing condition exclusions from coverage. Only through adequate funding, will people who leave group coverage for the individual market be assured that health insurance will be accessible to them.

Consumers Union urges the Senate to oppose the Nickles' amendment.

Sincerely,

GAIL SHEARER,
Director, Health Policy Analysis.

ADRIENNE MITCHEM,
Legislative Counsel.

FAMILIES USA FOUNDATION,
Washington, DC, March 25, 1998.

Senator KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Families USA supports the Administration's request for supplemental enforcement money for the ''Health Insurance Portability and Accountability Act of 1996.''

HIPAA provides needed protection to Americans who otherwise could not purchase health insurance when they change or lose jobs. Approximately one in four Americans are caught in ''job lock,'' afraid to change jobs or start their own businesses because of preexisting conditions that could prevent them from obtaining new health insurance coverage. Americans like these who lose their jobs involuntarily often find themselves in an even more serious predicament: They join the growing number of individuals without health insurance coverage.

Implementing HIPAA requires the Health Care Financing Administration to assume new responsibilities. If HCFA lacks the resources to carry out its duties, HIPAA is meaningless. Without the funds to enforce HIPAA, millions of Americans will be deprived of these important protections. Therefore, we urge the defeat of the Nickles Amendment to strike the President's request for HIPAA enforcement funds.

Sincerely yours,

RON POLLACK,
Executive Director.

Mr. KENNEDY. Mr. President, I will also mention a direct quote from the testimony of the National Association of Insurance Commissioners. They are the State commissioners. They appeared before the Ways and Means Committee last September. When they were talking about enacting HIPAA——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this is the exact quote:

Moreover, in enacting HIPAA, Congress may not have anticipated that certain States would choose not to implement and enforce its provisions and would instead place that responsibility in the hands of the federal government. This is now the situation in Missouri, Rhode Island and California. The Federal Government has new and significant responsibilities to protect consumers in these States. Fulfilling these responsibilities will require significant Federal resources.

This is not HCFA, this is not the Senator from Massachusetts. These are the commissioners of the States that have indicated that HCFA would need additional funding to make sure that the Kassebaum-Kennedy legislation to protect portability for those individuals who have preexisting conditions would be implemented.

Wisely, the chairman of our committee asked the GAO to do a report on how this program was going. The GAO report made the recommendations which the Appropriations Committee has followed in terms of the allocation of resources. It is only $16 million, Mr. President—and the most important aspect of that provision is the $6 million which HCFA has related to the enforcement provisions. The others, I think, are desirable to make the program of Administration proceed more efficiently, effectively. We are going to be faced tomorrow, or at least sometime, with the amendment of the Senator from Oklahoma to effectively wipe out that Federal enforcement.

Mr. President, I think that is unacceptable. That is unacceptable.

I have in my hand—and I will get into this more tomorrow—but the National Association of Insurance Commissioners, as of December 3, 1997, indicated that 30 States have failed to implement the mental health provisions. Thirty States as of December have failed to implement the mental health protections.

We were arguing out here, debating whether they had, and Senator NICKLES said, ''Oh, they have implemented.'' We have the GAO report and through the afternoon we have been able to come up with this information, Mr. President.

What about the maternity provisions? Remember we had the drive-by deliveries just a few years ago where expectant mothers were in the hospital for 24 hours and then out the door they went and the tragedies that ensued. We took action in order to protect those mothers.

Through the legislative process, that became a part of the HIPAA program. We find out that, with regard to the States that have not enacted the provisions in terms of protecting mothers, eight States have not provided those protections—eight States. Eight States have not done that.

We were all around here at the time, Republicans and Democrats alike, commending ourselves about how we enforced that and protected the mothers, and we have this. The list goes on. We will have more of a chance to go into this in greater detail on the morrow.

But I hope that our colleagues will at least take the time to review the excellent letters that have been sent to them this afternoon that indicate strong opposition to the Nickles amendment by the leaders in the mental health community, in the disability community, as well as in other groups that are most affected. We will have others to refer to tomorrow, Mr. President.

I hope that we will, if we are serious about this issue—and I believe that we are—at least give the opportunity for the enforcement of these rights and protecting these families from the kinds of discrimination which has taken place.

I will go through tomorrow again briefly some of these stories, real life stories with real life families that had some tragic experiences that motivated us into making this change with Senator Kassebaum. I will go through those tomorrow, Mr. President. We were trying to remedy the kinds of harsh experiences that took place and devastatingly wiped out different families. I will have an opportunity to go through them in some detail on tomorrow.

So, Mr. President, we are looking forward to the continued debate on this issue. This is a very, very important matter. We are not going to take it lightly. We are all in favor of moving this legislation forward and having a final conclusion, but not with this unacceptable amendment that would break the promise we have made to millions of American families.

I thank the Chair and yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CORRECTING ENROLLMENT OF S. 419

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 87 submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) to correct the enrollment of S. 419.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 87) was agreed to as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike ''1997'' and insert ''1998''.

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and insert ''1999''.

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike ''1998'' and all that follows through ''2001'' and insert ''1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002''.

ORDER FOR STAR PRINT—S. 1638

Mr. ENZI. Mr. President, I ask unanimous consent that S. 1638 be star printed with the changes now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. ENZI. Mr. 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 26, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I further ask unanimous consent that the vote occur on or in relation to the Enzi amendment at 10:50 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will resume consideration of the emergency supplemental appropriations bill with the 50 minutes remaining on the Enzi amendment to begin at 10 a.m. Following the vote on that amendment, the leader anticipates final action on the IMF amendment No. 2100, which would therefore leave the Nickles HCFA amendment and the others on the leader's list as the only outstanding issues remaining before the concluding action on the emergency supplemental appropriations bill.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed and could occur at a time to be determined by the majority leader if an agreement cannot be reached. As always, all Members will be notified as to when that vote will occur. It is still hoped that an agreement can be worked out.

Also, the Senate can be expected to consider the Mexico decertification bill, which under the statute has a limitation of 10 hours. Therefore, votes will occur throughout Thursday's session of the Senate, with the first vote occurring at 10:50 a.m. on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. 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 7:33 p.m., adjourned until Thursday, March 26, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

U.S. FOREST SERVICE POLICY

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HILL. Mr. Speaker, something has gone haywire at the U.S. Forest Service.

In published news reports, and in testimony before the House Resources Subcommittee on Forests and Forest Health, it is clear that the agency is pursuing forest policies which are driven by politics and public relations rather than science and common-sense. I have to agree with subcommittee Chairman HELEN CHENOWETH of Idaho that the Forest Service's top-down policies have more to do with the 2000 presidential campaign than responsible national forest management.

What has been recently imposed in our forests is a moratorium on management. The hands of local forest managers have been tied. Combined with the recent weather trends in my home State of Montana, this lack of local management is a recipe for disaster during this upcoming fire season.

A recent article in the newsletter Conservation News (March 23, 1998) entitled ''Sportsmen being excluded from public lands, House panel is told'' is a clear example of the emerging agenda of the Clinton/Gore Administration and how they are using our forests in the most cynical way possible.

SPORTSMEN BEING EXCLUDED FROM PUBLIC LANDS, HOUSE PANEL IS TOLD

CHENOWETH HITS 'MEDIA MANIPULATION' PLAN

Sportsmen are increasingly being denied the right to enter public lands, Safari Club International told a House subcommittee last week.

Before the U.S. Forest Service is permitted to pursue its planned moratorium on forest road construction, Congress should require that the agency publish a list of all road closings in the last 10 years, the group told the forest and forest health subcommittee.

''We want to insure that this new effort does not further erode an already diminishing access to recreational opportunity on public lands,'' said Ron Marlenee, Safari Club's government affairs consultant. ''Increasingly, sportsmen are coming up against pole gates, gates, barriers and 'no motorized vehicles' signs when they arrive at the edge of public property,'' he told a hearing.

The hearing was the second in two weeks to consider the Forest Service's proposal to impose an 18-month moratorium on the construction of roads in so-called ''roadless'' areas. The scheme has drawn angry protests from westerners, with several congressional chairmen threatening to slash the Service's 1999 budget (See Conservation News, March 9, page 1).

The focus of last week's hearing was H.R. 3297, which would suspend the continued development of a roadless area policy by the Service until public hearings are conducted on all Forest Service units nationwide. As of late last week, the measure had 24 co-sponsors.

Subcommittee Chairman Helen Chenoweth (R–Idaho) again blasted the Clinton Administration for its forest policies. She referred to a recent Washington Post article about a Forest Service communication plan to promote its agenda. ''It's a detailed strategy on how to manipulate the media and everyone else to get support for the administration policies over the next eight months,'' the article stated.

The article quotes the plan as proposing to have Service Chief Mike Dombeck traveling to spectacular forest fires to gain media coverage.

''We now have seen a copy of Chief Dombeck's PR plan which was reported in the press,'' Chenoweth told the hearing. ''After reading it, I am left to question, Where does the Forest Service get the legislative authority to manipulate the press and others to promote their agenda? '' she asked.

''I am also left to wonder where Chief Dombeck gets the legislative authority to use this once proud agency—and I stress once proud agency—to take 'every opportunity to tie with the vice president's Clean Water Initiative and indeed provide a media event for the VP? '' Chenoweth said, quoting from the plan.

She claimed that, ''rather than protect the forest environment, Chief Dombeck has allowed the Forest Service to be used as a tool of the Clinton-Gore Administration to gain partisan political advantage and promote Vice President Gore's presidential aspirations.

''This blatant use of the Forest Service for strictly partisan political purposes will not be tolerated,'' Chenoweth said. ''It is unthinkable to utilize catastrophic fire and the resulting devastation to human life and the environment for partisan political gain and to promote Vice President Gore's presidential aspirations.''

The Safari Club's Marlenee suggested a hidden agenda in the roads proposal. ''In an effort to further justify road closures, the Forest Service implies that hunting in the forest system is having negative impact on wildlife,'' he testified. ''They contend that access has led to 'increased pressure on wildlife species from hunters and fishers,' '' he said, quoting an agency notice.

''My experience has been that the Forest Service consults extensively with state wildlife agencies and that the jurisdiction of wildlife and hunting is primarily a state right and responsibility,'' Marlenee continued.

''Because the Forest Service allegation appears in their public document, because it impugns the role of hunting in conservation, and because it denigrates the capability of state wildlife management, I would suggest this committee require the Forest Service to name even one state wildlife agency that is not fulfilling (its) obligations. We know of none and resent the fact this ill-thought-out statement is being used to justify closure considerations that could be harmful to sportsmen and to wildlife management,'' he said.

ON THE PASSING OF FATHER ORESTE PANDOLA OF BALTIMORE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a truly great pastor and great person, Father Oreste ''Rusty'' Pandola, who has been chosen to receive the Thomas D'Alesandro, Jr. Award for 1998. This award is named for my late father, who served as a long time Mayor of Baltimore and as a Member of the U.S. House of Representatives. It is presented annually by the Little Italy Lodge to an individual who has made an outstanding contribution to Baltimore's Italian-American community.

Just a few days before his untimely death on January 17th, 1997, Rev. Oreste Pandola, SAC, known to everyone in St. Leo's as ''Father Rusty,'' was asked what he would like inscribed on his tombstone. Always ready with a witty reply, he answered, ''Well, I put an elevator in the church and another one in the school. How about, 'Going up!' '' With that, he laughed heartily and made his familiar thumbs-up sign.

Although he had been suffering a constant battle against the debilitating effects of diabetes, little did anyone realize how soon afterward, those words would come to fruition. Father Rusty was only 54 when he died of a heart attack. He had been pastor of St. Leo's for eight years. One parishioner summed up his leadership by saying, ''He affected the parish unlike anyone we've had in the past. His open friendship, his demeanor, his confidence. He could get people to do things for the church.''

He was a priest who saw the needs of his community beyond the religious aspects, although he certainly was a wonderful shepherd of his flock. He never let personal health problems get in the way of his pastoral duties. After injuring his shoulder in a fall while attending a meeting in New Jersey, he celebrated Mass with his left arm in a sling.

Father Rusty enjoyed life, Italian food—especially pasta—and cream donuts, laughed loud at a good joke—even at his own expense—and was not afraid to try new things such as para-sailing.

One of his major achievements was the renovation and subsequent re-opening of the church school, closed in 1980, as an adult learning center. A man of vision, he saw a building wasting away and he saw many of the more senior residents of the Little Italy community with idle time and idle minds. He gave birth to the Adult Learning Center, which today bears his name and is in its third year and growing.

Father Rusty had a reputation of being involved in activities and interests that went beyond his duties as pastor. He was compassionate, understanding and optimistic. To him, no task was to great. Being happy all the time and being positive in his assessment of things

seemed to be natural qualities. ''Piece of cake,'' he would say to someone who felt that a task was too great. ''Hang in there.''

Born and raised in New York, he was ordained a priest in the Pallotines of the Immaculate Conception Province in Brooklyn, NY in 1969, seven years after entering the order. He served as chaplain and teacher of religion at Bishop Eustace Preparatory School in Pensauken, NJ, in 1969. Father Rusty came to Baltimore in the 1970's, serving as vocation director and novice master for his order. He also was the director of the Pallotine Seminary in Hyattsville, MD, and he also served for a time as a Provincial Superior of the Pallotine Fathers.

Cardinal William Keeler, Archbishop of Baltimore, called him ''a truly great pastoral leader. He spoke to the people in a way which was at once witty and humorous and also quite profound.'' Reflecting on his avid reading, the Cardinal added, ''If I had to name one person who was knowledgeable about the Bible, who was in tune with today's current problems and was compassionate, it was Father Rusty.''

Rev. Peter Sticco, SAC, the Pallotine Provincial at the time, told the mourners in his eulogy, ''He was your pastor, he was your hero, he was your friend.''

The Rev. Oreste Pandola, SAC, is a worthy recipient and exemplifies the great spirit of Thomas D'Alesandro, Jr. in whose name this award is presented.

IN HONOR OF GEORGE AND HELEN DUDAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the anniversary of the marriage of George and Helen Dudas fifty years ago, May 22, 1948. These two people truly exemplify a bond that can stand the test of time.

George and Helen Dudas entered the covenant of marriage at a time when the future was uncertain. World War II had just concluded, an economic boom was prevailing over the nation, and two young persons chose to take the first step on a long and successful life together. Their marriage saw many events in its fifty years, both joyous and challenging, that strengthened their bond and their love for each other.

George and Helen Dudas have clearly maintained a close bond with each other that has survived the test of half a century. Their marriage covenant, a beacon for all of us in these unstable times, exhibits a true love for each other and an ability to cope with the tests of marriage.

My fellow colleagues, join me in saluting George and Helen Dudas, two fine persons who have maintained a loving and devoted relationship for fifty years and we hope for fifty more.

THE DO-NOTHING CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, March 25, 1998, into the CONGRESSIONAL RECORD.

THE DO-NOTHING CONGRESS

1965, my first year in Congress, was extraordinary in its legislative accomplishments. In that year Congress enacted Medicare, aid to education, and voting rights legislation, just to name a few examples.

1998, my last year in Congress, has been extraordinary so far for the opposite reason. Each week, Congress wants to get out of town as quickly as it can, come back as late as possible and spend a minimal amount of time in session. The legislative schedule for this year calls for Congress to meet for fewer than 90 days—including Mondays and Fridays, when virtually no real business gets done. That's the shortest schedule in history. At this time, Congress has only about 50 serious legislative days remaining before it adjourns in October. The biggest bill enacted so far was the renaming of Washington National Airport in honor of Ronald Reagan.

Congress is doing a bare minimum to get by. Members feel that the less we do here the better. They want to go home more often to remind the public of their accomplishments—most notably, last year's balanced budget agreement—and want to avoid the high-profile errors of the recent past, like the government shutdowns in 1995 and 1996 and the delay in passing a disaster relief bill for flood victims last year.

So far, the ''recess strategy'' employed by the congressional leadership seems to be working. For the first time in 25 years, a majority of Americans approves of the way Congress is doing its job. Congress, one of the most criticized institutions in America, has rarely gotten above a 40% job approval rating in recent years. Today it's at 56%. The standing joke here is that Congress is never more popular than when it is in recess. There isn't any doubt that the nation's soaring economy and the mellow political mood in the country have contributed to these high ratings, but it's also true that voters are pleased with the balanced budget agreement and this year's anticipated budget surplus, and those two achievements will certainly define this 105th Congress. When people feel better about the performance of government it helps everybody in the government.

OUTLOOK

Much of the remaining time is going to be taken up with measures that simply have to be passed, like the budget and the appropriation bills, and very popular legislation, like the highway bill.

The parties are at loggerheads over a long list of major issues including a minimum wage increase, education initiatives, campaign finance reform, Medicare expansion, tax policy, and the terms of any new funding for the United Nations and the International Monetary Fund (IMF). In addition, some of the legislative possibilities have already been foreclosed. There will not be a campaign finance bill this year, must to my distress. It is unlikely there will be a significant environmental legislation, and it's beginning to look now as if we will not address the long-term problems of financing Social Security and Medicare. Those items will not be taken up until the next Congress, if then. The tobacco legislation is very much in doubt and a great deal of work needs to be done on a code of conduct for the managed care industry and increased support for child care.

All of which is not to say that there aren't any high-stakes battles ahead in the remainder of the legislative year. Education will be one. Members of Congress are very much aware that across the country parents and business leaders want more done to improve the quality of education. Congress has before it competing proposals, including more funding for repairing and modernizing schools, increasing the number of teachers, providing more money directly to states through block grants, tax-free savings accounts, voucher programs, and additional money for teacher education. Some significant education legislation is a real possibility in this Congress.

There is strong interest in taxes. There is talk of a flat tax or a national sales tax or eliminating the current tax code, and, of course, a long list of tax cut proposals. But it is quite clear that Congress will not enact comprehensive tax reform this year.

Expanding health care coverage for those approaching retirement age and regulating HMOs will certainly be seriously considered, as will child care initiatives. There is also a lot of concern in Congress about values. Many bills have been introduced to address this concern, including bills to crack down on drunk driving, to discourage smoking, to ban online gambling, and to restrict access to pornography on the Internet. The values concern is also reflected in debates on revamping the bankruptcy laws and even on providing new money for the IMF.

There is, of course, a lot of debate on what to do about a possible federal budget surplus. Some want to return the money to the taxpayers, others want to spend the money on highways and bridges, others want to put the money toward Social Security reform.

CONCLUSION

Members frequently comment that the populist anger that dominated the political environment in the early 1990s is on the wane. We do not construe that as being a newfound, overwhelming respect for Washington, but it does reflect contentment with the status of the economy and a growing feeling that politics is irrelevant to the lives of most people. Public approval of Congress is hardly sky high but it has been consistently higher in 1997 and 1998 than at most times in the previous decades.

One of the positive things about the present mood is that Congress is focusing more on governance rather than simply rhetoric, which marked, for example, much of the early 1995 period. I really do not think the American people are telling us to do nothing. I think they want us to focus on the areas that are very tangible to them: health care, education, child care. What they are telling us is to work together and to avoid producing bad legislation.

This Congress is not going to make any big waves. But Congress can do a lot in a short time when it wants to, and I would expect the pace of activity in Congress to pick up in the next months.

HONORING ROSA AND CARLOS DE LA CRUZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, Cuban patriot José Marti said: ''Talent is a gift that brings with it an obligation to serve the world,

and not ourselves, for it is not of our making.'' I would like to recognize Carlos and Rosa de la Cruz for giving of themselves to the betterment of the community and utilizing their talents to help those in our community who have been less fortunate. I am pleased to congratulate the de la Cruz' for having recently been honored with the Simon Wiesenthal Award for Community Service.

The Simon Wiesenthal Center recognizes South Florida residents who have exhibited a spirit of true commitment and leadership in their community. After having been forced to flee communist aggression in Cuba in 1960, the de la Cruz' moved around the country, finally settling in Miami in 1975. Since then they have dedicated their efforts to improving the accessibility and quality of educational and social services available to our South Florida youth, as well as bringing awareness and appreciation for the arts.

