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House of Representatives

The House met at 9:00 a.m.

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

O gracious God, whose love is given freely to all creation and whose mercy is without end, accept our prayers and petitions this day.

We place before You, O God, our thanksgivings and praise for all Your goodness to us and to all people, for You have blessed us when we did not deserve and You have healed us in spite of our errors. We confess that we have too often missed the mark and not been receptive to Your grace.

Open our thoughts and minds to Your loving spirit, that we will be Your people and do the works of justice and of peace.

In Your name we pray, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, June 25, 1998:

H.R. 2646, to amend the Internal Revenue Code of 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency, Emil Constantinescu, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, July 14, 1998, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess, subject to the call of the Chair.

During the recess, beginning at about 9:54 a.m., the following proceedings were had:

□ 0954

JOINT MEETING BY THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY H.E. EMIL CONSTANTINESCU, PRESIDENT OF ROMANIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort his excellency, H.E. Emil Constantinescu, into the Chamber:

The gentleman from Texas (Mr. ARMEY);

the gentleman from California (Mr. COX);

the gentleman from New York (Mr. GILMAN);

the gentleman from Nebraska (Mr. BEREUTER);

the gentleman from New York (Mr. SOLOMON);

the gentlewoman from Washington (Ms. Dunn);

the gentleman from Pennsylvania (Mr. FOX);

the gentlewoman from Connecticut (Mrs. KENNELLY);

the gentleman from Maryland (Mr. HOYER);

the gentleman from Indiana (Mr. HAMILTON);

the gentleman from California (Mr. LANTOS); and

the gentlewoman from California (Ms. PELOSI).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of Romania into the House Chamber:

The Senator from Florida (Mr. MACK);

the Senator from Indiana (Mr. COATS);

the Senator from Indiana (Mr. LUGAR);

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the Senator from Oregon (Mr. SMITH);

the Senator from South Dakota (Mr. DASCHLE); and

the Senator from Delaware (Mr. BIDEN).

□ 1000

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Dunstan Weston Kamara, Ambassador of Zambia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 5 minutes, a.m., the Assistant to the Sergeant at Arms announced His Excellency H.E. Emil Constantinescu, President of Romania.

His Excellency H.E. Emil Constantinescu, President of Romania, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency Emil Constantinescu, President of Romania.

(Applause, the Members rising.)

ADDRESS BY HIS EXCELLENCY H.E. EMIL CONSTANTINESCU, PRESIDENT OF ROMANIA

President CONSTANTINESCU. Mr. Speaker, Honorable Senators and Representatives, Ladies and Gentlemen: Thank you for your warm welcome.

It is a rare honor to be able to address those who make the laws of the United States, the laws of the country of freedom, and who stand as guardians of fundamental human rights in the United States and all over the world.

Throughout its history, your country has been a beacon of hope for the oppressed and the needy, a source of inspiration for the creative, the courageous and the achieving. It has always been, and may it ever remain, the land of the free and the home of the brave.

Romania and the United States have a strong and growing relationship. We are linked to the United States by technology, know-how and capital. We are joined by hundreds of thousands of Romania's sons and daughters, people who came to this country over the years and whose descendants now live in every corner of your magnificent land. But ever more importantly, Romanians have always sent to America their most cherished treasure: Their hopes for freedom.

We call America the Land of Freedom because this has been its guiding principle, as well as a source of inspiration to other countries around the world. But the term ''Land of Freedom'' stands also for a virtual community of like-minded and like-hearted people all over the world who believe in the defense of liberty, of human rights, and of human dignity. People of all races and backgrounds and religions are welcomed to join.

Regardless of where they live on the globe, people who believe in freedom are citizens of the virtual Land of Freedom. Since the fall of Communism, its numbers have grown steadily and enthusiastically. Since 1989, 23 million Romanians are among the proudest members.

Your Founding Fathers have written: When a long train of abuses and usurpation evinces a design to reduce people under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. This is what the Romania people have done.

My country threw off the yoke of Communism in 1989, and in 1996, it achieved its first fully democratic transfer of power. As President of a fully democratic Romania, I bring you the greetings and the hopes of my fellow citizens. It is their desire to live in the Land of Freedom alongside you and all other people who value freedom, human rights and human dignity. This desire has brought me to America and to this historic Chamber today.

In the new global order, this Land of Freedom spans the globe from West to East and from North to South.

□ 1015

It is an expansive land of constantly changing landscape and with ever-changing contours. Its elusive borders are defined by each and every individual who is willing to defend liberty, property, and respect the rule of law.

But in such an ever-changing landscape, people need anchors to keep steady and stable in a sea of change. As the messenger of the Romanian people, I am here to tell you that my country can and wants to be exactly that, an anchor of stability in the sometimes storm-ridden sea of southeastern Europe. But for that anchor to keep steady, we need the acknowledgment and support of the United States of America.

We, the people of Romania, think we have earned it. Even as Romania was dragged into World War II by the Nazi regime, 6,000 Romanian citizens joined countless Romanian Americans to serve proudly in the United States Army, seeing action in the Pacific and North Africa. Some of these veterans are here today. On behalf of the Romanian people, I salute you. In defiance of the country's unfortunate war alliance, more than 1,400 American pilots and soldiers were sheltered by the Romanian people, people who refused to see the Americans as enemies, and who insisted on seeing them as defenders of freedom.

During the 1950s and 1960s, hundreds of thousands of my countrymen were being thrown in concentration camps and jails, tortured and killed only because they refused to yield their freedom. Farmers were jailed because they would not allow their land to be confiscated. Priests were tortured when they refused to forsake their beliefs. Intellectuals were sent to camps because they chose to defend freedom and democracy.

In all the eastern and Central European countries, the armed resistance against communism lasted longest in Romania. Romania's freedom fighters were thousands of anti-Communist guerilla fighters who operated in the Carpathian mountains, including one in my childhood village. The last members were not subdued until 1961. The terrible dramas of those death-sunken times, of suffering and humiliation, were, and perhaps still are, sealed off in silence and oblivion. Romanians paid a terrible price for their fierce refusal to surrender their freedom. Romania was subjected to the harshest totalitarian dictatorship in the region: The regime of the dictator Nicolae Ceausescu.

And yet, in 1989, Romanians summoned the courage to rise up against that dictatorship: Hundreds of thousands of people took to the streets, defying Ceausescu's tanks and troops. Bare-chested young people chanted: ''We shall die, but we shall be free''. Over 12,000 of them paid dearly with their lives, and thousands more were injured during the anti-Communist revolution in Romania, the only country in central and Eastern Europe to have paid in blood the price of its freedom. Please allow me here, in this temple of democracy and of freedom, to pay homage to all the Romanians, known or unknown, who have suffered and died for liberty, and, indeed, to all people who fight in its cause, anywhere in the world.

I am here today as the representative of a free, Democratic and proud Romania. I am here to tell you that you may always count on us to be vigilant guardians of the Democratic values we share with you, the values we have fought so hard to regain.

But it is not enough to have freedom. Freedom must be maintained and defended on a constant basis. I feel the best way to meet this challenge is by working together in cooperative partnerships with other nations. For I think that all of those who believe in freedom ought to have the means to defend their beliefs, together. Romania was the first country to join the United States in its Partnership For Peace, and my fellow citizens have now invested their hopes in one day joining an expanded NATO.

Some of you have strongly supported the enlargement of NATO to include Romania. For that we are grateful. Others have a less positive view, especially of a so-called ''second wave'' of expansion. I respect your right to differ. But as the first Central European

head of state to address you since the congressional debate over NATO expansion, I want to say how deeply I admire the role of the United States Congress in making this historic decision. The expansion of NATO is a visionary undertaking, a milestone in the history of Europe and the world.

I hope you see it in the same way. As a geologist, I have learned that, while painfully climbing a mountain peak, without being able to see it from afar, you might fail to grasp its greatness. As a president, I have noticed that many a time debates and arguments prevent us from spotting, in a storm of events, the ones which will defy eternity. As an ordinary person who thinks about his fate, as well as the fate of his people and the Eastern European peoples, I have understood the tremendous force of an idea at work.

For more than 1,000 years, the borders of Europe have been drawn or changed by war, dictate or external pressure. Since the Second World War, NATO has succeeded in maintaining peace in, and for, Western Europe, and fostering well-being and progress in the nations that share its mission. At the same time, in Europe's Communist east, old conflicts laid frozen while new ones kept emerging. When the Berlin Wall collapsed at last, the peoples of the east won their freedom, but not the ability to put it to use together.

In this new and traumatic historical adventure, transition from totalitarian regimes to democracy and from centrally planned economies to a market economy, the idea of joining NATO did not merely grow out of a need to be a part of a defensive military alliance. As a vector of a set of fundamental values of modern civilization, it has become the supreme expression capable of harnessing the major goal of human solidarity. Issues that had seemed impossible to solve, both within and between the various Eastern European countries, can now find a solution through joint Democratic exercise that has replaced the harsh logic of confrontation by dialogue and cooperation.

Let us imagine for just one moment the European stage after the fall of communism, had NATO gotten frozen in its original project, leaving the east of Europe prey to violence and chaos. What would there have been left of Eastern Europe, save for ruins, and how long would it have lasted before Western Europe and then maybe the United States itself had lapsed into the grip of antagonisms?

Now that freedom has come to the people of Eastern Europe, we aspire to take the next step and join a community of nations bound together by freedom, human dignity and prosperity. We welcome the chance to share our part of the burden of securing a peaceful future for all of Europe. But to do that, we need your help.

In many ways this moment is as crucial to the future of Europe as were the years after World War II that first gave birth to NATO itself. Your country undertook, with great wisdom and vision, the responsibility of world balance and world peace. We urge you to do so again. Romania does not seek to add to this historic burden, but to share it, modestly, yet reliably, as a trusted ally and friend. In order to build a fully prosperous, Democratic and stable Europe, one that stretches from the Atlantic to the Urals and beyond, the United States needs to anchor its policies to countries on Europe's southeastern flank that share its Democratic ideas and its commitment to the region's stability.

Romania is such a country. I would even go so far as to say that Romania is a key to stability in the southern part of Europe. It is a bold statement, I know, but one that is supported by three important factors.

First, Romania is the second largest country in the region and centrally located in a place of strategic importance to the security of the entire area. We are truly a crossroads for many diverse cultures and civilizations, western secular, Southern Catholic, Eastern Orthodox and Muslim. Many observers have said conflicts seem almost inevitable, given Romania's ethnic patchwork and complex border situation.

Still, we have managed to avoid conflict, both within and along our borders, and to successfully find political solutions to all potentially divisive ethnic and external issues. Today, for example, the Hungarian ethnic minority is part of the governing majority. The sensitive issues of the relations with the Republic of Moldova and the Ukraine have been resolved without tension. Religious minorities are developing an increasing dialogue with the Orthodox majority. Romania's social peace is proof that when a democracy is firmly rooted, its institutions can weather the storms of social reform.

□ 1030

So the strength of our internal democracy is the first reason we are so important to regional stability.

Second, we have strong diplomatic and political ties with all countries in the area. For example, through goodwill and constant effort on the part of both countries, Romania has reached an historic agreement with Hungary to bring long-sought reconciliation between our two nations. The strength of this grassroots reconciliation has been successfully tested many times this past year. Recently, both our Hungarian minority and all Romanians were able to freely and peaceably commemorate the historic events of the 1848 democratic revolutions, when our two countries unfortunately fought against one another. We have concluded a sound treaty with the Ukraine, which provides for the mutual protection of our ethnic minorities and starts many common projects.

Romania's three-party agreements with Poland and the Ukraine, the Ukraine and the Republic of Moldova, and Bulgaria and Turkey, and soon with Greece and Bulgaria, and Hungary and Austria, as well as the excellent relations with all the Balkan countries, the Baltic States, and, naturally, Russia, are tokens of our contribution to the regional security architecture, in a zone still marked by simmering conflicts.

Third, Romania is a key to stability in the region because it is at the crossroads of the two largest Euro-Asian trade routes known for thousands of years: the East-West one, known as the ''the Silk Road,'' running from China to Spain, and the North-South one, ''the Amber Road,'' from Scandinavia to the Mediterranean Sea. These roads will find a new meaning in the global world of the third millennium. It is particularly the ''Silk Road'' project, which will tie Japan and China to Central Asia and Caucasian countries, Southeastern and Central Europe to Western Europe, from the Pacific to the Atlantic, that will most likely evolve into the biggest challenge of the early third millennium. Last week, I met with the presidents of Azerbaijan and Georgia to discuss the role our countries can play in securing the central tier of this vast trading route.

United States participation in this great effort is crucial. Not only does the United States lend tremendous credibility to such an undertaking, but it also helps ensure that future trade will be conducted in a stable region secured by open and cooperative Democratic structures. Ethnic conflict arises because of a major deficit of democracy, invariably triggered in our part of the world by the representatives of the old Communist structures, unwilling or unable to fit in the new context and to give up former privileges. Indeed, national-communism is not a residue but the ultimate expression of communism itself, with all its stock of hatred, grafted on the demons of chauvinistic nationalism. One of the admirable gestures of American democracy lies in its assuming, alongside Europe, moral responsibility for the Holocaust. Meditating upon this example helps us understand that we all have the imprescriptible duty to be alert to any chauvinistic, anti-Semitic and aggressive deviation. Because aggressive hatred is like plague; it may recur anytime. It is in Romania's interest to contribute to Southeastern Europe's becoming a region where different modern, open societies coexist peacefully, a region where democracy, tolerance, freedom and human rights are at home. I believe this to be in America's interest as well.

I would like to relate to you what Romanian opinion polls have repeatedly shown for the last several years, namely, that the Romanian people consider the United States to be our most reliable partner. There is, between our people, an underlying closeness of our souls. One sign of this, I believe, was the outpouring of enthusiasm that welcomed President Clinton to Bucharest

last summer. Another more fundamental sign is the ongoing effort to build the closest possible strategic partnership between our country and the United States.

Romania is fully committed to forming and nurturing this special partnership. Democracy can only flourish in Romania and we can only become a more positive influence in the region if our role as a stabilizing force is acknowledged and supported by the United States and its allies. Romania is living proof that Eastern and Southeastern Europe are not doomed to a life of conflict. But we all have the duty to be on guard against hatred in any form.

Over the past year, Romania has proved that the occasional political storm matters less than having a sound political foundation that allows us to weather those storms. We have also learned that despite our profound and unflinching commitment to privatization and economic reform, it will be more difficult to rebuild the Romanian economy than we or our friends expected. We understand the need to balance our eagerness for speedy reform with the need to maintain social stability. We have been able to do this so far. Again, this is a tribute to our democratic institutions and the commitment of our people to those institutions. The next step is to speed up privatization while maintaining our social equilibrium.

All of these efforts, building the society, consolidating democratic institutions, reforming the economy, our contribution to the security of Eastern Europe would be more difficult without your assistance. But I can assure you they are well worth your efforts, as they do so much to advance peace and stability in such a vital part of the world.

As a representative of the American people, I want to thank you on behalf of my country for the friendship and help the United States has shown us.

The land of freedom, the land I spoke about a few minutes ago, is a unique place. It belongs to those who are willing to sacrifice for its attainment and its defense. It is a land your Founding Fathers conceived and the one envisioned by our own patriotic thinkers and fighters. It is the land of your brave military men and women, as it is the land of Romania's soldiers who volunteered to go to Albania, Angola, the Persian Gulf and Bosnia, in any country where peace is under attack. It is our challenge together, as allies and partners, to build the bridges to the next millennium from the Danube to the Potomac, from the Black Sea to the Pacific Ocean and beyond, wherever people believe in and fight for freedom.

I would like to close with a true story. One hundred and fifty years ago, a young Romanian who had fought for freedom in the 1848 revolution emigrated to America. His name was George Pomutz, which in Romanian means ''little tree.'' Once on American soil, he volunteered for Lincoln's Army and fought in some of the key battles of the Civil War, including Vicksburg and Atlanta. Our ''little tree'' went on to become a general in your Army and later an American diplomat, serving in Russia, where he helped negotiate the American purchase of Alaska. In 1944, long after his death, the Romanian community in the United States donated money to build a battleship, named for Romanian-American General George Pomutz. The ship named for the ''little tree'' served in peace and war, always a symbol of strength and vigilance. Over the decades, Pomutz' story attests to the common roots shared by our two people, the closeness of their souls, their love of freedom and their willingness to fight in its defense.

God bless America. God bless Romania. God bless the land of freedom.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly (at 10 o'clock and 46 minutes a.m.) the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 11:15 a.m.

□ 1117

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 11 o'clock and 17 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3156. An act to present a congressional gold medal to Nelson Rolihlahla Mandela.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2870. An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2282) ''An act to amend the Arms Export Control Act, and for other purposes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute speeches on each side.

THE BEANIE BABY CAPERGATE

(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, as we all know, the President and his entourage just recently returned from a 9-day, taxpayer-paid, $50 million trip to China. It appears that America's tough-talking trade representative, Charlene Barshefsky, has shunned and even ignored American trade law. My word, Mr. Speaker, we now have the Barshefsky Beanie Baby Capergate.

Apparently, the President's trade rep, who is supposed to know, who is supposed to understand, who is supposed to follow trade laws, was caught red-handed in China's unregulated back-alley Beanie-Baby black market. Barshefsky illegally acquired a boatload of Beanie Babies while in Beijing and tried to bring them back to the United States.

''Whoa, not so fast,'' said the U.S. Customs, since it is illegal to purchase these toys in China.

Well, what is next? I hope the Clinton Administration does not think that this is an even trade for the top-secret missile technology they just gave them. With a $50 billion U.S. trade deficit, maybe the Chinese were secretly paying off the Clinton Administration with Barshefsky Beanie Babies.

I yield back to the American people any legal Beanie Babies not hiding in the White House.

PATIENT'S BILL OF RIGHTS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, you ask the question, what do the American people want? Well, they want a real Patient's Bill of Rights, not the whiplash health care bill that Speaker GINGRICH and the Republicans want us to buy in. Whiplash? It comes real sharp, and when you get through, it hurts badly.

Our Patient's Bill of Rights guarantees a patient's right to see a specialist when they need to. It emphasizes the patient's and the doctor's rights and relationships. It guarantees that our

vulnerable patients will be able to choose their own doctors.

Yes, it bans the little parrots that are given to our doctors who say, ''Don't give them any care to them; see them only for 10 minutes.''

Do you know what the Republicans do? They do not allow you to choose your own doctor. They send women out of the hospital before 48 hours after they have had a mastectomy; and, yes, they keep asking you to pay for those high, high prescription drugs.

Americans want a real Patient's Bill of Rights, not the whiplash that comes quickly and hurts long. Support the Democratic Patient's Bill of Rights and get real health care reform, real managed care reform for America.

AMERICA VULNERABLE TO FOREIGN MISSILE ATTACK

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

Ms. DUNN. Mr. Speaker, the Preamble to the United States Constitution states that the Federal Government shall have the responsibility to provide for the common defense. Protecting our national security is, in fact, the first duty and the primary obligation of the President, our commander-in-chief.

But America is vulnerable today, vulnerable to a missile attack from abroad. It is a shame that it has taken nuclear blasts in India and Pakistan to convince American leaders that the time to act is now.

Many Americans are unaware of this, but if a missile were fired at an American city, the United States would be defenseless against it. This is a shocking realization when you consider that there are many nations that have the capability of reaching American soil with long-range nuclear missiles.

The potential threat to every child in America demands that we take decisive action to protect ourselves from the uncertainty that exists in the world today. It is time to honor our obligation to the Constitution and to the American people by building a missile defense system. No less than the security of our Nation and the safety of our children is at stake.

KEEPING WHAT IS ALREADY YOURS

(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, this Congress intends to focus like a laser beam on an issue of particular importance to families. It's called tax cuts. Many Americans are moving ahead in these economic good times, but some families are having trouble making ends meet.

While the liberals believe that the way to improve the standard of living of hard-pressed working families is to propose more job training programs and more Washington-directed education programs, the same ones which have failed miserably in the past, Republicans have a much better idea. Republicans want to help ordinary working families by letting them keep more of their own money. No need for theory or hopes that some day these Federal training programs will trickle down to real people. No, the Republicans can help families make ends meet, save for that first home or pay off those credit cards by giving them a tax cut.

Actually, the government would not be giving them anything. It would mean that the government would let people keep more of their own hard-earned money.

ACCEPTING RESPONSIBILITY FOR TEACHING MORALS AND VALUES

(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, once in America, parents imparted their values and morals to their children. Today, it is out with parents, in with computers. Some even liken it to a Tower of Babble in each family room.

Check this out. Last month a woman gave birth on the Internet; and today two teenagers announced, through their attorney, no less, that they will surrender their virginity live on the Internet. Unbelievable. What is next? A late-term abortion? How about an online sacrifice to Satan, folks?

Beam-me-up.com.

I say it is time for these computer companies to shove their software up their hard drives live on the Internet.

One last thing, on a serious note. I believe America is in sad shape when computers begin to replace parents in passing down our morals and values.

I yield back any common sense left in the country.

FREEDOM AND PRIVACY RESTORATION ACT

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

Mr. PAUL. Mr. Speaker, I rise today to introduce the Freedom and Privacy Restoration Act, which repeals those sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizing an establishment of Federal standards for birth certificates and drivers' licenses.

This obscure provision, which was part of a major piece of legislation passed at the end of the 104th Congress, represents a major power grab by the Federal Government and a threat to the liberties of every American, for it would transform State drivers' licenses into national ID cards.

If this scheme is not stopped, no American will be able to get a job, open a bank account, apply for Social Security or Medicare, exercise their second amendment rights, or even take an airplane flight until they can produce a State driver's license that is the equivalent of conforming to Federal specifications. Under the 1996 Kennedy–Kassebaum health care reform law, Americans may be forced to present a federally approved driver's license before consulting their doctors for medical treatment.

My fellow colleagues, make no doubt about this, this is a national I.D. card. We do not need it. Please join me in an effort to stop it.

PLEDGE TO FULLY FUND THE E-RATE PROGRAM

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

Mr. RUSH. Mr. Speaker, I rise today to alert my colleagues to the growing threat to the E-rate program. This key provision of the Telecommunications Act of 1996 makes sure that our Nation's poorest children do not get left behind along the information superhighway by providing telecommunications services at a discounted cost to poor and rural schools and libraries.

To date, more than 30,000 applications for the program have been received, including over 200 in my district. As part of the Telecommunications Act, long distance companies agree to support the E-rate program through their contributions to the Universal Service Fund. In exchange, the industry has reaped billions of dollars in lower access charges and expanded market share. Now they want to renege on the deal.

Today I am calling on my colleagues to pledge their commitment to seeing that the E-rate program is fully funded. To pull the plug on full funding of the E-rate program is to further exacerbate the great digital divide between the haves and have-nots and will leave our children unprepared to move into the new millennium. Let us not let that happen.

SIGN EDUCATION SAVINGS ACCOUNT INTO LAW

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

Mr. ROGAN. Mr. Speaker, the Republican-led House voted overwhelmingly for Education Savings Accounts to give every American family the power to improve the educational choices for their children. Not every family today can afford a home computer or the SAT prep course, but through IRA-style Education Savings Accounts, Republicans hope to make these education expenses more available to children.

Who is in a better position to use this money to help improve our Nation's

education needs, Washington bureaucrats or American families? That is the decision that must be made.

Mr. Speaker, the best way to help improve education is to give each family more of their own money so they can choose what and how to help their children. For this to happen, President Clinton must free our children from the education bondage of special interests and sign the Education Savings Account conference report into law.

□ 1130

TRUTH IN BILLING

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

Mr. BLUMENAUER. Mr. Speaker, the authors of the Education Rate are distressed by the current controversy, since the discount was supposed to be paid for through the hefty savings the telephone companies received as a result of deregulation, almost $3 billion as of July 1998.

That is why I have introduced H.R. 4018 to give consumers ''truth in billing.'' It would require a GAO report on how much money has actually been saved as a result of deregulation and how much of that savings has been passed back to consumers. In addition, it would require that those companies seeking to put additional line items on their bills reflect the full and accurate picture of both costs and savings that have resulted from the Federal regulatory action.

There is no reason for confusion. At a time when the majority of classrooms in America do not have Internet access, and when the numbers for the poor and the rural areas are even worse, it is important for Congress to cut through the confusion, keep our commitment to our schools and libraries, and most important, to America's children.

TRIBUTE TO THE COURAGE AND BRAVERY OF OUTSTANDING STUDENTS AT THURSTON HIGH SCHOOL IN SPRINGFIELD, OR

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

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor Jake and Josh Ryker, Adam Walburger, and Doug and David Ure for their courage and bravery.

On May 21, 1998 these students witnessed a fellow classmate walk into the Thurston High School cafeteria in Springfield, Oregon, and begin shooting. Jake Ryker, after being shot through the chest, grabbed the suspect around the waist and threw him down, knocking the rifle out of his hands. His brother Josh and three other students followed Jake's lead and jumped on the suspect and held him on the floor until teachers arrived to provide assistance.

The Ryker brothers and their family attribute these boys' confidence and quick thinking to their familiarity with firearms and the training they received as Boy Scouts. I would add to this a strong family that taught these brothers courage, integrity and compassion for their fellow man.

Clearly, the actions of Jake and Josh Ryker, Adam Walburger, and Doug and David Ure saved more lives and prevented more students from being injured or killed.

Mr. Speaker, I take this moment to honor the courage and bravery of these fine young men for acting above and beyond the call of duty in defense of their fellow classmates at Thurston High School in Springfield, Oregon.

MANAGED CARE REFORM

(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, I find it ironic that the same people that preached and lectured this Congress about the importance of personal responsibility and accountability for one's actions during the welfare reform bill are taking the opposite position on managed care reform.

This is really about the same thing: being accountable for the decisions we make. We should be responsible for our actions, whether one is a Member of Congress voting, a welfare recipient looking for work, or an HMO deciding not to pay for a test or a procedure that the doctor says is medically necessary.

Why should HMOs be given preferential treatment and held to a different standard than the doctors they employ or the patient that they are supposed to serve?

The Republican managed care bill will not hold HMOs accountable when they make these medical decisions.

One thing this decision does is clearly define where everyone stands on the issue. We should be fighting for a bill that requires timely internal and external appeals; access to specialists or special needs; point of service choice for employees and the patients; open communication between patients and their doctors; no gag rule; and accountability of the medical decision-maker. We need real health care reform, not a false hope.

DOLLARS TO THE CLASSROOM ACT

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

Mr. PITTS. Mr. Speaker, I rise to seek support for our Nation's children to learn and our teachers to teach by supporting H.R. 3248, the Dollars to the Classroom Act. This bill will send at least 95 cents of every Federal dollar for 31 K-through-12 education programs to our children's classrooms. That means that $2.7 billion will be taken from the grasp of bureaucrats and put into the hands of a teacher who knows our child's name. Mr. Speaker, that means that every classroom in America will get an additional $425 on an average of $9,300 per public school. I urge my colleagues to join this important effort to redistribute education tax dollars away from bureaucrats to students, parents and teachers.

Instead of paying for reports, studies, and layers of bureaucracy, I ask my colleagues to pay for teachers' salaries, textbooks, computers and other supplies. Let us put our children first, let us put their education first, let us turn rhetoric into action by passing the Dollars to the Classroom Act before our children return to school next fall.

DEMOCRATS LOVE TO TAX

(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, today we have heard liberal after liberal, Democrat after Democrat, excuse me, I am being redundant, speak in favor of a new $2 billion tax increase. They are so proud of the Gore tax. Every time you call your mother, it is going to cost you a little bit more. Every time you have a medical emergency, a friend out of town, it is going to cost you more. Any time you have a loved one in California you want to call from the East Coast, it is going to cost you more, and the Democrats are so happy about it.

Why are they happy about it? Well, for one thing, any tax is a good tax. We love all taxes. Another reason they are happy: we did not have to vote on it. It got sneaked in by their comrades in the Federal bureaucracy who sneaked it in. Not one congressional vote.

I would say to my liberal colleagues, we know you like taxes. Why do we not vote on it? Since you are so proud of tax increases, why not bring this matter to the floor so that the Vice President can run on a new platform: I increased your phone taxes. I increased it for the poor people, I increased it for the old, I increased it for those on fixed incomes, and let them brag about it on the House floor.

STRONG SUPPORT FOR E-RATE

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

Mr. REYES. Mr. Speaker, I am gladly standing this morning in support of the E-rate. I believe this country's most valuable resource to be our children, and education is key to their development. In a world where computers are defining their very lives, our educational institutions must include technology. The genius of American education is that whether rich or poor, our children are given the opportunity to gain that knowledge.

Today, the Internet is a tremendous tool to acquire that knowledge. It brings people and ideas thousands of miles apart to a child's desktop. We cannot afford to have this technology available only in financially strong schools. Through the E-rate, those schools and libraries with limited resources are given the necessary discounts to link up with everybody else.

The attacks on the E-rate are an assault on our children's future. Our society must not be divided by those who are computer literate and those who are not.

Mr. Speaker, if we do not support E-rate, we doom and handicap our children. Americans understand and want access to technology in their children's schools, and we must all support the E-rate.

PRESIDENT SHOULD SIGN EDUCATION SAVINGS ACCOUNTS LEGISLATION

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

Mr. PAPPAS. Mr. Speaker, the President has an opportunity to help middle class parents give their kids more opportunities in life. Congress passed legislation that would create education savings accounts, which means that middle class parents could save in tax-free accounts and use it towards their children's education. They could use it in any way that they wished, towards private schooling for extra tutoring, or for special help in meeting the needs of disabled children.

It is an insult to parents everywhere to suggest that they are incapable of saving for their children's education, and it is either naive or simply dishonest of liberals to say that the education savings accounts would not benefit poor parents because only private schools costing thousands and thousands of dollars are in existence.

Let us help parents save for their children's education. The President should sign this legislation today.

HEALTH CARE REFORM: PATIENTS' BILL OF RIGHTS IMPORTANT FIRST STEP

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

Mr. STUPAK. Mr. Speaker, the leadership of the majority in both the House and the other body have finally entered into the public discussion on the adoption of a ''Patients' Bill of Rights.''

This is an important step because it is an acknowledgment by the majority that American families are demanding protection in their dealings with Health Maintenance Organizations. It is an important step, too, because the Republican proposals will give the American people a clear choice. They can choose a Republican plan which affirms the rights of patients to appeal, but which appeals fall on deaf ears; and without real enforcement provisions, the Republican plan simply moves the consumer's appeal on a denial of coverage up the management ladder to a fancier wastebasket.

The Democratic plan, now that provides real enforcement. It gives you, the patient, the right to enforce all of the provisions of your HMO plan. That is why we need the Democratic Patients' Bill of Rights legislation. The Democratic proposal reaches beyond an election year quick fix to a fundamental problem by giving the consumers real power to enforce their plans.

HMOs have moved into the business of prescribing health care. The Democratic plan makes sure the HMOs are held responsible for such decisions.

CHILD CUSTODY PROTECTION ACT

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

Mr. LARGENT. Mr. Speaker, Americans value many things, but no value is stronger, deeper or greater than the love that a father and mother have for their children.

Mr. Speaker, no one loves their children more than their parents. Yet we see and hear more every day about how big government is coming between parents and children, about how government is stepping in without just cause and usurping parental rights.

Mr. Speaker, my office and many other offices have heard from families across the Nation that are concerned, frustrated, and even angry over government undermining their authority, and many times we feel helpless. We often find ourselves asking, what can we do about it.