While dedicating tremendous time and effort to our community's youth, they are also successful business owners. As board members for various foundations, they have also contributed to furthering the work of such wonderful institutions as the Dade Community Foundation, the Performing Arts Foundation of Greater Miami, and the United Way where they were honored with the 1997 Alexis de Tocqueville Award for community service. They have been an inspiring force in improving the quality of life for many South Florida residents.

HONORING THE HUFFINGTON CENTER ON AGING AT BAYLOR COLLEGE OF MEDICINE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the Roy M. and Phyllis Gough Huffington Center on Aging at Baylor College of Medicine as the center celebrates its tenth anniversary on April 7, 1998. The anniversary celebration will highlight the breakthrough research on aging conducted by the Center's internationally renowned scientists, as well as the contributions that older Americans can and do make throughout their lives.

The Huffington Center on Aging is committed to addressing the needs of an aging population by providing medical education and training, conducting basic and clinical science research, and delivering health care through Baylor College of Medicine-affiliated hospitals and other institutions. In just 10 years, the Center has grown to national and international stature in all of these areas, becoming one of the premier centers on aging in the world.

The Center's history dates to 1980, when Robert J. Luchi, M.D., current Director of the Huffington Center on Aging, established a Geriatric Evaluation Unit at the Houston Veterans Affairs Medical Center (VAMC), a Baylor-affiliated institution. As needs grew, the program and staff increased with support from the VAMC and Baylor's Department of Medicine. In early 1987, Baylor College of Medicine committed funds to create the Baylor Program in Aging, and the National Institute on Aging awarded a Geriatric Leadership Academic Award to Dr. Luchi as principal investigator and James R. Smith, Ph.D., as co-principal investigator. In 1988, the Honorable Roy M. and Phyllis Gough Huffington endowed the program to establish the Roy M. and Phyllis Gough Huffington Center on Aging.

The Center facilitates and coordinates interdepartmental research and initiates its own research studies in areas including cell and molecular biology of aging, adrenal cell biology, aging of the skin, control of gene expression in cellular senescence, the aging cardiovascular system, health care outcomes research, and ethical issues in acute and long-term care settings.

The Center's educational opportunities include courses and seminars in the basic and clinical sciences for clinical practitioners, students, trainees, faculty, staff, and health professionals, as well as continuing medical education courses. The Center sponsors courses for medical students, geriatric medicine clinical rotations for medical residents, and an accredited Geriatric Fellowship Training Program.

Clinical faculty and trainees provide patient care to older persons through the Geriatric Medicine Associates of Baylor College of Medicine at Smith Tower and the Methodist Hospital; the Houston Veterans Affairs Medical Center; and several hospital and community long-term care facilities.

During its short history, the Huffington Center on Aging has produced some important research breakthroughs. Center researchers cloned a gene critical for control of cell proliferation, creating opportunities for treating certain conditions associated with aging, including cancer. The Center's computer experts and faculty developed a hypertext module for geriatric education of health professionals that has been nationally judged the most wanted new education tool in geriatrics. The Center has also been widely praised for creating one of the most successful community programs on health issues of importance to older women.

For its man successes, the Huffington Center on Aging has been named a national Center of Excellence in Geriatrics by the John A. Hartford Foundation, Inc., of New York. As such, the Huffington Center on Aging has the mandate to train the future national leaders in geriatrics and gerontology. Baylor College of Medicine has committed substantial additional resources to the Center and the Huffington family and other supporters of the Center continue to be generous in their support. As a result, the Center's educational programs embrace virtually all the health professions trained in the Texas Medical Center and allied institutions and extend widely throughout the state of Texas. The alliance between the Huffington Center and the Methodist Hospital is breaking new ground in the delivery of superb patient care to the elderly.

Mr. Speaker, In congratulate the Huffington Center on Aging at Baylor College of Medicine for ten years of excellence and innovation in improving the quality of life for older people, and I look forward to even greater successes as they work to ensure healthier lives for older Americans in the 21st Century.

IN HONOR OF COMDR. RICHARD R. UZL, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Commander Richard R. Uzl, Jr. for his years of devoted service to the Veterans of Foreign Wars of District 7 and to his country. Commander Uzl exemplifies the American spirit at the highest level.

A native Clevelander, Commander Uzl attended local schools and graduated from James F. Rhodes High School in January, 1963. Commander Uzl then made a crucial decision in his life: to serve in the armed forces of the United States. During a tumultuous time when the profession of serviceman was not exactly glamorous, Commander Uzl sacrificed his immediate future to serve his nation in its armed services. He joined the U.S. Air Force in February, 1963 and served four years in the Air Force until his discharge in 1967. He served as an aircraft mechanic, earning leadership position while serving in two world hotspots: Korea and Vietnam.

After leaving the Air Force, Commander Uzl chose to continue his education and earned two degrees from Applied Technology in Cleveland. However, Commander Uzl continued his association with our nation's armed services by becoming a charter member of ''Old Brooklyn'' VFW Post No. 10228 in 1988. Named Post Commander in 1991, Uzl worked his way through the ranks of County VFW offices, serving on numerous committees and administering the district Voice of Democracy program for patriotic youth. Currently, Commander Uzl is the District 7 Commander of the Veterans of Foreign Wars.

My fellow colleagues, join me in saluting a model American who has defended his country and continued Americanism and patriotism by serving with the VFW, Commander Richard R. Uzl, Jr.

SALUTING AMBASSADOR TO IRELAND JEAN KENNEDY SMITH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KING. Mr. Speaker, I rise today to salute our Ambassador to Ireland Jean Kennedy Smith. Ambassador Kennedy Smith has announced that she will be leaving Dublin this year, completing a remarkable diplomatic career in Ireland.

Under her leadership, the U.S. asserted its moral leadership and began to take an active role in the Irish peace process. Ambassador Jean Kennedy Smith deserves much of the credit for helping to bring about the best opportunity for a just and lasting peace in Ireland in more than 75 years.

Jean Kennedy Smith is beyond all doubt the most active, dynamic and effective U.S. Ambassador in our entire history of diplomatic relations with the Republic of Ireland. She will be missed and it will be extraordinarily difficult to fill her shoes. I am proud to have worked closely with Ambassador Kennedy Smith and even more to call her my friend.

Mr. Speaker, I submit an editorial analysis of Ambassador Kennedy Smith's remarkable legacy from the Irish Voice newspaper.

[From the Irish Voice, Mar. 18–24, 1998]

TIME TO RETHINK U.S. EMBASSY ROLE

The announcement that U.S. Ambassador to Ireland Jean Kennedy Smith will be leaving her post this summer brings to an end the most extraordinary chapter yet in Irish and American diplomatic relations.

She will be greatly missed, not just for her contribution to the peace process but for her overall energy and commitment to improving understanding and links between Ireland and America.

There will likely never be another ambassador like Kennedy Smith, who played such a crucial role in the Irish peace process and redefined the American/Irish diplomatic relationship in a way that has transformed that office forever.

Indeed, the major question following her departure should be whether it is now time to institutionalize what she has put in place—the acceptance that the U.S. ambassador in Dublin plays as important a role in Northern Ireland affairs as does the American envoy in London.

It has always exclusively been the purview of the London ambassador to report on and deliver assessments on Northern Ireland to the Secretary of State and the President. Just how flawed some of those assessments can be was highlighted by the recent memoirs of former U.K. ambassador Raymond Seitz, whose total involvement was to visit Northern Ireland once in a British army helicopter before sending back his ''insights.'' He refused to meet SDLP leader John Hume on that trip, which surely endeared him to moderate Nationalist supporters.

At a time when the Irish government is likely to have a larger say in the affairs of the North, it seems fitting that the U.S. ambassador in Dublin should have significant input into State Department decision making, and that it should not again revert to being the sole concern of the U.S. ambassador in Britain.

There is also a need to keep a high caliber ambassador in Dublin such as Kennedy Smith. Proximity to the President matters most in such appointments, and there were few closer than Senator Edward Kennedy and his sister to Bill Clinton.

Before Kennedy Smith the occupants of the position tended to be elderly, well-heeled gentlemen—appointed mainly in return for financial contributions—who coasted for a few years in Dublin before retirement. The notion of Dublin as a sleepy backwater took hold, encouraged no doubt by those in the State Department who viewed Northern Ireland as a problem for the London embassy to deal with.

The notoriously pro-British slant in the State Department also extended to many in their Dublin embassy, a fact which caused Kennedy Smith no amount of problems. It is time that the embassy there reflected the importance of the Irish issue to the U.S., and also that Northern Irish specialists be appointed to Dublin.

Kennedy Smith has certainly made a start on this. Despite her lack of experience on Irish issues she entered the minefield of Northern Ireland and emerged not only unscathed but triumphant. At several critical moments in the peace process—most notably when the visa issue for Gerry Adams was being debated—she showed leadership and courage and withstood the slings and arrows of her opponents, many of whom worked through the British press to malign her.

She had her share of critics in the State Department too, who saw their long undisputed hegemony over Irish issues crumble. Events and history will prove her right in that debate.

The greatest send-off she could now receive would be another visit from the President to Ireland as part of a successful conclusion to the peace process. It is the least Jean Kennedy Smith deserves after such an impressive term of office.

A LIFETIME ACHIEVEMENT TO SERVICE DEDICATION TO MR. FRED QUELLMALZ

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to take this time to honor an outstanding individual on his service to the success of citizen diplomacy, Mr. Fred Quellmalz. Mr. Quellmalz has been dedicated to service with the Sister Cities International for the past 40 years.

In 1956, Mr. Quellmalz and a select group of people met with President Dwight D. Eisenhower at the White House to discuss a people-to-people citizen diplomacy program. This program grew and became Sister Cities International. Mr. Quellmalz has been an active member of this program for the past 40 years and has helped to get people in the community involved with citizen diplomacy.

On April 18, 1998 the Illinois Chapter of Sister Cities International will honor Fred Quellmalz with the Lifetime Achievement Award for his outstanding dedicated service to the people in the community and to the life of the citizen diplomacy program. Mr. Quellmalz not only watched the program grow, but was actively involved in its progress. In fact, Mr. Quellmalz was founder of two chapters in Illinois, the Des Plaines and the Illinois State Chapter, as well as Treasurer for both organizations.

I would like to extend my very best wishes to Mr. Fred Quellmalz on his achievements with Sister Cities International as well as his dedicated community service.

THE PASSING OF FRANK WONG

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. PELOSI. Mr. Speaker, I rise to mourn the passing of a great American, a man dedicated to the democratic principles that are at the very foundation of our country. Frank Wong died on March 9th after suffering a stroke. He was 79.

Mr. Wong founded the Chinese Democracy Education Foundation in San Francisco 13 years ago and was instrumental in coordinating protests and other activities in the Bay Area after the 1989 Tiananmen Square massacre of pro-democracy demonstrators in Beijing. He was instrumental in the effort to bring the Goddess of Democracy, a replica on the statue created by the student protesters, to Portsmouth Square in Chinatown soon after the massacre. He also hosted many of the student dissidents who came to the United States as political refugees after the tragedy.

Mr. Wong was born in China in 1919, and came to the United States in the 1940's to study at New York University. His heart, however, was never far from his homeland, and inspired by the freedoms he enjoyed in this country, he returned to China to become the editor of a Chinese newspaper. His return would not be an easy one. The Chinese Communists were in control, and his ideas for a free and open society ran counter to the prevailing powers. In 1957, Communist Party officials had him arrested for his pro-democracy position and advocacy for human rights. He was sentenced to three years in a re-education forced labor camp.

After his release from prison, Frank Wong came back to the United States. Despite his hardship, his belief in the freedom of the human spirit could not be shaken. He remained committed to the principles of democracy and human rights in China. The Chinese Democracy Education Foundation is dedicated to promoting these values, and since its inception has given out 40 awards to individuals and groups which have worked towards achieving these goals.

As one who had the privilege of working with Frank, I was always impressed by his courage, dedication to democratic ideals and his gentle manner. It is with great regret and respect that I extend my deepest sympathy to Frank's wife, his children Eric and Joyce and his five grandchildren.

RED RIBBON WEEK IN BYRON DISTRICT #226

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. MANZULLO. Mr. Speaker, I am proud today to commend the efforts of the families, students, parents, and teachers of the communities of Byron, Mt. Morris, Oregon, and Stillman Valley, Illinois, as they launch this year's celebration of Red Ribbon Week, from March 30 to April 3. I extend a special thanks to Randy Vavra, his co-workers, and the many others involved in planning drug awareness activities for assisting in the coordination of this week. The significance of Red Ribbon Week and its impact on the young people in our communities is crucial to getting out the message that drug use destroys lives.

The Red Ribbon Campaign is a national effort organized to commemorate federal agent Enrique Camarena, who was tortured and murdered by drug traffickers in February 1985. In his memory, the Red Ribbon has become a symbol recognizing volunteers and professionals working in the field of drug and violence prevention, drug demand reduction, law enforcement, and treatment. These efforts are supported by schools, churches, media, law enforcement agencies, business, and government.

Although Red Ribbon Week is normally recognized in October, this year Byron and nearby communities have moved the celebration to the spring in order to bring in internationally renowned drug prevention speaker Milton Creagh. Mr. Creagh sports an impressive resume of professional and community activities for which he has received many honors and

awards. In addition to Mr. Creagh's appearance, the district is planning a variety of student activities, as well as a drug and alcohol awareness inservice for all district staff.

I fully support the Red Ribbon Campaign and the work of everyone involved. Drug awareness and prevention begin with families and communities, so I congratulate the people of Byron, Mt. Morris, Oregon, and Stillman Valley as they put together Red Ribbon Week. Your work will further the goal of eradicating the scourge of drugs that threatens our children and will direct them along a path to a brighter future.

A VISION FOR THE THIRD MILLENNIUM

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LIVINGSTON. Mr. Speaker, I submit to the RECORD "A vision for the 3rd Millennium" by Martial Arts Grandmaster Jhoon Rhee. Grandmaster Rhee has been employing his "Lead by Example Action Philosophy" for over 50 years as a martial artist, goodwill ambassador, businessman, citizen, husband, father and most of all as a teacher of young people.

His philosophy seeks as its goal a healthier, happier society. His tenets of "knowledge in the mind, honesty in the heart and strength in the body" are important values that adults should seek to instill in children. And the best way to do that is by being a living example of those important virtues—leading by example.

I encourage all Americans to follow Jhoon Rhee's example of strength, honesty and leadership.

A VISION FOR THE 3RD MILLENNIUM

We, the Martial Artists, citizens of the world, hereby declare the ''Lead By Example Action Philosophy'' to the world. We all know that a picture is worth a 1000 words, but we also must know that action is worth a 1000 pictures. The ''Lead By Example Action Philosophy'' is designed to inspire all people to be more enlightened; to ensure effective children's education for family unity; and to promote cultural diversity for universal harmony. The ''Lead By Example Action Philosophy'' can be achieved through ''Joy of Discipline''—a mental and physical exercise program that can lead us to achieve ''100 Years of Wisdom in a Body of 21 Year old'', the foundation for a happy global society.

The ''Lead By Example Action Philosophy'' is a new social awakening campaign for a perfect global society in the 3rd Millennium. It is not a religion but recognizes a Supreme Intelligence as the origin of life and happiness. People constantly move to avoid pain or to seek joy and comfort. Therefore, the universal purpose of life, unquestionably, is happiness. The ultimate value for happiness is Love; only Beauty triggers the love emotion; and only Truth beautifies human heart.

Therefore, When I am truthful, I am beautiful in heart; When I am beautiful in heart, everyone loves me; When everyone loves me, I am happy.

Conversely, When I lie, I am ugly in heart; When I am ugly in heart, everyone hates me; When everyone hates me, I am unhappy.

Therefore, a truthful way of life is not only good, but also wise; a false way is not only wrong, but also foolish. Truth, Beauty, and Love are three basic elements of Good that we must live by daily. Deceit, ugliness, and hatred are three basic elements of evil that we must recognize but never practice. All thoughts of Truth, Beauty, and Love secrete a positive brain substance, Beta Endorphin, for our better health and happiness, but thoughts of deceit, ugliness, and hatred secrete a natural negative brain substance, adrenaline, which leads to stress that can cause fatal diseases. Everyone is born to be happy with each breath of life. We all deserve the most joyful social environment for absolute global happiness. The foundation for a happy society is perfect human character, exercising true freedom approved by the one's conscience, and never practicing false freedom licensed by selfish animal instinct. People of the 3rd Millennium must be perfect human beings, defined by never making mistakes knowingly, harmful to none, and beneficial to all. Therefore, as a martial artist, I must first develop a perfect body as the temple for a perfect mind.

An ideal human being is one who has achieved a balanced education consisting of three basic human qualities—Knowledge in the mind, Honesty in the heart, and Strength in the body. The purpose of knowledge is to take action, for knowing does not make things happen, but actions always do. All parents of the 3rd Millennium must become teachers for their children, not by words alone but also by their actions, for children are born to learn not only by listening but more by watching deeds of adults. Consistent good behavior and spontaneous action come only from skills and good habits.

Three Golden Rules for parents and teachers to help children develop many good skills and habits are: (1) Lead By Example; (2) Never fail to correct their mistakes with a smile until good habits are formed; and (3) Lead By Example.

Therefore, I will recite My Four Daily Affirmations to reaffirm my daily commitment to achieve 100 years of wisdom in a body of 21 year old, as follows: (1) I am wise because I always learn something good everyday; (2) I am humanly perfect because I never make mistakes knowingly; (3) I like myself because I always take action to make good things happen; and (4) I am happy that I am me because I always choose to be happy.

Therefore, I am a wise, perfect, active, and happy center of the universe.

THE CASE FOR PAYING U.N. DUES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent op-ed Ambassador Richard N. Gardner wrote in the March 4th edition of the Los Angeles times.

The article is entitled ''There's more than politics at stake in unpaid U.N. dues.'' At its heart, the issue is that if the United States has no legal obligation to live up to its treaties and other international agreements, then the message we send is that any nation is free to violate any commitment made to the United States or to any other nation. That is not a world in which we should want to live.

The op-ed by Ambassador Gardner follows:

[From the Los Angeles Times, Mar. 4, 1998]

THERE'S MORE THAN POLITICS AT STAKE IN UNPAID U.N. DUES

(By Richard N. Gardner)

A top priority for the Clinton administration is to persuade Congress to pay more than $1 billion in back dues to the United Nations. Failure to do so will undermine critical U.N. operations in peacekeeping and development and further diminish U.S. influence in the world organization.

Complicating the administration's task is a new and fallacious idea that has been accepted by many members of Congress; that the United States has no legal obligation to pay its U.N. debts. Last fall the Senate Foreign Relations Committee declared that the U.N. Charter ''in no way creates a 'legal obligation' on the United States Congress to authorize and appropriate'' the money to pay the dues. In justification, the committee wrote: ''The United States Constitution places the authority to tax United States citizens and to authorize and appropriate those funds solely in the power of the United States Congress.''

These statements reflect a dangerous misunderstanding of the relation between international law and domestic law.

The U.N. Charter is a treaty that legally binds us as it does other U.N. members. Of course, a treaty cannot override the U.S. Constitution. Congress is free as a matter of domestic law to violate U.S. obligations under international law.

But these truisms do not alter the facts: If Congress exercises its constitutional right to violate a treaty, the United States still has a legal obligation to other countries; and our refusal to live up to our commitments can have legal consequences.

There is no international police force to enforce international law, but nations generally observe their treaty obligations because of their desire for reciprocity and fear of reprisal.

In 1961, when the Soviet Union refused to pay its assessments for the Congo and Middle East peacekeeping operations, Republican and Democratic members of Congress insisted that the U.S. go to the World Court to get an advisory opinion that the Soviet Union had a legal obligation to pay. The U.S. brief of the court, in whose preparation I had a part, stated: ''The General Assembly's adoption and apportionment of the Organization's expenses create a binding legal obligation on the part of the member states to pay their assessed shares'' In 1962, the court agreed with that proposition, and the General Assembly accepted it.

Article 19 of the U.N. Charter provides that a country in arrears of its assessments by two full years shall lose its vote in the General Assembly. The Assembly in an unfortunate failure of political will, failed to apply that sanction to the Soviet Union when it became applicable in 1964. Never the less, the Assembly recently has regularly applied the loss of vote sanction.

We are not just dealing here with legal technicalities, but realpolitik in the best sense of the word. If nations were free to treat their U.N. assessments as voluntary, the financial basis of the organization would quickly dissolve. Some would not mind it if the U.N.'s financial support unraveled. They do not seem fully to appreciate how important the U.N.'s work in conflict resolution, peacekeeping, sustainable development, humanitarian relief and human rights can be for the United States.

If the United States has no legal obligation to live up to its treaties and other international agreements, neither do other countries. Then, any country would be free to violate any legal commitment it has made to us, whether to open its domestic market, reduce its nuclear arsenal, provide basing for our ships and aircraft, extradite or prosecute terrorists or refrain from poisoning the global environment. Congress must focus on all of the consequences of its failure to honor our U.N. obligations.

THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT—H.R. 856

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of H.R. 856, the United States-Puerto Rico Political Status Act. My decision to support this legislation is based on my experiences in Puerto Rico and as a Member representing the last state to be admitted to the union. Not only do I believe the referendum mandated under this legislation to be in accord with the will of the people of Puerto Rico—I also believe it is morally incumbent upon the Congress to move the self-determination process along. The United States cannot declare itself to be the capital of the free world when it denies the fundamental principles of democracy to a group of its citizens.

Let me be clear, this legislation is not a statehood bill. It allows Puerto Ricans the right to express their own views about their island's destiny through an initial non-binding referendum. The next step in the process would require the aspirations of the majority of the people of Puerto Rico to be reviewed and approved by the President of the United States and the Congress. A change in status to either statehood or independence would actually required three island-wide majority votes, three congressional approvals, and a prudent transition period of ten years. Certainly much more thought, review, and revision would follow an approval of this legislation by the House of Representatives. However, we can at least do our duty as Members of Congress by providing the people of Puerto Rico with the opportunity to undertake the process.

All the political conjecture about this legislation—''it creates an artificial majority in favor of statehood,'' or ''new Members of Congress from Puerto Rico will join the Democratic Party,'' or ''the definition of Commonwealth is unfair,'' or ''Puerto Rico will be America's Quebec,'' are all just that—conjecture. No one really knows what will result from this legislation, no one can predict the future. The lesson learned when Alaska and Hawaii joined the union as the 49th and 50th states bears this out. The political soothsayers of the day determined that Alaska would have a Democratic delegation and Hawaii would be Republican. As we all know, today the exact opposite is true. We cannot determine the future of Puerto Rico by voting for H.R. 856. however, we can stop the conjecture and begin the work it will take to give Puerto Ricans the ability to determine their own future.

I would also like to address the question of English as the official language. As a legislator who supported the inclusion of Hawaiian and English as official languages of the State of Hawaii, I am proud to say that the recognition of both languages has been a benefit to our islands, not a deficiency. Children who attend Hawaiian immersion schools actually score higher in English and other academic disciplines than their classmates who do not have the reference point of a second language. By encouraging the study and knowledge of more than one language, the children discover a deeper meaning to their studies. They have a cultural reference point that children without the knowledge of their native language lack.

Bilingualism is an asset—let us continue to encourage it in Hawaii and also Puerto Rico. A rich and unique cultural history should not divide Puerto Rico from the rest of the United States. A rich and unique cultural history defines who Puerto Ricans are today. Let us pass H.R. 856 and allow Puerto Ricans to define who they are and where they want to be in the future.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KIND. Mr. Speaker, there is one more day left before this House debates campaign finance reform. This is our opportunity to reform the broken political process. Unfortunately, this opportunity is being wasted because the leadership of the House has chosen to submit a bill, H.R. 3485, that stands no chance of passing. There are a wide variety of good bills pending in this body that provide real options for fixing our broken system, the leadership should allow the members an opportunity to consider those bills.

Regardless of where each member of Congress stands on the issue of campaign finance reform we all share one goal, promoting citizen involvement in the electoral process. The bill we will vote on tomorrow actually restricts citizen involvement by amending the Motor Voter Act and adding burdensome rules to verify citizenship among voters. These provisions will result in a chilling effect on voting. We need to do more to encourage voter participation, rather than discouraging it.

Mr. Speaker, the solution to this dilemma is simple, allow an open rule that gives every campaign finance proposal, including the Bipartisan Freshman Integrity Act, a vote on the floor of the House of Representatives.

THE DRIVER RECORD INFORMATION VERIFICATION SYSTEM ACT—THE DRIVERS ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. MORAN of Virginia. Mr. Speaker, this morning, with my colleagues CONNIE MORELLA, ZOE LOFGREN, HENRY WAXMAN, NICK LAMPSON, and NITA LOWEY, we are introducing the Driver Record Information Verification System Act or DRIVERS Act for short.

This legislation is being introduced in response to the tragic and senseless death of a local and promising young student Benjamin Cooper. Last summer, a commercial truck driver with a lengthy record of driving violations, at least 22 in the past year and at least 31 over the past ten years, was permitted to get behind the wheel and continue to drive. On August 12th, the truck driver ran a red light, overturned and crashed into the car driven by Ben Cooper.

The Washington Post in a September 3rd editorial correctly asked, ''What Kept Him (this truck driver) on the Road?'' My own involvement on this issue began on August 25th, when I received a letter from one of Ben's classmates, Lester Feder who asked me to help develop a national database to ensure that drivers with a history of reckless behavior and numerous driving violations cannot obtain a new license. I very much appreciated Mr. Feder's letter and his efforts to add meaning to Ben Cooper's death by working to prevent a similar tragedy from ever occurring again.

As I looked into the tragic circumstances in more detail, I was shocked to learn how easily someone can exploit loopholes in the current driver registration system to obtain a new, clean license that can effectively wipe out any past driving violations. This appears to be what may have occurred with the driver of the truck who killed Ben Cooper. The most significant problem with the present system is that there are fifty different systems and databases for personal driver licenses, one for each state, and one incomplete national system for commercial driver licenses.

Unfortunately, these separate systems are often incompatible and cannot communicate with each other, requiring records to be updated manually. Moreover, not all states are doing a good job at coordinating and sharing information on bad drivers. Courts and law enforcement officers routinely lack information on a past driver's record prior to sentencing someone with a reckless or DWI (driving while intoxicated) charge. And, in turn, they lack a user-friendly system for transmitting their convictions to all fifty states.

Only five states operate a database that can be shared electronically with other states. Forty five states transmit update information to other states by paper. Needless to say coordination among the states on current driver record information is sporadic and inefficient Records are often incomplete and not updated on a timely basis.

Anyone motivated to hide their past record of violations can obtain a new license in a different state and obtain a clean driving record. To make matters worse, the commercial driver license information system, which was designed to establish a national database on commercial drivers only covers a small portion of the total driving population. Advancements in information management technologies, however, offers the promise of a simple easy to manage, real-time national database that can retrieve, update and manage a national database on the nation's 200 million licensed drivers.

Only with a national database that includes both personal and commercial driver license information can we effectively thwart those who seek to hide their past records. Permitting this new system to use social security numbers, something now permitted with the commercial drivers' license system, will also make it more difficult to alter one's name or identity. The ease and potential cost savings of a national system offers the promise that all states will seek voluntarily to join the national system.

Before we reach that stage, however, we must test its feasibility of the new system. The legislation we are introducing today, takes this first step by authorizing $5 million for the U.S. Department of Transportation to work with several states to develop this national database. Once the bugs in the new system are resolved, and I believe they can be, we can

offer all states a new cost-efficient and comprehensive system they will all want to join.

The legislation we are introducing today is not a panacea. It is, however, a step in the right direction.

IN HONOR OF JASON DAVID SLOWBE ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Jason David Slowbe of Strongsville, Ohio, who will be honored on March 22, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication of self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Jason for this achievement.

TRIBUTE TO REP. JIM HOWARD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to former Representative James J. Howard on this the 10th Anniversary of his passing. First elected to Congress in 1964 and serving until his death in 1988, Congressman Howard served longer than any other Representative in the history of the Third Congressional District of New Jersey.

As the first representative from New Jersey to serve as chairman of the House Public Works and Transportation Committee, Representative Howard was responsible for passage of important legislation such as the 55-mile-per-hour national speed limit which was the first legislation to focus attention on the relationship between speed and safety. In addition, his anti-drunk driving and 21-year old minimum drinking age laws have prevented the deaths of many young motorists and innocent victims around the country.

Out of deep concern for the shore district he represented, Representative Howard championed major environmental legislation throughout his tenure in Congress. Among the bills he sponsored were the 1987 Clean Water Act, the Superfund Act of 1986 which limited the discharge of raw sewage by New York City and banned new sludge dumping in the New York Bight, the Plastic Pollution and Research Act of 1987 and the Groundwater Protection Act of 1987.

He was also responsible for passage of the Surface Transportation Assistance Act of 1982, which increased the Federal gas tax by five cents a gallon to greatly expand the nation's highway program, as well as numerous other pieces of legislation which greatly improved our nation's transportation system.

Mr. Speaker, Representative Howard truly demonstrated loyalty to his community and country throughout his lifetime of service. I know my colleagues join me in paying tribute to this fine man on the 10th Anniversary of his passing.

HOME OF THE HEROES CELEBRATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. McINNIS. Mr. Speaker, please include the following editorial in the CONGRESSIONAL RECORD.

[From the Chieftain, Pueblo, CO, Mar. 25, 1998]

HOME OF HEROES, TRULY

Since the beginning of World War II, about 30 million Americans have served in this nation's armed forces.

Of all of those people, only a small number have been awarded the Medal of Honor. And of that number, more than half were awarded it posthumously, meaning even fewer have received the nation's highest honor while alive.

Now the astounding part. Four of the living recipients grew up and attended schools in Pueblo.

And two of them attended the same high school, Central. Pueblo is the only city in the nation to be the home of four Medal of Honor recipients, and Central is the only high school to claim two.

William Crawford, now of Palmer Lake, and Carl Sitter of Richmond, VA. attended Central High, Jerry Murphy of Albuquerque attended Pueblo Catholic High school, and Drew Dix of Pueblo and Fairbanks, Alaska, attended Centennial High School.

A week ago, as a heavy spring storm raced through Pueblo, the four recipients attended the unveiling at the Pueblo Convention Center of the Home of Heroes display honoring these four special men.

The display features a uniform from each of the four, plus replicas of their medals and blowups of Associated Press news photos taken about the same time in the same area where the Puebloans earned their honors. Press a button and an electronic recording details each man's heroism.

Their fellow Puebloans showed the depth of their respect when about 200 braved the storm to attend the ceremonies. The gentlemen were obviously touched by the outpouring of respect and honor they received while here.

Now Pueblo is urging the Medal of Honor Society to hold its annual meeting here in 2000. That is when a statue honoring Pueblo's four recipients specifically and all Medal recipients in general is to be dedicated.

The project was organized by our publisher, Robert H. Rawlings, and is being supported by foundations and individuals from throughout the state.

Two Puebloans were surprised by the Medal of Honor Society, Doug Sterner, who along with his wife Pam began the Home of Heroes celebrations and who designed the concept behind the Home of Heroes diorama, was given the Society's prestigious distinguished Service Award. He accepted the award on behalf of his entire family.

This week Mr. Sterner was both proud of the honor and modest. As he put it to us, ''I feel this honor goes to all of Pueblo. Pueblo has been so supportive'' of the Home of Heroes program.

Yes, Pueblo truly is the Home of Heroes. We are all mightily proud of them and appreciate the ''conspicuous gallantry and intrepidity in action at the risk of life above and beyond the call of duty'' which earned them the Medal of Honor—and their nation's undying gratitude.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa yesterday, March 24, 1998, and was unable to vote. I would have voted in favor of approving the journal (Rollcall No. 64). I would have voted in favor of H.R. 3211 (Rollcall No. 65). I would have vote in favor of H.R. 3412 (Rollcall No. 66). I would have voted in favor of H.R. 3096 (Rollcall No. 67).

INTRODUCTION OF LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. DINGELL. Mr. Speaker, I rise today to introduce concurrent resolution No. _____ to encourage the use of federally-supported research findings surrounding the impact of untreated sleep disorders and sleep deprivation on the nation's health, safety and economy.

Studies show that Americans are chronically sleep deprived. According to a report by the National Commission on Sleep Disorders Research, approximately 40 million Americans suffer from some 80 identified sleep disorders and millions more intermittent sleep problems linked to depression, stress, pain, and other ailments. According to the National Sleep Foundation, two-thirds of adult Americans get far less sleep than the eight hours they need to maintain proper alertness during the day due partially to demanding lifestyles.

The pervasive sleep deprivation is taking a toll on the nation's health and productivity as sleepiness affects vigilance, mood, alertness, motor skills, and the memory of people in both the home and the workplace. Fatigue all too often has deadly consequences, causing at least $100,000 police-reported crashes on our nation's highways every year and contributing to other transportation and industrial disasters. Although, fatigue and sleep deprivation is estimated to cost Americans $100 billion each

year. The National Sleep Foundation's recent poll found that 57% of Americans have driven when drowsy during the past year. 23% of adults have actually fallen asleep at the wheel in the past year. Obviously, sleep deprivation is a major concern in our homes, our work places and on our highways.

To address these serious concerns, the National Sleep Foundation, a variety of organizations, federal agencies and companies have initiated a program called National Sleep Awareness Week during March 30–April 5 to raise awareness of the importance of good sleep and the consequences of insufficient sleep in the home, workplace and on the highway. I ask my colleagues to join me in supporting their efforts and to work toward ensuring that proper attention is given to chronic sleep deprivation and fatigue by policy makers, medical care practitioners, researchers, and educators.

PERSONAL EXPLANATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. HOOLEY. Mr. Speaker, yesterday evening when the House was voting I missed rollcall votes number 64, 65, 66 and 67 because my flight to Washington from Oregon was cancelled. I respectfully request that the record reflect that had I been present, I would have voted yes on 64, yes on 65, yes on 66 and yes on 67.

RECOGNITION OF DR. HUGH O. LABOUNTY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. PACKARD. Mr. Speaker, I would like to recognize an outstanding volunteer and citizen from the 48th Congressional District. Dr. Hugh O. LaBounty came to my district in his retirement as President of the California State Polytechnic University, Pomona—an institution he led with distinction for 13 years. However, Dr. LaBounty, who is an historian by training, and has served as a consultant to the Government of South Korea, to the United Arab Emirates, to the Tanzanian National Ministry of Education, and the Ministry of Education of Athens, Greece, does not understand the word ''retirement.''

Since Dr. LaBounty ''retired'' to Oceanside in 1991, he has served the brand new California State University established in our backyard of San Marcos. His appointment as Senior University Consultant was established by Founding CSUSM President Bill W. Stacy with ''compensation of one dollar per year and other valuable considerations.'' Dr. LaBounty proceeded to earn his compensation and, more importantly, the gratitude of a struggling new campus. Of note was his service in assisting the campus prepared for its first accreditation by establishing an external assessment team visit, thus paving the way for a successful review. Subsequently, Dr. LaBounty lent his expertise toward the establishment of its Foundation. Not content to merely help manage the funds of the Foundation, Dr. LaBounty then assisted the campus in planning a professional fundraising program, and continued by raising funds himself.

Lest you think his contributions were primarily academic or business in their focus, I will also mention that Dr. LaBounty used his personnel connections with actor Raymond Burr and the powers of his persuasion to bring a collection of Hans Erni's artwork to the campus for permanent display. It is the first art collection housed at the campus. For the sake of the residents of the 48th District, we hope it is not the last.

Mr. Speaker, as you can see, Dr. LaBounty has not yet understood retirement as ''withdrawing from the business or public life'' as my dictionary defines it. For this the educational community of CSU San Marcos and the civic community of the 48th District are grateful.

A GOLDEN ANNIVERSARY IN RECOGNITION OF GOLDEN EFFORTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. BARCIA. Mr. Speaker, there is no doubt as to the value of our many fine veterans organizations. The work that these groups do for their members and their communities is very often supplemented by auxiliaries. I am proud to tell our colleagues that on April 2, Amvets Ladies Auxiliary #22 of Bay City, Michigan, will be celebrating its 50th anniversary.

They began with 10 members and have grown to nearly 75, who carry on a half century of dedication and service in honor of their motto: ''We waited together. Now let's work together.'' Members of the auxiliary have certainly waited together over the years. Whether it was during the time of World War II, Korea, Vietnam, Desert Storm, or any other military activity, the members of the Amvets Ladies Auxiliary #22 were always ready to lend a hand.

The members of the Auxiliary worked from the very beginning to raise funds to support community service, child welfare, servicemen, Americanism, hospital and scholarship projects. They held Tupperware and Stanley parties, made and sold candy, and sold white clovers for the benefit of others.

Whether it was food baskets at Thanksgiving and Christmas, or gifts for servicemen during Vietnam, or the need for volunteers and resources for the Saginaw VA Hospital, or yellow house ribbons during Desert Storm, the auxiliary was there. The Lutheran Orphanage, the Women's Crisis Center, and school children who have participated in the Americanism contest, have all benefited from the generous efforts of the Auxiliary. And the Amvets Ladies Auxiliary #22 is rightly proud of the fact that they have been a working partner with Amvets Post #22 in hosting state conventions, a state bowling tournament, a fall conference, and a driver's excellence program.

Mr. Speaker, I urge you and all our colleagues to join me in congratulating all of the members of the Amvets Ladies Auxiliary #22, and its officers, Patricia Michalski, President; Kathy Hair, 1st Vice President; Diane Woods, 2nd Vice President; Linda Marshall, Secretary; Karen Kelly-Jamrog, Treasurer; Katherine Avery, Chaplain; Patricia Jane, Sergeant at Arms; Phyllis Frenzke, Americanism Chairperson; Linda Marshall, Scholarship Chairperson; Marcella Schmidt, Hospital Chairperson; and Anne Schmidt, Parliamentarian. May they be granted their wish of reaching joyous 75th and 100th anniversaries in the years ahead.

HONORING MARSHALL V. MILLER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, it is my honor today to rise and salute a recipient of Vice President GORE's Hammer Award, Mr. Marshall V. Miller, Esquire, of Miller and Company in Missouri's 5th Congressional District for his outstanding contributions to improving the trade compliance process on international trade issues. The reforms which Mr. Miller has achieved in the U.S. Custom Services trade compliance process has resulted in the Department's improvement in service to American businesses and their customers.

Miller and Company is receiving special recognition as a team that has significantly contributed in supporting the President's National Performance Review Principles. This emphasis on client services directly reflects the performance principles. Through the reinventing government process, Marshall Miller has participated as a member of the Partnership and Compliance Assessment Team which has identified, prioritized, and created action plans for removing barriers, enhancing maximum compliance, and reducing costs to the trade industry and the customs service.

Receiving the Hammer Award is a special recognition and honor which Miller and Company and its primary principal, Marshall Miller, have earned. Those that are fortunate enough to know Mr. Miller are aware of his energy and quest for efficiency. Mr. Speaker, I applaud my constituent, Marshall V. Miller, on receiving the Vice President's 1998 Hammer Award.

A TRIBUTE TO HELEN HILTON RAISER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. ESHOO. Mr. Speaker, I rise to honor Helen Hilton Raiser who is being honored by the Volunteer Center of San Mateo County, California at the Eleventh Annual Very Important Volunteer Dinner.