Well, Mr. Speaker, today every Member of this House will have an opportunity to do something about it. Today, Mr. Speaker, parents from across the Nation will be watching our vote on the Child Custody Protection Act.

The act is simple. It says that one cannot transport minors across State lines for abortions in order to avoid notifying their parents. These are deeply held beliefs, Mr. Speaker, and today as we vote on the Child Custody Protection Act, the parents of America will be watching.

HMO REFORM

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

Mr. WYNN. Mr. Speaker, now that Congress is back in session, the debate over HMO reform will really begin. It will really heat up. We will hear from the Republican side of the aisle a lot of gimmicks. They will talk about health marks, and they will talk about medical savings accounts.

What we have to understand is that the key to HMO reform is simply this: timely access to needed medical services and the ability to enforce that right. That is what the Democratic plan would do, because it would give patients the right to sue HMOs when HMOs make decisions that deny their patients' rights and adversely affect their health care.

The Republican plan does not offer that benefit because they are afraid to take on the HMOs and the insurance industry.

Let me give my colleagues an example in my district. It is a typical example. A young man is in a bicycle accident. He faces facial disfigurement. His medical doctor says he ought to take a certain course of treatment, but the HMO says no, we are not going to pay for that treatment.

Let me tell my colleagues, if the HMO could be sued for failing to allow necessary treatment, they would change their tune. That is what the debate for HMO reform is all about. I hope we will adopt the Democratic approach.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

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

Mr. HEFLEY. Mr. Speaker, it is time to take stock of the 105th Congress. Despite a slim majority in the House, a Senate that lacks the 60 votes necessary to break a filibuster and a liberal Democrat in the White House, the Congress has managed to pass an historic balanced budget agreement, middle class tax cuts, and a transportation bill that addresses the needs for improved, safer roads in America.

But while Republicans are proud of that record, they are not satisfied. The cost of government is too great, Washington spending is still too careless, and education reform is being blocked by the usual suspects. The remaining time in the 105th Congress should be devoted to more progress in these areas.

The President has on his desk important legislation to help parents save for their children's education in the form of education savings accounts. Normally this would not even be controversial, but the special interests oppose it, and the prospects for the President signing it are slim.

That leaves us with more tax cuts and fiscal restraint. When it comes to tax cuts, Republicans believe in ''more rather than less, sooner rather than later.''

Of course, we intend to honor that pledge.

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WHY IS THE REPUBLICAN PARTY PROTECTING THE HEALTH INSURANCE COMPANIES?

(Mr. ROTHMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I hold in my hand a series of very thoughtful articles from my hometown newspaper about the devastating effects when HMOs deny doctors and their patients the right to see medically needed specialists or to receive special tests.

The problem is the Democratic Party and a handful of Republicans want to make HMOs accountable when they deny a specialist's care or special medical tests and that denial causes pain or injury or death to the person.

Right now if that happens, the patient who gets sick or dies, his family can sue the doctor, but they cannot sue the HMO who denied the test or denied the procedure that would have saved the person's life. The Republican Party will not allow HMOs to be held accountable.

We should ask yourselves, why? Why would the Republican party not allow HMOs to be sued or to be held accountable if the HMO's denial of a test or treatment caused the pain, injury, or death? In our society if somebody does something wrong to you, you can sue them. Why are they protecting the health insurance companies?

THE PRESIDENT'S ENTOURAGE TO CHINA AND OTHER LOCATIONS

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

Mr. STEARNS. Mr. Speaker, I rise to comment on the President's record-breaking trip to China.

The President broke every record imaginable in the size of the delegation he took with him to China and in the amount he spent on a foreign trip. His official entourage numbered more than 1,000. Its estimated cost was $40 million, according to the International Herald Tribune.

''The Presidential entourage filled four passenger planes and several military transports.'' In addition, the retinue included six Members of Congress, five cabinet officials, who each brought almost 40 staff members, a chief of staff, a deputy chief of staff, a national security adviser, a deputy national security adviser, a press secretary, a deputy press secretary, five stenographers, two White House television crews, a valet for the President and a hairdresser for Mrs. Clinton, the President's private secretary and the White House staff secretary, speechwriters and rewriters, doctors and lawyers, snipers, commandoes, bomb-sniffing dogs, and of course, 375 reporters and photographers.

Vice President GORE must have felt like the kid in ''Home Alone.'' They spent more in 10 days than Judge Starr spent in 3 years.

CONGRESS SHOULD PASS LEGISLATION HOLDING HMOS RESPONSIBLE FOR DENIAL OF CARE

(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 would like to share with my colleagues the story of one of my constituents, Sharon Crossley, from Wallingford, Connecticut. Last November Sharon was diagnosed with breast cancer. The day before her surgery her HMO canceled the procedure because it was scheduled for the wrong hospital. While Sharon was waiting to get on another doctor's schedule, precious days were passing by.

As a cancer survivor, I can tell the Members how frightening the diagnosis is and how essential it is to get quick medical attention. Every day of delay is another day that the cancer could be spreading through your body, threatening vital organs.

Sharon Crossley was one of the lucky ones. She called our office. We were able to convince her HMO to help her get emergency surgery scheduled immediately. But patients should not have to take that kind of a risk that Sharon had to take.

The American people deserve to have rights in the health care system. That is why we need to pass legislation today holding managed care plans responsible for the denial of care with real, reliable, and enforcible remedies.

THE SONNY BONO SALTON SEA RESTORATION ACT

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

Mr. HUNTER. Mr. Speaker, in an hour or so we will have an opportunity to vote for the Sonny Bono Salton Sea Restoration Act. I would urge every Member to vote for this great, commonsense conservation project.

It will take the Salton Sea, which is some 360 square miles in size, and it will convert that sea or rehab that sea into a wonderful fishing resource, a great place for birders, for people that like all the water sports. It is within driving distance of about 6 percent of America's population. This is a great blue collar playground where people who cannot afford to go off for fly fishing on New Zealand on their holidays will have an opportunity to recreate.

The gentlewoman from California (Mrs. BONO) will be leading our efforts on the floor in just about an hour, along with the gentlemen from California, Mr. JERRY LEWIS and Mr. KEN CALVERT. I hope every Member votes for this great conservation project.

GIVE CREDIT WHERE CREDIT IS DUE FOR AMERICA'S ECONOMIC SURGE

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

Mr. CHABOT. Mr. Speaker, it is time to review a little recent history. What was the value of the Dow Jones Industrial Average on November 3, 1992, the day President Clinton was elected? It was 3252. The next question, what was the Dow Jones average 2 years later, when the President had been in office 2 years, when Republicans finally took over the Congress for the first time in 4 years? 3830. So it went basically from 3200 to 3800, about a 500-point increase.

What happened to the economy and the Dow Jones after the Republicans took over the House? The New York Stock Exchange has gone up over 9000 now, so it is an increase of about 5000. The liberals like to say that the economy turned around when the President was elected.

That is not what happened at all. It turned around when the financial markets and the American people were confident, when we had a turnover in the House of Representatives, not when the President was elected, a 5100 point increase. So let us let credit go where credit is due. It is important.

We want jobs, lower taxes. That is what this country needs, not higher taxes and not bigger government solutions.

THE ACCOMPLISHMENTS OF THE 105TH CONGRESS

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

Mr. PORTMAN. Mr. Speaker, I have heard a lot about the do-nothing Congress. I am getting kind of tired of it. The 105th Congress has been a very active Congress. The balanced budget we all know about, the first balanced budget in over 30 years, the first tax cuts in over 16 years, welfare reform that has moved people from dependency to dignity.

This year we continue to be busy. Later today we are going to hear from the gentleman from New York (Mr. GILMAN) and others on major environmental legislation called the Tropical Forest Conservation Act. It comes out of this Congress. We will be saving millions of acres of rain forests every year around the world through this legislation.

We just heard about the Salton Sea Restoration Act Congress is going to pass today. The IRS reforms, just last week the Senate passed historic IRS reforms. Since 1952 the IRS has not seen major reform. We are going to actually make the IRS work for the taxpayers, rather than the other way around.

A do-nothing Congress? It sounds more to me like a Congress that is doing plenty, in response to the concerns of the American people.

TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

"SEC. 801. SHORT TITLE.

''This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

"SEC. 802. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds the following:

''(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

''(2) Tropical forests provide a wide range of benefits to humankind by—

''(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

''(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

''(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

''(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

''(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

''(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

''(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

''(7) Finding economic benefits to local communities from sustainable uses of tropical forests is critical to the protection of tropical forests.

''(b) PURPOSES.—The purposes of this part are—

''(1) to recognize the values received by United States citizens from protection of tropical forests;

''(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

''(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

''(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

''As used in this part:

''(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

''(4) BOARD.—The term 'Board' means the board referred to in section 811.

''(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

''(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

''(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

''(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a regional, continental, or global scale.

''(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

''(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

''(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

''(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

"SEC. 804. ESTABLISHMENT OF THE FACILITY.

''There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 805. ELIGIBILITY FOR BENEFITS.

''(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

''(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

''(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

''(b) ELIGIBILITY DETERMINATIONS.—

''(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

''(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

''(A) $25,000,000 for fiscal year 1999;

''(B) $75,000,000 for fiscal year 2000; and

''(C) $100,000,000 for fiscal year 2001.

''(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

''(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

''(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

''(b) IMPLEMENTATION OF DEBT REDUCTION.—

''(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

''(2) EXCHANGE OF OBLIGATIONS.—

''(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

''(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

''(1) The provisions relating to repayment of principal under section 705 of this Act.

''(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

''(2) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant

to this section, there are authorized to be appropriated to the President—

''(i) $25,000,000 for fiscal year 1999;

''(ii) $50,000,000 for fiscal year 2000; and

''(iii) $50,000,000 for fiscal year 2001.

''(B) LIMITATION.—The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to this section are made in advance.

''(b) IMPLEMENTATION OF DEBT REDUCTION.—

''(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

''(2) EXCHANGE OF OBLIGATIONS.—

''(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

''(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

''(1) The provisions relating to repayment of principal under section 605 of such Act.

''(2) The provisions relating to interest on new obligations under section 606 of such Act.

''SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

''(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

''(1) DEBT-FOR-NATURE SWAPS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

''(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

''(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 809(d).

''(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

''(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

''(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to such paragraphs are made in advance.

''(4) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

''(5) ADMINISTRATION.—

''(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

''(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

''(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

''SEC. 809. TROPICAL FOREST AGREEMENT.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

''(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

''(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to an Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

''(c) ADMINISTERING BODY.—

''(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The administering body shall consist of—

''(i) one or more individuals appointed by the United States Government;

''(ii) one or more individuals appointed by the government of the beneficiary country; and

''(iii) individuals who represent a broad range of—

''(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

''(II) local community development nongovernmental organizations of the beneficiary country; and

''(III) scientific, academic, or forestry organizations of the beneficiary country.

''(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

''(3) RESPONSIBILITIES.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

''(d) ELIGIBLE ACTIVITIES.—Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the tropical forests in the beneficiary country, through one or more of the following activities:

''(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

''(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

''(3) Training programs to increase the scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

''(4) Restoration, protection, or sustainable use of diverse animal and plant species.

''(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases and illnesses and health related concerns.

''(6) Development and support of the livelihoods of individuals living in or near a tropical forest in a manner consistent with protecting such tropical forest.

''(e) GRANT RECIPIENTS.—

''(1) IN GENERAL.—Grants made from a Fund shall be made to—

''(A) nongovernmental environmental, forestry, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

''(B) other appropriate local or regional entities of, or active in, the beneficiary country; or

''(C) in exceptional circumstances, the government of the beneficiary country.

''(2) PRIORITY.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

''(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

''(g) ELIGIBILITY CRITERIA.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

''SEC. 810. TROPICAL FOREST FUND.

''(a) ESTABLISHMENT.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

''(b) REQUIREMENTS RELATING TO OPERATION OF FUND.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

''(1) The provision relating to deposits under subsection (b) of such section.

''(2) The provision relating to investments under subsection (c) of such section.

''(3) The provision relating to disbursements under subsection (d) of such section.

"SEC. 811. BOARD.

''(a) ENTERPRISE FOR THE AMERICAS BOARD.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

''(b) ADDITIONAL MEMBERSHIP.—

''(1) IN GENERAL.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

''(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

''(B) Two representatives from private nongovernmental environmental, scientific, forestry, or academic organizations with experience and expertise in preservation, maintenance, sustainable uses, and restoration of tropical forests.

''(2) CHAIRPERSON.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

''(c) DUTIES.—The duties described in this subsection are as follows:

''(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

''(2) Ensure, in consultation with—

''(A) the government of the beneficiary country,

''(B) nongovernmental organizations of the beneficiary country,

''(C) nongovernmental organizations of the region (if appropriate),

''(D) environmental, scientific, forestry, and academic leaders of the beneficiary country, and

''(E) environmental, scientific, forestry, and academic leaders of the region (as appropriate), that a suitable administering body is identified for each Fund.

''(3) Review the programs, operations, and fiscal audits of each administering body.

"SEC. 812. CONSULTATIONS WITH THE CONGRESS.

''The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

"SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

''(a) IN GENERAL.—Not later than December 31 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

''(1) a description of the activities undertaken by the Facility during the previous fiscal year;

''(2) a description of any Agreement entered into under this part;

''(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

''(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

''(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Not later than December 15 of each year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.''.

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

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

There was no objection.

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

Mr. PORTMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN), to explain the measure.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, this measure was introduced last November by the gentlemen from Ohio, Mr. PORTMAN and Mr. KASICH, and the gentleman from Indiana (Mr. HAMILTON). The bill enjoys wide bipartisan support and is supported by the administration.

Mr. Speaker, tropical forests are home to roughly half of all known species of plants and animals. Under pressure from man, these forests are disappearing at rate of almost 1 percent per year, roughly 1 football field lost every second, or an area the size of Pennsylvania each year.

Most of these forests are also located in developing countries, and most of these countries are poor, with crushing debt burdens. In short, this bill authorizes the President to offer up to $325 million in debt owed to our government by the developing nations, a small fraction of the $15 billion they currently owe. The loans were made by the Agency for International Development and the Department of Agriculture.

The bill specifically references the conditions for the government to obtain such debt relief. These conditions include having a democratic government, a favorable climate for private sector investment, cooperation on narcotics matters, and no State-sponsored terrorism.

The bill enjoys wide support from environmental groups, such groups as the World Wildlife Fund, Conservation International, The Nature Conservancy, the Environmental Defense Fund, and the Sierra Club.

The Senate passed H.R. 2870 with a number of technical changes and clarifying amendments.

First, the Senate restored provisions of importance to the House after the Senate companion bill was reported from the Senate Foreign Relations Committee and before the Senate passed the House bill, as amended.

These include insuring, one, tropical forests that are important on a regional basis may be protected under the bill, and secondly, one of the eligible activities under the bill is research and identification of medicinal uses of tropical forest plant life to treat human diseases.

In sum, the Senate amendments also accomplish the following four objectives:

First, they made a number of changes to ensure that the funds for this program are used only to conserve and protect tropical forests through a specific list of eligible activities that were enumerated in the House bill but were tightened up in the Senate.

Secondly, they deleted the requirement that a Nation have a minimal level of environmental policies and practices in place to qualify for its eligibility. The Senate noted that the administration should have flexibility in administering the program, and that one of the purposes of the Act was to encourage such policies and practices.

Third, they made forestry organizations with expertise in conserving tropical forests part of the local administering bodies and board overseeing this program, including a representative of the International Forestry Division of the U.S. Forest Service.

Fourth, they deleted a House provision requiring the President to notify congressional committees 15 days in advance of debt reduction, in exchange for the letter agreement by the Treasury Department to give the authorizing committees the same notification they currently give the Committee on Appropriations with respect to debt reduction transactions.

This has the benefit of standardizing procedures so that the administrative burden at the Treasury Department will not be increased. Congress can give Treasury early notification of countries that are suspect for such transactions, and Congress will receive more information about these transactions than it does now. I also note our support for debt relief to Bangladesh under this bill.

I urge support for the bill, and I commend the gentleman from Ohio (Mr. PORTMAN), the gentleman from Indiana (Mr. HAMILTON), and the gentleman from Ohio (Mr. Kasich), for introducing this important environmental measure.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I want to thank the chairman for that explanation of the changes in the bill, and tell him that I very much appreciate his willingness to work closely with us over the past several months in putting this product together. It was his willingness to take this bill to his committee and expedite it that enabled us to be here today on the floor to pass what is truly historic legislation.

As the gentleman from New York (Mr. GILMAN) said, we passed this bill on March 19 by a strong vote of 356 to 61. Since then, as the gentleman from New York (Mr. GILMAN) has said, we worked closely with the Senate on a day-to-day basis. They made what I think were very good and technical and clarifying changes, as the gentleman from New York (Mr. GILMAN) has just explained, and actually improves the legislation and makes it a better bill.

I want to thank Senator LUGAR, who took the lead in the Senate, and also Senator BROWNBACK, who improved the bill, and Senators BIDEN, CHAFEE, and

LEAHY for their hard work on this legislation.

The bill links two very important facts of life. One is that tropical forests are disappearing at a very rapid rate. He mentioned the state of Pennsylvania. An area larger than the State of Ohio is being destroyed every year in terms of our tropical forests worldwide.

This has an impact on us, directly on our environment, our air quality, but also with regard to medicinal benefits and so on, as the gentleman from New York (Mr. GILMAN) said. That is one fact of life.

The second is that these tropical forests happen to be located in countries that have tremendous debts to the United States. Therefore, we have an opportunity here, and this bill does in 3 years what is cost-free to the taxpayers, which is debt buybacks authorized by this bill.

Building on President Bush's Enterprise for the Americas initiative, it also permits us as a Congress to be able to do what are called debt-for-nature swaps; in other words, the so-called swapping their debt for their ability to preserve tropical forests in their countries.

Next is to allow third parties to come in and purchase debt, which will save tropical forests worldwide. It is a very commonsense free market approach to one of our most pressing environmental problems globally. I want to again thank the chairman for taking the lead on this.

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I also want to thank two other Members who could not be here with us right now. One is the gentleman from Indiana (Mr. HAMILTON) on the other side of the aisle, and the other is the gentleman from Ohio (Mr. KASICH) who took the lead as being original cosponsors of this legislation and pushing it through the process. There are many other people to thank: the Nature Conservancy, Conservation International, World Wildlife Fund and other outside groups, my chief of staff, John Bridgeland.

This is a great example of how working together we can truly address pressing problems, in this case a pressing environmental problem. I look forward to working with the gentleman from New York (Mr. GILMAN) and others to ensure this bill is funded this year. Again, we have expedited it so that that is possible, also that it be implemented in a manner that truly protects these invaluable resources round the globe.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, again, I want to thank the gentleman from Ohio (Mr. PORTMAN) for his leadership on a very important environmental measure that our side of the aisle fully supports.

Mr. HAMILTON. Mr. Speaker, I rise in support of this bill.

The Tropical Forest Conservation Act of 1998, has two important objectives:

First, it seeks to preserve tropical forests by establishing a framework that brings together environmental resources and expertise in the U.S. with non-governmental and environmental organizations in the beneficiary country.

Second, the bill seeks to address the issue of debt reduction. Most tropical forests are located in countries saddled with massive debt. Some of these debts are owed to the U.S. This bill enables a participating country to reduce the debt it owes to the U.S. by restructuring its loans or by participating in debt buybacks or debt-swaps.

Third, this bill focuses on the establishment, restoration, protection, and management of tropical forests to ensure a well-planned and well-managed program. It also ensures accountability and results by establishing strict oversight controls.

This bill was passed by the House on March 19, 1998 by a bipartisan vote of 356–61. The Senate passed this bill unanimously yesterday with several positive amendments. The Senate: (1) deleted the requirement that a country have a minimum level of environmental policies and practices in place to qualify under the program. The purpose of this bill is to encourage such activities and policies; (2) made clear that funds under the program may only be used to conserve and protect tropical forests; (3) deleted two purposes for these programs, the mitigation of greenhouse gases and support for local cultures from eligible activities under the bill. These were viewed as unnecessary; (4) deleted a requirement for 634A notification before funds are obligated for debt reduction. It is understood that the Administration will voluntarily provide such notice; and (5) added forestry organizations in the beneficiary countries to membership in the administering body and board and makes them eligible to receive grants.

This is a good bill. I urge my colleagues to join me in passing this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises in the strong support of H.R. 2870, the Tropical Forest Protection Act and congratulates the distinguished gentleman from Ohio [Mr. ROBB PORTMAN] for introducing this important legislation. The world's tropical forests, which are biodiverse, economically crucial, and ecologically irreplaceable, are now rapidly disappearing. Many of these forests are located within developing nations that are heavily dependent upon foreign aid and burdened by extensive external debt. H.R. 2870 enacts measures to protect these fragile and complex ecosystems from further exploitation by providing a unique solution to two pressing global problems—third world debt and deforestation.

Mr. Speaker, twelve years ago this Member offered one of the first ''Debt-for-Nature'' swaps as an amendment to the International Financial Institutions Act. This earlier legislation called on the World Bank to initiate discussions to ''facilitate debt-for-development swaps for human welfare and environmental conservation.''

Also, this Member strongly supported the 1990 legislative initiative known as ''Enterprise for the Americas'' (EAI) introduced by President George Bush which provided debt relief for the countries of Latin America in return for investments by these nations in environmental protection. This initiative remains in effect today, serving as an engine of growth to the Latin American economy and establishing as its legacy some of the largest tropical forest parks in the world throughout the region.

H.R. 2870 is a creative variation on the EAI theme. Several constituents from this Member's home state of Nebraska have expressed their support for this legislation. One letter in particular detailed a family's involvement in making a record of the plants and herbs found in tropical forests in an on-going effort to identify new medicines. This legislation will preserve and protect rain forests in order that these efforts can continue, benefiting mankind by identifying new cures to diseases.

Mr. Speaker, this Member is particularly pleased that Bangladesh is eligible for debt relief under the provisions of H.R. 2870. Bangladesh is a country the size of the state of Wisconsin with a population estimated at 125 million. Due to the pressure put on this small nation's land resources, there is now a serious deforestation problem in Bangladesh. Bangladesh's topography makes it prone to natural disasters, especially floods, which were particularly severe in 1988 when two-thirds of Bangladesh's sixty-four districts experienced extensive flood damage.

Bangladesh, one of the world's poorest nations, is also struggling with overwhelming PL–480 debt. At the beginning of this year, Bangladesh's PL–480 debt amounted to $501.7 million. This debt, accumulated over more than a decade, now requires substantial payments which Bangladesh, one of the world's poorest nations, can ill afford. My colleagues may recall that an oversight prevented this matter from being addressed in 1993 when debt forgiveness legislation was approved for many other significant debtor countries. Any financial assistance given to Bangladesh is negated by the payments it is now required to make on its PL–480 debt, rather than being directed towards worthwhile projects designed to stabilize population growth, establish health programs, and build democracy.

To be eligible for debt reduction under H.R. 2870, a country must contain an appropriate tropical forest and meet specific economic and political criteria. At the March 10, 1998, markup of this legislation by the Committee on International Relations, the Administration testified that Bangladesh did indeed possess the requisite tropical forests of regional importance.

The region in Bangladesh known as Chittagong and the Chittagong Hill Tracts contain much of Bangladesh's tropical rain forests. Over the years, however, this area has suffered greatly from the effects of consistent soil erosion and deforestation due to Bangladesh's ever-expanding human population as well as the effects of natural disasters. It remains, however, the home of biodiversity as well as a variety of wild animals, to include the world-famous and endangered Royal Bengal Tiger.

The political eligibility criteria in H.R. 2870 require the debtor country to have a democratically-elected government which is not pursuing egregious policies in the area of human rights, narcotics, or terrorism. The State Department has confirmed that Bangladesh meets this political criteria.

The economic eligibility criteria requires the debtor country to have in place or be making progress toward an IMF arrangement, World Bank structural or sectoral adjustment loans if

necessary; to have put in place major investment reforms; and, if appropriate, to have agreed with its commercial bank lenders on a satisfactory lending program.

It is this Member's understanding that the IMF is negotiating a potential staff-monitored program with Bangladesh. In addition, as evidence of major investment reforms, Bangladesh has concluded a bilateral investment treaty with the United States.

On a preliminary basis, the Department of the Treasury has determined that if Bangladesh concludes its negotiations on an IMF staff-monitored program, it should meet with economic eligibility requirements for debt reduction under this legislation.

Based on the above, this Member concludes that Bangladesh does indeed meet all three provisions of this legislation. Debt buybacks such as are envisioned in this legislation would permit Bangladesh address its lingering debt problem, while preserving its threatened tropical forests.

In conclusion, Mr. Speaker, this Member would again like to thank the distinguished gentleman from Ohio [Mr. PORTMAN] for introducing this important piece of legislation. This Member would also commend the efforts of the Chairman of the Committee on International Relations, the distinguished gentleman from New York [Mr. GILMAN] for the leadership he had demonstrated over the years on environmental matters.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the matter being considered.

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

There was no objection.

Mr. PORTMAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 499 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. The bill shall be considered as read for amendment. The amendment recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

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

Yesterday, the Committee on Rules met and granted a closed rule for H.R. 3682, the Child Custody Protection Act. The rule provides for consideration of H.R. 3682 in the House with 2 hours of debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary. It also provides the Committee on the Judiciary amendment now printed in the bill will be considered as adopted. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenage daughter. As we know, people in several States have recently decided that a parent should know before their child has an abortion. We all hope that our teenage daughters have the wisdom to avoid pregnancy, but if they make a mistake, a parent is best able to provide advice and counseling. Also more than anyone else, a parent knows their child's medical history. For these reasons, my home State of North Carolina requires a parent to know before their child checks into an abortion clinic, as does the State of Pennsylvania.

Last month, though, the Senate Committee on the Judiciary heard chilling testimony about how lawbreaking citizens risk children's lives by taking them from their parents for out-of-State abortions. Before the Senate Committee on the Judiciary, Joyce Farley, a mother from Pennsylvania, told the tragic story of her 13-year-old daughter.

Three years ago this summer, a stranger took Mrs. Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified medical records at the abortion clinic and abandoned her in a town 30 miles away, frightened and bleeding. Why? Because this stranger's adult son had raped Joyce Farley's teenage daughter, and she was desperate to cover up her son's tracks. Even worse, this all may have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. This is wrong, and it has to be stopped.

According to the Reproductive Law and Policy Center, a pro-abortion group in New York, thousands of adults across the country carry children over State lines to get abortions in States without parental notification laws. These clinics advertise in the yellow pages that no parental consent is needed. So-called men in their 20s and 30s coerce teenage girls to have abortions out of State and without their parents' knowledge.

The Child Custody Protection Act will put a stop to this child abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Right now a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to New York City for an abortion. This is plain nonsense. It has to be stopped.

Let us do something to help thousands of children in this country. Let us pass the Child Custody Protection Act and put an end to the absurd notion that there is some sort of constitutional right for an adult stranger to secretly take someone's teenage daughter into a different State for an abortion.

I urge my colleagues to support this rule and support the underlying legislation.

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes.

Mr. Speaker, I oppose this closed rule. The majority claims to favor full and free debate on important issues but, however, on this controversial bill the majority has chosen to prohibit any amendments from being offered. Although no amendments will be allowed, the rule allows two hours of debate instead of the usual one. This proposed rule for floor consideration might lead a cynic to believe that the majority does not want to actually perfect legislation on a health and privacy issue. But, no, this process and this rule do not foster deliberation, but are more conducive to a 2-hour campaign sound bite designed to label opponents of this bill as antiparent and antifamily.

I must also voice my strong concerns with the bill made in order by this rule. The so-called Child Custody Protection Act has the potential to increase the number of unsafe, back-alley abortions in this country and to place the lives and health of young women at risk.

This bill would criminalize the act of bringing a minor across State lines to obtain an abortion without parental consent. Make no mistake, I have very serious concerns about unwanted pregnancies and abortions among young women, but my colleagues who support this bill fail to understand that those young women who have healthy family relationships will seek parental involvement and consent. But we know

that far too many young people do not live in either intact or supportive families. Indeed, a family member may have been responsible for the pregnancy.

Congress cannot legislate healthy, open family relationships. This bill will force some young women to seek unsafe abortions placing their health and even their lives at risk.

We would all hope that a pregnant minor would have the support and the proper medical care that she needs. However, if the medical well-being of the minor is our concern, Members should vote against the bill.

Does anyone believe that a minor driven by this bill to seek an abortion alone by herself, because the bill does allow her to go alone, will fare better than a minor who has a relative or friend to go with her to make sure that she is all right?

This bill could result in the death or permanent disability of young women forced to seek abortions without the support of the adults that she may trust because they will be afraid of imprisonment if they help her, even if they talk with her.

Now, some claim that this bill is about States rights to enforce States laws, but if that is the rationale of this bill, this bill is far too narrow. Why not put a prohibition on selling any guns to out-of-State buyers who are evading their own State's guns regulation? My State of New York would be far safer if that prohibition were law.

Perhaps we should consider passing a law to prevent people from shopping in other States where the sales taxes are lower than in their State. Maybe Americans should be prevented from going to casinos if they are from a State where gambling is illegal.

Of course, such laws would be both ridiculous and unconstitutional. Harvard Professor Lawrence Tribe has stated that H.R. 3682 violates the Constitution in the three following ways:

One, it breaches the constitutional principles of federalism; two, it imposes an undue burden upon the constitutional right to choose an abortion; three, it lacks the constitutionally required emergency exception for circumstances where the health of the pregnant minor would require travel across State lines for an abortion.

When a distinguished scholar raises constitutional objections about a bill, it is folly to prohibit Members from amending the bill to meet those objections. But, unfortunately, the supporters of this law have decided once again to flout the Constitution and the principles of health care and confidentiality in their unending quest to make abortion inaccessible, if not illegal.

They do not expect this bill to become law. In fact, they know that it will not. They do expect, however, to score political points with particular special interest groups. President Clinton's advisors have recommended he veto the bill in its current form.

If the bill's proponents are serious about enacting this bill into law, they will join me in voting to defeat the previous question. And if the previous question is defeated, I will offer an amendment to the rule to make in order all of the amendments submitted to the Committee on Rules. That would allow the House to perfect the bill so that it might really have a chance of enactment into law.

Mr. Speaker, I oppose this closed rule because it circumvents thoughtful consideration of an important public health issue. I urge my colleagues to defeat the previous question, defeat the closed rule, and, most importantly, defeat the underlying bill.

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

Mrs. MYRICK. Mr. Speaker, it is my understanding that State parental notification laws already have all medical exceptions and judicial bypass procedures to provide for a child's health in them.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of the rule to H.R. 3682, the Child Custody Protection Act.

This much-needed legislation will assure that the rights of parents across the Nation are not trampled by strangers who, without the knowledge of the parents, take the minor girls to obtain an abortion. This bill, H.R. 3682, would assure that the State's parental consent or notification laws are not evaded by these unscrupulous persons who seek to play and pretend to be mother and father to our children.

Right now 16 States have parental consent laws on abortion, and 10 others have parental notification laws. Yet these are for naught because the abortion clinics are able to bypass these laws. This common-sense legislation that is before us today is what is needed to make sure that our State laws are respected.

This bill will assure that what will not happen is what happened to Joyce Farley who was with us this morning. She described a terrible situation in her family where her daughter, without Mrs. Farley even knowing about it, was transferred to another State in order to have an abortion. And then what happened was, because abortion is a serious medical procedure that could have life-threatening ramifications, Mrs. Farley had her young daughter in a very difficult physical state, and this is not legislation that we should really worry so much about.

Some Members are saying, this is a constitutionally sacred, protected right of abortion. Yet nowhere in these Supreme Court decisions does it say that the abortion mills should have the right to transfer and transport girls across State lines to have an abortion without the girl's parents even knowing about it.

This bill will assure that this does not happen, again, by making it a Federal offense for an adult to transport a minor across State lines from a State which has consent or notification laws to a State without them in order to obtain an abortion.

Across the Nation, Mr. Speaker, our children are required to obtain parental permission slips for field trips, for medication in schools and other things. I know in my community of Miami, Florida, we have one of the largest public school systems, and we have forms that the parents need to fill out if your child is going to be given an aspirin or given any kind of medication in school. We have forms that parents have to fill out if your child is going to be taken with the school on an organized and supervised field trip.

□ 1215

We have forms that the parents have to fill out if they want to take their child early from the school grounds. Yet for an abortion, no such consent or notification is required and, in fact, a child can be transported across State lines for this sensitive and serious operation.

These requirements in the schools are in place to ensure that parents are aware of their minor children's activities and to ensure their safety. Is it too much to ask that our children, who require parental consent to take aspirins in schools, that they receive these forms, yet for a possibly life-threatening medical procedure, with serious physical and mental ramifications, no such consent should be given? I do not think so, Mr. Speaker.

I would like to show my colleagues some of the ads that have been placed in publications in Pennsylvania. These are ads in the Pennsylvania telephone directory saying, ''Come to Pennsylvania?'' No. ''Come to Maryland.'' This is an ad in Pennsylvania saying come to Maryland for this abortion procedure because, children, there is no parental consent in our State of Maryland.

Here is another ad, again in Pennsylvania, where it says, ''Come to a clinic in Pennsylvania?'' No. ''Come to a clinic in New Jersey.'' An ad in Pennsylvania for an abortion clinic in New Jersey, and they are trying to lure children from their parents, lure children away at this very sensitive time, where they could be discussing this difficult decision with their parent.

Now, is this a common sense bill? Of course, it is, Mr. Speaker. In fact, there was a poll recently done, and I know the gentlewoman from North Carolina (Mrs. MYRICK) alluded to it, showing 85 percent of the people say yes to the Ros-Lehtinen and Abraham Child Custody Protection Act. When they were asked should a person be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge, they say no, of course not. No, strongly agreed, 78 percent; no, somewhat disagree, 7 percent. So 85 percent say, of course, parents should have the right to be informed about this decision. Parents should be there

to help their minor girls. And I urge my colleagues to support the rule for 3682.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership.

Frankly, I think that most Americans would opt to answer a question when asked if some person should be able to take our children across State lines to encourage or to create the opportunity for an abortion, all parents and people who care would be in great opposition to something posed in that manner.

This is a debate among friends. Frankly, there is a great deal of respect for those who support this legislation, and I hope for those who oppose it. But what we need to discuss now is the reality of what this very good sounding legislation will do.

First of all, it will be intrusive, because 33 States do have these laws and the remainder do not. In fact, the law that we are trying to pass does not answer the concern of what is going on in American families. All of us would hope and advocate that every family in America be an Ozzie and Harriet family. Two parents discussing issues with their children, sitting at the dinner table, having the family picnic, and the regular vacation.

But my friends we must open our eyes. Most young women have to entertain in their lives abuse and/or incest. One-third of those who seek abortions, young women, have been the victim of violence in the home. They have been the victim of incest. And that is the reason that this particular legislation, although it sounds pretty, does not answer the question of reality.

And frankly, I am disappointed in the Committee on Rules, because I thought that they would welcome a more open and a more deliberative dialogue and debate. But yet they have offered to have a closed rule so that those of us who have opposition to the limitations of this law could not readily come to the floor and debate it in an open manner. It is a shame to say that a fix is in in the Committee on Rules. And it happens time after time after time when Democrats have reasonably thought out amendments, amendments that make sense, and yet the Committee on Rules sees fit to have a closed rule.

What am I talking about? The grandmother rule. Do my colleagues realize that this legislation will hold a grandmother criminally liable, with a sentence of 1 year in jail, if because of her caring, loving attitude the young woman has come to her and asked her for advice. What about the male partner; does he not have any responsibility? Are our minds so limited that we cannot recall the tragedy of the two New Jersey teenagers? What did they do? Alleged and convicted of killing their baby because they had no one to talk to. But yet they both came from prominent families.

This does not make sense. Or maybe we are not familiar with Alisha.

My mom is a single parent and is in a treatment facility for drugs and alcohol. I got pregnant while my mom was still in treatment. I am not ready to raise a child at this point in my life. The father of my child doesn't want the child. My mother is not financially able. I am also a patient through MHMRA, which is a mental health and retardation system.

Do we not realize that Americans are made up of all shapes and sizes? Yes, this bill has a good purpose to it, but it is misdirected because it penalizes grandmothers, it penalizes a single parent, a mother who comes from a two-parent notification state. If that mother took that child across State lines, she would be criminally prosecuted because the father was not notified.

We need to think back to our own teenagehood. I simply wish the Committee on Rules had been fair with us Democrats who come time and time again, expressing the views of many of those who find these kinds of one-sided pieces of legislation misdirected and unfair. But yet there they were again. I would ask my colleagues to oppose this rule primarily because it is patently unfair. It does not take into consideration incest and violence against teenagers. It does not take into consideration that we, unfortunately, are not a Land of Oz full of Ozzie and Harriet families.

Mr. Speaker, thank you for the opportunity to speak on this important issue. I am strongly opposing the closed rule imposed upon us by the Rules Committee. This bill will impose restrictions upon our young women which will have devastating consequences.

I hope that my colleagues will consider the importance of this legislation. During markup, and in front of Rules Committee, I offered amendments which would have allowed grandparents, aunts and uncles, and clergy or religious leaders to transport a young woman in crisis across State lines to obtain a safe abortion.

Unfortunately, due to the closed rule we face today, family members, including a minor's grandparents can be criminally prosecuted for assisting their granddaughter in obtaining an abortion. A pregnant minor needs someone to speak with, and someone to trust. If we force our daughters, our granddaughters, our sisters, and our nieces and cousins to act without the guidance of someone they can trust, where will they turn? Perhaps this bill should be called the teen endangerment act!

In fact, yesterday, the House passed legislation which recognized the importance of grandparents in the lives of their grandchildren. Republicans and Democrats alike spoke about how grandparents could offer guidance and love and encouragement to their grandchildren. Yet, the legislation before us today would criminalize grandparents' involvement in their granddaughters' lives.

I am very concerned about children and teenagers in America and I want teenage women to have the right to reproductive health care.

Currently parental involvement laws are in effect in 30 States. Although my home State of Texas does not require parental consent or notification, Louisiana, which borders my home State requires parental consent before a minor can receive an abortion. If H.R. 3682 is passed, the bill would have the effect of federally criminalizing these laws, extending their effect to States that have chosen not to enact such an obstructive and potentially dangerous statute.

I received a letter from a constituent in Houston, Texas, a fifteen year old girl whose mother, a single parent was in a treatment facility for drugs and alcohol. This young woman found herself pregnant while her mother was still in treatment, and without any offer of help from her boyfriend, she made the decision to have an abortion. As a child herself, she did not feel ready to care for a child.

The true victims of this act will be young girls and young women. The enactment of this law would undoubtedly isolate these young women at a time of crisis. If a minor feels she is unable to tell her parents about her pregnancy, she would have no recourse to receive the medical treatment she needs at a time early enough in the pregnancy to perform a safe abortion.

I agree that adolescents should be encouraged to speak with their parents about issues such as family planning and abortion. However, the Government cannot mandate healthy family relations where they do not already exist. We need to protect our young women from being forced to seek unsafe options to terminate their pregnancies, and we need to encourage them to speak with other family members, including their grandparents and religious leaders to guide them through this time of crisis.

I am hopeful that my colleagues will also oppose this restrictive rule and this bill in order to allow young women to access adult guidance and safe, legal abortions.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to respond to my colleague that, yes, this is a closed rule. I will say that the majority of the rules on this House floor since we have been in the majority have been open.

This is just a clean and simple bill that is designed to help States enforce their parental notification laws. We decided that Congress should not override the wishes of voters in 20 States by allowing amendments that would weaken parental notification laws, and that is the reason for the closed rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, this legislation, and I am proud to be a cosponsor of it today, the Ros-Lehtinen Abraham legislation, is extraordinarily important and I think it is fitting and just that we adopt it today and, hopefully, with a very, very large bipartisan margin.

Poll after poll after poll shows that the overwhelming majority of the American people support the right of the parents to be notified if their children are going to have abortions. And as the gentlewoman from North Carolina (Mrs. MYRICK) has stated, 20 States have adopted laws to require parents to be notified.

But an industry has developed, in effect, to void, to evade, to dodge those laws passed by the sovereign will of the people of 20 States who have said we want there to be parental notification. So what we are saying is, no, no, they should not be able to, by subterfuge, by plan, evade and dodge those laws. We are saying no, no, they cannot create an industry that, in effect, even in writing, in publications such as the phone books, the yellow pages, an industry that says evade the law, dodge the law in one State, come across the border, and the law will not apply. That is something that is very serious.

Obviously, the underlying topic that is dealt with here is very serious as well. If there is a child with a problem, the parent should know about that child's problem, to work with that child in finding the most just, the most humane solution precisely for that child. That is why 20 States have taken the step of requiring that the parents of the child be notified.

So what we are saying is, no, they cannot avoid, they cannot evade, they cannot dodge the laws by creating what has happened, which is this industry that has risen precisely to make the laws, the State laws, worthless. And that is why this legislation is so very important and so timely, and I commend the leadership for bringing it forward, for supporting the gentlewoman from Florida (Ms. ROS-LEHTINEN) and, of course, my colleagues on the Committee on Rules for having brought it forth as expeditiously as it has been brought forth.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on this issue and many others. I rise in opposition to this rule and to this bill, as I have risen in opposition to every other piece of legislation that has moved through this Congress which attacks abortion rights.

This Congress is working to dismantle a woman's most hard fought rights, the right of a safe, legal abortion. Procedure by procedure, obstruction after obstruction this antiwoman Congress is succeeding. This time the targets are on our Nation's young people.

This bill will criminalize the act of taking a noncustodial minor out of State, which requires parental consent, to have an abortion. All of us would hope that our children would be able to confide in us. I am sure that the parents of Amy Grossberg felt that she could confide in them. However, family loyalty kept her from doing that and the situation turned tragic. Sometimes a teenager simply cannot confide in her own family. And if she has no other alternative, no other adult who will help her, she will inevitably resort to an unsafe, unclean, underground clinic, or worse.

Family values simply cannot be legislated. This Congress has no business making laws which force one family member to confide in another. There may be very good reasons a pregnant teen does not want to deal with a parent. He or she could be abusive. There could be a history of incest. Alcohol or drug use could be a factor, or she simply does not feel comfortable telling a parent.

This legislation is not about protecting young women from undue influence, it is about stripping our young people of essential support. It is not about helping our children, it is about abortion politics, and it puts our kids at risk.

I urge a ''no'' vote against this so-called child custody bill and against this rule which did not allow one single Democratic amendment. I urge a ''no'' vote on this rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I am struck, as I listen to the debate here today, by the fact that the opponents of this bill really are here expressing opposition to the acts of State legislatures. They are here, in effect, expressing opposition to the decisions of the Supreme Court. Because it is the State legislatures that have passed the parental involvement laws that we are seeking to help them enforce, and it is the Supreme Court of the United States which has upheld, under the Constitution, the validity of these parental involvement laws.

So the arguments that we are hearing time and time again that are being urged on us as reasons for not supporting this bill are really arguments that are aimed at the Supreme Court of the United States and of the State legislatures which have seen fit to adopt constitutional valid parental involvement laws.

Now, I think it is also somewhat ironic that we keep hearing about the health of young girls. And I would ask that the Members read something that appeared on the op-ed page of The New York Times on Sunday, July the 12th. The heading for the column: ''Is Parental Guidance Needed?'' It is very interesting because it is by Bruce Luccio, a prominent abortion doctor, and a prominent advocate of abortion rights.

□ 1230

Now, I do not agree with Dr. Luccio's position on abortion, and I would be quick to point that out, but I do agree with his conclusion about this bill, because Dr. Luccio recognizes, and I quote, that the passage of this bill is important to the health of teenage girls.

Dr. Luccio recognizes that it is the parents who are in the best position to help ensure that the health concerns that are relevant when an abortion is being contemplated are fully considered, and if there are complications in an abortion, it is the parents who are in the best position to ensure that effective and speedy treatment is provided.

I would ask that every Member of this House, regardless of their position on the overall issue of abortion, read this article in the New York Times by Dr. Luccio; and I think it will be very enlightening to them on the issue of the health of the young girls who are involved in this.

Now, I am also struck by the constitutional argument that has been made here. If we listen, in essence, what the opponents of this bill are arguing is that minors have a constitutional right that ensures their right of interstate travel to evade parental supervision.

Well, that is absurd. There is no such right of minors to interstate travel to evade parental supervision. The Supreme Court has never found that there is any such right. And, on the contrary, the Supreme Court has found that parental involvement laws, whether they be consent laws or notification laws, that they meet certain standards that have been articulated by the Supreme Court are valid and constitutional; and those are the kinds of laws that we are seeking to enforce through the bill that we have here today.

All we are saying is that someone should not be able to move a minor across State lines in an effort to evade and thwart the legitimate purposes of those valid constitutional State laws.

Now, let me say this: The Supreme Court has recognized the right of parents. The Supreme Court in this context has not recognized the right of cousins, siblings, grandparents, aunts, uncles, pastors, teachers, or anybody else to be involved in a minor's decision to have an abortion. It is the parents who have that right to be involved.

The courts have recognized that, and the legislatures have recognized it. And I think it is an entirely appropriate use of our power in the Congress to help the States carry out their policy in this area.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, first I think we ought to remind ourselves what this bill does. It does not require parental notification or consent when a minor goes across State lines. What it does is prohibit someone from accompanying them.

In this bill, the child can still evade the parental consent laws of the State and go across State lines alone, but this bill would criminalize anybody accompanying them.

Mr. Speaker, I want to speak against the closed rule. It prohibits the ability, our ability, to consider some very important amendments. The administration, in a statement of administration policy, has indicated that the senior advisors of the President will recommend a veto unless these amendments are in the bill.

In recent letters from the White House Chief of Staff to the House and Senate Committees on the Judiciary, the administration in fact said it would support legislation of this nature if it had these few amendments, specifically an amendment to exclude close family members from criminal and civil liability. Under the legislation, grandmothers, aunts, uncles, minor and adult siblings could face criminal prosecution for coming to the aid of a relative; also, to ensure that persons who only provide information, counseling, medical services to the minor would not be subject to liability; and address several constitutional and legal infirmities that the Department of Justice has identified in the legislation. Those concerns were transmitted to the House Committee on the Judiciary on June 24, 1998.

The administration also has serious concerns about the federalism issues. However, as indicated, if the amendments that they have suggested are adopted, they could support the legislation. This closed rule prohibits our ability to consider that legislation. And, therefore, the senior advisors, even if this bill were to pass, will recommend a veto.

We should oppose the closed rule, oppose the motion on the previous question. We should vote no on the previous question so that the rule could be amended to consider these various amendments. If the previous question is ordered, we should just vote no on the rule.

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

Ms. SLAUGHTER. Mr. Speaker, may I have the division of the time, please.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from New York (Ms. SLAUGHTER) has 16½ minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 13½ minutes remaining.

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

Mr. DOGGETT. Mr. Speaker, I have the deepest personal respect for those whose religion or other personal conviction causes them to take a different view than I have on the question of abortion. But my respect does not go so far as to suggest that I believe they ought to be able to impose their religious views on this issue on someone who does not share those views.

Further, I think personally of my own experience as a father. With my wife of 29 years, we have raised two wonderful daughters. And it is troubling to think that there would be a time in a crisis, including a crisis involving an unwanted pregnancy, when they would not want to come to one of us and discuss this matter.

And yet, I know that this piece of legislation is not about strengthening family ties, because the whole difference of opinion that I have with those who feel so strongly on this abortion question is that the Federal Government and the Members of this House cannot replace broken family ties or the inability of families to communicate.

This piece of legislation does not concern strengthening families, it concerns advancing an agenda of the most fanatical people with reference to this question of invading personal choice.

If we read what they have written, the fanatics on this issue, we will find that they believe that in this country their ultimate goal is to make it a criminal offence, they view it as murder, for anyone at any time after conception to have an abortion. They want to put women who exercise this choice in jail. And they also want to place in jail every health care provider who provides for an abortion at any time after conception.

And recognizing that that fanatic agenda which they have written about cannot be implemented because it is opposed by the vast majority of the American people, they have decided to approach this issue one group at a time and one procedure at a time. So they have done their polls.

And next week I think we have a chance to consider this question of one very rare procedure that President Clinton had the courage to veto when they passed legislation last year. And so they are going to criminalize it one procedure at a time, and today they propose to criminalize it one group at a time. And this particular group includes people like big sisters, grandmothers, stepparents, best friends, even members of the clergy, that might be consulted by a young woman in a very troubled situation and advise or help her to cross a State line to receive these kind of services. That person could be put in jail.

I maintain that what is at stake here today is this fanatic movement to ultimately criminalize the choice being exercised on this very private decision by a woman—to put women in jail and to put every health care provider involved in jail. And I see my colleague from New York (Mrs. LOWEY). She knows, well, we face this same issue later today on other legislation.

This same group of fanatics also wants to limit access to contraceptives because they seem to believe that the right of motherhood is more than that. It will be imposed without any choice on the part of women in our society.

So it is essential that we vote down this agenda and stop the path toward criminalizing choice for women in this country.

The surveys show that 30 percent of the young women who choose not to notify their parents, when you look at those who do not seek parental consent, are people that have been victims of family violence.

I thought it was all summed up by a colleague of mine in the Texas Senate from west Texas, who said, when asked about these parental consent laws, ''well, you know, I have not met very many young girls who ask parental consent for conception. Why do we think they are going to ask it with reference to the choice of abortion?''

The idea of putting a grandmother in jail, putting a big sister in jail, putting a clergy member in jail because they were willing to help a desperate young woman make a tough choice is wrong, and we ought to vote down this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, I rise today in strong support of the Child Custody Protection Act. Ending human life through abortion is harmful to all involved no matter what age they are. It is further worsened when an adult nonparent violates the law by taking a child across State lines to obtain an abortion.

Our world is often an uncertain place for young people. Abortion providers and other strangers cannot offer the permanent support that only parents can give. What they want to do is promote their abortion agenda with complete disregard for family input in such an important decision.

Contrary to what seems to be the emphasis of the opposition to this bill, parents are not generally evil. They are and should be encouraged to be part of the healing process, and their rights must be respected, too. This bill does just that.

This is why I urge my colleagues to vote in favor of life and in favor of protecting our daughters and families. Vote for the Child Custody Protection Act.

Mrs. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT), a constitutional scholar.

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

I have very strong feelings about the bill itself. It is an unprecedented piece of legislation. It is an unconstitutional piece of legislation, and it has some severe unintended consequences.

I do not want to talk about the bill in this rules debate. I want to talk about democracy and how democracy works.

We had a bunch of amendments to try to address some of the concerns that we had about this bill. We took those amendments and we presented them up on the third floor to the Rules Committee, and the Rules Committee said, no, we will not allow you to have a debate on those amendments. They might improve the bill. They might allow the President to sign a bill into law if some of them were passed. They might enlighten the general public. They might foster democracy, but you are not going to be allowed to have a debate on those amendments.

That is what this rule is about. It is about democracy and how democracy works in this House.

We have amendments where in the minority not one single amendment of a Democratic Member, or any Member

of this House, was allowed to be considered under the rule under which we will be debating this issue.

It was not because I did not show up. I showed up at the Rules Committee, even though they scheduled the Rules Committee hearing on this bill at a time when we were not even back in session. They announced it while we were out of session so that we would not know that it was going on. I came back in here and got straight off the plane, picked up my papers, went to the Rules Committee and I said, I have two amendments that I think would help make this bill constitutional.

□ 1245

So I am not here as one that did not do what I was supposed to do in the democratic process. I respect the rights of the Committee on Rules, I respect the rules of this House, but when the Committee on Rules looks at me and says, ''Notwithstanding the fact that you came here and asked us to make your amendment in order, and you told us that you would like to help make this bill a constitutional bill rather than an unconstitutional bill,'' and when the chairman of the Committee on Rules looks at me saying, ''I'm the arbiter of what is constitutional in this country; I'm the only person that gets to make that decision,'' then that is a violation of democracy.

And that is what this rule is all about. And that is why, my colleagues, without regard to how they feel about abortion, without regard to how they feel about choice, without regard to whether this is a good or a bad bill or not, this rule ought to be defeated. Because if my colleagues support democracy and debate and an informed electorate, there ought to be a debate on these amendments, there ought to be consideration of these amendments on the floor of the United States House of Representatives.

That is what this is about.

Vote no on this rule so that we can send it back just to have the opportunity to debate some amendments that we think are important.

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

Mr. Speaker, just a point of clarification:

The Committee on Rules did give more than the normal required 48 hours notice, and, yes, we were out of town, most of the Members for 2 weeks, but our staffs were here. And, as my colleagues know, usually that is what they do, is notify us that this is going to happen.

Also, the reason the rule is closed is because Congress felt; I mean that we felt that Congress should not override the wishes of the voters in 20 States while allowing amendments that would weaken their parental notification laws.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of the Child Custody Protection Act.

I served in the Pennsylvania legislature when we established the parental consent law for the specific purpose of keeping our young girls safe and under the authority of their parents especially for such a decision as an abortion. That law was specifically designed to prevent situations like the one that occurred in 1995 where a 12-year-old Pennsylvania girl became pregnant after sexual involvement with an 18-year-old man. As many of my colleagues have heard by now, this frightened 12-year-old was taken by the man's mother from Pennsylvania to New York, and in New York she underwent a painful and serious medical procedure and abortion. She had this abortion without her parents even knowing that she was pregnant. Yet abortion clinics in Pennsylvania's neighboring States, New York, New Jersey, Maryland, seek still to pedal their services through Pennsylvania newspapers and even to anyone who opens up a Pennsylvania phone book.

Mr. Speaker, I brought a copy of an ad from the yellow pages in the capitol where I served in Harrisburg titled ''Abortion.'' Here it says: Hillcrest Women's Medical Center, and it gives a 1–800 number that can be called in Rockville, Maryland, and it specifically says: No parental consent.

I have here a letter with me today from the Attorney General of Pennsylvania, Mike Fisher. I would not call him a fanatic. He defended the judgment of the woman who interfered with the mother's custody of her child. Here is what he says.

Quote: We must do what we can to ensure that a parent's right to be involved in their daughter's decision regarding abortion is protected. I will continue to protect the rights of parents throughout Pennsylvania by defending our parental consent laws. I respectfully urge you to protect the rights of parents across the Nation by supporting H.R. 3682. The legislation will help those of us in law enforcement protect vulnerable children by insuring that parents have a say in their child's decision. End quote.

By passing the Child Custody Protection Act this body will take a clear stand against the bizarre notion that the U.S. Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion even when a State law specifically requires the involvement of a parent or a judge in the daughter's abortion decision. As moms and dads, it is our job to protect our young women, our daughters. The government should not allow our daughter's lives to be endangered by turning them over to strangers for serious medical procedures. Let us protect our States' rights, our parental authority, but, most importantly, let us protect our Nation's young women. Let us pass the Child Custody Protection Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule, and I ask my colleagues to join me in defeating it.

This bill is dangerous; and, as we have heard from so many of our colleagues, the Committee on Rules has refused to allow us to propose even the most reasonable changes to it. This bill will put our daughters at risk. Under this legislation young women, who feel they cannot turn to their parents when facing an unintended pregnancy, will be forced to fend for themselves without any help from a responsible adult. Some will seek dangerous back-alley abortions close to home. Others will travel alone to unfamiliar places for abortions. This measure will isolate young women, not protect them.

And, unfortunately, despite a veto threat from the White House, the Committee on Rules has prohibited us from offering even one amendment to make the bill better. The President has said he will sign the bill if it is altered, but, once again, the GOP leadership has demonstrated that it would rather have an election-year issue than a bill.

One of our principal objections to the legislation is that it will subject grandmothers and siblings and other close relatives to criminal prosecution for coming to the aid of a relative in distress. The gentlewoman from Texas (Ms. JACKSON-LEE) went to the Committee on Rules to address this issue. Her amendment would have exempted grandparents and other close relatives from criminal prosecution under this bill. Unfortunately, that amendment was rejected by the Committee on Rules; and so under this legislation grandmothers will be jailed for helping their granddaughters, aunts imprisoned for assisting their nieces, brothers for aiding their sisters, all in the name of so-called family values.

What will the police do? Set up granny checkpoints to catch grandmothers helping their granddaughters? Will we have dogs and searchlights at State borders to lock up aunts and uncles?

Mr. Speaker, I am a grandmother of two, and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As much as we wish otherwise, family communication, open and honest parent-child relationships, just cannot be legislated. When a young woman for many reasons cannot turn to their parents, she should certainly be able to turn to a grandmother, or a favorite aunt, or a relative.

Democrats made other efforts to improve the legislation. The gentleman from North Carolina (Mr. WATT) offered an amendment to add a health exception to the bill. His amendment would have allowed a relative to accompany a young woman for an abortion if the young woman's health was endangered. Demonstrating its ''high'' regard for women's health, the Committee on Rules rejected that amendment as well.

Mr. Speaker, I firmly believe that we should make abortion less necessary

for teenagers, not more dangerous and difficult. We need to encourage teenagers to be abstinent and responsible. We need a comprehensive approach to keeping teenagers safe and healthy. We need to encourage family involvement, not tear families apart.

Mr. Speaker, in the remaining time I would just like to respond to some comments of a good friend, the gentleman from Florida (Mr. CANADY). We have heard a lot of talk today about States rights, and the Republican Party is the party, say they are the party, of States rights. And yet, here they are supporting legislation that tramples all over States rights. The bill will grant the Federal Government brand new authority to enforce State law. It interferes with the rights of citizens to travel between States by saddling a young woman with the laws of her home State no matter where she goes. I wonder if the gentleman from Florida might be as willing to apply this novel approach to other areas of the law like gun control.

For example, in New York we have very tough, sensible restrictions on gun ownership. His State of Florida has very weak gun control laws. Would the gentleman support legislation that applied New York's gun control laws to New Yorkers seeking to purchase guns in Florida? We have heard a lot of talk about States rights, but I wonder if the gentleman would respond or if someone else would respond whether our tough New York gun control laws could be enforced in the State of Florida, for example.

If we are really for States rights, let us think about that.

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

As my colleagues know, the other side does have a motion to recommit with instructions, and it is wide open for any amendments that they would like to include in that. So I just wanted to make that point for the record.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington State (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I want to again say what H.R. 3682 does, because sometimes in the debate what it does gets lost.

This bill simply makes it a Federal offense to transfer a minor girl across State lines to obtain an abortion in order to circumvent that State's parental consent laws.

It is very simple. It is a fundamental principle that parents protect their children and have the rights, unless they are not good parents, and then they are given to a guardian, sometimes a grandparent, sometimes someone else. But someone is ultimately in charge of that child because someone needs to be responsible to protect that child. Without this bill our children are at risk.

Now we hear situations today described as if every family is normal and every uncle, every grandma and every cousin and everyone that would like to should be able to take a little girl, 12, 13, 14, to another State for an abortion.

I am a grandma of six. I have one grandchild reaching teenage years in a couple years, and I would not want her to be taken across a State line by some of the relatives I have had in my background. The fact that they are a relative does not mean that they could not be the problem.

I guess ultimately we have to start thinking about whether or not parents have any rights or not. This is an issue of parental rights, and it is about the rights of the parents. Do they have the rights in the child's life to be ultimately responsible for that child?

Now we have heard the example of the 12-year-old. It is real where the mother of the 18-year-old took the child across State lines; and, by the way, charges against her were dropped. She did not do anything wrong. Well, I would tell my colleagues, as a mother of someone that had teenagers, I would be incensed because my little girl could not even get aspirin at the school without permission, she definitely could not get dental work, and no hospital would accept her, no clinic, no reputable physician, without her mother or her father's permission.

Now let us just get right down to what an abortion is and what it does. Most of the time we are dealing with a person that is going to bleed extensively. We are dealing with a young woman that needs after-care. We are dealing with someone that needs her mother. Now my colleagues can stand and say she has a right to this, but I say she has a right to her mother, and, if someone has parents that are not good enough to be parents, we have procedures to let someone else be their guardian.

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Little girls of 12, 13, 14, and I know some would say they are women with the same rights as any other women, no, they are little girls, are going to go through cramps, they are going to go through bleeding, they are going to sometimes go through the need of surgery, and you are telling me that I do not have a right as a mother to know? I do. And that is what this bill is a part of. But now you are going to say that if we do not pass this bill, everything will be just fine?

This just says you cannot take kids across State lines where States say parents should be involved, at least being notified. You are saying they can take them to a State, bring them back, and they are not notified, they are not involved, until the little girl starts bleeding to death or she is sterile because she did not take care of herself, because she did not want to tell anybody because she got across State lines. No, you see, this is not even reasonable.

This bill makes sense. If we have got bad parents, we have procedures for them. But to assume all parents are bad and we have to take their children away somewhere to have abortions is a wrong assumption.

This is a very good bill. It is reasonable, whether you are pro-life or pro-choice, because we are all pro-parent and we are all pro-family.

Ms. SLAUGHTER. Mr. speaker, I yield myself such time as I may consume.

Mr. Speaker, if I could respond to my friend from Washington State, anyone who impregnates a 12-year-old girl has committed statutory rape and should be imprisoned for a very long time, and I hope he was. But the issue is then, the 12-year-old girl; should she be forced to carry a child to term? That is probably where we have a division of opinion. I think requiring girls as young as 9 years old to bear children is a question that society needs to talk about. I think it is barbaric.

We certainly live in a strange time. This body has for years attempted to take away a woman's control over her reproductive system at the same time that it rejoices over the introduction of Viagra!

Congress believes it is wise enough to outlaw medical procedures it doesn't like—perhaps vasectomy should require parental consent so at least that would ease the double standard.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of the rule but in opposition to H.R. 3682, the Child Custody Protection Act, because it is seriously flawed. Although well motivated, the problem we are dealing with is the breakdown of the American family, respect for life and abortion, not too much freedom to travel between States.

Having delivered nearly 4,000 babies in my three decades of medical practice and having seen the destructiveness of abortion, I strongly agree that legalized abortion is the most egregious of all current social policies. It clearly symbolizes the moral decline America has experienced in the last 30 years.

However, Federal law restricting interstate travel, no matter how well intended, will serve no useful purpose, will not prevent abortions, and, indeed, will have many unintended consequences.

It is ironic that if this bill is passed into law, it will go into effect at approximately the same time that the Department of Transportation will impose a National I.D. card on all Americans. This bill only gives the Federal Government and big government proponents one more reason to impose the National I.D. card on all of us. So be prepared to show your papers as you travel about the U.S. You may be transporting a teenager.

There is already a legal vehicle for dealing with this problem. Many States

currently prohibit adults from taking underage teenagers across State lines for the purpose of marriage. States have reciprocal agreements respecting this approach. This is the proper way to handle this problem.

Most importantly, this bill fails to directly address the cause of the problem we face regarding abortion, which is the absurdity of our laws permitting the killing of an infant 1 minute before birth, or even during birth, and a doctor getting paid for it, while calling this same action murder 1 minute after birth.