Helen Raiser is an active community volunteer who gives generously of her time and talents to a wide variety of organizations and causes. She has been a trailblazer in the handgun control movement so that we will have safer communities. She has worked extensively with young people, especially as an enthusiastic volunteer in Scouting. She has been a tenacious champion of accessible housing. She has been a leader in providing high quality retirement housing and care for

our community's seniors through the construction, development, and property management business she and her late husband John Raiser built during their 37 year marriage. She has been a dedicated board member of numerous non-profit organizations, and a talented chair of many fund-raising events. This year Helen Raiser chairs the Very Important Volunteer Dinner for the Volunteer Center of San Mateo County and has chosen ''The Love of Reading'' as the theme. She understands the critical role reading plays in people's lives, especially in the lives of children.

Since coming to the San Francisco Bay Area in 1960 from British Columbia, Helen Raiser has dedicated herself to bettering her community for everyone. Mr. Speaker, Helen Hilton Raiser is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being honored as the Volunteer Center of San Mateo County's Very Important Volunteer.

INTRODUCTION OF LEGISLATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. ARCHER. Mr. Speaker, Social Security represents the single most commitment to the elderly and the disabled that has been made by our society. It is a great testament to our nation's dedication to assuring a floor of security for workers and their dependents.

Yet, due in part to the aging of baby boomers, this vital program will be unable to fully honor its benefit commitments as of the year 2029. Forecasts of future Social Security insolvency, and suggested remedies, are being discussed more and more in the media and at kitchen tables all across the country. Americans want to learn more and share their views with their elected officials.

We need to take a long, hard, thorough look at Social Security, and the sooner we do so, the sooner we will be able to make decisions that will not be precipitous—but that can be developed in prudent and constructive ways. We must take advantage of a timely and rare opportunity, this era of budget surpluses, to find a solution which treats causes, not symptoms. We must be open to fully explore structural changes which may be critical to the long-term stability of the system, as well as to our economy.

We are obligated to protect Social Security and to stabilize it, not just for the near-term, but for the long run. This complex program, which affects the lives of so many Americans in unique and different ways, needs to be closely scrutinized by an independent panel of experts, like the one on which I served under Ronald Reagan in 1982.

Along with Mr. Kasich—Chairman of the Committee on Budget and Mr. Bunning—Chairman of the Ways and Means Subcommittee on Social Security, I am introducing legislation which includes the creation of a Bipartisan Panel to Design Long-Range Social Security Reform.

One thing for certain in our life is change. I used to think, growing up, that you ought to be able to have everything in one little niche and you could come back year after year and it would always be there. I have found that isn't the way life is. Social Security has evolved and adapted to change over the years since it was created in 1935. We need to take the time starting now, to carefully deliberate on proposed solutions. We must not leave any stone unturned. And no matter what we do, we have got to ensure that the solutions are inter-generationally fair. I urge my colleagues to join me as cosponsors of this legislation.

IN MEMORY OF JEAN KLETZKY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate the late Jewish community leader, Jean Kletzky. Jean Kletzky was known throughout the community as a woman who truly loved her community and made a lifelong commitment to community service. When she retired to Florida in 1979 from New Jersey, she became immediately active in supporting humanitarian causes in South Florida.

Jean Kletzky will be remembered as a listener, a teacher, and a person whose understanding of people and things is admired. Her companion of 18 years, Daniel D. Cantor, regarded her as an intelligent, alert, and strong woman who was responsible for helping fulfill his aspirations and dreams. Together they built the Daniel D. Cantor Senior Center in Sunrise, Florida. The center provides senior citizens more than 65 daily functions including a food service, an Alzheimer division, an elderly division, a wandering garden, support networks, and myriad cultural activities. The belief behind the center is that life begins at 65 and people who participate at the center realize that being elderly does not make them old. The Daniel D. Cantor Senior Center offers people a place that gives them life, happiness, and more hope than they would normally have outside the center.

Among her many philanthropic accomplishments, Jean Kletzky served as an administrative assistant to the director of the Retired Teacher's Union of Florida for ten years. She also shared her wonderful sense of style and interior decorating with her friends and family to help them create beautiful homes. And, she was responsible for successfully directing the fund-raising campaign for the construction of the Daniel D. Cantor Senior Center.

Jean Kletzky was a member of the National Women's League for Israel, Jewish Adoption and Foster Care Options (JAFCO), City of Hope, National Council of Jewish Women, Women's Division of the Jewish Federation of Broward County, and was an Endowed Lion through the Jewish Community Foundation of the Jewish Federation of Broward County.

The people of Broward County will sorely miss Jean Kletzky. Throughout her life those who knew her regarded her as a driven leader, a humanitarian, a friend, a wonderful bridge player, a mother, and a wife. Now, she is remembered as a heroine to the residents of South Florida.

OPPOSING H.R. 3310 IN ITS CURRENT FORM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. LOFGREN. Mr. Speaker, I understand that under House rules it is too late to withdraw as a cosponsor of H.R. 3310, the Small Business Paperwork Reduction Act Amendments of 1998, which is to be considered by the House tomorrow. However, new information has come to light about H.R. 3310, which compels me to declare that I can no longer support the legislation as it is drafted.

I share with many of my colleagues the desire to streamline unnecessary and onerous regulatory requirements. Small businesses should not be overburdened by government regulations in this highly competitive economy. It is with this goal that I signed onto H.R. 3310. Unfortunately, I have learned that this bill will have unintended consequences that go far beyond paperwork reduction.

H.R. 3310 throws out the wheat and the chaff. Besides addressing technical violations of reporting requirements, it also creates disincentives to report information vital to public health, workers safety, the environment, and to the smooth running of our economic markets. To cite just one example, this bill creates disincentives for businesses to file reports with the Food and Drug Administration about the adverse affects of new drugs and products.

I join the Administration, the U.S. Securities and Exchange Commission, the Occupational Safety and Health Administration, and numerous labor and environmental groups in opposing H.R. 3310 in its current form.

TROPICAL FOREST CONSERVATION ACT OF 1998

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests:

Mr. PORTMAN. Mr. Chairman, today the House passed H.R. 2870, the Tropical Forest Conservation Act of 1998. Building on President Bush's Enterprise for the Americas Initiative, this legislation will help protect globally outstanding tropical forests around the world in a fiscally responsible manner. This legislation is the result of a lot of hard work by many organizations and people. I would like to take a minute to thank them.

I have already talked about the committee leadership—in particular, Chairman GILMAN, Mr. HAMILTON and Mr. BEREUTER. I would also like to thank committee staff, particularly Mark Kirk, Elana Broitman, Maria Pica and Dan Parks.

The environmental community has spent many hours helping us to develop this legislation over the past two years and to generate

bipartisan support for the bill. Special thanks goes to the leadership and staff of Conservation International, The Nature Conservancy and the World Wildlife Fund, particularly Peter Seligmann, Russ Mittermeier, Ian Bowles, Glenn Prickett and Will Singleton from CI; John Sawhill, Tia Nelson, Randall Curtis and Bill Millan from TNC; and Kathryn Fuller, Jamie Resor and Estrelitta Fitzhugh from the World Wildlife Fund. Special thanks goes to the Ohio Chapter of The Nature Conservancy, especially Bud Talbott, Denise King and Jan van der Vort Portman, for their consistent efforts to build support for the bill.

I would also like to thank officials in the Treasury Department—particularly the Office of International Development, Debt and Environmental Policy, including Bill Schuerch and Ken Luden, and the Office of International Debt Policy, including Mary Chaves and Max Hudgins—for the help they gave us in making sure the final product reflected the best practices. Their experience with the Enterprise for the Americas Initiative gave us a practical context within which to work.

And finally, I would like to thank my Chief of Staff, John Bridgeland, who coordinated this entire effort, my legislative staff, Tim Miller and Seth Webb, Mr. Kasich's staff, Wayne Struble and Chris Kearney, Mark Synnes from the Legislative Counsel's office, and Susan Fletcher, Betsy Cody and Pat Wertman from the Congressional Research Service, for all of their hard work on this initiative.

I look forward to working with Senators LUGAR, BIDEN, CHAFFEE and LEAHY as this legislation proceeds through the Senate.

CARLSON COMPANIES A PRIVATE COMPANY WITH A PUBLIC CONSCIENCE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. VENTO. Mr. Speaker, on March 23, 4,500 individuals recognized the outstanding 60 year contribution of a leader in the Minnesota and American business community, who transformed the hospitality industry from a small local operation to a spectacular international enterprise. More importantly, this distinguished party will celebrate the contribution of an individual who has been a leader in his community and has created an example of community commitment that could well be followed by many American businesses. This special event will honor the anniversary of Carlson Companies and its founder Curt Carlson.

Some of my colleagues may well know the history of Carlson Companies and Curt Carlson. With a $55 loan, Curt began his business career by starting a trading stamp company, Gold Bond Stamps. While trading stamps, a merchandise enhancement product, had already been in use, it was Curt Carlson and his growing company that expanded their use to include grocery stores, gas stations and other independent merchants and made collecting trading stamps a household occupation.

From that base, Curt Carlson entered the hospitality industry with the acquisition of the Radisson Hotel—now a proud international name in quality hospitality around the globe. Curt Carlson diversified his corporation and expanded into other areas such as creative restaurants with entertainment themes. Now, after over 60 years in the business, Carlson Companies currently comprise over 100 corporations world wide and the company's brands employ 147,000 people in more than 140 countries. In 1997, Carlson Company's brands generated $20 billion in revenue system wide.

The success of Carlson Companies as measured by its size, the number of employees, or profit is impressive. However, a true measure of Curt Carlson and Carlson Companies should also be their commitment to the local community. This commitment is reflected in the motto of Carlson Companies—''Private Companies with a Public Conscience.'' It was Curt Carlson and other Minnesota business leaders who established the Minnesota Keystone Club, pledging to give five percent of their earnings to non-profits. These efforts have greatly added to the quality of life and caring in their communities and throughout Minnesota. This commitment has become the nationwide standard.

While Carlson Companies have been active throughout our community. Curt Carlson has been a strong supporter and advocate for public higher education. The University of Minnesota, through the help of Curt Carlson has established the Hubert H. Humphrey Institute of Public Affairs. This renown center of political science, identified with Minnesota's beloved Senator and a personal friend of Curt, features the ''Carlson Lecture Series'' which brings influential national and international leaders to the University to speak to the students and the general public. In addition, personal gifts from Curt Carlson has allowed the University of Minnesota to embark on ''The Minnesota Campaign'' with the goal of making the University of Minnesota as one of the top 5 public universities in the nation and to build a new, modern Carlson School of Management facility.

Mr. Speaker, in this time of faceless conglomerates and merger mania among corporate giants, it is a pleasure to recognize the contributions of Carlson Companies. The 60 year record of success is an appropriate tribute to Carlson Companies leader, Curt Carlson. Curt Carlson has shaped the culture and business practices of our great state of Minnesota. His commitment has made a real difference for today and certainly for the future of Minnesota and our nation. Curt Carlson's leadership and commitment to his community provides an example to emulate.

TRIBUTE TO BILL SCOTT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HAYWORTH. Mr. Speaker, I rise to pay tribute to Mr. Bill Scott, an outstanding leader in the agricultural community in Arizona and President of the Family Farm Alliance, a grassroots organization serving irrigated agriculture throughout the West. After serving the Alliance diligently and responsibly for the past eight years, Mr. Scott is stepping down from the presidency. I want to take this occasion to honor him for his long service to his fellow farmers and ranchers.

Bill has been involved with agriculture his entire life. He farms in the Maricopa Stanfield area of Arizona and is in partnership with his two sons, Colin and Craig, under the name of Marathon Farming Company, which includes El Dorado Ranches CJ & L Farms and MFC Farms. These farms encompass approximately 6,000 acres of planted cotton, wheat, and alfalfa.

Under Bill's leadership, the Family Farm Alliance was founded eight years ago by farmers from California and Arizona who needed a coordinated way to meet directly with legislators and their staff in Washington, D.C. on federal water policy issues. At its inception, the Alliance was a handful of individuals representing only two western states with a determined purpose. Bill has been an instrumental part of the Alliance's growth from a small group to the large and well respected organization that it is today. The Alliance now has members representing 13 western states.

In addition to serving as the President of the Alliance, Bill also is the Director of the Maricopa Flood Control District. In the past he has served as the head of the Maricopa Stanfield Irrigation District, Cotton Incorporated, the Board of Arizona Cotton Growers Association, and many other organizations.

Mr. Speaker, it is my great pleasure to pay tribute to Mr. Bill Scott. His service to the Family Farm Alliance, the State of Arizona and western agriculture is greatly appreciated. I wish him all the best.

HONORING FILIPINA S. MACAHILIG

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. FARR of California. Mr. Speaker, I rise to note the passing of a woman whose loving care for her family and community spanned half the world, for over half a century.

Filipina S. Macahilig began life in Manila, graduating from the University of the Philippines before working as a nurse through World War II. The children at the schools on Panay Island were comforted by her tender and competent care.

At war's end, Ms. Macahilig moved to the United States, first to San Francisco and then to the Monterey Peninsula, where she continued to care for the ill and infirm. She and her beloved husband Edel raised her large family: four sons, Rene, Felicisimo, Requiro and Edilberto, and four daughters, Alice, Bernadette, Suzanne and Teresita, all of whom graduated with highest honors and became outstanding members of their communities. Her warmth extended outwards into the community through her service as a longtime member and officer of the Filipino Community Organization of the Monterey Peninsula. She replenished her spirit at the Carmel Mission Basilica where she was a faithful parishioner. She cared for her fourteen grandchildren and five great-grandchildren with her own special kind of gentle compassion, providing a model of humanity that they will carry with them always.

Her death at the age of 87 was a loss, but her generous spirit will continue to warm and nurture the community through the memories she has left with us.

FAMILY FARM SAFETY NET ACT OF 1998

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. GEPHARDT. Mr. Speaker, today my colleagues LEONARD BOSWELL, EVA CLAYTON, JIM CLYBURN, LANE EVANS, DAVID MINGE, COLLIN PETERSON, EARL POMEROY, GLENN POSHARD, DEBBIE STABENOW and I are introducing legislation to restore the farm safety net shredded by the Republicans in the 1996 Farm Bill. House Republicans want to end the farmer safety net. Democrats want to mend it.

Over the past two years, America's farmers have watched large harvests and the Asian crisis push down grain prices as much as 40 percent. University of Missouri economists tell us that, as prices continue to fall, real net farm income could fall more than 8 percent this year. Producers are concerned. First, that the existing safety net is inadequate. Second, that even these protections, inadequate as they are, are scheduled to be phased out in a few short years.

This bill restores a sensible safety net by giving farmers a better chance to market their grain for a fair price. This bill utilizes a market-oriented tool farmers know well: the marketing loan. Marketing loans have generally provided a safety net ensuring producers 85 percent of a commodity's 5-year average price. The 1996 bill slashed the safety net by cutting these rates sharply. Our bill will establish loan rates equal to 85 percent of historic price levels—providing more income stability. Our bill boosts loan rates. Corn and soybeans up $.30 per bushel. Wheat up $.59 per bushel. Cotton up $.04 per pound.

We must take other steps to repair the safety net as well. We need an emergency price floor for dairy farmers in all regions of the country. We also need Congresswoman CLAYTON's bill to ensure hard-working farmers access to Federal credit cut off by the Republicans.

We must also extend the ethanol program. Tomorrow the Ways and Means Committee will act on the highway bill. We call upon the Republican Chairman to extend the ethanol program. Ethanol provides us clean energy—and strengthens American agriculture. The ethanol program strengthens corn prices, boosting the annual income of a typical Missouri grain farm by $15,000 to $30,000.

Last year, key Republicans opposed the ethanol program, and Congress failed to renew the program. This halted construction of a dozen ethanol plants—$700 million in investment—in rural America, costing our rural communities good-paying jobs.

Congress can do better. So we are renewing our call to the Republicans: Stop the attack on America's farmers. Let's restore the ethanol credit. Let's stand together for opportunity for Rural America.

TRIBUTE TO TOM SZELENYI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to my dear friend and advisor Tom Szelenyi of Millbrae, California. This week he marks his 70th birthday, and his seven decades provide lessons from which all of us can learn—worthy examples about perseverance and overcoming obstacles to create a life distinguished by a commitment to his family and his community.

Mr. Speaker, Tom Szelenyi's long and unpredictable journey began on March 28, 1928, in Budapest, Hungary. The only child of a middle-class Jewish family, his early years were happy ones, marked by close friends and loving parents. His father was a traveling salesman who was away from home for a portion of every week. During this time Tom remained with his mother and freely engaged in typical childhood pranks without fear of punishment—until his father's return at the weekend.

The happy circumstances of Tom's early life were abruptly shattered on March 19, 1944, when the German Army seized control of Hungary. The occupation had swift and bloody consequences for the Hungarian Jewish population. Tom, only sixteen years old at the time, suffered mightily. Shortly after the German occupation, Nazi storm troopers arrested Tom's father and sent him to a forced labor camp. He never returned. He was murdered by a young German soldier for not working fast enough.

Tom and his mother found temporary refuge in one of the ''safe houses'' that Swedish diplomat and humanitarian Raoul Wallenberg designated as ''Swedish Legation Property'' throughout Budapest. Wallenberg's remarkable courage saved the lives of as many as 100,000 Hungarian Jews—including myself and my wife, Annette, as well as Tom Szelenyi and his mother. Through Wallenberg's efforts, Tom Szelenyi survived through the summer months, the time when the bulk of the Hungarian Jewish population was deported to Auschwitz and other Nazi death camps.

Tom's sanctuary was short-lived, however. He was captured by the Germans in the fall of 1944 and, with a group of Hungarian Jewish men, was forced to undertake a ''death march'' of exhaustion and starvation from Budapest to the Austrian border. From there, Tom was shipped to the concentration camp at Buchenwald, Germany, where he arrived in November 1944.

Tom endured seven months at Buchenwald—seven months of hunger, agonizing work details, and the ubiquitous fear of death. At the end of the war, with the American Army driving closer and closer to the center of the Third Reich, he and other surviving inmates were forced to march from Buchenwald to the concentration camp at Theresienstadt in Czechoslovakia. Most of Tom's fellow prisoners succumbed during this last Nazi torment, victims of starvation, exhaustion, and cold-blooded murder. Throughout this agonizing trial, as with his many previous struggles, Tom endured, driven by the hope that he would live to create a better life for himself and his family.

The German war machine collapsed in May 1945, and Tom Szelenyi was liberated from Theresienstadt that same month. Still only a seventeen year-old boy, he then proceeded to make his way back across the war-ravaged continent to his home in Budapest. There he joyfully discovered that his mother had survived the war and had remarried.

At this time, it became evident to Tom that he had no future in Hungary. He realized that the time had come to fulfill his lifelong dream of living in the United States. Tom initially spent time in Germany and Canada, but he finally arrived in New York City in 1952—penniless, but emboldened by a hunger to build a new life in America.

His early years in this country were not easy. The young, but strong-willed Tom Szelenyi worked at a number of different jobs—loading bales of hay onto ships, loading motion picture film cans onto trucks, and then working his way up to become a movie distributor for Warner Brothers.

In late 1956, Tom received a telephone call from the Red Cross informing him that his mother had escaped from Budapest in the wake of the Hungarian uprising and that she was on her way to New York City. When she arrived, he immediately decided to take her to live in California. He had been impressed by the mild climate—he visited the state once in January and did not need to wear an overcoat. He was also attracted by the great opportunities available on the West Coast.

In California, through hard work, Tom found great success in the air freight business. He recently retired after thirty successful years in that field. He has also applied his accumulated wisdom to making a difference in his adopted homeland, and he has advised and assisted me on some of the most important decisions that I have faced in my career in public service. For some time, Tom has been my representative to the San Mateo County Democratic Central Committee, and he has served as liaison with the small business community in my district.