The solution will ultimately come when the Federal Government and Federal courts get out of the way and allow States to protect the unborn. If that were the case, we would not have to consider dangerous legislation like this with the many unforeseen circumstances.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 3682. H.R. 3682 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate federal law, or a ''adequate'' federal improperly interpreted by the Supreme Court, preempts states' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all states by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the federal government. There was a time when a popular bumper sticker read ''It's ten o'clock; do you know where your children are?'' I suppose we have devolved to a point where it reads ''It's ten o'clock; does the federal government know where your children are.'' Further socializing and burden-shifting of the responsibilities of parenthood upon the federal government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police power in the national government and, accordingly, H.R. 3682.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in strong support of this rule and H.R. 3682, the Child Custody Protection Act. I want to commend my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this important legislation.

The legislation before the House today is the product of extensive consideration and examination by the Committee on the Judiciary. The Subcommittee on the Constitution held a markup during which more than 10 amendments were considered. The full committee markup lasted 2 days, and more than 20 amendments were considered.

This bill has been examined and debated more exhaustively than much of the legislation that comes before this body. It is now time for Congress to pass this bill and protect the fundamental rights of parents to be involved in their children's lives.

Mr. Speaker, the American people overwhelmingly support this legislation. This is a common-sense bill that will protect the integrity of State laws which require a child seeking to obtain an abortion to involve her parents in that decision.

State parental notification laws are designed to secure the rights of parents to protect their daughters' physical and emotional health. However, these laws are frequently circumvented by individuals who transport minors to States without parental involvement laws. Some abortion clinics even advertise their own State's lack of parental involvement laws to encourage minors from other States to cross State lines so they may obtain an abortion without involving their parents.

Loving parents, not friends, counselors, boyfriends or other adults, should be the ones most intimately involved in a minor child's decision as important as obtaining an abortion. An abortion is a complicated medical procedure that poses significant risks to the mother upon which the abortion is performed. Someone transporting a young girl to another State to obtain an abortion exposes her to many physical and emotional dangers that could be avoided by involving her parents, who may possess essential information about her medical and psychological history.

Mr. Speaker, it is simply outrageous that any individual should be allowed to subvert State laws designed to protect families and children simply by going behind a parent's back. This bill protects the rights of parents to be involved in the decisions of their own children, it protects the rights of States to enforce their own laws, and it protects the safety of our children.

I urge my colleagues to support this rule and to vote yes on the Child Custody Protection Act.

Ms. SLAUGHTER. Mr. Speaker, I yield myslef such time as I may consume.

Mr. Speaker, these amendments would all have been in order under an open rule. I will insert these materials for the RECORD.

TEST OF PREVIOUS QUESTION FOR H. RES. 499
H.R. 3682—CHILD CUSTODY PROTECTION ACT

Providing for consideration of the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State

lines to avoid laws requiring the involvement of parents in abortion decisions.

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. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. 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. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those specified in section 2 of this resolution. Each amendment may be offered only in the order listed in section 2, may be offered only by a Member specified in section 2 or his designee, shall be considered as read, shall be debatable for 20 minutes 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 division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in section 2 are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 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.

SEC. 2. The following amendments are in order pursuant to the first section of this resolution:

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MR. WATT OF NORTH CAROLINA

Page 4, strike line 1 and all that follows through line 6 and insert the following:

''(b) EXCEPTION.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor or to prevent serious physical illness or disability or because her life or physical health was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition or serious physical health condition caused by or arising from the pregnancy itself.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MR. WATT OF NORTH CAROLINA

Page 3, strike line 6 and all that follows through line 23 and insert the following:

''(a) OFFENSE.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent to evade the requirements of a law requiring parental involvement in a minor's abortion decision, in the State where the individual resides shall be fined under this title or imprisoned not more than one year, or both.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Add at the end the following:

(c) STUDY.—Not later than one year after the date of enactment of this Act, the General Accounting Office shall study the impact the amendment made by this Act has on the number of illegal and unsafe abortions and increased parental abuse, and report to Congress the results of that study.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 4, after line 11, insert the following:

''(3) The prohibitions of this section do not apply with respect to conduct by ministers, rabbis, pastors, priests, or other religious leaders.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 4, after line 11, insert the following:

''(3) The prohibitions of this section do not apply with respect to conduct by a grandparent of the minor.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 4, after line 11, insert the following:

''(3) The prohibitions of this section do not apply with respect to conduct by an aunt or uncle of the minor.

Mr. Speaker, I urge Members to vote no on the previous question, so we may add these responsible amendments to the rule.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

GENERAL LEAVE

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 499.

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

There was no objection.

Mr. GOSS. Mr. Speaker, I thank my friend from North Carolina and I rise in support of the rule and the underlying bill. While it is a closed rule, I think that it is an appropriate one, given the very narrow, significant scope of this bill.

The family is the building block of every community in this Nation. Not only is this a recognized principle in our culture, but something we have actively encouraged by enacting laws promoting more family involvement in education decisions, stronger child support enforcement, and special tax benefits for families.

We recognize the rights of parental notification and consent when a child gets a tattoo, or a body piercing, or even takes an aspirin at school. How can we tell moms and dads across the country they have no right to know if a perfect stranger takes their daughter miles away from home, to another State, to have a life altering medical procedure without their knowledge. Today, we seek to ensure that basic right is not emasculated.

Opponents of the Child Custody Protection Act want to turn this into a debate about abortion. This is not about abortion. It's about family, parental support and parental responsibility

and about children growing up in a society of confusing mixed messages. States have the right to pass consent or notification laws for minors, yet these laws become meaningless when a young girl is assisted taking a trip to another State to avoid the difficult task of counseling with her parents about an unplanned pregnancy.

I urge all of my colleagues to think about the natural role of a parent, the importance of States' rights and, most importantly, the well-being of the children—at risk in these situations. I think these justify a closed rule and I urge support for the rule and H.R. 3682.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5, rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 252, nays 174, not voting 8, as follows:

[Roll No. 277]

YEAS—252

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

NAYS—174

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Clyburn
Dingell
Gonzalez
Goode
McNulty
Moakley
Payne
Rogan

□ 1330

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

Messrs. RAHALL, HALL OF TEXAS, GILCHREST, KLINK, MURTHA, DOYLE, KANJORSKI, MASCARA, GOODLING, HOUGHTON, LAFALCE, RADANOVICH, SKELTON, OBERSTAR, and DAVIS of Virginia changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall No. 277, I was inadvertently detained. Had I been present, I would have voted ''yes.''.

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

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, this will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 173, not voting 14, as follows:

[Roll No. 278]

AYES—247

Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug

Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—173

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Castle
Clay
Clayton
Clement
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kolbe
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Aderholt
Capps
Clyburn
Dickey
Dingell
Gonzalez
Goode
Hefner
McDade
McNulty
Meek (FL)
Moakley
Payne
Rogan

□ 1339

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote No. 278 on H. Res. 499, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall No. 278, I was inadvertently detained. Had I been present, I would have voted ''yes.''

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 499, I call up the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The bill is considered as having been read for amendment.

The text of H.R. 3682 is as follows:

H.R. 3682

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 ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2401. Transportation of minors to avoid certain laws relating to abortion.

''§ 2401. Transportation of minors to avoid certain laws relating to abortion

''(a) OFFENSE.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent such individual obtain an abortion, if in fact the requirements of a law, requiring parental involvement in a minor's abortion decision, in the State where the individual resides, are not met before the individual obtains the abortion, shall be fined under this title or imprisoned not more than one year, or both.

''(b) EXCEPTION.—The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(c) CIVIL ACTION.—Any parent or guardian who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(d) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent or guardian of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(3) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401.''.

The SPEAKER pro tempore. Pursuant to House Resolution 499, the amendment printed in the bill is adopted.

The text of H.R. 3682, as amended, is as follows:

H.R. 3682

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 ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2401. Transportation of minors to avoid certain laws relating to abortion.

''§ 2401. Transportation of minors to avoid certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law, requiring parental involvement in a minor's abortion decision, of the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

''(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

''(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401.''.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) will each control 1 hour.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. 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 under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the sponsor of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for his help throughout this process in passing the Child Custody Protection Act.

As a writer stated, of all the rights of women, the greatest is to be a mother. I and every mother will assure the Members that an immediate bond exists as our newborn child is placed in our hands, a bond that is sacred, a bond that lasts forever, a bond that is innate, a bond between parent and child.

This legislation is about one thing and one thing only, Mr. Speaker, protecting the rights of parents from being stripped by strangers who dare to play and pretend to be mothers and fathers with our children.

□ 1345

This bill will make it a Federal misdemeanor for an adult to transport a minor across State lines in order to evade parental consent or notification laws on abortion. Already 16 States have parental consent laws, and 10 more have parental notification laws on abortion.

Unfortunately, these laws are being evaded by those who unscrupulously take our minor daughters to obtain an abortion without our consent or notification. This law-breaking activity is encouraged by the abortion mills in States with consent or notification laws. They advertise in publications in States which do have those laws. They entice law-breaking without consideration of the physical and mental ramifications that this life-threatening medical procedure can have on a minor. Indeed, even the United States Supreme Court noted that the procedure leaves lasting medical, emotional and psychological consequences and, it said, particularly so when the patient is immature.

Parents are required in schools across our Nation to provide consent for our daughters for field trips or even to take an aspirin while in school custody. However, when it comes to our daughters being subjected to a possible life-threatening medical procedure, a stranger can take our daughters with no repercussions whatsoever.

This is simply not acceptable. This bill, Mr. Speaker, does not implement a Federal notification or consent law. It merely helps States to enforce their laws to ensure that parents are able to comfort and advise their minor daughters during this crisis pregnancy. Congress should send a clear message across America that we stand for parental rights, that we will not allow strangers to take advantage and exploit our young daughters.

Today I spoke with Joyce Farley, a mother from Pennsylvania whose inherent right to comfort her daughter during this difficult time was stripped away by a complete stranger. Joyce's daughter became gravely ill after being subjected to a botched abortion where she was taken by the stepmother of the man who raped her. And it was only after Joyce Farley noticed that her daughter was ill that she learned that the abortion had been committed on her daughter.

For mothers like Joyce Farley and her daughter, this legislation is about women's rights, the right of every mother in our Nation to protect her child from the unknown hand of a stranger, the right of every mother to protect her relationship with her daughter. This issue goes above and beyond the abortion issue. It is about your rights, my rights and every single parent's right to protect our children.

The Child Custody Protection Act will provide peace of mind to countless mothers and fathers across this great land. I urge our colleagues to protect our daughters and, of course, to protect the sacred bond that exists between parents and children.

I thank the gentleman from Florida (Mr. CANADY) for yielding me the time.

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

Mr. Speaker, I rise in strong opposition to the bill, H.R. 3682. The bill purports to protect children by making it a crime to accompany them as they travel across State lines to get an abortion if they are not in compliance with their home State's parental consent or notification laws. This bill will endanger children more than it will protect them. It will have the cruel practical effect of requiring young girls to risk their lives by traveling across State lines to obtain a safe and legal procedure, despite the fact that it is in their best medical interest to have someone accompany them.

Make no mistake about it, under this bill it is not a crime, not a crime for the minor to go across State lines without having complied with the parental consent laws. It is a crime to have someone accompany them across State lines. It is not strangers. It is brothers and sisters, grandmothers and grandfathers who would be made criminals. Unfortunately, again we are paying politics with the lives and well-being of women by attempting to pass laws that will have the effect of making it more dangerous to obtain a legal abortion.

The overwhelming majority of minors seeking abortions consult their parents before they undergo the procedure. Even in States that have no mandatory parental consent or notification, more than 57 percent of minors under the age of 16 involve one or more of their parents. No big government mandate can make minors talk to their parents more than they already do.

More than half of all minors not involving their parents in an abortion decision do involve an adult, including many who involve a stepparent or adult relative. These are the very same people that we will make criminals if this law is enacted and the same minors that will be isolated because of this bill.

The compassionate older sibling or grandparent who insists on accompanying a minor in order to ensure their safety will be sent to jail if this bill becomes law. Even those ministers, relatives or family friends who oppose abortion but wish to ensure that the minor undergoes a safe procedure and comes home unharmed will be considered criminals based on the scheme proposed in this bill.

Again, it is not a crime for the minor to go across State lines without complying with parental consent laws if they go alone. It is only a crime if they are accompanied.

For the subcommittee hearing, Mr. Speaker, I had moving testimony from Bill and Mary Bell submitted for the record. The Bells are parents of a daughter who died receiving an illegal abortion because she did not want her parents to know about her pregnancy, but Indiana law required parental notice before she could have a legal abortion. A Planned Parenthood counselor in Indiana informed Becky that she would either have to notify her parents or petition a judge in order to get the abortion, and she responded that she did not want to tell her parents because she did not want to hurt them. And she also replied that if she could not tell her parents, she certainly could not tell a judge who she did not even know. The counselor suggested that Becky travel 110 miles away to Kentucky where she would not need to notify her parents, but instead she underwent a botched illegal procedure closer to home and died as a result.

Although this bill would not have hurt Becky Bell, it will hurt young women in similar situations who are unable to cross State lines with someone else to obtain a safe and legal abortion.

In addition, Mr. Speaker, we heard testimony at the hearing that this bill could make doctors and nurses criminals for the simple task of providing a safe and legal abortion to a woman who happened to live in another State. We should resist at all cost this vile attempt to scare and intimidate doctors and nurses by creating a criminal scheme that could have them thrown in jail even when they are not aware that a minor intends to evade a State's consent laws. By taking down a name and address and setting up an appointment, clinic nurses could be accessories to the crime. Even assisting in having a cab drive a woman home, someone could be found criminally responsible as an accessory after the fact and, therefore, also subject to civil liability.

The civil liability provisions of the bill create a blanket Federal cause of action for a parent who suffers ''legal harm.'' Based on agency principles, the doctor, the nurse, a cab driver, a bus driver could be held civilly liable for providing safe and legal assistance to a minor. This federalization of tort law is unprecedented and counterproductive to what should be the compelling interest of ensuring doctors and other health professionals the freedom and comfort to provide the best medical care available.

How will insurance companies respond to this new Federal tort? Will they force doctors to interrogate any woman looking under the age of 25? Will they require birth certificates and residence cards to prove their residence before they are able to get the medical care they are seeking? The civil liability provision should be eliminated.

For these and many other reasons, Mr. Speaker, I urge my colleagues to pause and take a long, hard look at the consequences that will result from this bill which will be encouraging the isolation and endangerment of the young Becky Bells of the world.

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

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) the chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I think the greatest threat to society today is the assault on the family. No matter what direction we look in, the authority of the parents is being eroded. It is particularly true in entertainment. I have yet to see a movie where the parents are smart or know as much as the children do. But the fact is, parental authority is certainly a far cry from what it once was.

Now, this bill seeks to reinforce the primacy of the parent. Parents are most suitable, when it comes to caring for, nurturing care for their young daughter. We pass laws for the normal situation, not the abnormal. We deal with the abnormal situation in the judicial bypass. But the fact is, the overwhelming majority of parents love their daughters, care for their daughters, are concerned for their daughter's welfare, health, safety more than anybody else is, more than a social worker, more than a relative no matter how close. There is something about parental love that is unique.

Now, what about the parents that are not there? What about the abusive parents? What about the child that is terrified that telling a parent would result in some bodily harm or some irrevocable estrangement? That is why we have a judicial bypass. Twenty-two States have these laws requiring parental notification, but every law requires the placement of a judicial bypass for those circumstances where it is inappropriate for whatever reason to try to notify the parents.

How do you get to the judge if you are a young girl and you have this problem pregnancy? Well, the abortion clinic, euphemistically so-called, should require the parents be notified if that is the law of the State. And if the parents are not notified, they can direct the young lady to a social worker who will take care of the judicial bypass. So the mechanics are there. The process is there. But what you have to have is an adult, preferably the parent, the loving, caring, nurturing, uniquely caring parent making a decision, providing advice, supporting, helping the child in this very important operation.

Now, to me it is grotesque that in a school you cannot take a Tylenol, you cannot have your ears pierced without parental consent. But abortion, which is an irrevocable act that has consequences perhaps permanent, if it is not done just properly, if the uterus is damaged or perforated; and that reminds me of another thing, do not forget, follow-up care following an abortion. What if the young lady goes across the State with whomsoever, has the abortion and then comes back and has adverse consequences, starts hemorrhaging?

Well, the clinic that performed the abortion on her is nowhere to be found. That is when you need your parents. That is when you need somebody to care about whether you live or die and that you get the medical care you need.

So it is a terrible mistake to avoid parental authority, parental responsibility, to camouflage that and to go to another State to avoid the laws of the State of residence of the young lady for the purposes of an abortion.

Now, lastly, as a grandparent, I would be very concerned if my daughter were to be young and have an abortion and I not know about it, because I have an interest as a parent, too, in the children of my children. But this protects the child. This provides the follow-up care that may be necessary, if you obey the law.

Let us reinforce the family. Let us not tear it down. I hope Members will support this well thought out, necessary bill.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

□ 1400

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to this bill. This is a dangerous misguided bill that isolates our daughters and puts them at grave risk. That is why the President has threatened to veto it.

Under this legislation, young women who cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without any help from any responsible adult. Thankfully, most young women, more than 75 percent of minors under age 16, already involve their parents in the decision to seek an abortion, and that is the good news. But not every child is so lucky. Not every child has loving parents.

Now, I believe that those young women who cannot go to their parents

should be encouraged to involve another responsible adult, a grandmother or an aunt, in this difficult decision. Already more than half of all young women who do not involve a parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve another adult relative, and that is a good thing. Unfortunately, this bill will impose criminal penalties on adults like grandmothers who come to the aid of their granddaughters.

We have tried to address this problem at the Committee on Rules by exempting close family relatives from criminal liability under the bill, but that amendment was denied. As a result, this bill will throw grandmothers in jail for assisting their granddaughters. Mr. Speaker, I am a grandmother of two, and I believe grandparents should be able to help their grandchildren without the risk of being thrown in jail. Unfortunately, this legislation would criminalize that involvement.

And so this bill tells young women who cannot tell their parents, ''Don't tell anyone else. Don't tell your grandmother. Don't tell an aunt. No one can help you. You are on your own.''

Let me give you one tragic example. Ten years ago Becky Bell was 17. Unfortunately, she became pregnant. Hoping to keep the pregnancy from her parents, she went to a local Planned Parenthood clinic. They told her that under Indiana law, if she wanted an abortion, she would have to obtain her parents' permission or ask a judge for a waiver. Well, Becky was ashamed to tell her parents and said, ''If I can't tell my mom and dad, how can I tell a judge, who doesn't even know me?'' So Becky obtained an illegal back-alley abortion, an illegal, unsafe abortion that killed her.

Parental consent laws did not force Becky to involve her parents in her hour of need. Just the opposite. At her most desperate hour, Indiana's parental consent law drove Becky away from the arms of her parents and straight into the back alley.

Mr. Speaker, parental consent laws do not protect our daughters, they kill them. They do not bring families together, they tear them apart. And so I ask the gentleman from Florida (Mr. CANADY), how many young women like Becky Bell will lose their lives because of this legislation? How many more of our daughters will be killed by these misguided laws?

Mr. Speaker, I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to encourage teenagers to be abstinent and responsible. We need a comprehensive approach to keeping teenagers safe and healthy. We do not need a bill that isolates teenagers and puts them at risk.

I urge my colleagues to vote ''no'' on this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time because I want to refute what the gentlewoman from New York (Mrs. LOWEY) said, and the other speakers, about this Becky Bell case. It reminds me of what Benjamin Franklin said about the death of a beautiful theory by a gang of brutal facts.

Let me give my colleagues the brutal facts about this Becky Bell case. Abortion advocates claim that this case came from an illegal or self-induced abortion; that this young lady sought this illegal abortion because she was afraid to tell her parents about the pregnancy as required by Indiana law. And certainly that Becky died is a tragedy. However, there is no solid evidence whatsoever to support the claim that she died of an illegal or self-induced abortion.

In fact, several abortion advocates have expressed concerns about using this case as an example of an illegal abortion death. And let me give my colleagues some of the most recent opinions and statements and evidence to date.

The head of forensic pathology at Indiana University said, ''I cannot prove she had an illegal abortion. I cannot prove she had anything but a spontaneous abortion.'' The pathologist on the case found no evidence of internal injury, which he felt ruled out a self-induced abortion. And even the Executive Director of Planned Parenthood said, and I quote, ''I have some reservations about hyping this whole thing when it is so mixed about what actually went on.''

A well-known doctor, very well known on the abortion issue says, and I quote, ''The most reasonable probability is that Rebecca Bell died of an overwhelming pneumonia death, the same condition that puppeteer Jim Henson died of. Ms. Bell probably had an incomplete spontaneous abortion, which is a miscarriage, with tissue still remaining in the uterus, which is typical of a spontaneous miscarriage.''

The facts clearly point to the fact that although it seems like a good example to use, Becky Bell did die, there is no doubt about that, but she did not die from an abortion as a result of not wanting to go to her parents with the news of her pregnancy. Those are the facts.

Mr. Speaker, I submit for the RECORD further documentation relating to the case of Becky Bell.

NEW YORK, NY,
September 4, 1990.

Re Rebecca Suzanne Bell.

BECKY MOORE,
United Families,
Eugene, OR.

DEAR MS. MOORE: There is no evidence of any septic abortion contained in the coroner's report; there is no infection in or around the uterus, no pus, no odor to the uterus and no peritonitis. The serosa of the uterus is described as ''smooth and glistening.'' In the case of a septic abortion this tissue would be shaggy and discolored. Further, all blood cultures were consistently negative. Indeed, there is no evidence for an induced abortion at all: no marks or stigmata of instrumentation (dilation of the cervix by instruments, marks on the cervix, etc.) in the genital tract.

The most reasonable probability is that Rebecca Bell died of an overwhelming streptococcus pneumonia (the same condition that puppeteer Jim Henson died of). Ms. Bell probably had had an incomplete spontaneous abortion (miscarriage) with tissue still remaining in the uterus (typical of a spontaneous miscarriage). The tissue which remained showed absolutely no evidence of infection or inflammation. If the coroner had been convinced of a ''septic abortion'' he should have made cultures of that tissue: if this had truly been a death from septic abortion the cultures of the tissue would have yielded streptococcus pneumoniae. Finally, in the case of a septic abortion the lungs would have shown septic pulmonary emboli, not generalized pneumonia.

In short, the cause of death here was probably overwhelming pneumonia unrelated to the abortion/miscarriage. This was about as superficial and careless (not to say ''negligent'') an autopsy as I have seen in my considerable experience evaluating medico-legal files over the past twenty years.

I would strongly suggest that all slides of tissues examined at autopsy be reviewed by a competent impartial pathologist. I am confident that my opinion will be supported.

Sincerely,

BERNARD N. NATHANSON, M.D.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.
Washington, DC.

KNOWN FACTS OF THE BECKY BELL CASE

Abortion advocates, including Becky Bell's parents, claim that Becky Bell died in 1988 from an illegal or self-induced abortion. She allegedly sought the illegal abortion because she was afraid to tell her parents as required by Indiana law.

Certainly, that Becky Bell died is a tragedy. However, there is no solid evidence to support the claim that she died of an illegal or self-induced abortion. In fact, several abortion advocates have expressed concerns about touting the Becky Bell death as an illegal abortion death.

Among the most recent evidence and opinions to date:

''I cannot prove she had an illegal abortion. I cannot prove she had anything but a spontaneous abortion,'' said [Dr. John] Pless [head of forensic pathology at Indiana University Medical Center, who performed the autopsy on Becky Bell].—''Abortion debate shifting,'' by Joe Frolik, Cleveland Plain Dealer, page 1, Sept. 9, 1990.

Pathologist She . . . found no evidence of internal injury, which he felt ruled out a self-induced abortion. Nor were there any marks on Becky's cervix that would be left by the instruments commonly used for clinic abortions.—same article.

''I heard about Becky's death right away, but I heard conflicting opinions right away, too,'' said Delbert Culp, executive director of Planned Parenthood of Central Indiana. ''I have some reservations about hyping this whole thing when it's so mixed about what actually went on.''—same article.

''In this case, the pathology report is notable in that while there is evidence of massive infection in the lungs and elsewhere in the body, there is no evidence of infection on the outside or within the uterus . . . [the germ that killed Becky] is a common pneumonia germ . . . which is unlikely to originate from a contaminated abortion procedure.''—Dr. John Curry, former head of the Tissue Bank

at Bethesda Naval Hospital, as quoted in ''A rush to blame in Becky Bell's death,'' by Cal Thomas, Washington Times, Aug. 9, 1990.

Karen Bell [Becky's mother] believes her daughter had someone try to induce an illegal abortion . . . [Heather] Clark [Becky's best friend] insists her friend did nothing of the sort, saying Rebecca talked about getting a legal abortion in Kentucky until she died. She thinks Rebecca had a spontaneous abortion.—''Abortion Law: Fatal Effect?'' by Rochelle Sharpe, Gannatt News Service, Washington, D.C., Nov. 24, 1989.

Note: For more information about the Becky Bell case, including the coroner's report, autopsy report and other news stories, please contact the NRLC State Legislative Department at (202) 626–8819.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC.

THE BECKY BELL CASE: NOT AN ILLEGAL ABORTION DEATH

Abortion advocates, including Becky Bell's parents, claim that Becky Bell died in 1988 from complications of an illegal abortion she allegedly sought because she was afraid to tell her parents as required by the Indiana law.

However, the facts of the case do not support the abortion advocates' claims.

Fact 1. Becky, suspecting she was pregnant, went to Planned Parenthood in Indianapolis for advice.

Fact 2. After Becky left Planned Parenthood, she talked about going to Kentucky for an abortion.

Fact 3. Becky was scared and confused.

Fact 4. She considered both adoption and abortion.

Fact 5. Her best friend, Heather Clark, believes Becky miscarried, and did not have an abortion.

Fact 7. On the day before her death, Becky asked Heather Clark to make a Saturday appointment at a Kentucky abortion clinic.

Fact 8. Becky's baby was still alive immediately before she died.

Fact 9. Becky Bell did not die from an illegal abortion.

Heather Clark, Becky's best friend, was, unlikely Becky's parents, in her confidence during the last week of her life. As reported by Rochelle Sharpe of Gannett News Service in Abortion Law: Fatal Effect? (11/24/89), the two girls together: went to Planned Parenthood, where a counselor . . . told them about the Indiana parental-consent law. During the four months of her pregnancy, though, Rebecca wavered . . ., Clark said. She contemplated a trip to Kentucky abortion clinic or running away to California, where she planned to have the baby and put it up for adoption. Most of the time, she said, Rebecca favored the abortion, but she kept postponing her trip out of state.

Karen Bell [Becky's mother] believes her daughter had someone try to induce an illegal abortion . . . Clark insists her friend did nothing of the sort, saying Rebecca talked about getting a legal abortion in Kentucky until she died. She thinks Rebecca had a spontaneous abortion. . . .

Whatever happened, Rebecca got sicker by the day. She was so sick at school on Tuesday, she was crying when she saw her friend Clark. . . .

By Thursday, ''She was so sick, she could not breath,'' Clark said. ''She couldn't lay down all the way.''

Still, Rebecca asked Clark to make a Saturday appointment at the Kentucky abortion clinic. As she lay dying, Clark said Rebecca requested she call one of her friends, who'd gone to the Kentucky clinic. That girl described the procedures to Rebecca.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong opposition to the deceptively titled Child Custody Protection Act. I am a mother, too. I have two young daughters. And I would hope and pray that my two young daughters would come to me if they got into the tragic situation of an inadvertent pregnancy. But if they could not come to me, I certainly do not want them in a back alley having an unsafe abortion.

Do we want to create a society where young women who face an unintended pregnancy cannot turn to a relative or a close friend for help? Do we want to increase the number of illegal and often lethal back-alley abortions? Do we want to criminalize grandparents for taking their grandchildren to another State for an abortion? Do we want to criminalize a bus driver who transports a minor across State lines for an abortion? Do we want to force the few young women who cannot involve their parents in these decisions into potentially violent and abusive situations by forcing them to get the consent of their dysfunctional parents? I think not. And I think we should vote against the bill for this reason.

Columnist Ellen Goodman said last week, ''You can't write a law forcing parent-child communication.'' But if we try, we are going to see tragedies across this country.

If my colleagues do not like the Becky Bell example, let us talk about Spring Adams, a 13-year-old girl from Idaho who was shot to death by her parent after he learned she intended to have an abortion for a pregnancy that he himself caused.

The proponents of this bill claim it to be constitutional. But it would be the first Federal legislation which would restrict the rights of the adults, of the adults, to cross State lines legally. That is why this bill is unconstitutional. It is wrong. It will not solve the problem and we need to reject it.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Speaker, the issue before us today involves two important values: The rule of law and the role of parents. The law before us upholds each of these values.

The practice of transporting a minor across State lines to obtain an abortion is not simply an abstract discussion. In the State of Arkansas, where I live, there are parental notification laws in place to assure parents are consulted. And, yes, there is an appropriate provision for judicial override in those extraordinary circumstances that dictate that parents should not be involved. However, Arkansas borders on three States that do not require parental consent. Abortion clinics do not hesitate to encourage minors to cross State lines to obtain an abortion.

A Texas clinic, for example, has taken out an ad in the Little Rock phone book targeting Arkansas teens by stating that it, ''Specializes in teenage care and in difficult cases.''

In 1996, 746 Arkansas residents traveled out of State to obtain an abortion. Based upon the hearing that was held in the Subcommittee on the Constitution of the Committee on the Judiciary, it is clear a significant number of these 746 abortions were in order to circumvent Arkansas's parental notification law. This is an affront to the rule of law.

But the rule of law is not the only value that will be protected by this law. The bill fortifies parents' responsibilities to provide guidance and care for their child. It is the role of the parent, not the government and, yes, not the grandparent to raise a child. And in critical times like that of an unexpected pregnancy, a child most benefits from the guidance of a parent. To deny the parents the ability to know and to act in the best interest of their child not only harms the parent but harms the child as well.

The long-term physical and emotional consequences of abortion must be taken into consideration. Parents need to be aware of their daughters' situations so that they can provide critical counseling to that child. Regardless of our position on abortion, this law makes sense for all involved. It protects the rule of law, the responsibility of parents, and the well-being of our children.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this bill. Mr. Speaker, despite the rhetoric, we all know that the real purpose of this bill is to make it even more difficult for women to exercise their constitutionally protected right to have an abortion. That is the real motivation and that is what is driving this bill, not the concern about parental involvement.

We know, in any event, that 75 percent of women under the age of 16 consult their parents before seeking an abortion. But young woman who feel they cannot confide in their parents will now be unable to confide in their grandparents or any other adult. This bill would punish young women, would force them to risk their health and isolate them from adults who might be able to help them in a time of crisis. This bill would force a young woman to drive by herself for long distances both before and after an abortion rather than allow a responsible adult to accompany her.

The American Medical Association has noted women who feel they cannot involve a parent often take drastic steps to maintain the confidentiality of their pregnancies, including running away from home, obtaining unsafe back-alley abortions, or resorting to dangerous, sometimes fatal self-induced abortions. The AMA has reported

that, ''The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since 1973.''

This bill, Mr. Speaker, is a death sentence for many young women. Like all parental consent laws, this bill further risks women's health because it delays abortions. As we all know, the further a pregnancy progresses, the more dangerous any termination procedure becomes. We should be taking action to ensure that abortions are as safe as possible, and we should be strengthening sex education and increasing the availability of contraception to help reduce the number of unintended pregnancies. This bill does not address those issues, and instead seeks to isolate teenagers and makes their lives even more difficult.

This bill also invites families to sue one another for damages. Who gets to sue? Parents. Even parents who have been abusive or have abandoned their children. Fathers who have raped their daughters are allowed to sue for damages. Who can they sue? They can sue doctors, clinics and relatives.

What about the criminal penalties? This bill could force a grandmother to go to jail for coming to the aid of a grandchild. It could criminalize almost any adult relative of a child who tries to help the young woman at this time.

Proponents of this bill ignore these concerns and wave around judicial bypass as a panacea. But the judicial bypass option of many parental consent laws has proven ineffective. Many local judges refuse to hold hearings or are widely known to be anti-choice and refuse to grant bypasses, despite rulings of the Supreme Court that they cannot withhold a bypass under certain conditions.

This bill also promotes a dangerously unconstitutional concept. I know of no other law that seeks to make it criminal to accompany someone to a different State for the purpose of doing something that is legal in that State. Will we next make it illegal to help someone go from New York, where gambling is illegal, to Atlantic City or to Las Vegas? What this bill really says is: We regret forming the Constitution. We regret our Federal union and we want to go back to a series of sovereign States, back to the Articles of Confederation. That is simply foolish and dangerous.

Mr. Speaker, I urge my colleagues to reject this bill and to affirm that in a Federal union we cannot criminalize going to another State to do what is legal in that State.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Mr. Speaker, I rise today in strong support of this measure, knowing that another young girl will secretly be taken across State lines and have an abortion without her parents' knowledge. And I want to emphasize that: Secretly taken across State lines without her parents' knowledge. This is done to bypass State parental requirements. This circumvents the State law and it must end, and we are taking a step in that direction today.

H.R. 3682, the Child Custody Protection Act, will make it a Federal offense for adults with no legal parental authority to transport someone else's child across State lines for the purpose of having an abortion. The Child Custody Protection Act will punish those who disregard the safety of our children while, at the same time, returning to parents the authority to make those important medical decisions for their children.

I know as a parent of four children, Anne and I appreciate as much input as we possibly can have in the medical decisions of our children, and that is why I urge my colleagues to support H.R. 3682. We must protect the authority of parents, the welfare of our children, the rights of the unborn, and this is a beginning in that direction.

□ 1415

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

Section 2401(b)(2) specifically exempts prosecution of a young lady who goes by herself across State lines. There is nothing in the bill that prevents skipping around the parental consent laws. So we just want to remind people of that.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I urge my colleagues to oppose the bill currently under consideration. This bill rests on a fallacy. The fallacy is that we can compel each and every woman to inform her parents or a judge about her desire to have an abortion. The reality is quite different.

Some young women are horrified at the prospect of telling their parents or a judge about a pregnancy, and they will do everything in their power to avoid it. So the question we really should be asking ourselves today is this: What will these young women do if H.R. 3682 were enacted into law? The answer is some will travel across State lines alone to have abortions, while others will be accompanied by trusted friends and relatives to underground illegal abortion providers who offer a way around consent laws.

Can this really be the sort of behavior we want to encourage? We tell adults who have teeth pulled to bring along a friend or a family member to drive them home. Yet some Members of this body apparently have no qualms about seeing young women who cross State lines for abortion take home the bus with strangers.

Mr. Speaker, we all would welcome a world where abortion is less prevalent, but I, for one, will not attempt to usher in that world by erecting obstacle after obstacle in the way of a woman's right to choose. I assure my colleagues we will pay a steep price for that strategy in the currency of many pregnant young women's health and safety. I urge opposition to this misguided legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

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

I rise this afternoon as a cosponsor of this bill and in strong support of this legislation and urge my colleagues to vote in support of it. While there are fundamental differences between us regarding the prolife and prochoice debate, for many of us there is common ground regarding the protection of parental rights and the health of our teenage children.

And certainly we are talking about teenage children here. We are not talking about women. We talking about young girls that are underage here, teenagers; 9-, 10-, 11-, 12-year-old teenagers up to perhaps, I guess, age 18 before in most States they become a minor.

The truth of the matter is that many of these young pregnant teenagers, these young girls, 12- 13-year-old girls are being impregnated by adult boyfriends, more than 18-year-old men; and they are being carried across State lines by these young men who are 18 or over or by their parents.

We heard cases where the mother of this boyfriend carried this young teenage girl across a State line, unbeknownst to her own parents, so she could get an abortion. And this is a complicated medical invasive procedure we are talking about. We are not talking about crossing State lines to go gambling or to go shopping. We are talking about major surgery here that has, as with any surgery, a very high risk not only during the surgery, but after the surgery.

And to make matters even worse, this mother of the boyfriend or this boyfriend does not know the medical history completely, nor does that child know her own complete medical history that might be of some relevance to this doctor.

Could there be a worse nightmare out there for parents to be in a situation where their child is across the State lines dying perhaps in one of these clinics without their knowledge? And all of this can be avoided by simply passing this law that allows a responsible parent, a guardian, or even a court where there are bad parents to intervene in this type of situation.

This bill guarantees the goals of both sides of this issue, and I urge my colleagues to support this for the health and safety of our teenage children and for the responsibilities of knowing and caring parents.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today in strong opposition to H.R. 3862.

The idea that a girl who has a good relationship with her parents would face an abortion without parental support is absolutely absurd. Some young girls are forced to go behind their parents' back. They have to do that for their own safety.

A third of the young women who do not notify their parents have been victims of family violence. They do not consider it safe to involve their own parents.

I am outraged. Here we are, with the far right majority in Congress wanting to make it a crime to help pregnant girls, when we know that not all parents are loving. Some pregnancies are even caused by a family member. Some parents are in denial. Some are not knowledgeable. They cannot help that young person.

But let us face it, even teenagers can have sex without parental support or consent. Teenagers can continue a pregnancy, receive prenatal care, and deliver a baby without parental consent. Teens can also give the baby up for adoption without parental consent. The only thing they are prevented from doing by this bill is making the decision to end the pregnancy.

This bill seeks only to isolate young women who cannot involve their parents. We should be helping our teenagers. We should be helping our young women. Instead of criminalizing freedom of choice, we should be providing the support services that teens need. They need a better education. They need health care. They need support services.

Many of the same people who are supporting this bill today and oppose a young woman's right to choose constantly oppose teaching our children about birth control, about their options to prevent pregnancies in the first place.

I urge my colleagues to vote against this bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of this much needed legislation.

The Child Custody Protection Act offers the Members of this Chamber the opportunity to safeguard the rights of their parents and their special responsibility of caring for their children they have brought into this world. It is time for the Congress to speak loud and clear in defense of the family.

Allowing other adults to circumvent State law requiring parental involvement in a minor's abortion deprives the child of the security, love, and wisdom that only a mother and father can provide in the most difficult times.

I fully recognize that the practice of abortion is a divisive issue in our country today, and I hope that one day we will again honor the sanctity of life and reject the killing of millions of preborn babies.

Despite the different views toward abortion, I believe the great majority of Americans remain committed to strong families where children can face difficult decisions with the help of a mother or father. Yes, some parents are better than others, and there are laws to protect their children from abuse or irresponsible mothers or fathers.

The truth is that parents will never be able to offer perfect advice or guidance for their children. However, I know of no better refuge for a child who is confronting a personal crisis than the emotional support of a parent. Encouraging a child to procure an abortion, with all its emotional consequences and health risks, without parental involvement, is an assault on this refuge and historic legal rights of parenthood.

I strongly urge my colleagues to support H.R. 3682. The overwhelming majority of Americans agree that we must protect the fundamental right and responsibility of parents to protect their minor daughters from those adults who have no legal responsibility for the child, but decide that a secret abortion is the preferred option. Let us respect the States' parental notification laws that promote strong families and encourage minors to make wise decisions.

Mr. SCOTT. Mr. Speaker, could I determine the amount of time remaining on both sides, please?

The SPEAKER pro tempore (Mr. EWING). Both Members have 42 minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise today in strong opposition to H.R. 3682.

We have heard a great deal today about the sanctity of parenthood. Well, I am a parent. I think parenthood is a great, great thing. But let us talk about reality as well. I am sometimes very much afraid there is a big disconnect in this institution about reality.

Just assuming that all families are good and kind does not make them so, and I think it is grotesque, yes, grotesque, that there are people in this institution who deny reality and in doing so jeopardize the lives of our daughters.

This legislation assumes that all young women have a safe, warm, loving family, but, however, I know that there are many young women who fear physical and emotional abuse at home and who know that disclosure of pregnancy would bring violence to them.

I am not talking just generally. I want to tell you about one such girl, one such family, one such case: Spring Adams, 13 years old, living in Idaho. Her father, Rocky Adams, raped her, and she became pregnant. She tried to get her mother to take her to Portland, Oregon, where she could have a safe and legal abortion, and her mother was afraid of Rocky Adams, rightly so. He was a violent, violent man.

Spring did not know about a court, that she could go to a judge. She was 13 years old. Eventually a trusted friend said she would take Spring to Oregon, but it was too late for Spring because that night her father, hearing that she was going to get an abortion of this child that he had caused, this pregnancy, he shot her through the head.

Not all families, not all families, are kind and loving. Spring Adams' family was not.

Let us vote for Spring Adams. Let us vote against this bill that will jeopardize our daughters' safety.

Mr. CANNON. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey, Mr. SMITH.

Mr. SMITH of New Jersey. Mr. Speaker, I think it is becoming abundantly clear to a growing number of Americans that abortion is violence against children. Abortion methods rip and tear innocent, unborn babies to pieces. Abortion methods dismember children with razor blades attached to suction machines. Abortion methods include pumping and injecting deadly poisons into the baby for the express purpose of killing the child.

Abortion methods include killing the baby as he or she is actually being born. The partial birth abortion method, as we now know, entails jamming scissors into the child's skull and then vacuuming the brains out.

Abortion is violence against children, Mr. Speaker. Thus, it seems very clear to me that secretly transporting teenagers across State lines to procure abortions in a State with no parental notification or parental consent compounds the violence by exploiting the vulnerable minor.

Mr. Speaker, my colleagues may recall that when the partial birth abortion ban was debated on this floor many proabortion organizations, including Planned Parenthood Federation of America and their research arm, the Guttmacher Institute, wrote a letter saying that there were and I quote, ''fewer than 500'' partial birth abortions per year in the country, in the entire country.

That statement, just like other statements that they made, has turned out to be totally bogus. It turned out to be a lie. One leading proabortionist even said that he ''lied through his teeth'' on this issue.

It was a New Jersey newspaper, the Bergen Record, that broke the story that just one clinic in my State, the Metropolitan Medical Associates in Englewood, did about 1,500 partial birth abortions each and every year, many of them on teenagers. That's three times the number the abortion industry told us were performed in the entire nation.

Now we know that the Metropolitan Medical Associates and other abortion mills in New Jersey advertise and market their business in Pennsylvania and elsewhere, and use the fact that New Jersey does not have a parental consent or parental notice law as a way of luring young girls to that clinic and to other clinics.

If you look at this yellow page ad, promoting the Metropolitan Medicine

Associates Mr. Speaker, it stresses that pregnancies up to 24 weeks, 6 months, very large, very mature babies, can be terminated, that is—murdered—without parental knowledge, without parental consent. No waiting period, no parental consent, that is how they advertise in the Pennsylvania phone book.

□ 1430

These ads are telling young teens, ''Hey, we can end your baby's life, and your parents never need to know; it will be our secret.'' But if a teenager's secret abortion leads to complications, what then? Where is it written that the person driving the frightened and often very vulnerable 12 or 14 year old to an abortion mill is responsible? Who picks up the pieces of the shattered young girl when the bleeding, when the psychological and the emotional and the physical consequences set in? Obviously it will be her parents, or one of her parents. They will be responsible for and involved in her care after the abortion, when the disaster hits. The parents, should have had the chance to be involved without the circumventing of the more than 20 State laws that require parental involvement in this irreversible decision that takes a human life.

On May 21, Mr. Speaker, Joyce Farley testified before the House Committee on the Judiciary's Subcommittee on the Constitution, and she said, and I will quote her only briefly:

''My daughter was a victim of several horrible crimes between the ages of 12 and 13. My child was provided alcohol, she was raped and then taken out of the State by a stranger to have an abortion. This stranger turned out to be the mother of the adult male who provided the alcohol and then raped my 12-year-old daughter while she was unconscious. The rapist's mother arranged for and paid for an abortion, and it was performed on her child. This woman lied and falsified records.''

And she goes on to say:

''Following the abortion the mother of the rapist dropped off my physically and emotionally battered child in a town 40 miles away from our home. The plan was to keep the rape and the abortion secret.''

Then she goes on to say how, when she discovered the consequences, she then swung into action and did everything humanly possible to help her child who was bleeding and in severe pain.

We need to say, Mr. Speaker, that the law does indeed matter. These State laws are there for a purpose. Other States are contemplating parental-involvement statutes as we speak. We need to say that parents matter, and we need to help those vulnerable children who are being carried across State lines and pushed into abortion clinics by relative strangers and who in many cases have their own reasons for making sure that these girls get abortions.

Finally, Mr. Speaker, Americans overwhelmingly support the Child Custody Protection Act. When asked a very simple question that goes right to the core of parental responsibility, ''Should a person be able to take a minor girl across State lines without her parents' knowledge to get an abortion'', 85 percent of Americans said no; only 9 percent said yes.

Mr. Speaker, I urge my colleagues to support this very pro-child, pro-family, pro-parent legislation that has been offered by the courageous pro-life leader, the gentlewoman from Florida (Ms. ROS-LEHTINEN). I want to thank the gentleman from Florida (Mr. CANADY) as well for his exemplary work in shepherding this legislation through, and the gentleman from Illinois (Mr. HYDE) and all of us who had a part. It is a very important piece of legislation, and it will help our minor girls.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

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

Mr. Speaker, this is one of those issues we just got to wrestle with and wrestle with our conscience.

I support parental notification, I support the West Virginia statute which requires parental notification except in very limited circumstances, and to the gentleman who just recited a national poll, quoted from a poll saying that 85 percent feel that someone should not be able to take a minor girl across State lines for purposes of having an abortion without parental consent, he can put me down in that if I am asked the question just as he phrased it. But then if I am asked: What about the Spring Adams case where her father molested her and raped her, and because he found out she was going to have an abortion shot her; was he someone that my colleagues would require parental consent of?

What about the limited circumstances? I happen to believe that the case cited, the Joyce Farley case, by the proponents of this legislation is a horror. But I also think that the Spring Adams case, in which she was raped by her father and then shot by her father, is a horror as well.

There is another reason, too, that I oppose this legislation: Because I do not think we want the FBI and the Federal authorities criminalizing brothers and sisters and other loved ones who may feel that this is the only way they can help their pregnant sister.

In West Virginia recently, because of overcrowded jails, and we are not the only State with overcrowded jails, everybody here has them, an inmate was killed because of an overcrowded jail, and the argument now is what kind of criminal offenses are we putting people in jail for? Do we really wanted to subject a brother or a sister to the criminal penalties, to imprisonment, for doing something that they do whether rightly or wrongly they do out of love and trying to help their sister? Is this something that we want frightened couples to be faced with?

I urge us not to compound one tragedy by adding on another tragedy, and so for that reason I oppose this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Florida for yielding this time to me.

Mr. Speaker, I, too, rise in support today of the Child Custody Protection Act and want to comment, based on listening to the debate on the floor today and the tenure of that debate, that this is not an easy issue, this is a difficult issue, and yet standing for what is right is never going to be easy, and I want to credit the gentleman from Florida (Mr. CANADY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the courage that they have demonstrated by bringing this important piece of legislation to the floor.

I think it really revolves around three basic, fundamental questions. The first is: Does this Congress want to affirm the most basic and fundamental institution in our culture today, and that is the family? Secondly: Does this Congress want to affirm States rights to regulate and impose restrictions on abortions? And finally: Does this Congress want to affirm respect for the sanctity of human life? And if we answer yes on any or all three of those questions, then this is really a very simple and straightforward issue. It is not complicated, and most of the social problems that we encounter and see in America today can be traced back to one very simple basic problem, and that is that the American family has been undermined, eroded and attacked on every front.

Mr. Speaker, the family is disintegrated, and government policy has aided that disintegration on every front by making it more difficult for families to spend time with their children; and opposing this legislation, as those on the other side have indicated they will do, further disenfranchises parents from their children.

This is not a value-neutral issue. This strikes at the very core of our country's and our culture's value system, and far be it from this Congress to stand in the way of life, to stand in the way of families and parents and their children and to stand in the way of the ability of States to affirm their commitment to our most basic and fundamental core values in our culture today.

So I support this legislation and would encourage my colleagues on both sides of the aisle to stand firm in support of families, in support of life and in support of those States out there that are doing what they can to see those values are upheld.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for his leadership.

This is a very difficult debate. It is one that gains us no friends, no ticker-tape parade, no applause and no positive newspaper headlines.

For those that believe that politics is all about that, it would mean that those of us who oppose this legislation should quietly go to our seats.

But this process of democracy goes further than the latest headline. It is about truth, it is about reason and rationale, it is about reality.

Mr. Speaker, it is a tragedy to think that anyone who opposes this legislation is a bad parent, a bad human being, a bad American, but yet the characterization is for those who have a sense of concern, who want to express to the American people the realities of life, that they are bad people.

There are good people in all places, and there are good intentions, and this legislation has its good intentions. But allow me to share with my colleagues the reality of what happens when we pass this legislation.

First of all, we condemn all teenagers. We take the opposite of a parent that is not responsible. We begin to categorize all of our young people as irresponsible and people who do not have the ability to quietly know they have made a mistake and make their own choices along with the consultation of a private doctor, maybe, or religious leader, or a grandparent.

I wish those two young persons in New Jersey from prominent, well-endowed families, believing that they were in love with each other, had careers ahead of them, were in college. They were just convicted last week for murder of their new born baby. I wish that they had had individuals who they could counsel with to save not only their lives but the life of that baby.

This particular law starts off with the wrong premise, that all of us are blessed with the American apple pie tradition of a mom and a dad, worship on weekends, grandparents, parades and picnics. But one-third of teenagers who do not tell a parent about a pregnancy have already been the victims of family violence. Studies show that the incidence of violence in a dysfunctional family escalates when the wife or a teenaged daughter becomes pregnant. This is the reality of what we are dealing with.

Likewise, how many medical groups were inquired of about this legislation? The American Academy of Pediatrics, the American Medical Association, the American Association of Family Physicians and the American College of Obstetricians and Gynecologists oppose mandatory involvement for minors seeking abortions, concluding that access to confidential services is essential.

Let me tell my colleagues what the proponents say about this legislation:

''Don't worry about the problems. You can go to the courthouse and get a waiver. You can go down to your local courthouse, stand before a judge and tell them about the most personalized act where you were caught up in the quagmire of your emotions. You may go to the courthouse; that is called a judicial bypass.''

Well, my colleagues, that is what this democracy is all about, because I come from an inner-city district where I venture to say that many of my young people, God bless them, could not find the courthouse, would be intimidated by the courthouse, would be intimidated by the process.

I represent young people like Alisha who lives with a single parent who is in a treatment facility for drugs and alcohol. Alisha herself is under treatment for mental dysfunctional aspects of her life. She has no father, and she is pregnant. Now the circumstances may be different, but just put Alisha in the context of seeking an abortion in another State and maybe possibly going to a religious leader, an aunt, or an uncle, or a cousin, or a grandparent. Those people would be fined and put in jail for 1 year.

That is the neighborhood that I come from. I am not ashamed of it. I just recognize it.

Or maybe the single parent with four children: Neither the father of my children are with me to help support or raise my children. I myself did not finish school. I am a dropout. I started my family at age 16. I am on a fixed income of $484, and after paying rent that is what I have as the remaining moneys to support my children. I have a pregnant teen at home.

My colleagues, it is time that we use the floor of the House for a debate with the American people, that we tell them the truth.

Yesterday we joined in support of giving grandparents more rights. We applauded the need to assure that if you give someone custodial rights or visitation rights in one State as a grandparent, they can have it in another. Today we come and deny that same grandparent the right to nurture and to counsel and to be with a child in their distress, and what we do is we say to that grandparent, that friend, that emergency medical personnel, we say to all of them, that religious leader, ''You are criminals, we disregard you, we disrespect you.''

□ 1445

This legislation has good intentions, Mr. Speaker, but I would simply argue that we can do better by teaching preventive measures, by respecting our young people, by embracing them and loving them, by teaching them abstention, by educating them, and by embracing the families that we have; by embracing the families that we have, the single parent family, the household where there is nothing but teenagers, the dysfunctional family.

There is no shame in America to accept all of us as God's children. If we do that, with all of the good intentions of this legislation, we will recognize that the value of everyone's life is important; and that young person who finds comfort not in the home of that incestuous family, that violent family, that dysfunctional family, but may find it with that aunt or uncle or grandparent or responsible friend, will save the lives of many as they go forward to make a very important decision. Maybe we will not have young people incarcerated in prison, like the two young lovers in New Jersey who loved each other but did not understand and find their lives destroyed because they are now in jail because they killed a living being.

Help us to make the right decisions. I would ask my colleagues to defeat this legislation, not because we do not care but because the rights of Americans are being threatened.

Mr. Speaker, thank you for the opportunity to speak on this bill. I hope that my colleagues will consider the importance of this legislation. Our Supreme Court has held that women have the right to seek an abortion. A pregnant minor is in crisis. She needs someone to speak with, and someone to trust. If we force our daughters, granddaughters, our sisters, and our nieces and cousins to act without the guidance of someone they can trust, where will they turn? Perhaps this bill should be called the teen endangerment act!

I am very concerned about children and teenagers in America and I want teenage women to have the right to reproductive health care. We know that in 1992, the Supreme Court decided Planned Parenthood v. Casey. In a highly fractionated 5–4 decision, the highest Court of our Nation reaffirmed the basic constitutional right to for both adult and young women to obtain abortions.

As a result of Casey v. Planned Parenthood, courts now need to ask whether a State abortion restriction has the effect of imposing an undue burden on a women's right to obtain an abortion at any point during her pregnancy. This decision, thereby opened the door to States to legislate issues of parental involvement in minors' abortion decisions.

Currently parental involvement laws are in effect in 30 States. Although my home State of Texas does not require parental consent or notification, Louisiana, which borders my home State requires parental consent before a minor can receive an abortion. If H.R. 3682 is passed, the bill would have the effect of federally criminalizing these laws, extending their effect to States that have chosen not to enact such an obstructive and potentially dangerous statute.

I received a letter from a constituent in Houston, Texas, a fifteen year old girl whose mother, a single parent was in a treatment facility for drugs and alcohol. This young woman found herself pregnant while her mother was still in treatment, and without any offer of help from her boyfriend, she made the decision to have an abortion. As a child herself, she did not feel ready to care for a child.

The true victims of this act will be young girls and young women. The enactment of this law would undoubtedly isolate these young women at a time of crisis. If a minor feels she is unable to tell her parents about her pregnancy, she would have no recourse to receive

the medical treatment she needs at a time early enough in the pregnancy to perform a safe abortion.

We know that confidentiality is essential to encourage minors to seek sensitive medical services and information. Young women must often seek abortion services outside their home State for a variety of reasons.

I agree that adolescents should be encouraged to speak with their parents about issues such as family planning and abortion. However, the Government cannot mandate healthy family relations where they do not already exist. We need to protect our young women from being forced to seek unsafe options to terminate their pregnancies, and we need to encourage them to speak with other family members, religious leaders to guide them through this time of crisis.

In fact, yesterday the House passed legislation which recognized the importance of grandparents in the lives of their grandchildren. Republicans and Democrats alike spoke about how grandparents could offer guidance and love and encouragement to their grandchildren. Yet, the legislation before us today would criminalize grandparents' involvement in their granddaughters' lives.

I am hopeful that my colleagues will vote to oppose this bill in order to allow young women to access adult guidance and safe, legal abortions.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the legislation. I commend the author, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for crafting this piece of legislation.

As many know, I practiced medicine prior to coming to the House, to include working in emergency rooms. I can testify to all of you, one of the things an emergency room doctor fears in the course of his practice is to have a minor child come into the emergency room unaccompanied by a parent or legal guardian in need of acute medical care.

The reason they fear that is because if you sew up a laceration or give a medication and find that the parents were unhappy with that particular intervention, you can get yourself into a lot of trouble. Indeed, in some States you can actually be charged for assault for providing needed medical care to a minor child.

But in the interpretation of Row v. Wade, in many States, I believe 30 of them, that doctor can perform an abortion, without any fear of being charged with assault or prosecution. However, he cannot give that child aspirin for a headache. Indeed, the school nurse cannot give a child aspirin for a headache. The technician who works in the jewelry store cannot pierce the ears of a minor child without parental consent, but in many States that same minor child can go and have an invasive procedure, a surgical procedure, an abortion, a procedure with the associated risks of hemorrhage, infection, infertility, death, but the child cannot have their ears pierced.

Twenty States have appropriately responded to the will of the people, who have recognized in those States that this kind of a legal logic is crazy, and they have passed reasonable parental consent laws. But we have a situation right now, today, where children are being carried across State lines without their parents' knowledge to have abortions performed.

Now we have before us today, before the House of Representatives, I believe a very reasonable and appropriate statute which makes that process illegal. It respects the laws in those States, and I encourage all of my colleagues to vote yes on this legislation.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Virginia for yielding me time for the purpose of debating this important issue.

Mr. Speaker, I regret that the sponsor of this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN) left the floor, because I have the greatest amount of respect for her and I am sure that her intentions in offering this legislation are honorable and with good intentions.

This is a very difficult issue. Some folks tried to make it an issue on whether you support abortion or do not support abortion, or whether you support choice or do not support choice. But there are some very, very complicated issues involved in this legislation, and I regret that the Committee on Rules did not make some proposed amendments in order that would have allowed us to address those issues and vote them up or down. I would like to spend a few minutes talking about some of those issues, if I might.

I said in the debate on the rule that this is unprecedented legislation. I believe it is. The sponsors of this legislation, the proponents of this legislation, have said that this is about trying to protect those 22 States that have parental consent legislation in their States.

Well, what about the 28 States who do not have parental consent statutes in their State? If we owe a duty to protect one in our federalist system, in our system where States have rights to make laws, what obligations do we have to the 28 States?

What, for example, would happen if, as is the case now, we have gambling legal in one State and gambling not legal in the adjoining State? The parallel here would be we would be making it a criminal act for people to transport somebody across State lines to engage in gambling because it was illegal in the State in which it was taking place.

Some States have marital statutes that define the age at which kids can marry. The parallel here would be we would make it a criminal act to transport a minor across State lines if the law in one State said you have to be 18 and the law in the adjoining State says you can be 16 and marry.

So you have some very difficult Federalism issues that have been kind of masked over here because the folks who are proponents of this bill would like to have you believe that they are the defenders of States rights. They are always the defenders of States rights, but when the States disagree with them in writing their laws, then, all of a sudden, they do not defend the states' rights to make those laws. And these have been matters which have been governed by State law. The Federal Government has no statutory rule on when one can have an abortion or when one gets parental consent. All of this is governed under State law.

The second issue: I said in the debate on the rule that this bill is probably unconstitutional. I offered an amendment in the Committee on Rules saying please let us debate this issue on the floor. The Committee on Rules said, no, we will not make your proposed amendment in order. My amendment would have said we are going to put an exception for the physical health and safety of the minor in the bill.

Now, we think the Supreme Court has said that that is required to make this law a constitutional law, and, because of the importance of it, which I acknowledged at the outset of this debate, I would think if it were so important, we would want to make it constitutional.

But what are the practical implications we are talking about here? You have a young girl who is feeling not well. She is pregnant. The closest hospital is across the State line. Somebody other than her parent is at home, and they transport that young girl across the State line.

Under this bill it is criminal, because there is no intent standard in the bill. There is no protection of the health, physical health of the minor in the bill, so you have got to make a choice between trying to save a baby or getting consent, when you might jeopardize the health of that young girl for the rest of her life. She could become a paraplegic.

We were hard on the chairman of our subcommittee because we kept asking him, would you want your daughter to be a paraplegic, trying to save an unborn infant? That is a difficult issue. That does not minimize the issue. It is a difficult issue which this bill does not address, and the fact that we were not able to offer amendments will not allow us to address.

Third, we talk about the family issue. Who is family? Sure, Ozzie and Harriet, it was a mother and father and two children. But in some communities, grandparents have taken over the role of parenting. And, under this bill, if they assume that role responsibly, not as strangers, as my colleagues would have you believe this

bill is all about, but they assume that role responsibly, they become criminals under the bill.

So there are some difficult issues that are not addressed in this bill. We can gloss them over if we want to. The Committee on Rules did not want us to talk about them, obviously, because they did not make my amendment in order which said there ought to be an exception for the physical health of the minor. They did not want us to talk about the fact that there is no intent to violate the law or statute. So even if you transport somebody across the line just because they are feeling bad, if they end up having an abortion in the adjoining State, then you are a criminal. They did not want us to talk about the Jackson-Lee amendment which would have protected the grandparents, not strangers, because we know that, in many communities, grandparents have assumed those roles.

Those issues do not get addressed, and this bill is unworthy and ought to go back. I encourage my colleagues to vote against it.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON) a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I am pleased today to rise in support of this legislation and would like to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) on her thoughtful work on this issue.

Several of my colleagues will come before you today to speak about their reasons for supporting this legislation. I personally have six; that is, six daughters.

Mr. Speaker, a yes vote on this legislation allows me to protect them. Our State parental notification and consent laws exist for a reason, to guard our children against individuals who would otherwise risk their physical and emotional health and safety.

Allowing the transport of minor children across State lines in order to circumvent these laws makes a mockery of the integral role parents play in the lives of their young daughters. A vote against this legislation transfers to strangers the right of parents to keep their children safe.

Mr. Speaker, to protect the precious lives of my daughters and the daughters of parents nationwide, I urge a yes vote on this important issue.

May I just add, I have great confidence in the American people, and I believe that they can make a distinction between interstate gambling laws and marriage laws, as opposed to laws affecting such important matters as pregnancy and abortion among young women.

□ 1500

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

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

Mr. Speaker, as a mother of four children, two daughters and two sons, I find this probably the most difficult part of the debate on the right to choose.

Some years back, when I first considered the issue of parental consent, my response was, I am a responsible parent, I have a trusting relationship with my daughters. I want them to talk to me before seeking to exercise their constitutional right to choose. That was my initial position, until I thought about many other families and many other relationships, and until I consulted my own daughters. Their response was, Mom, of course we would talk to you. We trust you, we know you. We know that you would give advice in our interests, and we also have listened to you over the years, and we know that the best thing to do is to avoid unwanted pregnancies. But nonetheless, they said, what about other girls? What about other families? What about other situations where there is no trust relationship? Then what? And their answer, and I believe it is the answer we have heard from speaker after speaker, was those girls will not talk to their parents; those girls will seek to have unlawful abortions or to make other unwise choices, and we have certainly heard the sordid tale of the couple in New Jersey who made a terrible decision and are having to pay for it.

At any rate, my views have evolved on the subject, and I stand here to say that. My views are that I work as hard as possible to keep a trust relationship with my daughters, and one of them is still a teenager, and to make certain that they do consult me about the critical decisions in their lives, not just a decision like this; but that I do not presume that other daughters have the same opportunity that mine do, or that other mothers, even if they have good intentions, have the same success that I have been able to have with my own children.