As successful as his business career had been and as important as his contributions to the community have been, Tom Szelenyi's proudest accomplishment is his family. In early 1957, three months after moving to the Bay Area, he met Evelyn Feiler, a charming and brilliant woman, and they were married soon after. Tom and Evelyn have enjoyed forty wonderful years together. They are the parents of two fine sons, Mark and Bob. They also have two delightful grandsons, and Tom never misses their soccer and T-ball games.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Tom Szelenyi for the integrity and example of his life and for his service to our community as he celebrates his 70th birthday. I am proud to know Tom and to have him as my friend.

SCHOOL OVERCROWDING FORUM: PROBLEMS & SOLUTIONS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. SANCHEZ. Mr. Speaker, I submit the following testimony for today's CONGRESSIONAL RECORD.

STATEMENT OF CARMEN CRUZ, 6TH GRADER, LOARA ELEMENTARY SCHOOL, ANAHEIM CITY SCHOOL DISTRICT

Hello, my name is Carmen Cruz and school overcrowding is a problem at Loara School. That's why we have year-round school here. In my class, we move, which means we move around from room to room each month. Roving is no fun, yet it is useful because it fits in more kids at school. Some of my friends

in my room went to different schools last year but because their schools were crowded they had to come to Loara. They used to walk to their school but now they have to ride a bus to Loara. I would be really sad if I had to change schools because I would miss my friends. Before we had portables we had a bigger upper grade playground. That's one of the reasons why I don't like school overcrowding. Two other reasons are that the portables are small and there is no water inside.

At Loara there were too many students so we hired more teachers. We also had to let cars drive on the playground because there was no room for all the cars that brought kids to school. Now they're making a bigger parking lot and that means a smaller playground. It's good for the teachers and parents but not for the kids. We need funds to build more schools and they have to be close to where the kids live. One issue they're talking about in Anaheim is double sessions but that doesn't help my learning and other children's learning. My Motto about overcrowding is ''More Schools Means More Space.''

STATEMENT OF SUE PREUS, PARENT, ANAHEIM CITY SCHOOL DISTRICT

My name is Susan Preus. I am a mom. I very actively participate in Anaheim City School District and PTA roles. For the District, I've served, or am serving, on the year round, curriculum selection, and double session committees. I recently received a second appointment to the School Board. I have held most school site PTA offices and currently am the president of the Anaheim Elementary School Council PTA. Overriding all this school involvement is my previous statement that I am a mom, first.

I have a son in ninth grade in the Anaheim High School District. His primary education was provided in Anaheim's elementary schools. My niece, for whom I provide care, is in second grade in the Anaheim Elementary District. School overcrowding has affected me and my family since my son was in first grade. I became very active in the District nine years ago as a participant in the first committee on year-round schools. My son attended one of the first six schools to change to a multi-track year-round schedule. Over the years, the District has placed more schools on this year-round calendar to the extent that all 22 schools are now on this schedule.

Although I personally like year-round for educational reasons, it does create some problems for families. One of the largest problems is that the high school district is on a traditional calendar. This means that if you have a junior high or high school student and an elementary student your children may not have any vacation time together. Child care can be difficult especially for single parent or dual-working parent households. Parents may be able to rely on high school students for child care in the summer, of course at the expense of the older child's ''vacation.'' Such a resource is unavailable for the younger child's off track period during the traditional school year.

The community has responded slowly to the needs of children having vacation throughout the year. Children still get questioned, ''Why aren't you in school?'' if they are out and about during what is traditionally school time. When a child responds, ''I'm off track'', the questioner seldom understands what that means.

The typical summer program for children, such as scout, church, and sports camps, summer movie specials, city park and recreation activities, and even some library programs, have not accommodated the year-round students. For example, a child on Track B, with no ''summer'' month of vacation, cannot participate in any camp. ''Summer'' reading programs are active only from June through August.

It is a constant struggle to maintain a sense of community within our own schools. Keeping everyone informed of events and activities is difficult since 25% of the school population is unavailable at any given time. The year round schedule essentially created four distinct school communities. In order to fairly reach all pupils, site staff and PTA must duplicate all programs: Open House, child services (dental and health check-ups), special assemblies, award ceremonies, PTA fund-raisers, etc. It is also difficult to reach everyone for the evening enhancement activities as Family Math night or parenting classes.

PTA Boards no longer have a break from their jobs. They must try to enlist volunteers from each track so that all four school communities are represented and to ensure continuity of programs throughout the year.

The year round calendar has enabled the District to house and educate 7,000 more students than its originally designed capacity. Projections are that pupil enrollment will increase by 1,000 per year for the next five years. Unless we obtain additional facilities we are rapidly approaching another major, more distressing, change to the school schedule—double sessions.

All the extracurricular programs that are already inadequate on a year round schedule are compounded with double sessions. Do we have soccer practice in the mornings? Will the piano teacher hold lessons at 8 p.m.? Will day care watch some children all morning? And will there be enough day care to accommodate the need? These are important concerns for people with moderate standards of living. The situation is worse for those who are not financially secure. How do we implement the breakfast program? Who watches the child when the adults are at work and the family can't afford a baby sitter? What happens to a neighborhood when half the children are ''hanging out'' all morning? What happens to the sense of community? The District would be burdened with a nightmarish bus schedule, complicated classroom and associated facility usage plans, and most likely an inadequate facilities maintenance program.

Most importantly, child safety is jeopardized by a double session schedule. Imagine a first grade student walking home in the dark during a peak street traffic period. There are many horrifying situations a child could get into, and I feel the cost of a worst case scenario would be too great.

This is why I have become active in ways I never thought possible. I would never have imagined nine years ago when I became involved in my local PTA that I would now be sitting here, testifying before Congress. However, now is the time for all voices of reason to be heard. Our individual and collective mistake would be to quietly accept double sessions rather than actively support measures such as HR2695 and Governor Wilson's state bond measure. In Anaheim, we know that we must also take action locally and not rely solely on state and federal funds. That is why we are working to pass a local school bond on April 14. The costs to taxpayers for these measures is small compared to the benefits gained by all of our children.

TESTIMONY OF MARY ALICE MADDEN, TEACHER, LATHROP INTERMEDIATE SCHOOL, SANTA ANA UNIFIED SCHOOL DISTRICT

INTRODUCTION

It is indeed a privilege and an honor to appear before you today, and I thank you for the opportunity to do so. I have taught for 27 years, the last 17 at Lathrop Intermediate School in Santa Ana, California. During that time I have seen many changes in our schools, not the least of which has been the continual growth in our enrollment, both at my school site and throughout our District.

RAMIFICATIONS OF ENROLLMENT GROWTH

Overcrowding has many obvious ramifications on the daily operation of a school. It also has other effects which may not be as obvious at first glance. I teach at an intermediate school serving more than 2100 students in grades six, seven, and eight. Our campus is seven and a half acres in size. This is well under the recommended size for an intermediate school (which is 20 acres) and well over the ideal enrollment. We are in our sixth year on a 60–20 four-track year-round schedule. This means that we normally have 1500 to 1600 students in session at any one time.

Increased enrollment has meant that we have added 7 portable classrooms to our campus. All students and teachers have classrooms in which to meet and we have many excellent programs in place. Year-round education has many advantages, and I am not implying that it is not a sound educational strategy. As we have grown, additional teachers have been added along with an additional counselor and administrator. We have also been awarded grants to provide additional supplies and staff development opportunities.

However, continual growth from an enrollment of 1300 to our current 2100 over the last 8 years has brought some less than ideal situations. Some of the conditions resulting from our crowding include the following:

(1) Teachers traveling from classroom to classroom each period. This is a burden for those teachers as they, in some cases, move equipment and materials five times a day. Other teachers change classrooms on a monthly basis, as staff and students leave for vacation or return from vacation.

(2) We lack the ability to offer intersession classes during student vacation time because we lack classrooms in which to offer these extended year programs.

(3) We have tried to maintain class size as low as possible, but some classes are larger than we would prefer. This limits the contact time between the teacher and each student during the school day.

(4) Our library is heavily used, but we cannot always accommodate all teachers who wish to use the facility with their classes.

(5) We have an excellent computer program, with three complete labs and additional computers in the library, and we offer access before and after school, but not all classes are able to use the labs as often as they would like because of sheer numbers of students. The computers certainly do not replace the teacher, but they provide opportunities to extend lessons. Most of our students come from homes in which there is no computer access.

(6) Increased pressure on physical education facilities, as bungalows have been added, thus encroaching on available play areas.

(7) More crowded teacher work areas, as we now have 90 teachers where we once had 60.

(8) Increased pressure on the use of facilities such as rest rooms for students and staff.

(9) Increased pressure on the use of food service facilities.

(10) More crowded storage areas, as we now have more books and supplies and need more areas to store these items.

We have many excellent programs for our students before, during, and after the school day. As a school and a District I feel we have

responded creatively and effectively to the challenges which have arisen as a result of continual growth. However, if we are talking about providing the best possible educational environment for our students, we are certainly talking about additional school construction and reduction in school enrollment so all students may have maximum access to all facilities and resources.

I thank you for your interest in, and support of, our educational programs, and I thank you for the opportunity to share some of our concerns.

TESTIMONY OF JUDITH MAGSAYSAY, PRINCIPAL, PÍO PICO ELEMENTARY SCHOOL, SANTA ANA, CA

It is a privilege to meet with you this morning and to have this opportunity to share with you some of the challenging issues confronting just one of many overcrowded schools in Southern California. I am Judith Magsaysay, principal of Pío Pico Elementary School in the Santa Ana Unified School District.

Pio Pico is a year-round school located in central Santa Ana. The neighborhood surrounding the school is home to some 26,000 young people under the age of eighteen, making it the second densest neighborhood in the United States, in terms of youth population. There are six elementary schools, two intermediate schools and one high school all within walking distance of the Boys and Girls Club across the street from Pío Pico. Pío Pico has just under 900 students and backs up to the Lowell Elementary campus which services about 1,000 students. We are just three blocks north of Martin Elementary which also has about 1,000 students.

Due to overcrowding, we have had a ''nomadic'' history. Pío Pico opened in portables in July, 1991 on the Martin Elementary playground. At the time, Martin had 1,630 students and our new school was not scheduled to be constructed before 1994. Due to the need to better serve students in this crowded neighborhood, our Board of Education decided to open Pío Pico as a ''school within a school.'' The following July, we moved into a portable school on the lot of out future school site. A year later, in 1993, to help downsize Lowell Elementary, which had swelled to over 1,300 students, we ''annexed'' another five portables on the Lowell campus which is adjacent to our lot. Finally, in December of 1995, we moved into our new building with 600 students.

Actually, all year-around schools have nomadic teachers. Usually, four teachers share three classrooms over the course of the school year. When one of the four goes off-cycle (on vacation), she must pack up all of her personal belongings and those of her students and store them. Where space permits, schools provide closets or cabinets on rollers. At Pío Pico and at other extremely cramped campuses this moving is exacerbated by the fact that we have so little storage space for books and materials for the on-cycle teachers and students, let alone enough storage for the off-cycle teachers' materials. Many of our teachers end up taking carloads and carloads of their things home each trimester.

This requires a lot of time and physical energy on the part of the teaching an custodial staff. Teachers going off-cycle are given a one-hour early dismissal on the last day of the trimester. Those teaches who are returning receive a ''duty day'' for unpacking and setting up their classrooms. Most teachers spend many additional evening and weekend hours to adequately prepare their classroom environment for students.

Pío Pico sits on a 3.5 acre lot. The California Department of Education recommends that elementary schools be built on lots of approximately ten acres. Our lot is less then half of this optimum size . . . and that's not taking into consideration the addition of portables! The building was designed to serve a maximum of 630 students in 21 classrooms. With the four cycle year-round schedule, we were able to serve a maximum of 850 students in the 1995–96 school year.

Then along came class size reduction. We all agree that this is a good thing for kids. But in already overcrowded schools, it has been a space nightmare. There was very limited space to begin with, for children to run and play. To assist with downsizing in first grade, the District moved three portables into out already undersize playground. While awaiting the arrival and hook-up of the portables, we set up three classes of first graders in our Multipurpose Room for six months. During that time our school had no indoor gathering place for the music program, for assemblies and presentations, for after school dance clubs. etc. We held parent meetings in the library where we couldn't seat even half of the parents in attendance.

During the 1996–97 school year, a committee of teachers and parents conducted a study of alternative year-round calendars to create additional space for class size reduction in third grade. They spoke with a number of Los Angeles Unified School District staff members and parents who were on Concept 6 and realized that we could downsize in third without adding any extra portables if we switched to this year-round model. In July, 1997, the SAUSD allowed Pío Pico to begin a pilot implementation of the Concept 6 calender.

Concept 6 consists of three, instead of four cycles; that is, two cycles are in session and one cycle is on vacation. Each cycle has four months in school followed by two months of vacation. With Concept 6 we have two-thirds of our students in session as compared to the four cycle year-round schedule which has three/fourths of all students in session at the same time. This has created 3 additional classroom spaces during the school year, enough for us to downsize most of our third grades to 20:1.

On Concept 6, three teachers share two classrooms. Most of the time teachers share classrooms with the same grade level or close to it. This year, even with Concept 6, we ran out of class space and were forced to open a third/fourth grade class in October which has to rotate between a kindergarten and a fifty grade classroom. We have moved forward with a request for five additional portables to assist with what appears to be inevitable . . . more children . . . more downsizing . . . and not enough classroom, storage and meeting space.

We are currently in the process of evaluating the academic and space benefits of Concept 6 so that we can make sound recommendations to the other schools in the District that are considering Concept 6.

The biggest concern with Concept 6 is the length of vacation. While our students receive the same number of instructional minutes each year due to additional minutes each school day, they have about 13 fewer school days than the four cycle year round schools. We do offer some intersessions across the street at the Boys and Girls Club, but not enough to service more than half of the 300 off-cycle students due to space and financial constraints.

We are fortunate to have a Title VII project at Pío Pico which helps to pay the cost of compensating teachers for conducting intersession classes with their students. Most schools do not have enough money to do this and the summer school dollars are not allocated for our year-round schools.

OTHER PRESSING ISSUES

Due to lack of space, our school cannot accommodate a Head Start Program or Day Care for off-cycle children. Those families most in need of pre-school and intersession interventions are most often in our most crowded neighborhoods. The few Head Start Programs that we have in Santa Ana are filled to capacity, with waiting lists. We are hopeful that outside organizations, such as churches and in our case, the Boys and Girls Club across the street will receive requested funds to allow Head Start to use available facilities or to place portables on their sites for pre-school and off-cycle child care purposes.

A Joint-Use Facility Agreement is currently in the works between the SAUSD and the City of Santa Ana Parks and Recreation Department. We have fewer than half the number of parks and recreational facilities in our city compared to other cities our size. Santa Ana has approximately 330,000 residents. We have 40 parks and eight community centers. Oakland, with 380,000 residents has 100 parks and 24 community centers. Minneapolis has 360,000 residents and 100 parks and 70 community centers. Through joint-use agreements, Santa Ana schools will be more fully utilized for both recreational and educational purposes after school hours.

I am hopeful that today's hearing will help clarify some of the issues and possible solutions to overcrowding. We must find creative solutions by engaging the larger community, as well as our State and Federal governments in issues impacting the education and well-being of our children, our future.

TESTIMONY OF MIKE VAIL, PRESIDENT, CAL-FED INFRASTRUCTURE COALITION

INTRODUCTION

Good morning. My name is Mike Vail. I am the President of the Cal-Fed Infrastructure Coalition, a statewide organization of school districts and business interests which was established to support Federal school facilities funding efforts. I also serve as Senior Director of Facilities Planning and Governmental Relations for the Santa Ana Unified School District, one of the fastest growing school districts in California.

School districts throughout the nation, including those in Orange County, are facing a facilities crisis. A combination of factors, including record student enrollment growth, deteriorating buildings and lack of funding for educational technology, has fueled this crisis. And it threatens our ability to prepare today's students for the workplace of the twenty-first century.

ENROLLMENT TRENDS

Between 1986 and 1997, national K–12 public school enrollment increased by 14 percent, to a record total of 45.2 million students. According to the National Center for Education Statistics, this number will reach 48.3 million by the year 2007. The 3.1 million projected new students will create a need for over 6,000 more schools across the nation.

The impact of this projected enrollment growth will likely be greatest for urban school districts such as those in Santa Ana and Anaheim, since urban districts already have the most overcrowded schools. According to the Council of Great City Schools, the average number of students per school in the U.S. was approximately 511 in 1993–94. But this same average for the districts which serve the greatest number of Title I students was 713, 40 percent above the national average.

The national enrollment growth trend has been mirrored in Orange County. More students keep coming to our community's schools. In 1986, countywide K–12 enrollment was 337,000. In 1990, it had reached 368,226. By 1996, it had grown to an all-time high of 434,420 students, a 22 percent increase over a

ten year period. This enrollment growth has resulted in a corresponding need for new classrooms. Approximately $203 million in new construction applications from orange County school districts are currently on file at the Office of Public School Construction in Sacramento. This figure does not represent the total need, since the State's eligibility rules and the lack of funding discourages many districts from submitting applications.

Santa Ana Unified, the County's largest school district, has experienced long-term student increases which began in 1979. Over the last 18 years, the district's enrollment has almost doubled, growing from 28,700 to nearly 54,000. For the last five years, the largest single grade level in Santa Ana has been kindergarten. As a result, it has been especially challenging for the district to implement Governor Wilson's Class Size Reduction program in grades K through 3.

RESPONSES TO OVERCROWDING

In the past, most California school districts have depended on State monies to meet construction financing needs. Funding for the State School Building Program is derived from the proceeds of statewide school construction bond measures. However, this funding source is very undependable because the State Legislature sometimes fails to place a bond measure on a statewide ballot and the voters of California sometimes reject these measures. Since 1993, only one statewide school construction bond measure has been approved by the voters. The State currently has no funds available to pay for new projects.

Local school districts in California have the ability to present bond measures to the voters within their community. However, such measures require a two-thirds ''yes'' vote, making approval extremely difficult to obtain. California is one of only four states which has a two-thirds vote requirement for local school construction bond measures. Districts can issue Certificates of Participation (COPs), a lease-related financing, without voter approval. The debt payment of COPs issues is an obligation of the district General Fund. Since per student education funding in California is among the lowest in the U.S., most districts are hard-pressed to support substantial COPs debt.

Because of the lack of construction funding, California districts have turned to other methods to meet the need for more classrooms, including use of multi-track year-round schedules and the installation of portable classrooms on existing school sites. In Santa Ana Unified, 23 of 32 elementary schools and four of seven intermediate schools utilize year-round schedules. The district is currently using over 600 portable classrooms on existing campuses—the equivalent of 27 elementary schools. Over 35 percent of Santa Ana Unified's classroom capacity is provided by portable classrooms. The presence of these portables impact a school's core facilities, such as restrooms and food service areas. They encroach on our small playfields, and are more expensive to maintain than permanent classrooms.

Despite these measures, Santa Ana Unified needs to build at least one new high school and three new elementary schools. These projects would not provide enough classrooms to implement the State's Class Size Reduction (CSR) program at additional grade levels, nor would they relieve the need for portable classrooms or year-round schedules. These projects would simply allow the District to ''keep its head above water.'' In order to fully implement the State's Class Size Reduction program in grades K–3, the District would need to add approximately 200 additional classrooms—the equivalent of nine new elementary schools. If CSR was implemented in grades K–6, 500 more classrooms would be required.

CONDITION OF FACILITIES/LACK OF TECHNOLOGY

At a time when student enrollments are reaching all-time levels, existing facilities are in need of major modernization efforts. In 1995, the U.S. General Accounting Office (GAO) issued a number of national reports detailing the condition of America's public schools. The GAO found that one-third of public schools, attended by approximately 14 million students, needed ''extensive repair or replacement of one or more buildings.'' Almost 60 percent of the nation's public schools reported at least one major building feature in disrepair. Those features included roofs, exterior walls, windows, plumbing, heating/ventilation/air conditioning, electrical power and lighting. Three-quarters of these buildings needed multiple features repaired. About half of all public schools reported at least one unsatisfactory environmental condition. Those included poor ventilation, heating/lighting problems, or poor security.

According to the GAO, fewer than half of America's public schools have sufficient technology infrastructure, including modems, phone lines and wiring for networks. Even in schools with enough computers, over one-third reported insufficient wiring for computers and communication technology. Accordingly to the CEO Forum on Education & Technology, two-thirds of America's schools are connected to the Internet, but only 14 percent of classrooms have Internet access. The business leaders also found that only three percent of public schools are using technology to maximum benefit.

Santa Ana Unified's backlog of major modernization and maintenance projects totals over $45 million. Twenty-one of 45 schools are over 30 years old. Fifteen of these schools are in need of major renovation. Currently, 5,953 computers are being used by the district's 54,000 students. Approximately 2,900 of these computers are obsolete and unable to connect to the Internet. Most district classrooms have been wired to have the capability of linking with the Internet. However, our shortage of computers (the ratio is one computer for every 17 students) limits actual Internet usage by students.

The condition of existing classrooms is important because research shows that facilities affect learning. A study performed in Washington, D.C., schools revealed that the standardized test scores of students in schools rated in ''fair'' condition were 5.45 percentage points higher than those of students in schools rated as ''poor.'' The difference in schools between ''excellent'' and ''poor'' was 10.9 percentage points, which is significant. Research in Virginia of building condition and students' achievement and behavior demonstrated a five to seven percent difference in percentile ranking of students in higher-quality buildings. A similar study conducted on a statewide basis in North Dakota showed four to 11 points difference in scores when comparing building condition and student achievement.

CONCLUSION

California is trying to do something about our overwhelming school facilities problem. Governor Wilson has proposed placing $8 billion in state bonds for school construction on the ballot over four elections. The Governor has also proposed a permanent funding source for the K–12 maintenance program. To assist local communities, Mr. Wilson supports reducing the threshold for passage of local school bonds to a simply majority. All of these measures would be extremely helpful to school districts.

We recognize that school construction is primarily a state and local responsibility. But our coalition feels that California's rising student enrollments and overcrowded conditions are creating pressures that must be addressed by all levels of government. Governor Wilson's program is a major step forward. However, it does not totally resolve the school facilities crisis.

The need is greater than the resources which are currently available. The Federal government should join in a partnership by assisting state and local governments in meeting the school facilities crisis in California and all other states. There is a national interest in strong local educational systems with school facilities properly equipped to motivate our children. This is how they will learn the skills necessary to succeed in a technological and competitive marketplace. The school infrastructure issue is just as critical a national need as the long-standing Federal commitment to assist state and local communities in the building of our roads and highways.

Thank you, Congressmember Sanchez, for your efforts to make your colleagues in Congress aware of this crisis. The legislation that you have introduced will provide Federal financial incentives for local districts to build the schools needed for the students of today and tomorrow. The Cal-Fed Infrastructure Coalition supports this legislation.

We ask you and your colleagues in Congress to work with President Clinton on a bipartisan basis to devise a program which will allow the Federal government to give our states and local communities incentives to build the schools our children need.

Thank you for this opportunity to speak with you about these important issues. I look forward to answering any questions that you might have.

THE STATUS OF SCHOOL FACILITIES IN CALIFORNIA

Presented by Sue Pendleton, California Department of Education

SCHOOL FACILITY NEEDS IN CALIFORNIA

Increased student population.

Modernization and retrofitting of old school facilities.

Deferred maintenance.

Class size reduction.

Child care.

PAST GROWTH IN STUDENT POPULATION

In the past 10 years, California has built enough schools to house over 1.2 million new students (a 28% increase in enrollment).

To do this, California school facilities increased to house the entire student populations of the states of Idaho, Montana, Utah, Wyoming and Nevada.

SCHOOL FACILITIES NEEDS DUE TO INCREASED STUDENT POPULATION

In the next 10 years, the Department of Finance predicts California's K–12 population will grow by another 604,000 students to a total of nearly 6.2 million students by the year 2006.

To accommodate this 11% increase, California will need to build almost as many schools as currently exist in all of Oregon and Colorado.

It is estimated that $8 billion will be necessary to meet this need.

SCHOOL FACILITIES NEEDS

Even without enrollment growth, California has school facilities needs.

School facilities needs: Modernization and technology

It is estimated that over 50% of existing schools are over 30 years old and many are badly in need of repair. Additionally, schools

built in the 1950s, 1960s and 1970s are not capable of meeting the technology needs of the 21st century.

To modernize, repair and retrofit existing school facilities will cost an estimated $22 billion over the next 10 years.

Other school facilities needs

Deferred maintenance—estimated to cost $6 billion in the next 10 years.

Class size reduction—cost depends on the number of grades implemented—permanent construction for four grade levels is estimated to cost $2.5 billion, not including land.

Child care—estimated to cost $500,000,000 in the next decade.

California's School Facilities: 10-Year Need Recap

	Billions
Increased student population	$8
(Does not include existing backlog)	
Modernization of old school facilities	22
Deferred maintenance	6
Class size reduction	2.5
Child care	5
Total need	$39

HOW TO MEET CALIFORNIA'S SCHOOL FACILITIES NEEDS

Historically, school facilities have been funded via a menu of funding options.

How to Meet the Need

State bonds—Amount raised in the past 10 years: $9.8 billion; Percentage of total funding: 46%; Must be placed on the ballot by the Legislature and passed by the voters.

Local bonds (except for 1978–1986 when Proposition 13 eliminated local bonds as a funding source)—Amount raised in the past 10 years: $5.9 billion; Percentage of total funding: 28%; Only half of the attempted elections pass.

Special taxes—Parcel taxes and Mello-Roos Community Facilities Districts (first authorized in 1983)—Amount raised in the past 10 years: $800 million ($.8 billion); Percentage of total funding: 4%; For registered voter approval, passage rate of less than 50%.

Developer fees—Amount raised in the past 10 years; $2.5 billion; Percentage of total funding: 12%; Limited to providing facilities for new development.

Deferred maintenance—Amount raised in the past 10 years: $1 billion; Percentage of total funding: 4%; Funding based on amount of excess bond repayments.

Multitrack year-round education to reduce the need for new construction—Construction cost avoided in the past 10 years: $1.2 billion; Percentage of total funding: 6%.

Other funding sources

Redevelopment.

Asset management.

Parcel tax.

Certificates of Participation repaid by school district general fund.

Federal Government.

California's School Facilities: Historical 10-Year Funding Recap

	Billions
State bonds	$9.8
Local bonds	5.9
Mello-Roos (special taxes)	0.8
Developer fees	2.5
Deferred maintenance	1.0
MTYRE (cost avoided)	1.2
Total funding	$21.2

WHO IS RESPONSIBLE FOR PROVIDING SCHOOL FACILITIES?

Key players: Local education agencies and Governmental agencies such as State Allocation Board; California Department of Education, School Facilities Planning Division; Department of General Services, Office of Public School Construction and Division of the State Architect; and the Federal Government.

NATIONAL TRENDS AND LOCAL IMPACT: CONDITION OF SCHOOL FACILITIES IN THE ANAHEIM CITY SCHOOL DISTRICT (ACSD)

By Maria Elena Romero, Assistant Superintendent, ACSD

WELCOME TO LOARA ELEMENTARY

Loara auditorium—53 years old. Loara classrooms were built between 1953 and 1957. Enrollment at Loara is over 900 students: 120 Kindergartners in double sessions; 284 students in 1st and 2nd grades participating in Class Size Reduction under a limited waiver; and 49 students in special education classes in four classrooms.

OTHER FACTS ABOUT ACSD

Average age of buildings in the District is 43 years old.

Nine of our 22 schools have enrollments of over 1,000 students.

One half of our sites are under 7 acres in size.

More than 200 portables are installed throughout the District. Some are over 25 years old.

STUDENT POPULATION GROWTH

ACSD has 22 schools serving over 20,230 students from kindergarten through 6th grade.

ACSD serves the central portion of the City of Anaheim.

ACSD's enrollment grew over 7,500 students in the last decade.

During the same period, only relatively small residential housing development has occurred within District's boundaries.

OPTIONS TO INCREASE CAPACITY

Scheduling solutions: Year round calendar, staggered sessions, double sessions.

Building solutions: Portable buildings, permanent buildings.

ORIGINAL VS. CURRENT CAPACITY

Design capacity 12,220—58%.
Portable capacity: 5,600—26%.
Year round capacity: 3,217—15%.

YEAR ROUND CALENDAR IMPACTS

Maintenance: Facilities are used almost 100% of the time. Lack of down time for preventive work. All major construction work must be done with students on campus.

Rotation of classes: Lack of storage space; furniture size; classroom environment.

PORTABLE BUILDINGS ISSUES

Cost is approximately $70,000 to $80,000 per unit properly installed. Installation of sinks may increase this cost even further.

Districts benefit from the flexibility.

Availability is subject to supply and demand.

Ground space may be used in a less than optimum manner.

ACSD FACILITIES NEEDS

Facilities costs are estimated at $100 million: Four additional schools and modernization of existing 21 schools.

Funding sources: General fund $9 million; local bond $48 million; State match $45 million.

TESTIMONY BY JUDITH MICHAELS, LEGISLATIVE DIRECTOR, CALIFORNIA FEDERATION OF TEACHERS

Reducing class size in California has pushed the topic of school facilities to the forefront of issues facing California education. To provide students with the tools they need to succeed, we must address the challenge of creating funding mechanisms that will match the current and projected need for adequate school and higher education facilities. The need for new schools, modernization of older schools, and technology far exceeds available resources. California's schools currently rely on a combination of resources to meet their facility needs: state bonds, local bonds, developer fees, Mello-Roos Districts, and cost savings by adopting multi-track year round scheduling. As we approach the millennium, we need to look at how this pattern will serve the future, and revise and change the pattern so that we can build the schools we need.

While much debate about school construction focuses on developing regions, densely populated areas, whether in the cities or in suburbia, need to build or perhaps re-build their schools. Many children have spent their academic careers in portables because of overcrowding; for this reason we believe that we must allocate portions of state and federal funds for what we have come to call unhoused students.

After a hiatus in the early nineties, California increased its spending on education last year. The increased education budget demonstrated the success of Proposition 98, California's constitutional amendment guaranteeing that a fixed portion of state revenue be allocated to education. This money went to expand the class size reduction program, expand reading initiatives for grades four through eight, and expand community college resources to provide education, training, and child care to help those on welfare return to work. Since school districts cannot use Proposition 98 funds to build schools, this expansion of educational opportunities for students served to exacerbate the facilities crisis. We believe your H.R. 2695 will offer assistance as we continue to work on local solutions. Here are some of the things we are doing.

STATE BOND

A combination of state and local bonds builds schools. State School Construction Bonds reach the ballot through a series of proposals, debates, compromises, and votes. As on the budget, the state legislature must achieve a two-thirds majority in each house before a Bond proposal goes to the ballot. The legislature failed to achieve this majority in 1997, and work continues on proposals and compromises. We hope that these will be successful so that California's voters can vote on a state bond this June.

MAJORITY VOTE FOR LOCAL BONDS

While we believe that the state's primary funding source should remain the general obligation bond, we need to increase California's capacity to raise local funds, and that means changing the current the two-thirds majority requirement for passage of local general obligation bonds. A measure passed by the State Senate currently awaits action in the Assembly.

SCHOOL CONFIGURATION

In the debate on school facilities we must not lose sight of the purpose of building schools. We encourage school districts to explore, design, and implement forms of school organization and management that will avoid excess administrative costs and promote the instructional goals of each school. Before building schools, we should consider the effect the ever increasing size of schools has had upon the education of our students. A misreading of the economies of scale associated with specialization in schools has contributed to a steady increase in school size.

These larger schools may be cheaper to administer, but they reduce social supervision of students to the detriment of the larger society. And, at some point, the advantages of economies of scale turn into liabilities. For example, one of the factors that reduces the economies associated with large schools is the cost of transportation, both in direct expenditures and in the cost in student time,

time that students could more profitably spend on academic work. Furthermore, we believe that larger schools have detrimental effects upon students, teachers, and classified staffs; because of the greater size of the schools, we often find more anonymity and alienation. Additionally, large schools lessen each child's opportunities to participate in different social activities in the school setting.

New patterns of education administration, such as re-configuring grade levels or creating schools within schools, help alleviate problems caused by multi-track year-round scheduling, and offer great potential for schools to be run economically and to be educationally sound.

CONTINUING AND COALITION EFFORTS

The national interest in ensuring high quality education for all students inextricably links California-based efforts with those from Washington. The California Federation of Teachers is part of the California-DC Alliance, composed of millions of Californians committed to better education: K–12 school districts and associations, large and small business throughout California, the State Department of Education, labor unions, and law firms. While not a lobbying organization, the Alliance nonetheless works to identify issues critical to the economic health of California and to help keep the California's Congressional Delegation aware of the impact of Federal decisions upon local schools.

Nationally, the American Federation of Teachers and the National Education Association are working together on a proposal to bring more dollars into school construction. We have created a private sector task force to survey novel ways of increasing available resources to local school districts. This Task Force is looking at ways to leverage more dollars out of the private sector as well as different forms of bonds. We will keep you informed of its progress.

TESTIMONY OF DR. JAMES A. FLEMING, SUPERINTENDENT CAPISTRANO UNIFIED SCHOOL DISTRICT

Good morning. My name is James A. Fleming. I am Superintendent of the Capistrano Unified School District here in Orange County. My district is the largest geographically among the 28 districts in our county and is the 3rd largest in student population, with just over 40,000 students.

Before commenting on the challenge which faces my district and many in Orange County and California, I want to, first, express sincere appreciation on behalf of my School Board and me to Congresswoman Loretta Sanchez for the leadership she has demonstrated on a wide variety of issues of interest and concern to public school advocates. We especially want to thank her today for planning this forum and for her leadership on the ''Expand and Rebuild America's Schools Act of 1997.'' The creation of a new class of national tax-exempt bonds may be just the incentive needed to provide facilities funding to assist suburban districts build new schools and renovate deteriorating schools as the Qualified Zone Academy Bonds provided for our nation's urban areas.

I thought the most helpful approach to be taken with my brief comments is to use the plight of my own school district as a case study demonstrating the urgency of the subject which calls us together this morning.

Of California's 999 school districts, Capistrano Unified is the 11th largest. Arguably, however, it is the fastest growing. This year alone, we realized an enrollment of 40,115, up from 37,431, our 1996–97 enrollment. This one-year increase in enrollment which could fill six elementary schools, three middle schools or a high school, by itself, represents a 7.3% growth, and this is only the latest year of a pattern. In early 1991, just as I was assuming the Superintendency post of Capistrano Unified, our K–12 enrollment was 23,734 students. With the 1997–98 K–12 enrollment of 40,115 which I just referenced, we have experienced a phenomenal 62% increase in student enrollment in slightly more than half a decade.

Our district has coped well with this growth under the circumstances. First, with well over $100 million in state school bond money, we were able to apply creative financing and strategic planning which, combined with local dollars, allowed us to build twelve brand new schools within a single 5-year period. We have two more schools under construction at this time and eight more on the drawing board, if the state ever fills its empty school construction coffers. We also presently have a total of 607 relocatable buildings on the grounds supplementing our 40 permanent school campuses. But still, with the growth we are experiencing, even that is not enough.

Many in our district blame new residential development on school overcrowding. While there is no question that residential development has exacerbated the problem—particularly in districts like Capistrano—an even more significant causal factor of school overcrowding is an increase in the birth rate. One need only compare Capistrano's kindergarten enrollment to that of 12th grade to witness the trend. Last June our district bid adieu to 2,143 seniors who graduated from one of our five high schools. This September we then greeted 3,456 new kindergartners. These 1997 numbers are only the most recent indicators of a trend which has been in place for the last six years. Moreover, since CUSD's dropout rate of 1.6% is negligible, it cannot be assumed that part of the reason for the much lower number of graduating seniors than entering kindergartners is attributable to students dropping out of school.

We who administer and set policy for the public schools eagerly anticipate the entrée of the federal government in helping to meet the housing needs of a tremendously growing student population across America. I have been a public educator for 35 years and do not remember a time when Washington has ever stepped forward on the issue of school facilities in the manner represented by the ''Expand and Rebuild America's School Act.'' The problem is clearly beyond any state's ability to address alone.

To those of us in high-growth districts within the State of California this federal interest is like a breath of fresh air. Very frankly, we have been disappointed in the state's response to classroom overcrowding up to this point. Inconceivably, even astoundingly, after instituting a high-profile facilities-intensive primary class size reduction program on top of record setting student growth, the State Legislature has refused, since 1996, to even place a state school bond on the ballot for the voters to consider. Our Republican Governor has stepped forward and provided leadership on the facilities issue through a series of bills which the Senate and Assembly will consider this session. The newspapers report that the one place he faces opposition is from members of his own party, state elected officials who ironically represent the highest growth parts of the state. I just don't understand it.

While, the state currently has no money for school construction, local districts which venture into the local bond arena are shackled with an unrealistic and usually unattainable obstacle: overcoming a situation where one negative vote counts double what a positive vote does.

With no state money available and with our hands tied because of the extraordinary 2/3 vote requirement to pass local bonds, California school districts find themselves in a vise. There is hope, however, if the Governor's-supported package of bills before the legislature this year has a chance of passing: an $8.2 billion state bond issue; an initiative streamlining the school construction/renovation program, and a constitutional amendment permitting majority vote approval for local school bonds. Then we can, at least, begin to realistically address the problem.

While parents and educators will continue to present our school facilities case to our state legislators, and hope for a successful 1998 California legislative session, it is comforting to know that our leadership in Washington, D.C. has recognized the school overcrowding phenomenon as one of the most serious challenges in public education. Then, through such legislative proposals as the Expand and Rebuild America's Schools Act of 1997, willing to take action in the interests of the children of our nation, children who are our hope and our investment in the future.

SCHOOL OVERCROWDING

By Jacinth M. Cisneros

My name is Jacinth Cisneros. I have lived in Orange County for more than 40 years with 22 of those years in Anaheim. I have two children. (A 3rd grade boy and a 7th grade girl.) They attend schools within both the Anaheim City School District and the Anaheim Union High School District. Our family lives are complicated as one child is on a year-round schedule and the other is on a traditional schedule with summers off. I am fortunate to be a housewife in order to juggle the complexities of being a parent. Many of our families do not have the benefit of a parent that can stay home.

I am concerned about the education of my children. I am also concerned about the education of all of our children—yours, mine, and the children in the neighborhood down the street. I have watched Anaheim change over the past two decades. Ten years ago we were surprised by our enrollment increase. (The baby boomers finally decided to become parents.) We thought, ''This can't continue. It will stop, even slow down.'' Five years ago, we were in denial. No one believed the increase and certainly no one believed it would continue. Today, we still continue to grow and to grow and to grow. We are currently over-enrolled by 7,000 students. Demographers project that we will continue to grow 1,000 more students each year for the next five years. The school my son attends was designed to house 600 students. It now houses approximately 1,100 students, with twice the staff and fewer restrooms than 30 years ago. The reality of our numbers slapped us in the face and rudely woke us up! As a community, we came together to work out our problems. Many years ago six of our schools went to a year-round multi-track schedule increasing our ability to house our children. Progressively more and more schools went year-round until, finally, last year the remaining six schools went to the same schedule increasing their capacity by approximately 25%. (Remember that was just last year.) Where are they coming from? There is no new construction, no new housing. How can this be? Anaheim is an affordable community for young families and our schools have continued to offer good, solid quality education. As our seniors move out, a family with young children moves in living close to their work-place. We are also faced with extended families and multiple families living in one home or apartment. Come this July we will be out of space again as 1,000

more students arrive on our school house steps. What will we do?

Up until now, Anaheim has coped well with its problems—maybe too well. Each new wave of enrollment led to using a new band-aid that fixed the problem temporarily. (The year-round band-aid had to be applied several times. The portable classroom band-aid continues to be applied.) Right now—our 1st aid kit is empty—no more Band-Aids and we are bleeding badly. At the very least, we need major surgery and possibly CPR.