So my conclusion is that this is a tough subject, particularly tough for parents, but that the right answer is my daughters' answer, and that is to make certain that there is adult consultation, to make certain that young girls get advice, but not to require that they get parental consent, which is, 1, to undermine their right to choose; but 2, to undermine their health. That is why I oppose this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I am pleased to be here today to speak on behalf of the Child Custody Protection Act, and I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her hard work in bringing this important issue to the forefront today.

I believe this Federal law is long past due. I am a parent as well. As a parent, when my children were in school, I used to have to sign a release form to allow them to go to a museum 6 blocks from the school. If they had a headache at school and they wanted to take an aspirin, that required parental consent. How can a parent think that those acts are acceptable, and yet a life-changing act like having an abortion is something that a child should and could decide on their own? We have heard some very tragic cases, and there are very tragic cases on all sides of this issue.

An unwanted pregnancy in and of itself is a tragic situation, but I want to talk to my colleagues about another group of young women, of minors, that have not been discussed here today, and I think they are girls like I think I would have been had I been faced with an unwanted pregnancy when I was a teenager. I had a good relationship with my parents, I had a good relationship with my family. I still do. If I had found that I was pregnant when I was a minor, I would probably have wanted to have an abortion not because of what it would do in my life, and not because I was considering this unknown child that I was carrying, but because I would not want to hurt my mother and my father and my family. That is the wrong reason to get an abortion, and I venture to say there are many, many, many young girls out there who would get an abortion for that reason.

When in the life of a girl does she need the wisdom, guidance, love and support of her parents more than when she is facing an unwanted pregnancy? While I know, I believe there are tragic situations out there that have occurred because parents, some sick parent was notified that the daughter was going to get an abortion, that is the minuscule minority. We have to look at what is best for the vast, vast majority of our young people, and facing an unwanted pregnancy and making the decision to kill one's own child when one is 12, 13, 14 years old is wrong. Those girls need their parents. They need all the love and guidance they can get. They deserve it. Let us pass this law.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I would like to begin by associating myself with the remarks made by Members on both sides of this debate about the difficulty of this debate. This is not an easy one. It really divides our own allegiances, those of us who are parents, and many of us have spoken about our parenthood in this debate. It divides our allegiance between the natural tendency of a parent to want to make sure that their children remain under their custody and their control, and our allegiance to want to do something to help those teenagers in America who are not so fortunate, who do not have parents who spend the time with them and talk with them, and who feel alone in these kinds of agonizing decisions.

As a parent of two daughters, I know that for those of us who try as hard as we can to commit ourselves to communicating with and nurturing our children, the laws on parental consent and

parental notification do not make a difference, because they cannot break that bond. The bond that a parent establishes with a child is not going to be broken one way or another by these laws.

But I think I also know, and I think I know some of this from my days as a social worker working with children who were abused and neglected and otherwise had very agonizing and very difficult lives, for those parents who simply will not talk with their children, these kinds of laws cannot make that bond. It would be nice if we could pass this law and suddenly that would engender discussions between parents and children, but that will not be the result.

When we try to legislate in this area, we quickly discover that we are in an area where we do not belong. One cannot build a relationship with three pieces of paper. This is the legislation we are discussing today, three slim pieces of paper, and these three slim pieces of paper, even if signed by the President, and they will not be, they are not going to build a relationship between a mother and a daughter or between a father and a daughter. They are not going to change the behavior; the behavior will remain the same. When we try to legislate in this area, we recognize how foolish it is.

Let me just cite some examples of the way this law does not make any sense and will not have any effect and will not be able to be enforced if a young lady comes to her aunt and says, I think I might be pregnant, and I think I want to go to the neighboring State across the river.

I live in Pennsylvania; right across the river I can see New Jersey. If a young girl in my community went to her aunt and said, I cannot talk to Mom and Dad about this, or I do not have a mom, and my dad will not talk to me about any of this, will you go with me? And the aunt says, honey, I will be with you; I will see you through this decision. And the young lady, 17 years old, goes to the neighboring State of New Jersey and discovers that she is pregnant and decides then and there to have an abortion, and does so, legally, is the aunt that took her there now to be jailed because she transported her across the State line? If she drives her to the bridge in Frenchtown, New Jersey, and says, meet me on the other side, walk across the State line, and I will pick you up on the other side, is she to be jailed for that, or has she escaped these three thin pieces of paper with which we are trying to change this behavior? If the aunt buys her a bus ticket in Pittsburgh and says, I cannot go with you, but here is the bus ticket to New Jersey, will she be subject to these laws? I could go on and on, but the fact of the matter is we cannot fix this with three thin pieces of paper.

I wish we could. I wish that if this law went into effect, teenagers in America would say, hum, I cannot get an abortion out of State without parental consent; now no one can take me over without going to jail. Therefore, what I will do is change my sexual behavior or I will suddenly create a discussion with my parents. That will not happen.

What will happen with this kind of law is most people will not know they are violating it, and most people will not get it enforced, but some people will end up in jail as a result of it, inadvertently. But mostly what will result will be kids alone in strange cities in other States forced to travel by themselves, safely or unsafely, hitchhiking, being driven by another minor, alone and not with someone who cares about them, not a relative, a grandmother, an aunt who would care for them. They will be there alone, they will be there unsafe; they will have their abortions later, because they will delay the decision, and we will have accomplished nothing.

How much better would it be if we could be on this floor of this House of Representatives today actually structuring ways to prevent these teenagers from becoming pregnant, to prevent these teenagers from making the kinds of wrong decisions that they make that lead to the sexual behavior, that lead to the inadvertent pregnancies.

I hope my colleagues will see the wisdom of voting against this bill.

Mr. CANADY of Florida. Mr. Speaker, I would inquire concerning the amount of time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) has 27½ minutes; the gentleman from Virginia (Mr. SCOTT) has 15 minutes.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I would like to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for working to protect children as well as the rights of the parents.

As has just been mentioned a few moments ago by my colleague, children cannot go to a trip to the museum without their parents' consent. Children cannot be given a minor pain reliever like aspirin without their parents' consent. So the real question becomes, why should a child be allowed to undergo a life-changing and dangerous medical procedure such as abortion without their parents' knowledge and permission?

This act that we are discussing today, the Child Custody Protection Act, will seek to protect the rights of parents to choose what is best for their minor children. I know it has been mentioned here today, but let me mention again that currently 22 States have parental notification laws, but what good will it do if a child can be taken across State lines by a total stranger to the parents and receive an abortion in a neighboring State.

The fact is that some abortion clinics actually advertise in the phone books, with the words, ''No parental consent required.'' It makes it very clear that these young women are being exploited.

This violation of the parents' rights to make medical and moral decisions for the children has gone on for too long. Parents have a right to know what is happening to their children, and this bill that we are discussing today will strengthen those rights and protect young women from those who would seek to capitalize on this kind of vulnerability.

I am proud to stand here today in favor of the Child Custody Protection Act. I urge my colleagues to support this bill that will protect the parents' right to know.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Speaker, I rise today in opposition to H.R. 3682, the Child Custody Protection Act, although perhaps a more fitting title for this legislation would be, the Teen Endangerment Act. I will tell my colleagues why.

This bill threatens to isolate a young woman from friends, extended family, and other advisors who may help her to make a difficult decision. Regardless of our political views, we can agree that during trying times, every young woman should be surrounded by caring people who will provide comfort, support, and advice. Ideally we all agree that parents should be directly involved. However, we must understand that many young women are not fortunate enough to have one, let alone two, concerned parents.

□ 1515

Yet, this bill would effectively tell these young women that honorable men and women who may not be family, but are as compassionate as family, cannot care for them.

Now, supporters of this bill cite the need to protect young women from overreaching adults who may attempt to assist them, against their will, in traveling into other States where there is no requirement of parental notification or consent.

If this was the case, then I would be in support of this legislation. However, a closer look at the facts show young women in this Nation are not under attack from such ruthless adults. In fact, most young women involve one or both parents in decision-making, and in those cases where a parent is not involved, women turn to trusted relatives or family friends who often provide guidance to them during a very difficult period in their lives. Yet, this bill would criminalize the actions of these compassionate people.

I am troubled, because if we are serious about teaching young women to make rational decisions, then why is this Congress proposing a measure that

does little more than complicate an already delicate situation?

It is our job, Mr. Speaker, as I see it, to ensure that there is no element of coercion in this very serious decision. That is why I urge my colleagues to support the motion to recommit, which would punish those people who would coerce those people to travel across State lines, where there is no requirement, and oppose H.R. 3682, the Child Custody Protection Act, which in actuality, instead of actually helping, does in reality hurt and harm our children.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have been listening to the debate here today, I have been struck by some of the rhetoric that has been used. Quite frankly, I have been disappointed by some of the arguments I have heard. I think it is important for the Members to focus on this bill and exactly what it does.

This is a very straightforward bill. It is a bill that is designed to deal with a serious problem. As anyone who has listened to the debate will know, that is the problem of minor girls being transported across State lines for the purpose of obtaining an abortion in defiance of parental notification and consent laws.

Lest anyone think this is not really a serious problem, I would quote Catherine Colbert, who in 1995, as an attorney with the pro-abortion Center for Reproductive Law and Policy, stated ''There are thousands of minors who cross State lines for an abortion every year.'' ''There are thousands who cross State lines for an abortion every year.''

So this is a practice that is going on on a widespread basis. Despite the fact that over 20 States have parental consent or notification laws, vulnerable teenage girls are still being taken from their families to out-of-State abortion clinics, in disregard of the legal protections the States have provided.

Today this House has an opportunity to curb this abuse and to protect the health and well-being of minor girls. The bill before the House today would amend title 18 of the U.S. Code by criminalizing the knowing transportation across the State line of a minor girl with the intent that she obtain an abortion, in abridgement of a parent's rights of involvement under the law of the State where the child resides.

I would ask the Members to focus on this specifically. This requires knowing transportation across the State line with the intent that an abortion be obtained. Some of the examples, some of this parade of horribles we have had, clearly would not take place under this explicit language which requires the knowing transportation with the intent that the minor obtain an abortion.

Under the bill, a violation of a parental right occurs when an abortion is performed on a minor in a State other than the minor's State of residence and without the parental consent or notification, or the judicial authorization that would have been required had the abortion been performed in the minor's State of residence.

The Child Custody Protection Act gives the parents of the minor girl a civil cause of action if they suffer legal harm from a violation of the bill. The bill also, we should note, explicitly provides that neither the minor herself nor her parents may be prosecuted or sued in connection with a violation of the Act. The bill also contains an exception for the life of the mother.

In addition, the bill provides an affirmative defense to prosecution or civil action where the defendant reasonably believed, based on information obtained directly from the girl's parents or other compelling facts, that the requirements of the girl's State of residence regarding parental involvement or judicial authorization have been satisfied. Again, there is a defense here for someone who makes an honest mistake based on compelling facts.

But the argument that is being advanced by the opponents of this bill is, essentially, we should have had an amendment in the bill that provides that ignorance of the law is an excuse, that ignorance of the law would be an excuse. I do not accept that. We do not have those kinds of provisions in the criminal law. In the criminal law of this country, ignorance of the law is not an excuse. I do not believe that, in this context, we should make a special exemption and provide that ignorance of the law is an excuse.

It is also important to understand that the provisions of the Child Custody Protection Act are operative only when the State where the minor resides has adopted a valid constitutional parental involvement law under the standards articulated by the Supreme Court. That is absolutely critical here.

They argue that it is not constitutional. That is absolutely incorrect, because the predicate for the operation of this statute is a valid constitutional State law. That is what we are talking about.

What the opponents of this bill are essentially driven to argue is that there is a constitutional right to travel, to go across State lines, that minors have to avoid the supervision of their parents.

I think if Members think about that for a minute and think about the consequences of that argument, they will see that it is ridiculous and it is unacceptable, and would lead to all sorts of results that we would not want to see.

Members will also hear arguments today that this bill will endanger the lives of young girls. This is a major thrust of the opposition to this bill. But quite the opposite is true. It is when young girls are secretly taken for an abortion without their parents' knowledge that they face serious risks to their health and well-being.

An abortion is a serious and often dangerous medical procedure. When it is performed on a girl without full knowledge of her medical history, which is usually only available from a parent, the risk greatly increases. Moreover, minor girls who do not involve their parents often do not return for follow-up treatment, which can lead to dangerous complications.

In the subcommittee's hearing on this bill, we heard from one mother whose daughter was secretly taken away for an abortion and subsequently suffered serious complications from the botched procedure. Her daughter required additional surgery after the abortion, additional surgery which could only be performed with her mother's consent.

What an irony. What an irony involved in that case. Of course, it was a terrible tragedy for that family, all of the circumstances, but the irony there is that an abortion can be obtained without parental involvement, but if the abortion produces complications, parental consent is required for the necessary medical care.

As Dr. Bruce Lucero, a prominent abortionist and abortion rights advocate, wrote last Sunday on the New York Times op ed page, I would ask the Members of the House to look at this. I know there are Members who would disagree with the views of those of us who support this bill on the general subject of abortion, but I would appeal to all Members to read this piece that appeared in the New York Times. It is under the heading ''Parental Guidance Needed.'' The gentlewoman from Florida (Ms. ROS-LEHTINEN) and I circulated this as a Dear Colleague. It is very instructive.

As Dr. Lucero wrote, teenaged girls who have an abortion without consulting their parents face greater risk to their health than those who consult with their parents. It is the parents who have the fullest access to relevant information concerning the girl's health, and it is the parents who are in the best position to see that any complications are promptly and effectively treated.

While I do not agree, by any means, with Dr. Lucero's views on the general subject of abortion, I believe that his support as a prominent abortionist and a prominent advocate of abortion rights is somewhat noteworthy. I would encourage my colleagues to pay a little attention to this. All of the Members of this House, whatever their position on abortion, they should pay attention to Dr. Lucero's conclusion that passage of this legislation is, and I quote him, ''important . . . to the health of teen-age girls.''

The opponents of parental involvement laws and of this bill argue that the bill needs a health exception. It does not. The bill specifically provides that it would not apply if the abortion was necessary to save the life of the minor. If the concern is about the health risk of a non-life-threatening nature, then the best course of action is involvement of the parents, for the very reasons I have just discussed, and

for the reasons that Dr. Lucero discusses. He has a lot of experience in this particular area.

If there is some compelling reason why the girl cannot tell her parents, then she always has the ability to seek an expeditious judicial review, which all valid State parental involvement laws are required to permit. It must be expeditious. That is one of the fundamental requirements that has been set forth by the Supreme Court.

Finally, Mr. Speaker, we have heard arguments that the parents are not really the people who should have the right to be involved when a minor girl is considering an abortion, but that the grandparents, the aunts and uncles, cousins, siblings, teachers, and pastors should have the right to take the child for an abortion.

But the Supreme Court of the United States has not recognized the rights of teachers and pastors or cousins or siblings or other family members to be involved in a minor's decision to have an abortion. The Supreme Court has, however, recognized the rights of parents, as reflected in State parental involvement laws.

At bottom, the arguments that are being advanced against this bill are really objections to the underlying State parental notice and consent laws, and objections to the Supreme Court rulings on this subject. Those who disagree with parental notice and consent laws ought to take that matter up with the State legislatures and with the Supreme Court. That is where their real objection lies.

H.R. 3682 is not a Federal parental consent law. It is simply a law which protects State laws. As we have already heard, across the country a child cannot even be given an aspirin at school without her parents' permission, yet strangers can take children across State lines for abortion, in circumvention of protective parental involvement statutes. The Child Custody Protection Act will simply ensure the effectiveness of these State laws.

While the abortion industry believes anyone, anyone should have the right to take a minor girl across State lines for a secret abortion, the American public disagrees by an overwhelming margin; indeed, a margin of nearly 9 to 1.

According to a national poll conducted last week, 85 percent of voters asked said that a person should not be able to take a minor girl across State lines for an abortion without her parents' knowledge. I would urge my colleagues to pay attention to what the American people are saying on this subject. I would urge them to vote in favor of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I just wanted to point out some of the doublespeak that has been going around in our Chamber relating to targeting ads and soliciting and extorting children, this time by the tobacco industry, yet that same kind of outrage is not directed at the abortion industry.

I am talking about certain ads that I agree with, this one put out by certain anticancer groups, that says, ''It is time to keep tobacco companies from addicting any more of our children to their deadly product. Our Nation needs a tough bill that stops the lies, stops the killing, and stops big tobacco now.''

So they are against targeting ads that entice young people to smoke, and I am against that, too. I am against having young people smoke and encouraging and enticing them to smoke. But apparently these legislators who are so incensed over big tobacco ads targeting young people are not equally incensed at the abortion industry that targets young people.

Why are they not incensed that this ad says ''No parental consent required?'' Who is that targeted to, if not a minor daughter? Where else would they need a parental consent, if they are not a minor daughter? Obviously that is an ad that targets young people.

So we are against big tobacco. We say,''Congress Must Choose: Big Tobacco or Kids,'' because we love kids. These cigarette companies should not be targeting our children. I agree.

□ 1530

They are not against these ads that say no parental consent? Who are they targeting? Who are these abortion mills targeting if not young people?

I thank the gentleman for yielding to me. I would love to hear the outrage from all of those Members who are so outraged about big tobacco, I am as well, why do they not get equally outraged about abortion mills targeting young girls and exploiting them in their hour of need?

I thank the gentleman for yielding to me.

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

Mr. SCOTT. Mr. Speaker, I yield 1 minute and 30 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I would just like to ask the gentleman from Florida two questions. Firstly, he was talking about protecting State laws. I wanted to question the gentleman and wondered if he would protect New York State's gun laws as well. For example, Florida has no gun laws. Could we work together to make sure that the gun laws in New York are enforced if a person goes to Florida? That is the first question.

Mr. Speaker. Mr. Speaker, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The answer to that question is no. I do not support the gun laws.

Mrs. LOWEY. So you are not interested in protecting State laws.

Mr. CANADY of Florida. I do not support the gun laws of New York. I think a lot of New Yorkers are moving to Florida so maybe that has something to do with the better legal climate in Florida.

Mrs. LOWEY. Then the question concerning preserving State laws is not really one of the valid arguments.

The second question I have is, the gentleman was talking about a judicial bypass. Does the gentleman actually admit to this group that a grandmother, a loving aunt, a loving cousin, a sibling could be subject to penalty if they help this woman?

I would like to ask the gentleman from Florida, could he clarify for me whether a loving grandmother, an aunt or a sibling would be subject to penalty if this young woman in her hour of need wants to go to a loving family member, if, in fact, because the parent might be a drug addict or might be abusive or might have abused her, if that young woman decided she could not go to the parent, would that relative, dear friend or family be subject to these penalties?

Mr. CANADY of Florida. Mr. Speaker, if the gentlewoman will continue to yield, under the laws of all the States, those individuals that the gentlewoman has specified would be enabled to go with the young woman to a judge for the judicial bypass. That is available under all the laws as required by the Supreme Court.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I rise in opposition to this sadly misnamed Child Custody Protection Act. This bill does not encourage young women to ask a trusted adult for much-needed assistance. Instead this bill will cause some young women to face decisions about their pregnancy alone.

Parental involvement in a minor's decision about her pregnancy is the ideal. And for 75 percent of teens in this country, it is also the reality. But some teenagers, for various reasons, simply cannot or will not confide in a parent. This bill will make criminals of some grandmothers, aunts or other relatives that help pregnant teenagers exercise their legal rights.

This bill would endanger the health and lives of young women who for a variety of reasons, including fear of abuse, are unable to involve a parent in their decisionmaking. We have heard several times comments over here about how what you do need parental consent for, but you do not need parental consent to give birth. You do not need parental consent to give a child up for adoption. This bill is about politics, not sound legislation. Four months away from an election, this bill is designed to strike contrasts between two sides rather than to enact good legislation.

What we should be talking about today, following the suggestion of a Republican Member, the gentleman

from Pennsylvania (Mr. GREENWOOD), is how to involve adults in the decision-making process. We should look at policies that work, like the Adult Involvement Law that exists in my home State of Maine.

The Adult Involvement Law recognizes that parental involvement and guidance is ideal for young women facing decisions regarding a pregnancy. However, when parental involvement is not possible, teens should not be alone. Maine's Adult Involvement Law allows young women to turn to a trusted adult for advice and counsel. The young woman considering an abortion may turn to a parent or another family member, such as an aunt or grandmother or a judge or a counselor.

A counselor may include a physician, psychiatrist, psychologist, social worker, clergy member, physician assistant, nurse practitioner, guidance counselor, registered nurse or licensed practical nurse. The counselor must discuss with the young woman all of her options, including adoption, parenting and abortion.

In Maine, all minors seeking an abortion must receive counseling, even if that young woman has the consent of another adult. This provides the maximum guidance and support for the young woman. That is the kind of law we ought to be considering here today.

This Child Custody Protection Act is designed to restrict a young woman's access to abortion, not to ensure the involvement of an adult in her decisionmaking process, because in many cases she simply cannot or will not go to a parent if there is a parent in the picture.

I urge my colleagues to oppose the so-called Child Custody Protection Act.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) chairman of the Committee on the Judiciary.

Mr. HYDE. Madam Speaker, I have already spoken and redundancy is not the happiest thought. But I just wanted to say something.

I have listened very carefully to this serious debate, and I have not heard one word about the little baby. That, I guess, just is kind of a given because we have a million and a half abortions every year since Roe versus Wade. That is about 35 million so far. We are so used to it, we are so desensitized that abortion is a good thing. I think abortion is an evil thing because it kills a human life, an innocent human life.

Why is it helping a young girl by assisting her to kill her unborn child and saddle her for the rest of her life with wondering what her first little baby might have looked like? Yes, it is tragic to have an unwanted pregnancy. Yes, there are parents who are awful, who are less than human, and you do not want to saddle a little girl who is in real trouble with that kind of a situation. That is why you have a judicial bypass.

The judges are going to be very sympathetic to that situation. But my God, somebody say a kind word for the little baby. Why is it helping, why is it helping a young girl to go behind the backs of her parents, take her across the State line to kill her unborn child?

Now, grandma, who we are assuming is far superior to the mother in any given situation, grandmother is always available but not necessarily to help her kill the child. Maybe to help her have the child. Maybe to help her get the child adopted. Maybe to counsel her. Maybe grandmother can talk to mother and break the news that the daughter is so afraid to do.

Grandmothers are not blocked out of this, nor grandfathers, nor a loving anybody. But taking the child across the State line to frustrate the law, to deny the parent the right to some say-so in this critical, crucial, life-threatening situation, that is what you are opting for.

If abortion is a good thing, then you are right. But if abortion is killing an innocent human life, give some little passing concern for that little baby.

Mr. SCOTT. Madam Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding me the time.

I want to make two points. One has to do with the real purpose of this bill. The second has to do with who it is really aimed at, whether intentionally or unintentionally, because the result is the same. The real purpose of this bill is clear. It is yet another attempt to sacrifice women and girls, to drive back the right to choose by any means necessary, whatever the consequences.

America ought to be on notice, these folks have lost, because the people have spoken on the right to choose, the people and the courts have spoken on the right to choose. So they have lost on that question. They have adopted another strategy. They are trying to do incrementally to the right to choose what they have been unable to do through frontal attacks on the right to choose. What is particularly serious, as far as this Member is concerned, is who this bill is really aimed at.

This bill chooses to go at the most vulnerable girls in this society. They are disproportionately girls of color. I resent the fact that this bill goes after those who are most likely to come from broken families, most likely to be abused children, and I stand here to speak for them. The most vulnerable people in the country are girls who find themselves pregnant and alone with not even a parent they can turn to.

A third of them would find themselves involved in violence, according to the data, if they turned to a parent.

So this bill really ought to be called the Runaways Encouragement Bill, because the children who are most likely to be hurt by it are those who have no adult to turn to. And to the extent they have one, you have taken away that right because even a sibling or grandparent or close friend they cannot turn to. So runaway, do it on your own.

Instead of encouraging girls to turn to an adult, and I was impressed with what the gentleman from Maine has just said, it encourages girls to run away from adults. Who are we talking about? After all, 75 percent of minors involve themselves with at least one parent. Who is it in America who does not?

I have to tell my colleagues that the sponsors of this bill must have an Ossie and Harriet view of the family, but the fact is, if you saw the resent Ossie and Harriet documentary, even that one is gone. So that there are huge numbers of families that would be hurt by this. But they are disproportionately children of color, that is, inner city girls, those who come from where there are no families, where there are no fathers, where there may well be not any mothers. That is who you are hurting. You are hurting the people that I represent. You are hurting the people that the Black Caucus represents. You are hurting the people that Hispanic Caucus represents. You are hurting those who are most likely to be without parents, and I resent it. You ought to define family the way the family has always been defined in America, and that is as an extended family.

The family is not simply a two-parent family. A family is not a one-parent family. In my community, a parent may be mentors. It may be your cousin. Do not hurt those who have already been hurt by the disintegration of families, by the break-up of families. Do not make it any harder for children who have no place else to turn.

Defeat this bill. Save the most vulnerable of our children.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Madam Speaker, the real purpose of this bill is to protect children, born and unborn. Children of all races deserve to be protected, not preyed upon. And by the way, we know that most babies of teenagers are fathered by adult men who, yes, go into these areas, prey upon them and then the best they can do is just pay for the abortion. They should not be treated any different than any other little girl in our Nation.

To allow this to go on, to allow them to go into these areas and prey on these little girls of any color is just wrong. So we would certainly agree that they should all be protected equally, but we would not agree on the way to get there.

I am hearing today that families are excluded if it is a grandma or an aunt or an uncle or someone else in the family. There is nothing further from the truth. The reality is that every court, every State that has parental provisions constitutionally have to have a bypass, because the Constitution has been determined to allow abortion.

□ 1545

Therefore, there has to be a simple, nonobstructive way of getting an abortion quickly outside of the parental involvement. So every State has a procedure.

In fact, the average judicial bypass hearing lasts about 12 minutes. More than 92 percent of the hearings were less than 20 minutes. And the girl cannot, cannot under the State law, be put under an adversarial situation; or that is stopping her from having her rights. And it overturns that law.

So what we have is the ability for a young girl who is pregnant to stay in the State, not to be moved to another State, away from family, away from parent. But in that State, she can go with an aunt, that grandma, that neighbor, that clergy, and there has to be a brief, quick process.

I think it is important that we take a look at reality in these States. In the States that have it, in Massachusetts, we will find that every minor that sought judicial authorization received it. Every single one. Another Massachusetts study found that only one of 477 girls was refused or was even slowed down.

So what we have is everybody is getting the bypass. But what it does is it makes this little girl that is afraid to go talk to mom or dad, where she has a pretty good family, and who wants to tell mom or dad something is wrong, take a breath and go, well, maybe they are not that bad after all.

We need to slow this down. Because it is awfully easy for that adult man to prey on that little girl, to take that little girl across State lines, or the parent or the relative that is involved or knows about this to want to cover it up. But we should not cover it up. We should help these girls and keep it in the light of day and make sure that they have their rights, as children, protected.

Mr. SCOTT. Madam Speaker, may I inquire as to the amount of time remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. SCOTT) has 4 minutes remaining and the gentleman from Florida (Mr. CANADY) has 6½ minutes remaining.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. My colleagues, we have heard a lot today about love, parental responsibility, family values. Oh, I wish we could legislate those values here in this Congress but, unfortunately, we cannot.

As a mother of three, as a grandmother of two, as many of my colleagues said, we hope and pray that our children will confide in us, speak to us when serious challenges face them in their lives. Not every family is Ozzie and Harriet. There are many young people who do not feel that they have parents they can confide in.

Maybe they are lucky. Maybe they have a grandmother they can talk to in their hour of crisis. Maybe they have an aunt. Maybe they have a sibling that they can confide in. Yet in this bill we are going to say to that young woman in her moment of greatest need, when she has to make a very, very difficult decision, ''Don't go to your grandmother. Don't go to your aunt. Don't go to your dear friend.'' And we are saying, ''It's okay to go to a judge.'' And in 12 minutes that judge is going to make this decision. Twelve minutes.

Let me tell my colleagues something. First of all, there are five States that do not even have a judicial bypass. Five States that do not have a judicial bypass. And some judges have never granted this authority. We have facts. This is a fact.

Mr. CANADY of Florida. Madam Speaker, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The gentlewoman is certainly aware that the Supreme Court has required judicial bypass. And if a judicial bypass procedure is not available, the State law is invalid and unenforceable.

Mrs. LOWEY. Reclaiming my time, Madam Speaker. The real problem here is that a young woman who is in need of assistance is going to have the person with whom she wants to confide subject to a penalty; thrown into jail. This just does not make sense at all.

I urge my colleagues to join with me in preventing unwanted pregnancies. Let us work and reach out to our young people, encourage abstinence, encourage responsibility, but in their time of greatest need, let us not throw them in jail. Let us not throw their relative in jail.

In fact, at 6 o'clock today I challenge my colleagues to join us and vote against a rule that prohibits coverage of contraceptives. One of the gentlemen who spoke earlier today voted against coverage of contraception. He is against abortion, he is against contraception. This is 1998. Let us work together to reduce unintended pregnancies, prevent unwanted, unwanted and unloved pregnancies, and let us move on and work together.

This bill does not make sense at all. Let us not throw granny in jail, let us not throw the aunts, the relatives in jail, let us defeat this bill.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. CHRISTENSEN).

Mr. CHRISTENSEN. Madam Speaker, I thank my colleague for his leadership on this issue, and over the past several years how he has led on this issue.

I would like to identify myself with my colleague from Illinois when he talked about it is really about the child that we do not hear anything about from the other side.

I know my colleague from New York is a grandmother, I know she cares about children. We just disagree on the approach here. A lot of us disagree on the issue of our tax dollars going to fund contraception. So it is an issue of where the money is spent and where the authority goes.

This issue really is about children, though, and parental consent and the parents having some say. If a child is not going to tell his or her parent about a possible abortion that they want to seek, they are not going to seek the parents' help when it comes to medical problems they are experiencing from the complications of an abortion. So this bill is for parents and this bill is for children, and this bill, yes, this bill is for the unborn child as well.

Parents should be involved. That is all we are saying. Pass this bill, H.R. 3682.

Mr. SCOTT. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. Madam Speaker, I rise in opposition to this bill.

Mr. SCOTT. Madam Speaker, I yield myself the balance of my time, and just want to say that I want to encourage my colleagues to read the bill.

Reference has been made to ads targeted at minors. There is nothing in this bill that prohibits a minor from responding to the ad. The only problem is they have to go alone, without being accompanied by someone else. It is only an offense under this bill if someone transports the minor. Some criminal, including a brother or a sister. A criminal, like an aunt or an uncle or a grandparent. It is not limited to strangers or adult men. It includes brothers and sisters and close relatives.

There is nothing in this bill that requires parental involvement or even ensures parental involvement. The minor can cross State lines alone. That is why the bill is not effective. That is why we should have been able to have amendments, and I would hope that we would defeat the bill.

Mr. CANADY of Florida. Madam Speaker, I yield myself the balance of my time.

This has been an interesting debate. We have heard many things. Most of the things we have heard we have heard over and over again. I will not take all of the time I have allotted remaining. I just want to make again some very basic points about this bill.

To those who say that this is an unconstitutional measure, I point out that the predicate for the operation of this bill is the existence of valid constitutional State laws, laws that have been adopted by State legislatures and which meet the requirements that have been outlined by the United States Supreme Court with respect to parental consent and parental notice laws.

Now, there are a little more than 20 States that have such laws on the books that are valid and enforceable. And all we are saying in this bill is

that where we have such valid constitutional laws, this Congress has a role to play in making sure that people do not use the interstate transportation of a minor as a way of circumventing those valid constitutional State laws.