The Anaheim School Board responded immediately to the 911 calls from the community by placing on the April 1998 ballot a $48 million school bond measure for new school construction and reconstruction of our existing sites. We were given the opportunity to help! A committee of parents, community members, teachers, and business leaders have been working countless hours to educate residents about the problems within our schools and the need for a solution; to carry the message that WE NEED CLASSROOMS and we need to repair the ones we already have. All of the schools in Anaheim are at least 30 years old with plumbing, electrical and sewer systems that need upgrading or replacing. If a generous business in Anaheim donated computers to all our classrooms, we would not be able to use them. Our electrical systems do not have the capacity to handle today's technology. What about the technology of the future? We want our children to continue to be able to compete on the world market. We should have a world class educational system in Anaheim to match the world class entertainment complex in our backyard. Our teachers and administrators should focus on providing the best educational program for our children. They shouldn't have to worry about our constant lack of facilities and problems with space. As a community and as a country we should be able to provide the foundation to build a powerful educational institution. Our schools should not be dealing with Band-Aids and should not worry about where to put the next tourniquet.

Passage of the school bond will ease our pain to a degree, but we still need your help. This bond will allow Anaheim schools to access state school funding when it becomes available. The Governor has proposed a $2 billion statewide bond providing additional matching funds for the schools. With that money we come closer to actually solving some of our housing problems. Federal assistance in the form of tax free bonds as proposed by H.R. 2695 would move us along toward actually healing our housing ''wounds.'' Funds ''freed'' by H.R. 2695 provide our district with the ability to repair a sinking playground, renovate an entire school, build a lunch structure, or replace old blackboards in all of our classrooms. The possibility exists of coupling the funds for new school construction and matching it with state funds as well. Our children would benefit twice as much.

We cannot do it alone. We need your help. We need you to recognize the problems and work with us to solve them. When we pull together—local communities, the state and the federal government, we will only produce a stronger educational system. We will be able to utilize all of our assets to the maximum. We will succeed in investing in the future of our children. We will communicate to the world that we value our children and their education.

If indeed the emergency crews do not arrive in time, if indeed our bond measure does not pass, if indeed the governor's statewide bond or H.R. 2695 does not pass, there is yet one alternative left to try. I need to be honest. It does not cost much money and will double the capacity of our schools immediately—double sessions. Although financially the cost is insignificant, what will the cost be to our families? to our community? to the future of our children? Those costs cannot be measured. The impact is too great! When one session of children begins school at sun up and the other session leaves at sun down, what becomes of the family? Will the Girl Scout Troop or Boy Scout Troop reschedule their meetings to be held at 8:00 at night or how about eight o'clock in the morning? What about soccer or baseball teams? Will the dance teacher offer morning classes? I think the costs of double sessions are too great!

Our children's future is everyone's responsibility from the custodian to the superintendent, from the superintendent to the mayor, from the mayor to the governor, and from the governor to the President. Passage of a local bond will still not provide enough funds to close the gap that spreads wider and wider over the years. State matching funds will help and federal tax incentives for suburban schools are essential. Provide us with the life line we need to keep us from using any more Band-Aids from our first aid kit.

STATEMENT BY ASSISTANT SECRETARY OF EDUCATION FOR LEGISLATION SCOTT S. FLEMING

Representative Sanchez, Minority Leader Gephardt. First, I want to thank you Congresswoman, for calling this important Forum, and extend my appreciation to you, Congressman Gephardt, for taking the time to be here to join us in making a very simple point: there is a critical need, here in California and across the nation, to address compelling school infrastructure needs.

Whether you are here in California with the fastest growing school enrollments in the nation or in the nation's rust belt where all too often schools have deteriorated to the point where they pose serious safety threats to their students, this nation shares an urgent need to build and renovate school buildings to serve students today and into the next century. In June of 1996, the General Accounting Office issued a report which found a backlog of over $111 billion in repairs and improvements to school facilities nationwide. At the same time, the National Center for Education Statistics projects that school enrollment will increase from 51.7 to 54.6 million between 1996 and 2006. Simply to hold our own and maintain current class sizes, that growth in number of students will require over 6,000 more schools than existed in 1996. Here in California, the 1996 enrollment which had been projected to be over 5.8 million is anticipated to reach nearly 6.9 million in 2006—more than one million new students. Again, without even taking into account efforts to reduce class sizes, that would necessitate more than 40,000 new classrooms in California within a decade. We should make no mistake about the fact that, with all of the talk about meeting the nation's infrastructure needs—highways, airports and the like, failure to also address the school infrastructure needs of this nation will have a serious impact not only on the individual lives of millions of American students, but also on our nation's future economic prosperity.

As you well know, in the summer of 1996, President Clinton proposed a major initiative to assist localities in addressing this critical need. He proposed a $5 billion package designed to leverage, by ''buying down'' interest rates on local school bonds, $20 billion in school infrastructure improvements across the nation over a four year period. We realized at the time we made that proposal that it would not be an instant or complete solution to this critical situation, but it was a bold step forward, moving the federal government into a new role in assisting local authorities to respond to school overcrowding and deteriorated school buildings in accordance with locally-designed initiatives. That legislation was introduced in both Houses of the Congress—in the House of Representatives by Representative Nita Lowey of New York and in the Senate by Senator Carol Moseley-Braun of Illinois. We deeply appreciated their leadership and that shown by both of you in working to gain strong support within the Congress for the plan. Unfortunately, during last summer's bipartisan negotiations which led to the historic budget agreement subsequently adopted by the Congress and signed by the President, in spite of strong support by the Administration, it proved impossible to include the school construction initiative within the agreed upon budgetary framework. While the budget package made very significant investments in education, the absence of the school construction proposal was a major disappointment. Since that time, Secretary Riley and the President have made clear their intent to continue to seek ways to finance a school construction initiative, and that has been a priority in the development of the Fiscal Year 1999 budget which will be released on February 2.

Before moving on, I want to make sure to emphasize that last year's budget agreement included an important Congressional initiative that focuses on the need to help school's serving at least 35% students eligible for free and reduced priced lunches under the Department of Agriculture's school lunch program. That proposal, originated by Representative Rangel of New York, the senior Democratic member of the House Committee on Ways and Means, provides $800 million in special bonding authority to make available interest-free capital for startup costs—including rehabilitation or repair, equipment purchases, and development of course materials and training expenses—for special schools or programs within schools. That $800 million in financing is available in two installments, $400 million in the current tax year and $400 million in tax year 1999. That important assistance for public education is being administered by the Department of the Treasury which last month released regulations to implement the new authority. Under the allocations determined by the Treasury Department, $112.7 million of that interest-free capital will be available to meet needs right here in California. I know that both of you have been supportive of the Rangel program and that, you, Congresswoman Sanchez, have introduced your own legislation, the ''Expand and Rebuild America's Schools Act,'' which expands upon that new approach and focuses it on construction and the pressing needs facing Orange County and similar communities around the nation. Your initiative is an important and valuable contribution to the work that is underway to ensure that real help is provided by the federal government to meet this need.

Earlier witnesses today have made very clear the real-life impact of school overcrowding on their lives. As the parent of a teenager who spent his fifth grade in a portable classroom in a Virginia public school, I can personally relate to much of what those individuals had to say. When students are left to learn in overcrowded or antiquated facilities, when their schedules are set to fill available space, not to structure the learning experience at optimal times for those young students, the challenge of preparing young minds for success in the twenty-first century is made tremendously more difficult. Just last week, Secretary Riley visited a school in Los Angeles with your colleague, Congresswoman Juanita Millender-McDonald. When

they arrived, an unexpected fire-drill was underway. None of us would deny the importance of knowing how to quickly evacuate a school building, but this fire-drill was not for that purpose. It had been triggered by wiring that had been damaged as a result of a leak in the school's roof. The result was lost time in a school day. Any teacher, any principal can tell you that such unnecessary exercises are distracting and disruptive and that losing a block of time like that is not easily reclaimed. That unnecessary fire drill robbed hundreds of young students of important learning time. The same is true when students have to take added time over and over again in a school day to move from portable classrooms to other school activities.

All of this takes on added importance as we seek to maximize the tremendous potential that technology holds to broaden and strengthen education in America. This month, as a result of changes enacted by the Congress in the Telecommunications Act, schools and libraries across this nation become eligible to benefit from reduced rates for accessing the Internet. Those resources can assist both with readying schools to bring computers on line and in covering the monthly access charges that schools will need to build into their operating budgets. These reduced rates, known as the E-Rate, offer tremendous opportunities to young Americans. But the fact of the matter is that school facilities have to be up to the task. Inadequate wiring systems and overcrowding alike can severely limit or even preclude altogether schools' ability to take advantage of the opportunities that technology makes possible.

As this Forum comes to a close and you head back to Washington, I know you and Secretary Riley will be working closely together to impress upon your colleagues in the Congress the importance of moving forward, in partnership with local school districts—like the Anaheim City School District, Santa Ana Unified, and others in this area—to put in place a serious, but fiscally responsible approach to meeting these compelling needs. Balancing the budget is not an end in and of itself. Instead, now that we are on target to meeting that goal, we must work together to ensure that essential investments are made that will enable our economy to grow. Educating those who will be the economic brainpower of the next century ranks at the top of those investments, and, as I said earlier, the task of educating all young people to high standards is made much more difficult when they are forced to learn in overcrowded or structurally deficient environments.

The task of the Congress and the Administration this year will be to ensure that the federal government does its part. Legislation will be on the table with Administration support. We need to work together to move that legislation into law.

COMPETITION IN THE LONG DISTANCE MARKETS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mrs. MEEK of Florida. Mr. Speaker, I don't understand why a potential key player in the long distance market is being systematically eliminated.

For the past two years the FCC has detracted from the process and has not assisted in making local telecommunication competition a reality.

Some long distance companies have been quoted publicly as saying that they are going to ignore the local residential market because of the limited revenue it produces. Meanwhile, they have pursued with great zeal local business markets.

Why has the FCC ignored these factors? The Regional Bell Companies are not offering long distance service today because of the FCC's misinterpretation of the 1996 Telecommunications Law. The FCC continues to reject approved recommendations from states suggesting the absence of competition in local markets. That is not correct. Competition is out there. Why has it been overlooked?

The FCC should take off its dark glasses and open its eyes to the intense competition in the local market. The Bells shouldn't be kept out of the long distance market because of business decisions made by their potential competitors. The Bells have made a good faith effort to open the market and judging from the amount of local business competition, they've succeeded. They deserve entry into the long distance market.

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 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 26, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 30

2:00 p.m.
Governmental Affairs
To hold hearings on the nominations of Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, and Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission.
SD–342

MARCH 31

9:30 a.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 strategic nuclear policy and related matters.
SR–222

Commerce, Science, and Transportation
Business meeting, to mark up proposed legislation to reform and restructure the process 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.
SR–253

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.
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 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

Veterans' Affairs
To hold hearings to examine tobacco-related compensation and associated issues.
SD–106

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

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the economic and political situation in India.
SD–419

APRIL 1

8:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1754, to consolidate and authorize funds for health professions and minority and disadvantaged health professions and disadvantaged health education programs, proposed legislation authorizing funds for programs of the Higher Education Act, and to consider pending nominations.
SD–430

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior.
SD–124

Indian Affairs
Business meeting, to mark up S. 1797, to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988.
SH–216

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

1:30 p.m.
Environment and Public Works
To hold hearings to examine how tobacco smoke affects environmental air.
SD–406

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

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles I, II, III, and V of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

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

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the status of Puerto Rico.
SH–216

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–138

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
Business meeting, to consider pending calendar business.
SD–226

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

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD–124

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–192

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 Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

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

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

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

MAY 14

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

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 31

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

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

MARCH 26

2:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Government management of electromagnetic spectrum.
SD–342

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–48

Daily Digest

HIGHLIGHTS

House Committees ordered reported 8 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S2505–S2586

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1856–1863 and S. Con. Res. 87. **Pages S2569–70**

Measures Passed:

Enrollment Correction: Senate passed S. Con. Res. 87, to correct the enrollment of S. 419. **Page S2585**

Emergency Supplemental Appropriations: Senate continued consideration of S. 1768, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows: **Pages S2506–63**

Adopted:

Domenici Amendment No. 2124, Domenici/Bingaman Amendment No. 2124, relating to the Petroglyph National Monument in New Mexico. **Page S2525**

Bond Amendment No. 2122, to provide emergency community block grant funding to assist States in recovering from natural disasters occurring in Fiscal Year 1998. **Pages S2524, S2532–36**

Bond/Mikulski Amendment No. 2123, to provide additional funding for disaster relief to aid disaster-stricken States. **Pages S2524–26, S2536–43**

Wellstone Modified Amendment No. 2128, to provide for an Advisory Committee on International Monetary Policy. **Pages S2525–26, S2554–56**

By 90 yeas to 10 nays (Vote No. 43), Helms Amendment No. 2130, to express the sense of the Senate that the United Nations should recognize the generous support of United States taxpayers towards international peace and security. **Pages S2543–53, S2561**

Rejected:

Feingold Amendment No. 2121, to remove the emergency designation for the supplemental appropriations to fund incremental costs of contingency operations in Bosnia. (By a 92 yeas to 8 nays (Record Vote No. 41), Senate tabled the amendment.) **Pages S2514, S2529–32**

Nickles Amendment No. 2131 (to Amendment No. 2123), to ensure that additional funding for the Federal Emergency Management Agency does not reduce the unified budget surplus. (By 68 yeas to 31 nays (Vote No. 42), Senate tabled the amendment.) **Pages S2538–43**

Pending:

McConnell Modified Amendment No. 2100, to provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998. **Page S2506**

Stevens (for Nickles) Amendment No. 2120, to strike certain funding for the Health Care Financing Administration. **Pages S2514–24, S2526–27, S2529**

Enzi Amendment No. 2133, to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities. **Pages S2553–54, S2556–60**

Bumpers Amendment No. 2134, to express the sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs. **Pages S2560–61**

Robb Amendment No. 2135, to reform agricultural credit programs of the Department of Agriculture. **Pages S2561–63**

Withdrawn:

Hutchison Amendment No. 2083, to express the sense of the Congress that the President and Congress should create the conditions for a withdrawal by a date certain of U.S. ground combat forces in the territory of the Republic of Bosnia and Herzegovina. **Pages S2507–14**

Faircloth Amendment No. 2103, to establish an Education Stabilization Fund to make loans to States

for constructing and modernizing elementary and secondary schools. **Pages S2527–32**

Gregg Amendment No. 2129 (to Amendment No. 2103), to provide for a reservation of funds for activities under part B of the Individuals with Disabilities Education Act. (The amendment fell when Amendment No. 2123, listed above, was withdrawn. **Pages S2527–28, S2530–32**

Wellstone Amendment No. 2125, to encourage reform of International Monetary Fund policies. **Pages S2525–26, S2552**

Wellstone Amendment No. 2126, to express the sense of Congress that the Government of Indonesia should release Muchtar Pakpahan from prison and have all criminal charges against him dismissed. **Pages S2525–26, S2552**

Wellstone Amendment No. 2127, to encourage the International Monetary Fund to require burden-sharing by private creditors. **Pages S2525–26, S2552**

Senate will continue consideration of the bill on Thursday, March 26, 1998.

Messages From the House: **Pages S2567–68**

Measures Referred: **Page S2568**

Petitions: **Pages S2568–69**

Statements on Introduced Bills: **Pages S2570–74**

Additional Cosponsors: **Pages S2574–75**

Amendments Submitted: **Pages S2575–79**

Authority for Committees: **Pages S2579–80**

Additional Statements: **Pages S2580–82**

Record Votes: Three record votes were taken today. (Total—430) **Pages S2531–32, S2542–43, S2561**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:33 p.m., until 9:30 a.m., on Thursday, March 26, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record, on page S2586.)

Committee Meetings

(Committees not listed did not meet)

PERSIAN GULF

Committee on Armed Services: Committee concluded hearings to examine the United States strategy in the Persian Gulf, after receiving testimony from Paul Wolfowitz, Johns Hopkins University Paul H. Nitze School of Advanced International Studies, former Under Secretary of Defense for Policy, and Anthony H. Cordesman, Georgetown University Center for Strategic and International Studies, both of Washington, D.C.; and David A. Kay, Science Applications International Corporation, McLean, Virginia.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces resumed hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on tactical aviation modernization, receiving testimony from John Douglass, Assistant Secretary of the Navy for Research, Development and Acquisition; Arthur Money, Assistant Secretary of the Air Force for Acquisition; Philip Coyle, Director, Operational Test and Evaluation, Office of the Secretary of Defense; and Louis Rodrigues, Director, Defense Acquisitions, General Accounting Office.

Subcommittee recessed subject to call.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nomination of Arthur Levitt Jr., of New York, to be a Member of the Securities and Exchange Commission, after the nominee, who was introduced by Senator Moynihan, testified and answered questions in his own behalf.

TELECOMMUNICATIONS

Committee on Commerce, Science, and Transportation: Subcommittee on Communications held hearings on the implementation of Section 271 of the Telecommunications Act (P.L. 104–104), relating to the application process for local telephone companies desiring to provide long distance service, and S. 1766, to permit Bell operating companies to provide interstate and intrastate telecommunications services, receiving testimony from William E. Kennard, Chairman, and Susan Nell, Harold W. Furchtgott-Roth, Michael K. Powell, and Gloria Tristani, each a Commissioner, all of the Federal Communications Commission; Jay A. Blossman, Louisiana Public Service Commission, Mandeville; Pat Wood, Public Utilities Commission of Texas, Austin; Anne K. Bingaman, LCI Local Services Division, McLean, Virginia; Sid Boren, BellSouth Corporation, Atlanta, Georgia; Lisa Rosenblum, Cablevision Systems Corporation, Woodbury, New York; William E. Taylor, National Economic Research Associates, Inc., Cambridge, Massachusetts; and John Windhausen, Jr., Competition Policy Institute, Washington, D.C.

Hearings were recessed subject to call.

LAND EXCHANGE AND BOUNDARY ADJUSTMENTS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 890, to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, S. 1109, to make a minor adjustment in the exterior

boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements, S. 1468, to provide for the conveyance of one acre of land from the Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire sub-station, S. 1469, to provide for the expansion of the historic community cemetery of El Rito, New Mexico, through the special designation of five acres of Carson National Forest adjacent to the cemetery, S. 1510, to convey certain lands to the county of Rio Arriba, New Mexico, S. 1683, to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area in the State of Washington from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest, S. 1719, to provide for the exchange of land and other assets including certain timber harvest rights with the Big Sky Lumber Company for inclusion in the Gallatin National Forest and Deerlodge National Forest in the State of Montana, S. 1752, to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in Arizona, S. 1807, to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, H.R. 1439, to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California, and H.R. 1663, to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law, after receiving testimony from Senators Bennett and Baucus; Representative Doolittle; Eleanor Towns, Director of Lands Staff, Forest Service, Department of Agriculture; Steven Richardson, Director, Office of Policy and External Affairs, Bureau of Reclamation, Department of the Interior; Chad Reed, Daggett County Commission, Milila, Utah; Deborah Sliz, on behalf of the Colorado River Energy Distributors Association, and Michael A. Francis, Wilderness Society, both of Washington, D.C.; Mike Atwood, RY Timber Company, Livingston, Montana; Kurt Alt, Montana Department of Fish, Wildlife and Parks, Helena; Michael Scott, Greater Yellowstone Coalition, and Vito Quatrero, Headwaters Fish and Game Association, Inc., both of Bozeman, Montana; Kevin Kelleher, Citizens of Gallatin Canyon, Big Sky, Montana; Ken Marks, Tuolumne County Board of Supervisors/District 3, and Matt Bloom, Kennedy Meadows Pack Station and Resort, on behalf of the Tuolumne County Sportsmen's Association, both of Sonora, California; Steve Brougher, Wilderness Watch, Twain Harte, California; and Loenzo Valdez, Espanola, New Mexico.

AUTHORIZATION—SUPERFUND

Committee on Environment and Public Works: Committee continued markup of S. 8, to revise and authorize funds for fiscal year 1998 through 2002 for programs of the Comprehensive Environmental Response, Liability, and Compensation Act (Superfund), but did not complete action thereon, and will continue tomorrow.

ECONOMIC SANCTIONS REFORM

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion held hearings on S. 1413, to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions, receiving testimony from Senator Lugar; Representative Hamilton; Clayton K. Yeutter, Hogan & Hartson, former U.S. Trade Representative and former Secretary of Agriculture, and William C. Lane, Caterpillar Inc., on behalf of USA Engage, both of Washington, D.C.; Dean Kleckner, Des Moines, Iowa, on behalf of the American Farm Bureau Federation; and Kenneth Roth, Human Rights Watch, New York, New York.

Hearings were recessed subject to call.

GOVERNMENT SECRECY ACT

Committee on Governmental Affairs: Committee concluded hearings on S. 712, to provide for a system to classify information in the interests of national security and a system to declassify such information, after receiving testimony from Edmund Cohen, Director of Information Management, Central Intelligence Agency; J. William Leonard, Director of Security Programs, Office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; A. Bryan Siebert, Director, Office of Declassification, Office of Nonproliferation and National Security, Department of Energy; Steven Garfinkel, Director, Information Security Oversight Office, National Archives and Records Administration; T. Jeremy Gunn, Executive Director and General Counsel, John F. Kennedy Assassination Records Review Board; and Steven Aftergood, Federation of American Scientists, Washington, D.C.

U.S. FLAG PROTECTION

Committee on the Judiciary: Subcommittee on the Constitution, Federalism, and Property Rights concluded hearings to examine the tradition and importance of

protecting the United States Flag, and S.J. Res. 40, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, after receiving testimony from Wisconsin State Senator Roger Breske, Madison; Idaho Attorney General Alan G. Lance, Sr., Boise; Stephen B. Presser, Northwestern University School of Law, Chicago, Illinois; Robert Justin Goldstein, Oakland University, Rochester, Michigan; Adrian Cronauer, Burch & Cronauer, Washington, D.C.; Patrick H. Brady, Citizens Flag Alliance, Sumner, Washington; Rose E. Lee, Gold Star Wives of America, Arlington, Virginia; Mary Frost, Selective Learning Network, Kansas City, Missouri; Francis J. Sweeney, Steamfitters Local Union 449, Pittsburgh, Pennsylvania; Bruce Fein, McLean, Virginia; Stan Tiner, Mobile, Alabama; and Keith A. Kreul, Fennimore, Wisconsin.

FEDERAL ELECTION COMMISSION

Committee on Rules and Administration: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 1999 for the Federal Election Commission, after receiving testimony from Scott E. Thomas, Vice Chairman, and Lee Ann Elliott, Commissioner, both of the Federal Election Commission.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 3545–3557; and 3 resolutions, H. Con. Res. 250 and H. Res. 395, 397, were introduced. **Pages H1549–50**

Reports Filed: Reports were filed as follows:

H. Res. 393, providing for consideration of H.R. 3246, to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers (H. Rept. 105–463);

H. Res. 394, providing for consideration of H.R. 2515, to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources (H. Rept. 105–464);

H.R. 1023, to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products (H. Rept. 105–465 Part 1);

H. Res. 396, providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (H. Rept. 105–466); and

H.R. 2400, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, amended (H. Rept. 105–467 Part 1). **Pages H1548–49**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Shimkus to act as Speaker pro tempore for today. **Page H1451**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Reverend Henry Eisenhart of the American Legion. **Page H1451**

Sonny Bono Copyright Term Extension Act: The House passed H.R. 2589, to amend the provisions of title 17, United States Code, with respect to the duration of copyright. **Pages H1458–83**

Agreed to:

The Coble amendment that makes technical changes, specifies that the author's executor or trustee shall own the entire termination interest in the event that the author dies without heirs; and establishes the assumption of certain contractual obligations related to residual payments in the case of a transfer of copyright ownership in a motion picture; and **Page H1466**

The Sensenbrenner amendment that exempts certain music uses from copyright protection; provides for arbitration of rate disputes involving performing rights societies; and prohibits vicarious liability with

respect to landlords or any other person making space available to another party by contract (agreed to by a recorded vote of 297 ayes to 112 noes, Roll No. 69). **Pages H1466–83**

Rejected the McCollum amendment that sought to provide a music licensing exemption for certain food service or drinking establishments (rejected by a recorded vote of 150 ayes to 259 noes, Roll No. 68). **Pages H1468–82**

The Clerk was authorized in the engrossment of the bill to insert ''Sonny Bono'' before ''Copyright Term Extension Act'' at each place it appears; and the Clerk was authorized to correct section, numbers, punctuation, cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill. **Page H1483**

Earlier, agreed to H. Res. 390, the rule that provided for consideration of the bill by a voice vote. **Pages H1456–58**

Visa Waiver Pilot Program: The House passed H.R. 2578, to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General by a recorded vote of 407 ayes with none voting ''no'', Roll No. 71. Agreed to amend the title. Subsequently, S. 1178, a similar Senate-passed bill was passed after being amended to contain the text of H.R. 2578, as passed the House. Agreed to amend the title; and H.R. 2578 was laid on the table. **Pages H1484–H1503**

Agreed To:

The Smith of Texas amendment, as modified, that extends the visa waiver pilot program from 1999 until 2000; and **Page H1492**

The Pombo amendment that increases the nonimmigrant visa refusal rate from 2 percent to 3 percent (agreed to by a recorded vote of 360 ayes to 46 noes, Roll No. 70); **Pages H1492–H1501**

Earlier, agreed to H. Res. 391, the rule that provided for consideration of the bill by a voice vote. **Pages H1483–84**

Late Report—Transportation Reauthorization: The Committee on Transportation and Infrastructure received permission to have until midnight on Wednesday, March 25 to file a report on H.R. 2400, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. Also, agreed that the committee may file a supplemental report to the bill at any time before midnight on Friday, March 27. **Page H1503**

Condolence Resolution: The House agreed to H. Res. 395, expressing the condolences of the House on the death of the Honorable Steven Schiff, a Representative from the State of New Mexico. **Pages H1503–06**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H1550–52.

Quorum Calls—Votes: Four recorded votes developed during the proceedings of the House today and appear on pages H1481–82, H1482–83, H1500–01, and H1501–02. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and pursuant to the provisions of H. Res. 395, adjourned at 10:48 p.m. as a further mark of respect to the memory of the Honorable Steven Schiff.

Committee Meetings

RURAL AREAS—EFFECTS OF ELECTRIC DEREGULATION

Committee on Agriculture: Subcommittee on Forestry, Resource Conservation, and Research held a hearing on the effect of electric deregulation on rural areas. Testimony was heard from Wally B. Beyer, Administrator, Rural Utilities Service, USDA; and a public witness.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on the FCC and the Bureau of the Census. Testimony was heard from William E. Kennard, Chairman, FCC; and the following officials of the Department of Commerce: Lee Price, Under Secretary, Economic Affairs; and James Holmes, Acting Director, Bureau of the Census.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Bureau of Reclamation. Testimony was heard from the following officials of the Department of the Interior: Bruce Babbitt, Secretary; Patricia J. Beneke, Assistant Secretary, Water and Science; and Eluid L. Martinez, Commissioner, Bureau of Reclamation.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Bureau of Indian Affairs and the Indian Health Service. Testimony was heard from Kevin Gover, Assistant Secretary, Indian Affairs; and Paul Homan, Special Trustee for American Indians, both with the Bureau of Indian Affairs; and Michael H. Trujillo, Director, Indian Health Service, Department of Health and Human Services.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the National Cancer Institute and the Secretary of Education. Testimony was heard from Richard D. Klausner, M.D., Director, National Cancer Institute, Department of Health and Human Services; and Richard W. Riley, Secretary of Education.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held a hearing on the Department of Housing and Urban Development. Testimony was heard from Andrew M. Cuomo, Secretary of Housing and Urban Development.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported amended the following bills: H.R. 1872, Communications Satellite Competition and Privatization Act of 1998; and H.R. 2691, National Highway Traffic Safety Administration Reauthorization Act of 1997.

NRC REAUTHORIZATION

Committee on Commerce: Subcommittee on Energy and Power held a hearing on reauthorization of the NRC. Testimony was heard from the following officials of the NRC: Shirley Ann Jackson, Chairman; Nils J. Diaz, Greta Joy Dicus, and Edward McGaffigan, Jr., all Commissioners.

DEPARTMENT OF LABOR'S DENIAL OF EMPLOYMENT SERVICE FUNDS TO STATES

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on the Department of Labor's Denial of Employment Service Funds to the States. Testimony was heard from Ray Uhalde, Acting Assistant Secretary, Employment and Training, Department of Labor; John Freeman, Representative, State of Michigan; Doug Rothwell, CEO and Department Director, Jobs Commission, State of Michigan; Jonathan Raymond, Deputy Director, Workforce Development, State of Massachusetts; Diane Rath, Commissioner, Workforce Commission, State of Texas; and public witnesses.

COMMITTEE BUSINESS

Committee on House Oversight: Met and approved pending Committee business.

FREEDOM FROM RELIGIOUS PERSECUTION ACT

Committee on International Relations: Ordered reported amended H.R. 2431, Freedom From Religious Persecution Act of 1997.

CONSTITUTIONAL AMENDMENT PROCEDURES

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.J. Res. 84, proposing an amendment to the Constitution of the United States to provide a procedure by which the States may propose constitutional amendments. Testimony was heard from Representative Bliley; George Allen, former Governor, State of Virginia; and public witnesses.

MISCELLANEOUS AMENDMENTS

Committee on the Judiciary: Subcommittee on Crime continued hearings on H.R. 1524, Rural Law Enforcement Assistance Act of 1997 and held a hearing on H.R. 2829, Bulletproof Vest Partnership Grant Act of 1997. Testimony was heard from Laurie Robinson, Assistant Attorney General, Office of Justice Programs, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 1522, amended, to extend the authorization for the National Historic Preservation; H.R. 1833, amended, Tribal Self-Governance Amendments of 1997; S. 231, National Cave and Karst Research Institute Act; H.R. 3069, Advisory Council on California Indian Policy Act of 1997; and H.R. 3297, amended, to suspend the continued development of a roadless area policy on public domain units and other units of the National Forest System pending adequate public participation and determinations that a roadless area policy will not adversely affect forest health.

FOREST RECOVERY AND PROTECTION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2515, Forest Recovery and Protection Act of 1997. The rule provides that in lieu of the Agriculture Committee's amendment, that an amendment in the nature of a substitute consisting of the text of H.R. 3530 shall be considered as an original bill for the purpose of amendment, and provides that the amendment shall be considered as read. The rule waives clause 7 of Rule XVI (prohibiting non-germane provisions) or clause 5(a) of Rule XXI (prohibiting appropriations in a legislative bill) against the amendment in the nature of a substitute consisting of the text of H.R. 3530. The rule permits the Chair to accord priority

in recognition to Members who have preprinted their amendments in the Congressional Record. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce 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 Chairman Smith and Representatives Furse and Brown of California.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of debate on H.R. 3246, Fairness for Small Business and Employees Act of 1998. The rule make in order only those amendments printed in the report of the Committee on Rules. The rule provides that the amendments make in order shall be considered only in the order specified, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce 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 Chairman Goodling and Representatives Fawell and Clay.

SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Government Reform and Oversight on H.R. 3310, Small Business Paperwork Reduction Act Amendments of 1998. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight as an original bill for the purpose of amendment and provides that it will be considered as read. The rule waives points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI (requiring a three-day layover of the committee report) or section 303 of the Congressional Budget Act (prohibiting consideration of legislation, as reported, providing new budget authority, changes in revenues, or changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to) or section 311 of the Congressional Budget Act (prohibiting consideration of legislation or an amendment that would cause the total level of new budget authority or outlays in the most recent budget resolution to be exceeded or would cause revenues to be less). The rule also waives points of order against the committee amendment in the nature of a substitute for failure to comply with section 303 or section 311 of the Congressional Budget Act. 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 McIntosh, Kucinich, and Tierney.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT

Committee on Rules: Held a hearing on H.R. 3485, Campaign Reform and Election Integrity Act of 1998. Testimony was heard from Chairman Thomas, Representatives Gekas, Shays, Stearns, Franks of New Jersey, White, Gejdenson, Kilpatrick, Dingell, Fazio of California, Price of North Carolina, Barrett of Wisconsin, Maloney of New York, Farr of California, and Allen.

OVERSIGHT—INTERNATIONAL SCIENCE

Committee on Science: Held an oversight hearing on International Science. Testimony was heard from Bruce Alberts, President, National Academy of Sciences; and public witnesses.

OVERSIGHT—BUDGET AUTHORIZATION REQUESTS

Committee on Science: Subcommittee on Energy and Environment held an oversight hearing on the Fiscal Year 1999 Budget Authorization Requests: Department of Energy, EPA Research and Development, and NOAA. Testimony was heard from public witnesses.

DEATH TAX REFORM

Committee on Small Business: Subcommittee on Tax, Finance and Exports held a hearing on The First Step: Death Tax Reform. Testimony was heard from public witnesses.

FAA AND AIRPORT IMPROVEMENT PROGRAM REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Aviation concluded hearings on the

Reauthorization of the Federal Aviation Administration and Airport Improvement Program in Light of the Recommendations of the National Civil Aviation Review Commission. Testimony was heard from public witnesses.

JFK CENTER FOR THE PERFORMING ARTS AUTHORIZATION ACT

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development held a hearing on H.R. 3504, John F. Kennedy Center for the Performing Arts Authorization Act. Testimony was heard from Lawrence J. Wilker, President, John F. Kennedy Center for the Performing Arts and Bernard L. Ungar, Director, Government Business Operations Issues, GAO.

TICKET TO WORK AND SELF-SUFFICIENCY ACT

Committee on Ways and Means: Subcommittee on Social Security approved for full Committee action H.R. 3433, Ticket to Work and Self-Sufficiency Act of 1998.

INFORMATION ASSURANCE BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on Information Assurance. The Committee was briefed by departmental witnesses.

Joint Meetings

VETERANS' PROGRAMS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine the legislative recommendations of certain veterans' organizations, after receiving testimony from Col. Robert F. Norton, USA (Ret.), Retired Officers Association, George Duggins, Vietnam Veterans of America, and Wayne Hitchcock, American Ex-Prisoners of War, all of Washington, D.C.; and Josephus C. Vandengoorbergh, AMVETS, Lanham, Maryland.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 26, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1999 for the National Endowment for the Arts, National Foundation on the Arts and the Humanities, 9:30 a.m., SD–124.

Subcommittee on Energy and Water Development, 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, 9:30 a.m., SD–138.

Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy, 9:30 a.m., SD–192.

Committee on Armed Services, 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 Department of Energy atomic energy defense activities, 10 a.m., SR–222.

Subcommittee on Strategic Forces, 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 DOD domestic emergency response program and support to the interagency preparedness efforts, including the federal response plan and the city training program, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs, to hold hearings to examine the implications of the recent Supreme Court decision regarding credit union memberships, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation, Subcommittee on Oceans and Fisheries, to hold hearings on S. 1221, to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, and to prevent the issuance of fishery endorsements to certain vessels, 2 p.m., SR–253.

Committee on Environment and Public Works, to continue markup of S. 8, to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund), 9:30 a.m., SD–406.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Children and Families, to hold joint hearings with the House Committee on Education and the Workforce Subcommittee on Early Childhood, Youth and Families to examine the effectiveness of the Head Start education program, 9:30 a.m., SD–430.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E481–82 in today's Record.

House

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing to review the USDA's Federal Milk Marketing Order Reform, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and the Judiciary, on State and Local Law Enforcement, 2 p.m., H–309 Capitol.

Subcommittee on Energy and Water Development, on Appalachian Regional Commission, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, the Committee on the Budget and the Committee on Resources, joint oversight hearing on the Forest Service, 11 a.m., 1324 Longworth.

Subcommittee on the Interior, on Department of Energy-Fossil-Conservation, 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Elementary and Secondary Education; Bilingual Education and Minority Languages Affairs, 10 a.m., and on Howard University and on Special Institutions for the Disabled, 2 p.m., 2358 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on Department of Housing and Urban Development, 10 a.m., and 2 p.m., 2359 Rayburn

Committee on Banking and Financial Services, to markup H.R. 1151, Credit Union Membership Access Act, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on H.R. 3000, Superfund Reform Act, 11 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing on New Developments in Medical Research: NIH and Patient Groups, 10:30 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on Financial Affairs of the International Brotherhood of Teamsters, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on the Census, hearing on Oversight of the 2000 Census: Putting the Dress Rehearsals in Perspective, 10 a.m., 210 Cannon.

Subcommittee on Civil Service, hearing on Long Term Care Insurance as an Employee Benefit, 9:30 a.m., 2154 Rayburn.

Subcommittee on Government Management, Information, and Technology, hearing on the following: the Statistical Consolidation Act of 1998; and S. 1404, Federal Statistical System Act of 1997, 2 p.m., 2247 Rayburn.

Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on Oversight of the 1998 National Drug Control Strategy, 1:30 p.m., 2154 Rayburn.

Committee on International Relations, hearing to review U.S. Assistance Programs to Russia, the Ukraine and the New Independent States, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to continue oversight hearings on the Need for Federal Protection of Religious Freedom after *Boerne* v. *Flores,* II, 9:30 a.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on privacy in electronic communications, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on the following: Controlled Substances Trafficking Prohibition Act; and H.R. 2070, Correction Officers Health and Safety Act of 1997; and to mark up the following: H.R. 2925, Deadbeat Parents Punishment Act of 1997; and the Care for Police Survivors Act of 1998, 9:30 a.m., 2226 Rayburn.

Committee on National Security, to continue hearings on the fiscal year 1999 National Defense authorization request, 10 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on National Parks and Public Lands, hearing on the following bills; H.R. 2538, to establish a Presidential commission to determining the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; H.R. 2776, to amend the Act entitled ''An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property know as the Warren property; and H.R. 3047, to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up H.R. 3267, Sonny Bono Memorial Salton Sea Reclamation Act, 2 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Technology, to mark up the following bills: H.R. 3007, Commission on the Advancement of Women in Science, Engineering, and Technology Development Act; and H.R. 2544, Technology Transfer Commercialization Act of 1997, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Empowerment, hearing on urban education, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Rail Safety Reauthorization: Federal Railroad Administration Resources Requirements, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, to mark up H.R. 3035, National Drought Policy Act of 1997, 9:30 a.m., and to hold a hearing on the Federal Cost of Disaster Assistance, 10 a.m., 2167, Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on Government Performances and Results Act (GPRA) principles at the Veterans Benefits Administration, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1997, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Analysis and Production Issues, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Labor and Human Resources, Subcommittee on Children and Families, to hold joint hearings with the House Committee on Education and the Workforce Subcommittee on Early Childhood, Youth and Families to examine the effectiveness of the Head Start education program, 9:30 a.m., SD–430.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 26

Senate Chamber

Program for Thursday: Senate will resume consideration of S. 1768, emergency supplemental appropriations.

Senate may also resume consideration of H.R. 2646, Education Savings Act for Public and Private Schools.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 26

House Chamber

Program for Thursday: Consideration of H.R. 3246, Fairness for Small Business and Employees Act (structured rule, 1 hour of general debate);

Consideration of H.R. 3310, Small Business Paperwork Reduction Act Amendments of 1998 (Open Rule, One Hour General Debate)

Consideration of H.R. 2515, Forest Recovery and Protection Act (open rule, 1 hour of general debate); and

Possible Consideration of H.R. 1757, Foreign Affairs Reform and Restructuring Act (Rule Waives All Points of Order).

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