It is very simple. This is not a complicated concept. It is something that I believe all Members, if they give it even the slightest attention, would understand very easily.

It is also important to understand that first and foremost this bill is about protecting the health of young girls. Now, there is an additional concern here about protecting the integrity of the family and the role of the parents in counseling a young girl when there is consideration of an abortion. That is important for a number of reasons, but it is preeminently important because there are threats to the health of the young girl if such counseling is not available.

Again to my colleagues, I would appeal to them, regardless of what their position may be on the subject of abortion in general, to consider the conclusion reached by Dr. Bruce Lucero, a prominent abortionist, a prominent abortion rights advocate, who said that the passage of this bill, and I quote, ''Is important to the health of teenage girls.''

And in the article which Dr. Lucero wrote, he outlines the reasons for this, and it boils down to this. The parents are in the best position to have information about the health of the young girl; the parents are in the best position to make certain that if there are complications, there is appropriate and expeditious treatment of the young girl. It is the parents who stand in the position to help ensure that the health of the girl is protected.

Now, we have heard that there are difficult circumstances where a girl may not be able to go to her parents. The judicial bypass procedure is available in any of these laws that are valid and enforceable. Some examples have been raised of laws that are not valid or enforceable and that do not have a judicial bypass. That is a red herring, and I believe that people raising that understand that that is a red herring. Any law, the enforcement of which would be aided by the bill that is under consideration today, must have a judicial bypass procedure. That is something the Supreme Court has ruled unequivocally.

I think Members should reject this notion that minors have a constitutional right to go across State lines to evade the supervision of their parents. That is certainly a novel argument, and that is an argument I do not believe we would want to accept.

So I ask the Members to carefully consider all the factors surrounding this bill, and I think if they do that, and they are truly concerned about the health of young girls, they will vote in favor of this bill.

I want to conclude by thanking my colleague, the gentlewoman from Florida (Ms. ILEANA ROS-LEHTINEN), for filing this important legislation. I am deeply grateful for her outstanding leadership in bringing this legislation forward. This is important for the families of America and it is important for the young people of our country.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong opposition to this bill.

I'd like to put this vote in perspective. This is the 87th vote on choice since the beginning of the 104th Congress.

This Congress has acted again and again to eliminate abortion procedure by procedure, restriction by restriction, and unfortunately, they are succeeding.

Today we are debating a bill to criminalize the act taking a minor across state lines for an abortion without parental consent, if the state in which the person resides requires it.

As a mother of two daughters, I know that this is not a simple issue. Of course, I would hope that my children would include me when making such an important decision.

Unfortunately, parental notification requirements lead many teens—especially those from from severely dysfunctional families not to seek a safe abortion at all.

I would hope that any young woman who refuses to involve her parents would have another trusted adult from which to seek guidance and support. However, this bill will make criminals of those loving grandparents, siblings, counselors and friends who have nothing but the safety and well-being of the young woman in mind. It sends the message to young women that the abortion process is something they must go through alone.

H.R. 3682 is a dangerous bill. It will succeed only in making it more difficult for young women to gain safe, legal abortions. If she refuses to involve her family and the law prohibits her from looking to another responsible adult for help she may be forced to travel alone to a clinic, adding delays which increase the risk to her health, or worse, resort to ''back alley'' or even self-induced abortion.

H.R. 3682 is also an unnecessary bill. For those who worry about young women being forced or coerced by an adult into having an abortion against their will, let me remind them that we already have laws, such as informed consent laws or prohibitions against kidnaping and statutory rape, which protect against this. This bill doesn't protect young women from undue influence. On the contrary, it strips them of essential support.

This bill is not about protecting our young women. It is driven solely by the divisive nature of abortion politics. I urge you to oppose H.R. 3682 and in doing so put the safety and well-being of America's young women before the political agenda of anti-choice legislatures.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to HR 3682. There is nothing more important in parent-child relationships than for parents to be involved in the healthcare decisions of their children. This basic parental right and responsibility is perhaps most critical in the case of pregnancies of young woman. In most American homes, no one cares more about the welfare, health and safety of a child than her parents. Although a young woman may be frightened or feel ashamed to share with her parents, parents are usually best able to provide support for these most personal decisions.

Unfortunately, not all young women are able to confide in their parents should they become pregnant. A victim of family violence or incest is often not in a position to share her pregnancy with her parents for fear of further abuse. This bill, although laudable for its intention to encourage communication between parents and children, does not provide alternatives for a young woman who is unable, for fear of physical or emotional abuse, to involve her parents in her decision.

In addition, the bill would criminalize the actions of close family members who might seek to assist a young woman who is struggling with this monumental decision. For troubled American households, grandparents, estranged parents, aunts, uncles, or siblings often serve in the parental role. The bill unfortunately does not make provisions for such circumstances. In fact, it may put these young women in a more dangerous situation should they feel compelled to turn to illicit providers of abortion services or travel alone.

Mr. Speaker, I agree with the need for more parental involvement in their children's lives, but for these reasons, I must vote no on HR 3682.

Mr. PAPPAS. Mr. Speaker, the Child Custody Protection Act protects not only the lives of born and unborn children, but protects the rights of parents from those who wish to undermine them.

I find it troubling that some in this body do not believe it is dangerous to allow a person, who knows nothing about a young girl's health history and who may not even know her, to take her to get an abortion. Risking permanent damage to a child's health, solely to keep her pregnancy a secret from her parents, suits no purpose whatsoever.

In a recent poll, 85 percent of Americans said that they do not believe that a person should take a minor girl across a state line to have an abortion without her parents' knowledge. Many of these people call themselves ''pro-choice.'' Even a physician who performed abortions wrote in a recent New York Times op-ed that he supports this legislation, mainly because of his concern for the health and life of the minor during and after this procedure.

Mr. Speaker, getting a young woman to the abortion doctor does not end the situation. This is not a haircut. Rather, this is a potentially dangerous medical procedure whose effects, both physical and emotional, will continue to be with the young woman once she returns to her home. A stranger will not be there. Parents will be.

I ask my colleagues to protect our young women from those who wish to break the law. A vote in favor of the Child Custody Protection Act is a vote in favor of preserving the law and protecting the rights of our nation's parents.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to H.R. 3682. the Child Custody Protection Act which would make it a Federal offense for anyone other than that minor's parents to transport that minor to another State so that she may obtain an abortion.

This legislation would prohibit anyone including grandparents, step-parents, religious counselors and any other family members, from accompanying a woman across State lines to obtain an abortion. Parental involvement is ideal and currently, some 75 percent of minors under age 16 already seek the advice and help of a parent when faced with an unintended pregnancy and the prospect of obtaining an abortion. These young ladies are fortunate enough to have loving and understanding parents that they can talk to, but not

all teenagers are that lucky. For those teenagers who feel that they cannot involve their parents, they are left with no one else to turn to. No one to counsel them about alternatives to abortion, thus ensuring that they will go through with an abortion. Should this bill pass, young women would be forced to make this difficult decision alone, for fear of putting a family member or a trusted adult in danger of committing a Federal crime.

Supporters of this bill claim that this legislation will strengthen the lines of communication between young women and their parents, when actually the opposite will result. Fearful of putting a trusted family member at risk, who knows what a young, frightened teenager might do? Forced to make a decision on her own, she may make the journey across State lines by herself, traveling by bus or even worse, hitchhiking. She may turn to an illegal back alley abortion where she puts her young life in unnecessary danger.

We owe it to these young women, to allow them the chance to involve someone they trust in making this important decision. Most teenagers who do not involve a parent involve an adult in the decision with some 15 percent talking with a step-parent, grandparent or sibling. If any of these family members attempted to help that teenager obtain an abortion, they would pursuant to the bill before us, be committing a Federal offense.

We need to teach our youth to practice abstinence and to be responsible, thus making abortion an unnecessary procedure. That would be far better than passing legislation which holds concerned family members and trusted adults criminally responsible for helping these young women make a very difficult decision. Accordingly, I urge my colleagues to vote against the Child Custody Protection Act.

Mr. PACKARD. Mr. Speaker, I would like to extend my strong support for H.R. 3682, the Child Custody Protection Act. As a father of seven and a grandfather to 34, the thought of a stranger taking one of my children or grandchildren to another state to receive an abortion absolutely sickens me.

The Child Custody Protection Act would make it a federal offense for someone who is not the guardian, to knowingly transport a minor across state lines so she may receive an abortion. An abortion is a life altering and life threatening procedure and for a parent to be kept in the dark is absurd.

We should not allow state laws to be thwarted without consequence. When a minor is taken across state lines for the purpose of obtaining an abortion, the intent is specifically to avoid parental notification or consent laws. Parental notification laws ensure that a parent is aware of the circumstances surrounding the pregnancy of a child to determine whether they were abused, molested, or the victim of a crime. It is alarming to think that our children are required to receive parental consent to take aspirin at school, yet they can be taken across state lines by someone who is not their guardian to have an abortion.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 3682, and vote in favor of protecting our daughters. A stranger should not be allowed to make critical decisions about the health and well being of our children.

Madam Speaker, I yield back the balance of my time, and I urge my colleagues to vote ''yes'' on this legislation.

The SPEAKER pro tempore. All time has expired. Pursuant to House Resolution 499, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCOTT. I am opposed, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCOTT moves to recommit the bill H.R. 3682 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2401. Transportation of minors to avoid certain laws relating to abortion.

''§ 2401. Transportation of minors to avoid certain laws relating to abortion

''(a) OFFENSE.—Whoever uses force or the threat of force to transport an individual who has not attained 18 years of age across a State line, with the intent that such individual obtain an abortion, and thereby knowingly abridges a State law requiring parental involvement in a minor's abortion decision, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) an abridgement of the State law requiring parental involvement occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization that would have been required by that law had the abortion been performed in the State where the minor resides;

''(3) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(4) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401''.

Mr. CANADY of Florida (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes in support of his motion.

□ 1600

Mr. SCOTT. Madam Speaker, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, we have heard a considerable amount of concern from our friends on the other side of the aisle about older predator males smuggling or forcing young women across State lines for an abortion. We share that concern.

States must do a better job of enforcing the statutory rape laws, and we must make it clear to older men that if they have sex with underage women, they will be prosecuted to the fullest extent the law allows.

We must also ensure that women are not being forced or coerced to cross State lines to obtain an abortion. We support the right to choose, and we must guarantee that every woman can exercise that right free from harm, threats or intimidation.

Our motion to recommit will instruct the Committee on the Judiciary to report back a substitute that will make it illegal to force or coerce a woman across State lines so that she can obtain an abortion. The substitute also strengthens the underlying bill's criminal penalties by sentencing violators to 5 years in jail.

This amendment gets at the heart of what the underlying bill was trying to do, deter and punish those who intentionally try to evade parental laws and force young women to have abortions without the proper consent or notification requirements having been met.

H.R. 3682, as currently written, is far too overbroad. As we have seen, it would have the effect of criminalizing grandparents and close family relatives who are in many cases a young woman's only family and only source of support in times of crisis.

H.R. 3682, as currently written, would lead to back-alley abortions and increase family violence, particularly for young women who have nowhere to turn and no one to help them at a critical time in their lives. Surely, we want to strengthen family ties, not damage them.

H.R. 3682 is a bad bill. It will put our children at risk. It will throw our grandmothers in jail. Let us really do something about sexual predators by voting for the motion to recommit.

Mr. SCOTT. Madam Speaker, reclaiming my time, without this motion to recommit, the matter will be denied the assistance from a trusted friend or relative.

The bill in its present form, without the motion to recommit, does not require parental consent because a minor could go alone. I would ask that we vote yes on the motion to recommit.

Mr. CANADY of Florida. Madam Speaker, I rise in opposition to the motion to recommit.

I ask the Members of the House to focus carefully on exactly what this motion to recommit says. I had actually thought we might get a motion to recommit that would try to address some of the concerns that we have heard about. But this does not do that. It instead brings to the House a bill that would outlaw kidnapping and abduction for the purposes of obtaining an abortion.

This measure in the motion to recommit would simply say they cannot kidnap or abduct, use force or threat of force to transport an individual across State lines for the purpose of obtaining an abortion in the circumstances outlined. There are laws on the books already to deal with that kind of circumstance. There are laws against kidnapping. There are laws against abduction. There are laws that relate to the improper use of force or the threat of force.

So this is meaningless. This is absolutely meaningless. I think that the Members of the House should understand that. But more importantly, I think that the Members need to again focus on what the point of the underlying bill is.

This bill is here to protect the rights of parents to be involved in their minor daughter's decision to have a serious, potentially dangerous surgical procedure and the right of children to have the counsel and protection of their parents at that critical time when that decision is being made.

Now, many States have decided to give legal protection to this relationship through enactment of parental involvement laws, whether they be consent laws or notification laws. Now, without H.R. 3682, many people will continue to circumvent these protective State laws by secretly taking someone else's daughter across State lines for an abortion.

This motion before us is not serious. I have the greatest respect for the gentleman from Virginia (Mr. SCOTT) who has offered the motion, but I have to submit that this is not a serious attempt to deal with these issues.

As a matter of fact, if the type of provision that is in this motion were to become the law of the land, Joyce Farley and her daughter would be in the same position they have been in. Ms. Farley's 12-year-old daughter was raped, and the rapist's mother took the child out of Pennsylvania, which has a parental involvement law for an abortion. There was no evidence that the rapist's mother used force or the threat of force. She used persuasion with a very troubled young lady. She took advantage of her. Her son had taken advantage of her, and the mother of the offender took further advantage.

H.R. 3682 would protect Ms. Farley and her daughter. The motion to recommit would do nothing for them at all. As a matter of fact, the motion to recommit would do nothing for anybody at all other than perhaps give a little cover to some people who are looking for some cover on an issue which they understand the American people have a very firm position on.

The American people overwhelmingly support parental laws. The American people overwhelmingly support the bill that is before the House today. So I would urge that my colleagues in the House reject the motion to recommit and then vote for the bill.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 158, nays 269, not voting 7, as follows:

[Roll No. 279]

YEAS—158

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NAYS—269

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt

Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Dingell
Gonzalez
Goode
Hill
McNulty
Payne
Roybal-Allard

☐ 1626

Messrs. BERRY, METCALF, MOAKLEY, Mrs. McCARTHY of New York, and Messrs. COOKSEY, RILEY, WEYGAND, McCRERY, CONDIT and SAM JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). 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. CANADY of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 276, noes 150, not voting 8, as follows:

[Roll No. 280]

AYES—276

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—150

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Blagojevich
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Boucher
Brady (PA)
Brown (CA)
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Brown (OH)
Campbell
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Cardin
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Castle
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Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Lampson
Lantos
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Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
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Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Dingell
Gonzalez
Hill
McNulty
Petri
Porter
Roybal-Allard
Tauzin

☐ 1636

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETRI. Mr. Speaker, on H.R. 3862, the Child Custody Protection Act, Rollcall No 280, had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. TAUZIN. Mr. Speaker, on July 15, 1998, I was inadvertently detained, and missed rollcall 280, on H.R. 3682, the Child Custody Protection Act. Had I been present, I would have voted ''aye.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 219

Ms. KILPATRICK. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 219.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. HILLEARY. Madam Speaker, due to a set of tragic events in my district last night and yesterday, I was unable to be present for a series of votes last night, including the Doolittle amendment and the Fossella amendment to the Shays-Meehan substitute to H.R. 2183. If I had been present, I would have voted aye on roll call 275 and aye on roll call 276.

SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I

call up House Resolution 500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 500

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) a further amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, if offered by Representative Miller of California or his designee, which may be considered notwithstanding the adoption of the amendment in the nature of a substitute printed in the report of the Committee on Rules, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for one hour.

Mr. DREIER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, Ohio (Mr. HALL), the distinguished ranking minority member of the very prestigious Subcommittee on Rules and Organization of the House, pending which I yield myself such time as I may consume.

□ 1645

I will say that all time that I will be yielding will be for debate purposes only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

Mr. DREIER. Madam Speaker, this rule makes in order a bill that will bring to fruition the hard work of our late friend and colleague, Sonny Bono. Specifically, it makes in order H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act, under a modified closed rule.

The rule does provide for a substitute to be offered by the ranking minority member of the Committee on Resources, the gentleman from California (Mr. MILLER), or his designee. The structured rule is necessary, Madam Speaker, to protect a fragile compromise that is supported by all of the stakeholders in the restoration of the Salton Sea.

The compromise ensures the expeditious development and congressional consideration of a plan to stop the ongoing environmental damage to the Salton Sea and to restore its health.

Because the environmental problems facing the wildlife refuge and reservoir are worsening so quickly, it is important that Congress pass legislation that allows it to be addressed as quickly as possible. This rule, Madam Speaker, also ensures, as I said, that a minority alternative will be fully debated.

I would like to commend the members of the bipartisan Salton Sea Task Force. The leaders of that have been our California colleagues, Mrs. BONO, Mr. HUNTER, Mr. CALVERT, Mr. BROWN, Mr. LEWIS, and Mr. DOOLITTLE of the Subcommittee on Water and Power. They have done a tremendous job, and they have worked long and hard in reaching a consensus that will allow this legislation to move forward.

Madam Speaker, H.R. 3267 is critical to the health of both the environment and the economy in both Imperial and Riverside Counties. The Salton Sea is an integral part of the Pacific Flyway, providing food and a major rest stop for hundreds of thousands of waterfowl and shore birds. According to the Fish and Wildlife Service, the health of the sea is essential to the long-term viability of the migratory bird population on the west coast. Five endangered or threatened bird species and one endangered fish species depend on the Salton Sea.

The economic impact of the project is equally significant. A study by the University of California Riverside's Economic Data Bank and Forecasting Center estimates the economic benefits of restoring the Salton Sea of between $3.4 and $5.7 billion. This includes the benefits of increased tourism, recreation, farming and other economic activity around the restored sea.

The Sonny Bono Memorial Salton Sea Restoration Act will halt a serious and ongoing decline in the local economy and replace it with real jobs and good, positive growth for the area.

Madam Speaker, the deterioration of the Salton Sea is a problem that can be solved. While reducing the salinity presents a significant challenge, there are feasible plans for addressing the problem, including diking off a portion of the sea to serve as a final sink for collecting salt. The bill that the House will consider today allows this and other policy responses to be thoroughly researched so Congress can later consider the most cost-effective approach.

Given the importance of the Salton Sea to the local economy and as a habitat for wildlife, it makes sense for the Federal Government to work in partnership with State and local governments to try to develop a plan for fixing the problem. This is particularly true given that H.R. 3267 only commits the Federal Government to considering a cleanup plan, not to helping fund the cleanup.

This is a fitting tribute to a man who cared deeply about restoring the Salton Sea and for whom H.R. 3267 is named. For these reasons, Madam Speaker, I urge adoption of both the rule and the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I thank my colleague from California (Mr. DREIER) for yielding me this time.

This resolution puts forth a modified, closed rule. It provides for consideration of H.R. 3267, which is the Sonny Bono Memorial Salton Sea Reclamation Act.

This is a bill to reduce and stabilize the salt content of the Salton Sea near Palm Springs, California. As my colleague from California has described, this rule provides for 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. Only one amendment may be offered.

Madam Speaker, there is agreement on both sides of the aisle that Congress needs to protect the worsening environmental conditions at Salton Sea, and there is a consensus that our late colleague, Sonny Bono, is deserving of a fitting tribute. Unfortunately, this bill will probably do neither.

There are numerous provisions in the bill which will raise objections. For example, the bill makes funds available from the Land and Water Conservation Fund, which was established to preserve park land and open spaces, not for water projects. Also, it authorizes construction of a $350 million project before enough study has been done. These and other provisions will probably hold up the bill in the Senate and result in a Presidential veto.

The bill should have an open rule so that all House Members will have the opportunity to make improvements through the amending process on the House floor. The rule also waives the 3-day layover requirement for the committee report, which was filed only yesterday, and this makes it even more difficult for the House to work its will.

I have no further comments to make at this particular time, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield such time as she may consume to my very distinguished colleague, the gentlewoman from Palm Springs, California (Mrs. BONO).

Mrs. BONO. Madam Speaker, today I rise in support of the rule governing H.R. 3267, the Sonny Bono Salton Sea Memorial Reclamation Act.

I would like to thank the gentleman from New York (Mr. SOLOMON) and the gentleman from California (Mr. DREIER), as well as the rest of the Committee on Rules members, for crafting a rule that is both fair and reasonable.

The bill that we will be debating today is a good environmental bill. It sets out a sound process for both study and action to save the Salton Sea. The gentleman from California (Mr. DREIER) knows all too well the problems facing the Salton Sea. When

Sonny passed, and the Speaker spoke of the need to save this national treasure, the gentleman was right there all the way. I believe that when he sat down to craft this rule, he had in mind the need to save the Salton Sea and the urgency of which it needs to be saved. Unlike the opponents of this bill, the gentleman from California (Mr. DREIER) and the rest of the Committee on Rules want to save the Salton Sea.

For those who do not find this rule fair, I say, what was so fair about allowing the sea to get worse over the last 25 years when this very body had an opportunity to take measures to save it then? What is so fair about environmental groups who finally stand up and take notice of the sea when they have rarely been there in the past? It is real simple. One is either for the sea and the environment and vote ''yes'' on the rule, or one is for the demise of the Salton Sea, against Sonny's dream, and for the opposition of this rule. Vote ''yes'' on the rule.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes and 10 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

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

The issue here today is not whether or not we are going to be honoring our former colleague, Congressman Bono. I think all of us who had an opportunity to serve with him are committed to having an appropriate memorial of that nature. Nor is there a lack of interest on the part of Members of this Congress dealing with the environmental problems associated with the Salton Sea.

The issue that I am concerned about, and I hope the House will take a step back and look very carefully at this, is that we are moving ahead with a significant sum of money to try and deal with what in and of itself was a failed project in the past. This water resources project years ago was well-intended, but has moved in the wrong direction.

It is an issue that I am personally concerned with. As we speak today, this Congress has not exercised appropriate oversight for other water resources projects where we have not laid an appropriate foundation environmentally in engineering terms to make sure that we are not spending good money after bad.

My colleagues will hear in the course of the debate, both on the rule and on the measure itself, that there is not at this point a clear understanding of the exact nature of the problem, and despite years of study and engineering research, there is not a good plan in hand right now.

To go ahead with a preauthorization of a third of a billion dollars for something that this House does not really understand fully and will not have control over is a step clearly in the wrong direction. Not only would we be wasting it, there is a probability that it could even be made worse.

I am pleased that our friends on the Republican majority have rediscovered the Land and Water Conservation Fund. Annually only about $260 million of this fund is spent on this purpose intended for the purchasing of conservation funds. It is a dramatic stretch, I think, for this House to dedicate resources of this order of magnitude in one little portion of the United States when we have hundreds of projects that go begging around the country. I hope that we will have a more thoughtful discussion about the utilization of this resource.

I really do hope that we will approve the Miller amendment, have an opportunity to look at this in a more thoughtful fashion, and provide really a truly appropriate memorial in the long run.

Mr. DREIER. Madam Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. HUNTER), our colleague who shares representation of Imperial County with the gentlewoman from California (Mrs. BONO); the man who gave his most sterling speech this morning before the Republican Conference.

Mr. HUNTER. Madam Speaker, I will try to be almost as brief as I was this morning.

My colleagues, we have a real opportunity here to do three things that are very important. One is we have an opportunity to right what is perhaps the worst environmental disaster in our Nation, and that is the continuing pollution and continuing salinization of this huge 360-square-mile body of water next to the Mexican border in southern California. It is fed by the New River and the Alamo River, and the New River is considered to be the most polluted river in North America coming north from Mexicali, traveling 50 miles through the California desert, and emptying into the Salton Sea. In going through Mexicali, it goes through the industrial area of Mexicali, takes a lot of waste. If one goes down there, it is somewhat like America was in parts of this country in the 1930s, literally with yellow toxins spewing out of pipes directly into the river; also, with the sewage system in Mexicali that is attached to that river.

So we have an opportunity to right what is right now one of the most difficult environmental disasters we have ever had in this country.

Secondly, in cleaning up the sea, which we are going to do with this bill, we have the opportunity to expand one of the greatest natural resources and recreational resources in this country.

One of the great things about the sea that the gentlewoman from California (Mrs. BONO) loves so well and Sonny loved so well is the fact that it is so close to a lot of working Americans. It is within driving distance of about 8 percent of America's population. That means that the average guy and his wife and his kids on the average weekend can get in their camper in Covina or Los Angeles or the Inland Empire or San Diego or Orange County and drive to the Salton Sea.

□ 1700

He can enjoy what up until a couple of years ago was the most productive fishery in the United States. He can enjoy, or could, up until a couple of years ago, great waterskiing. That family could enjoy great camping opportunities, and they could do that without having to have the financial resources to jet off to New Zealand, to go fly fishing, to do other things that some people can do but others cannot do. The Salton Sea is a great opportunity for working America to have a wonderful recreational site.

Thirdly, we have the opportunity to do something that I think Sonny Bono taught us so well, and that is what the gentlewoman from California (Mrs. BONO) is continuing to teach us, and that is to use common sense. We are using common sense in this bill.

We changed judicial review at the request of a number of the environmental folks to an expedited judicial review, nonetheless, not cutting it off completely. But as the gentlewoman from California (Mrs. MARY BONO) said, the sea is on a death watch. It is going to die in 10 years or so when it gets up to 60 parts per million of salinization. We cannot let lawsuit after lawsuit tie up the project until the sea is dead.

We are undertaking the project in Mexicali to wean the Mexicali industrial waste and their industrial waste from the New River. That project is going to break ground here in the next couple of months, so it is important and it is necessary and it is appropriate that we get to going on the sea and we start the project.

As one North Salton Sea resident said in one of the articles, he said that this Congress studies the sea and then they disappear, and come back a couple of years later and study it again. We are committing, with this bill, with this authorization, to fix the Salton Sea; that is, to take care of the salinization problem.

We have literally volumes of studies that have been done that have narrowed down the options to basically two options, and that is diking, or else having an infall or outfall; that is, exporting saline water or importing nonsaline water. We have those two options. Secretary Babbitt is going to decide which one works best. He is going to come back and tell the Congress which is best. Then we will act. He said he could do it in 18 months.

The only exception, you have 18 miles of river feeding the Salton Sea, and we have come up with an environmentally friendly way of cleansing that river. We are going to have 50 miles of marshes, and we are going to filter the New River through those 50 miles of marshes, but we cannot do it, some lawyers tell us, under the Clean Water Act because the Clean Water Act says if you take a glass of water out of the New River, you have to pour it

back in in drinking water quality. You cannot incrementally clean up a river under that law. You cannot filter part of it in the first mile and part in the second mile and part of it in the third mile. You are totally stopped, so you do not do anything. The sea continues to get polluted.

This is a great bill. I thank the Committee on Rules for bringing it up. Let us have an overwhelming vote in favor of the rule and the bill.

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. KEN CALVERT), another Member who has worked on the task force.

Mr. CALVERT. Madam Speaker, I thank the gentleman from California, my good friend from Covina, for not only putting together a good rule but for his support for saving the Salton Sea.

Here we go again. We have been studying the Salton Sea now for well over 30 years. There have been many reports, many studies, many millions of dollars on how to save the Salton Sea. Today finally we are going to establish the groundwork to do exactly that; that is, to save the sea, the birds, the fish, and most importantly, we are going to save an opportunity for people to visit the Salton Sea. Not too many years ago more people visited the Salton Sea than they did Yosemite, on an annual basis, it is so close to so many millions of Americans in the southwest United States.

I as a young man, boy, would go waterskiing at the Salton Sea. It was probably the best waterskiing in all of California, and certainly, I think, throughout the southwestern United States. It is unfortunate that people do not have that same opportunity anymore, or at least not with the quality of water as it exists today.

The other gentleman from California, our esteemed friend from Imperial County, mentioned the New River and how polluted it is, and what is going on there. It is certainly horrible. We have a chance today. We have this rule. Sonny Bono certainly dreamed of this day. I think he is looking down on us right now wondering what we are going to do finally.

Sonny, we are going to pass this rule. Furthermore, we are going to pass this bill, and we are going to vote against the Miller-Brown substitute and move ahead.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Madam Speaker, I rise in support of this rule, because the rule does a very important thing. It allows for an alternative.

I think that in approaching this, that everyone in this room is in agreement that we need to solve the Salton Sea issue, and that we ought to do that under the name of our former colleague, Mr. Bono. But I do not think we all agree on how to get there. What we need before we get there is a road map. That road map is very important, because it is not being provided in this legislation, but it is being provided in the rule in the substitute. I rise in support of the rule because of the substitute.

I am concerned that in the bill, the main bill, there is an appropriation in there, there is an authorization for an appropriation of $350 million that can be taken from the Land and Water Conservation Fund. That is the entire 2 years of appropriations for this House for all of the projects in the United States. So every Member who is voting for this bill ought to be concerned that those projects that are going to restore lands with authorized use from the Land and Water Conservation Fund, those projects may be put in jeopardy as this project takes priority to all of that.

Madam Speaker, I urge my colleagues to look at the substitute, the Miller-Brown substitute. I think it provides a much better solution. It is a complicated issue. This is essentially a sea or a lake that is taking the drainage.

Water in Southern California is getting scarcer and scarcer and more valuable as we use reclamation, cleaning up dirty water and using it for agriculture, which will be in demand. The cost and uses of water that would go to the lake to sustain it are going to be in great demand. I do not think we can solve the problem by jamming it through with this solution. We need the substitute.

The rule is a good rule because it provides that substitute. When we get to that, I urge my colleagues to support it.

Mr. DREIER. Madam Speaker, I am happy to yield 3 minutes to the gentleman from Mount Holly, New Jersey (Mr. SAXTON), the very distinguished chairman of the Joint Economic Committee.

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

Madam Speaker, let me just begin by saying that I rise in support of this rule and of the underlying bill, H.R. 3267, the Sonny Bono Memorial Salton Sea Act.

Let me just say, or let me just express my admiration for the great job that the gentlemen from California, Mr. DUNCAN HUNTER, Mr. KENNY CALVERT, Mr. DAVID DREIER, my friend here, Mr. DUKE CUNNINGHAM, have done, and let me say just especially to the gentlewoman from California (Mrs. MARY BONO) how pleased I am to be here today to support this major effort she picked up on just several months ago, and has really led the way in this effort. I have not seen this many Californians agree on an issue in the 14 years that I have been here, and I say to the gentlewoman from California (Mrs. BONO), it took her to bring them all together.

As an Easterner and as chairman of the Fisheries Conservation, Wildlife and Oceans subcommittee. Let me just stress how important I think this bill is. It represents a major stride towards improving the water quality of the Salton Sea by reducing the salinity and stabilizing the elevation along the shoreline.

The Salton Sea is certainly of extreme importance as a major stopover for avian species along the Pacific flyway. As chairman of the subcommittee, I must stress the importance of saving habitat for migrating birds. Already many of the traditional nesting and feeding areas have been destroyed, and if the degradation of the Salton Sea continues unabated, this important habitat will surely be lost.

Let me just say also that I have received a number of communications from ornithological council members, which include the eight major scientific societies of ornithologists in North America. Collectively, these professional organizations include over 6,000 scientists and students of bird life.

The letter of the council states that ''The Salton Sea ecosystem has long been recognized as providing significant wetland habitat for immense numbers of migrating birds.''

Let me just say, in conclusion, to my friends from the other side of the aisle, with whom I oftentimes, in fact most often, agree, I think we all want to get to the same place. I will be supporting the underlying bill. Others here will obviously support the substitute. I am hopeful that the underlying bill will prevail and that we will be able, therefore, to proceed to come to a conclusion that is beneficial to all concerned.

Let me once again congratulate the members of the California delegation, and particularly the gentlewoman from California (Mrs. MARY BONO), for their great leadership in bringing this bill to the floor today.

Mr. DREIER. Madam Speaker, I yield 1½ minutes to my very good friend, the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, my daughters, April and Carrie, got the first duck mud between their toes in a goose blind over in the Salton Sea with their Grandpa Jones. He also taught them how to blow a duck call in that same place.

Why is it important? It is a major flyway from Connecticut to Sacramento to the Salton Sea and then down to Mexico for the winter feeding grounds. There are also many of the endangered species and also porvina, which is a fish that lives there, which is dying in very fast order.

I do not believe we are trying to get there in the same place, because if Members want to delay a bill in this body, if they want to kill a bill, just have a study with no commitment, with no commitment to carry it through. That is exactly what the Miller substitute does, study, study, study, knowing good and well that we will come back and not be able, when the funds are low, to fund it.

Support the Bono amendment and let us pass this bill.

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to my very good friend, the gentleman from Monticello, Indiana (Mr. BUYER), who was a very, very close friend of the late Sonny Bono.

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

I rise today in support of H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act. The Salton Sea has only 12 years of life left until it will cease providing a haven for over 375 species of birds and fish, including numerous endangered and threatened species. The 30,000 acre lake salt level continues to rise to levels which are already causing great amounts of disease in the species which rely upon the sea's resources. In just a short period of time the species will no longer be able to survive.

To remedy the situation this bill provides for five things: reducing and stabilizing the salinity level, stabilizing the sea's surface elevation, restoring fish and wildlife resources, enhancing recreational use and environmental development, and ensuring the continued use of the sea as a reservoir for irrigation and drainage. The policy is to manage all the resources in order to balance the needs of wildlife, natural resources, and humans. They are all intertwined and all part of the same equation.

Those who oppose this commonsense measure instead advocate a slower and more cautious approach. I have listened to some of the words. They say, let us be more thoughtful, or let us have a better road map. What this really means they are choosing the course that will eventually cause the demise of this valuable natural resource.

It is indeed necessary for Congress to be responsible for the funds that it authorizes and appropriates. However, it is necessary for Congress to act responsibly in a timely manner in order to avoid a disaster. Losing the Salton Sea would be a disaster for all the species which utilize the area, the local economies of the communities near the sea, and anyone who is concerned about our Nation's resources.

Those in opposition to this bill complain that the measure authorizes both a feasibility study and construction. In fact, this bill requires the Secretary of the Interior to report back to the authorizing committees after the feasibility study in order to approve the construction plans.

In basic point, what we have here is a conflict. Radical environmentalists, who are also preservationists, find themselves in conflict with also their advocacy of protection of the endangered species. So what they really have here is they are endorsing the radical preservationists' view on the environment, and they want the Salton Sea to die, just let it go, let it go, let it go.

We say no to that position. In memory of Sonny Bono, we will step forward and manage our Nation's resources, protect the environment, ensure that the species on the endangered species list are protected. It is management of our natural resources, which this bill is about. I ask for the passage of the rule.

Mr. DREIER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. BRIAN BILBRAY), another great San Diegan, a great friend, and hard-working two-termer.

□ 1715

Mr. BILBRAY. Madam Speaker, I rise in support of the rule. Those of us who live along the southwestern border have grown tired of the Federal Government constantly finding excuses not to address the issues that only the Federal Government can address. We are talking about a crisis here that has been created by the lack of Federal action in the last 30 years. Pollution coming across the border, the lack of cooperation between Mexico and the United States, this is a Federal responsibility and a Federal obligation and a Federal preserve.

They can talk about, let us spend more money having more sanctuaries, more preserves, but if the Federal government, those of us in Congress are not willing to move forward and take action, not talking about protecting the environment but actually doing something to protect the environment, if we will not do it where the Federal Government is the only agency that can execute it, the only agency that has the jurisdiction to execute many of these types of strategies, then let us not keep talking about that we care about the environment.

If we do not move forward with this proposal at this time, then let us stop talking about how much we care about the environment. Now is the time to prove who really supports the environment.

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

Mr. HALL of Ohio. Madam Speaker, I yield 8 minutes to the gentleman from California (Mr. MILLER), ranking member of the committee.

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

Mr. MILLER of California. Madam Speaker, the troubles of the Salton Sea are not new to any of us in California. In fact, the Salton Sea has had serious biological problems for many years. They have been well publicized fish kills and die-offs of migratory waterfowl that raise both environmental concerns and issues involving international treaty obligations. Various scientific studies have attempted to pinpoint the biological cause of the enormous fish kills and the bird die-offs that afflict this body of water.

In 1992, the Congress passed legislation that I wrote expanding these studies and the Department of Interior is engaged in that additional research, although there have not been the appropriations in the last couple of years to finish that research or to move it very far down the line.

There really is no mystery about some of the aspects of the problems of the Salton Sea. It is an artificially created body of water formed through an engineering catastrophe earlier in this century. It is growing increasingly salty and contaminated because most of its inflows come from agricultural wastewater and municipal wastewater, loaded salts and heavy metals and pesticides and contaminants.

The fact of the matter is the only real source of any water of any volume for the Salton Sea is contaminated, polluted wastewater. That is some of the best water that is in this sea at the current time. Yet the inflows of the better quality of water in the sea itself, these waters are questionable over the next few years, and we continue the problem of the increased salinization of this area.

The question really is, what do we do about the Salton Sea? How do we arrive at a program that will work? The suggestion that we have made tracks much of what is in this legislation, and that is that we go out, the minority has decided that we would spend a million dollars a month or more than a million dollars a month over the next 18 months and direct the Secretary to conduct these studies and come back and tell us what will work or what will not work. And then at that time, based upon those alternatives, authorize this project or not authorize this project based upon what the Congress deems to be feasible or not feasible.

The point is this, with the passage of this legislation, the Salton Sea will immediately become the second largest construction program within the Bureau of Reclamation. Only the Central Arizona Project will be larger, if one works it out over a 10-year period of time which is, of course, the time line that has been set by the concerns of the supporters of this legislation.

I think before we commit the Congress of the United States and the taxpayers of the United States to a $300 million decision, we ought to know what those facts are. We ought to make those determinations, but, as somebody said, if we do the studies first and then we come back to the Congress, the Congress will not give us the money. So what they want to do is, they want to take the money up front today, before the studies come back and tell us what it is, and the project will be authorized without regard to those studies. The authorization will be squirreled away.

The point is this, this is a very complex problem. It is not just the issue of salinity. It is the issue of nutrient loading. Many of the scientists say we can deal with some of the salinity problems with the diking program and others, but the problem is that we still have not dealt with what may be killing many of the birds and the wildlife in this area.

So the point is that I think that we have an obligation to treat this project as we treat all other projects: That is, we authorize studies to come up with the feasibility to determine what is feasible, to determine what the costs are going to be, and then we come back and we authorize that project for the purposes of appropriation, if those studies work out. That is how everyone else in this Congress gets their projects authorized.

The fact of the matter is, in some cases after we do the studies, we make determinations that that is really not worth the expenditure of the public's money or a project has to be redesigned or we scale a project down. Those are all determinations that are made within the process of these projects.

I also want to point out that this legislation has a number of problems on it that have been raised, concerns, by statement of administration policy from the Clinton administration. They have problems with letter funding mechanisms of this legislation, the fact that the bill currently takes the funding from the Land and Water Conservation Fund. This is a trust fund that is to be used for the purchase of public lands and the maintenance of our parks and wilderness areas on the public lands. And this would invade that to the extent of over two times of what we authorize in a single year would be taken out for this single project.

The cost sharing would exempt irrigators from the cost-sharing responsibility for project implementation. So we are putting that load on the taxpayers. The limitations on liabilities, we find what we are doing is we are taking the liability for anything that goes wrong in this project, we are taking that off of the back of everybody else that is around the Salton Sea and saying we are going to load that liability, if things go wrong, on the back of the Federal taxpayer.

Clean water exemptions have already been addressed. The administration has problems with those. And the congressional review, the Department of Justice has advised that the provisions granting congressional committee authority to approve or disapprove executive actions without the enactment of legislation would be unconstitutional.

So this is a piece of legislation that may very well pass this House, but it certainly is not going to get consideration in the Senate. Senator CHAFEE has already indicated that their committee would not have time to take this legislation up in this condition. They would hope that we would send them a clean bill so they could pass the legislation, and we can get on with the studies that are necessary to be done. There is nothing in the substitute that delays those studies. There is nothing in the substitute which does not require the Secretary then to report back the results of those studies. But I think it is a way to get this bill enacted so that we can get on with those studies.

We can cut down the time frame in which to deal with the problems of the Salton Sea and make some determinations. As Members know, the majority leader of the Senate said if it takes more than an hour, it is not coming up in the Senate between now and adjournment.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Speaker, I rise in opposition to the rule.

It is an irony that we have really what I consider would be a very popular and a very positive initiative in terms of trying to clean up and try to address the problems of the Salton Sea. I do not know if it is possible to really clean it up in terms of both the nutrients and the salt, because of the nature of the delta that it rests on, this ancient seabed. But in any case, it is ironic that we get wrapped around the axle here today on the basis of an unknown type of action and project.

Everybody apparently agrees there has to be study because the measure before us and the substitute that my colleague, the gentleman from California (Mr. MILLER) is going to present, which I support, says that we have to do a study. You have to do more study in terms of putting in place the nature of the type of project. There has been a great deal of research work that has been done on this, but unfortunately it is not in specifics yet.

I think that the opposition to this is not one in terms of delaying it, because clearly it is going to take the 18 months, which the sponsors and advocates for this are proposing to be in place. If you really want to push this program up, what you really ought to do is appropriate the money right now for the project. That is, in essence, what is being done in terms of authorization. We would not see the appropriators standing up in the House doing that without any specific project. The authorizers themselves on our Resources Committees should not be proposing without some definitive policy path, especially considering what the elements are. I mean, the limits on judicial review, the limits on the Clean Water Act, the limits on liability, the limits on who is going to be paying in terms of who is responsible for some of the damage in the future, the limits on not using the Colorado water, this is the delta of the Colorado River, yet you cannot use water from the Colorado River for this particular purpose.

So these are just some of the obvious shortcomings that exist with regard to this measure. We will have a chance to discuss them further, but this rule is a closed rule and one that I cannot support. I think the process is one that I do not think is sound in terms of dealing with and developing a good policy path on an issue that there would be and could be consensus upon but for the getting the cart before the horse on this measure.

This authorization of over $350 million deserves a deliberate process and the use of a full open authorization appropriation actions.

I thank the gentleman for yielding to me and thank him for his statement.

Mr. MILLER of California. Madam Speaker, I thank the gentleman.

Mr. DREIER. Madam Speaker, I yield such time as he may consume to the gentleman from Redlands, California (Mr. LEWIS).

Californians could not ask for a more able dean of our delegation.

Mr. LEWIS of California. Madam Speaker, I express my appreciation to my colleague from the Committee on Rules not only for his work today but the hard work he has put into shaping this rule and being of such assistance to those of us on the task force who are involved in attempting to save the Salton Sea.

I listened to the discussion of my colleague from California from the committee as he was discussing the rule and could not help but be reminded of the fact that, as he reminded us, that the Salton Sea has been under consideration for a considerable length of time.

The problem is that the Salton Sea and the economic, the environmental challenge it provides for us has been around for a long, long time. It is to the point of being the most significant environmental crisis in the west at this moment. If indeed our committees had chosen to go forward with serious action regarding this problem years and years ago, the problem would have already been solved. It would have cost considerably less money.

I must say that this very important environmental project has not received that kind of priority in the past, and I am very disconcerted about that, especially when Members suggest that we are moving forward much too rapidly now in terms of consideration when the challenge has been there for several decades.

I must say that I could not be more pleased, however, with the fact that this act will be entitled the Sonny Bono Memorial Salton Sea Reclamation Act, for it was not until Sonny Bono really grabbed this problem by the horns and drug a lot of us along with him to make sure that the Congress focused upon this crisis, made sure we had a pathway to action regarding finding a solution, he was responsible for leading the Salton Sea task force, which involves my colleagues, the gentlemen from California (Mr. BROWN), who is in the adjacent district of mine in Southern California, (Mr. HUNTER), (Mr. CALVERT) along with myself. And in recent months we have had the able leadership of the gentlewoman from California (Mrs. BONO), our colleague who represents much of the sea.

I must say it has been her dynamic expression of concern that we follow through on this priority of Sonny's that has added the sort of momentum

that we need to see this legislation through to success.

There is little doubt that the challenge is very real, but also the problem is a solvable problem if we will but move forward. This legislation lays the foundation for reviewing a whole series of studies that have gone on for years and years and years, selecting the alternative approach to solution, and at the same time lays the foundation for the kind of authorization we need to actually decide on which avenue is the best one to follow.

We have begun the appropriations process by the way. There is funding in a number of appropriations subcommittee bills now to move forward with the studies that we are talking about. In turn, we want to make sure as quickly as possible to move forward with authorization of construction for there is not time to fool around with this any longer. The committees have ignored it in the past for far too long. It is my judgment the sooner we have a broadly based authorization, the sooner we can get appropriations in line that will actually lead to construction and begin to save this fabulous environmental opportunity that we have in the southland that provides huge recreational opportunities, economic opportunities, changing an entire region in terms of that which will be available to a sizable portion of the population in Southern California and regions that surround.

□ 1730

So I want to express my deep appreciation first to the gentlewoman from California (Mrs. MARY BONO) for her leadership, but beyond that to the gentleman from California (Mr. DAVID DREIER) and the Committee on Rules for helping us with this rule today, and we urge support for the rule.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume to simply say that the gentleman from California (Mr. MILLER) and the gentleman from Minnesota (Mr. VENTO), I believe, speak for many of us over here relative to their concerns and what they want this legislation to do. And if this rule passes, I would hope that we would go with the Miller amendment. That seems to be the best way to go.

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

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume. Obviously, with the remarks that we have heard from Members, not only from California but from other parts of the country, this is a very important environmental issue for us and it is a very important tribute not only to the late Sonny Bono but to his successor, the gentlewoman from California (Mrs. MARY BONO), who has done a very, very important job here for the entire Nation, and I urge support of the rule.

Mrs. BONO. Madam Speaker, today, I rise in support of the rule governing H.R. 3267, the Sonny Bono Salton Sea Memorial Reclamation Act.

I would like to thank Chairman SOLOMON and Congressman DRIER, as well as the rest to the Rules Committee members for crafting a rule that is both fair and reasonable.

The bill that we will be debating today is a good environmental bill. It sets our a sound process for both study and action to save the Salton Sea.

Congressman DRIER knows all too well the problems facing the Salton Sea. When Sonny passed, and the Speaker spoke of the need to save this national treasure, Mr. DRIER was right there all the way.

I believe that when he sat down to craft this rule, he had in mind the need to save the Salton Sea, and the urgency of which it needs to be saved.

Unlike the opponents of this bill, Mr. DRIER and the rest of the Rules Committee want to save the Salton Sea.

For those who do not find this Rule fair, I say: what was so fair by allowing the Sea to get worse over the last 25 years, when this very body had an opportunity to take measures to save it then?

What is so fair about environmental groups who finally stand up and take notice of the Sea, when they have rarely been there in the past?

It's real simple: You're either of the Sea and the environment, and vote Yes on the Rule.

Or you are for the demise of the Salton Sea, against Sonny's dream and for the opposition of this Rule.

Vote Yes on the Rule.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DOOLITTLE. Mr. Speaker, pursuant to House Resolution 500, I call up the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). The bill is considered as having been read for amendment.

The text of H.R. 3267 is as follows:

H.R. 3267

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Sonny Bono Memorial Salton Sea Reclamation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—SALTON SEA RECLAMATION PROJECT
Sec. 101. Salton Sea reclamation project authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.
Sec. 104. Alamo River and New River irrigation drain water.
TITLE II—EMERGENCY ACTION TO STABILIZE SALTON SEA SALINITY
Sec. 201. Findings and purposes.
Sec. 202. Emergency action required.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is critical as—

(A) a reservoir for irrigation, municipal, and stormwater drainage; and

(B) a component of the Pacific flyway.

(3) Reclaiming the Salton Sea will provide national and international benefits.

(4) The Federal, State, and local governments have a shared responsibility to assist in the reclamation of the Salton Sea.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''Project'' means the Salton Sea reclamation project authorized by section 101.

(2) The term ''Salton Sea Authority'' means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA RECLAMATION PROJECT

SEC. 101. SALTON SEA RECLAMATION PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a project to reclaim the Salton Sea, California.

(b) PROJECT REQUIREMENTS.—The Project shall—

(1) reduce and stabilize the overall salinity of the Salton Sea to a level between 35 and 40 parts per thousand;

(2) stabilize the surface elevation of the Salton Sea to a level between 240 feet below sea level and 230 feet below sea level;

(3) reclaim, in the long term, healthy fish and wildlife resources and their habitats;

(4) enhance the potential for recreational uses and economic development of the Salton Sea; and

(5) ensure the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall promptly initiate a study of the feasibility of various options for meeting the requirements set forth in subsection (b). The purpose of the study shall be to select 1 or more practicable and cost-effective options and to develop a reclamation plan for the Salton Sea that implements the selected options. The study shall be conducted in accordance with the memorandum of understanding under paragraph (5).

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea; and

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(B) shall be limited to proven technologies.

(3) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs. In that consideration, the Secretary may apply a different cost-sharing formula to capital construction costs than is applied to annual operation, maintenance, energy, and replacement costs.

(4) SELECTION OF OPTIONS AND REPORT.—Not later than 12 months after commencement of the feasibility study under this subsection, the Secretary shall—

(A) submit to the Congress a report on the findings and recommendations of the feasibility study, including—

(i) a reclamation plan for the Salton Sea that implements the option or options selected under paragraph (1); and

(ii) specification of the construction activities to be carried out under subsection (d); and

(B) complete all environmental compliance and permitting activities required for those construction activities.

(5) MEMORANDUM OF UNDERSTANDING.—(A) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(B) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under paragraph (1), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(d) CONSTRUCTION.—

(1) INITIATION.—Upon expiration of the 60-day period beginning on the date of submission of the feasibility study report under subsection (c)(4), and subject to paragraph (2) of this subsection, the Secretary shall initiate construction of the Project.

(2) COST-SHARING AGREEMENT.—The Secretary may not initiate construction of the Project unless, within the 60-day period referred to in paragraph (1), the Secretary, the Governor of California, and the Salton Sea Authority enter into an agreement establishing a cost-sharing formula that applies to that construction.

(e) DETERMINATION OF METHOD FOR DISPOSING OF PUMPED-OUT WATER.—The Secretary shall, concurrently with conducting the feasibility study under subsection (c), initiate a process to determine how and where to dispose permanently of water pumped out of the Salton Sea in the course of the Project.

(f) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this section or any other law to implement the Project shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable and nonreturnable for purposes of those laws. Activities carried out to implement the Project and the results of those activities shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This section shall not be considered to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to implement the Project under this section must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, and agreements.

(3) LIMITATION ON ADMINISTRATIVE AND JUDICIAL REVIEW.—(A) The actions taken pursuant to this title which relate to the construction and completion of the Project, and that are covered by the final environmental impact statement for the Project issued under subsection (c)(4)(B), shall be taken without further action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Subject to paragraph (2), actions of Federal agencies concerning the issuance of necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation of the Project shall not be subject to judicial review under any law, except in a manner and to an extent substantially similar to the manner and extent to which actions taken pursuant to the Trans-Alaska Pipeline Authorization Act are subject to review under section 203(d) of that Act (43 U.S.C. 1651(d)).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Project the following:

(1) For the feasibility study under subsection (c) and completion of environmental compliance and permitting required for construction of the Project, $22,500,000.

(2) For construction of the Project, $300,000,000.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(c), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the ''Salton Sea Research Management Committee''. The Committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of 5 members appointed as follows:

(A) 1 by the Secretary.

(B) 1 by the Governor of California.

(C) 1 by the Salton Sea Authority.

(D) 1 by the Torres Martinez Desert Cahuilla Tribal Government.

(E) 1 appointed jointly by the California Water Resources Center, the Los Alamos National Laboratory, and the Salton Sea University Research Consortium.

(c) COORDINATION.—The Secretary shall require that studies under this section are conducted in coordination with appropriate Federal agencies and California State agencies, including the California Department of Water Resources, California Department of Fish and Game, California Resources Agency, California Environmental Protection Agency, California Regional Water Quality Board, and California State Parks.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary $5,000,000.

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the ''Sonny Bono Salton Sea National Wildlife Refuge''.

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 104. ALAMO RIVER AND NEW RIVER IRRIGATION DRAIN WATER.

(a) RIVER ENHANCEMENT.—The Secretary shall conduct research and implement actions, which may include river reclamation, to treat irrigation drainage water that flows into the Alamo River and New River, Imperial County, California.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) PERMIT EXEMPTION.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) for actions taken under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $2,000,000.

TITLE II—EMERGENCY ACTION TO STABILIZE SALTON SEA SALINITY

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) High and increasing salinity levels in Salton Sea are causing a collapse of the Salton Sea ecosystem.

(2) Ecological disasters have occurred in the Salton Sea in recent years, including the die-off of 150,000 eared grebes and ruddy ducks in 1992, over 20,000 water birds in 1994, 14,000 birds in 1996, including more than 1,400 endangered brown pelicans, and other major wildlife die-offs in 1998.

(b) PURPOSES.—The purpose of this title is to provide an expedited means by which the Federal Government, in conjunction with State and local governments, will begin arresting the ecological disaster that is overcoming the Salton Sea.

SEC. 202. EMERGENCY ACTION REQUIRED.

The Secretary shall promptly initiate actions to reduce the salinity levels of the Salton Sea, including—

(1) salt expulsion by pumping sufficient water out of the Salton Sea prior to December 1, 1998, to accommodate diversions under paragraph (2); and

(2) diversion into the Salton Sea of water available as a result of high-flow periods in late 1998 and early 1999.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the amendment printed in House Report 105–624 is adopted.

The text of H.R. 3267, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Sonny Bono Memorial Salton Sea Reclamation Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SALTON SEA RECLAMATION PROJECT

Sec. 101. Salton Sea Reclamation Project authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.

Sec. 104. Relationship to other laws and agreements governing the Colorado River.
TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER
Sec. 201. Alamo River and New River irrigation drainage water.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is critical as—

(A) a reservoir for irrigation, municipal, and stormwater drainage; and

(B) a component of the Pacific flyway.

(3) Reclaiming the Salton Sea will provide national and international benefits.

(4) The Federal, State, and local governments have a shared responsibility to assist in the reclamation of the Salton Sea.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''Committees'' means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(2) The term ''Project'' means the Salton Sea reclamation project authorized by section 101.

(3) The term ''Salton Sea Authority'' means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(4) The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA RECLAMATION PROJECT

SEC. 101. SALTON SEA RECLAMATION PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a project to reclaim the Salton Sea, California.

(b) PROJECT REQUIREMENTS.—The Project shall—

(1) reduce and stabilize the overall salinity of the Salton Sea;

(2) stabilize the surface elevation of the Salton Sea;

(3) reclaim, in the long term, healthy fish and wildlife resources and their habitats;

(4) enhance the potential for recreational uses and economic development of the Salton Sea; and

(5) ensure the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) FEASIBILITY STUDY.—

(1) IN GENERAL.—(A) The Secretary shall promptly initiate a study of the feasibility of various options for meeting the requirements set forth in subsection (b). The purpose of the study shall be to select 1 or more practicable and cost-effective options and to develop a reclamation plan for the Salton Sea that implements the selected options.

(B)(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (A), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) develops or promotes an ongoing reliance on Colorado River water; or

(ii) is inconsistent with section 104 (b) or (c).

(3) PROJECT DESIGN CALCULATIONS.—In making Project design calculations, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that—

(A) encourage water conservation;

(B) account for transfers of water out of the Salton Sea Basin;

(C) are based on the maximum likely reduction in inflows into the Salton Sea Basin; and

(D) include the assumption that inflows into the Salton Sea Basin could be reduced to 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs. In that consideration, the Secretary may apply a cost sharing formula to annual operation, maintenance, energy, and replacement costs that is different than the formula that applies to construction costs under subsection (e).

(5) INTERIM REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Congress an interim report on the study. The interim report shall include—

(A) a summary of the options considered in the study for the reclamation of the Salton Sea; and

(B) any preliminary findings regarding preferred options for reclamation of the Salton Sea.

(6) REPORT AND PLAN.—Not later than 18 months after funds have been made available to carry out the feasibility study under this subsection, the Secretary shall—

(A) submit to the Committees a report on the findings and recommendations of the feasibility study, including—

(i) the reclamation plan for the Salton Sea pursuant to paragraph (1), including a cost sharing formula for operation and maintenance; and

(ii) complete specifications of the construction activities to be carried out under subsection (e), that are sufficient to use for soliciting bids for those activities, including professional engineering and design specifications and drawings and professional engineer cost estimates; and

(B) complete all environmental compliance and permitting activities required for those construction activities.

(d) CONGRESSIONAL REVIEW OF REPORT AND RECLAMATION PLAN.—

(1) REVIEW BY COMMITTEES.—After receipt of the report of the Secretary under subsection (c)(6), each of the Committees shall—

(A) adopt a resolution approving the reclamation plan included in the report; or

(B) adopt a resolution disapproving the reclamation plan and stating the reasons for that disapproval.

(2) RECLAMATION PLAN DEEMED APPROVED.—If any of the Committees fails to adopt a resolution under paragraph (1)(A) or (B) within 60 legislative days (excluding days on which Congress is adjourned sine die or either House is not in session because of an adjournment of more than 3 days to a day certain) after the date of submission of the report by the Secretary under subsection (c)(6), that Committee is deemed to have approved the reclamation plan included in the report.

(e) CONSTRUCTION.—

(1) INITIATION.—Subject to paragraph (2) of this subsection and the availability of appropriations, the Secretary shall initiate construction of the Project.

(2) COST SHARING.—The Federal share of the costs of construction of the Project shall not exceed 50 percent of the total cost of that construction.

(3) COST SHARING AGREEMENT.—The Secretary may not initiate construction of the Project unless the Secretary, the Governor of California, and the Salton Sea Authority enter into an agreement that—

(A) adopts the cost sharing formula for annual operation, maintenance, energy, and replacement costs that is included in the reclamation plan approved by the Committees under subsection (d); and

(B) implements the cost sharing requirement under paragraph (2) of this subsection for construction costs.

(4) LIMITATION ON EXPENDITURE OF FEDERAL FUNDS.—No Federal funds may be expended for any construction activity under the Project unless there are available to the Secretary from non-Federal sources amounts sufficient to pay the non-Federal share of the cost of the activity.

(f) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this Act or any other law to implement the Project shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws. Activities carried out to implement the Project and the results of those activities shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This Act shall not be considered to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to implement the Project under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, and agreements.

(3) JUDICIAL REVIEW.—Any complaint or challenge of any decision, action, or authorization taken pursuant to this Act shall be filed in a United States district court within 60 days after the date of the decision, action, or the authorization. Such court shall have jurisdiction to resolve any complaint or challenge in accordance with chapter 7 of title 5, United States Code, except that the court shall expedite its review as necessary to ensure that remedial actions at the Salton Sea are not unduly or inappropriately delayed. If a temporary restraining order or preliminary injunction is entered into by a court, the court shall proceed to a final judgment in the matter within 90 days thereafter.

(4) LIMITATION ON LIABILITY.—(A) In regard to any actions, programs, or projects implemented by the Secretary under the authority of this Act, the Imperial Irrigation District and Coachella Valley Water District shall not be liable for any damages arising from—

(i) enlargement of the Salton Sea and the encroachment of water onto adjacent lands;

(ii) reduction of the elevation of the Salton Sea, including exposure of lakebed sediments to the environment; or

(iii) any other occurrence which might result in a claim of damage by any owner of property adjacent to the Salton Sea or any other person.

(B) No person, including the Imperial Irrigation District, California, the Coachella Valley Water District, California, the Salton Sea Authority, the Metropolitan Water District of Southern California, and the San Diego County Water Authority, but not including the Government of the United States, shall be liable for damages arising from any effects to the Salton Sea or its bordering area resulting from—

(i) cooperation with the Secretary in regard to any actions, programs, or projects implemented pursuant to this Act;

(ii) any action to comply with an order of the Secretary under this Act, a State or Federal court, or a State or Federal administrative or regulatory agency interpreting this Act; or

(iii) any other action that reduces the volume of water that flows directly or indirectly into the Salton Sea.

(C) This title shall not be construed to exempt any person, including the Imperial Irrigation District, California, the Coachella Valley Water District, California, the Salton Sea Authority, the Metropolitan Water District of Southern California, and the San Diego County Water Authority, from—

(i) any requirements established under the California Environmental Quality Act or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) any obligations otherwise imposed by law.

(D) The limitation on liability of the United States contained in section 3 of the Act entitled ''An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes'', approved May 15, 1928 (chapter 569; 33 U.S.C. 702c), shall not apply to surplus flood flows that are diverted to the Salton Sea pursuant to this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out the Project the following:

(A) For the feasibility study under subsection (c), including preparation and any revision of the reclamation plan under subsections (c) and (d), and completion of environmental compliance and permitting required for construction of the Project, $22,500,000.

(B) For construction of the Project in accordance with a reclamation plan approved by the Committees, $350,000,000.

(2) ALLOCATION OF APPROPRIATIONS.—Amounts authorized under paragraph (1)(B) may be appropriated to the Administrator of the Environmental Protection Agency and the Secretary of the Interior in amounts that ensure that neither the Administrator nor the Secretary is appropriated substantially all of the Project construction costs.

(3) APPROPRIATIONS TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—Amounts appropriated under paragraph (1)(B) to the Administrator of the Environmental Protection Agency shall be directly available to the Secretary.

(4) APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR.—Amounts appropriated under paragraph (1)(B) to the Secretary may be—

(A) derived from the land and water conservation fund;

(B) appropriated to the Bureau of Reclamation; or

(C) any combination of subparagraphs (A) and (B);

as specified in appropriations Acts.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(c), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the ''Salton Sea Research Management Committee''. The committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of the following 5 members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) COORDINATION.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary from the land and water conservation fund $5,000,000.

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the ''Sonny Bono Salton Sea National Wildlife Refuge''.

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 104. RELATIONSHIP TO OTHER LAWS AND AGREEMENTS GOVERNING THE COLORADO RIVER.

(a) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—Nothing in this Act shall be construed to alter, amend, repeal, modify, interpret, or to be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with Mexico (Treaty Series 944, 59 Stat. 1219 and Minute 242 thereunder), the Colorado River Basin Salinity Control Act of 1974 (94 Stat. 1063), the Flood Control Act of 1944 (58 Stat. 887), the decree entered by the United States Supreme Court in Arizona v. California, et al. (376 U.S. 340) (1964) and decrees supplemental thereto, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (45 Stat. 774), the Colorado River Storage Project Act (70 Stat. 105), the Colorado River Basin Project Act (82 Stat. 885), including the Criteria for Coordinated Long Range Operation of Colorado River Reservoirs and the Annual Operating Plans developed thereunder, the San Luis Rey Indian Water Rights Settlement Act (102 Stat. 4000), any contract entered into pursuant to section 5 of the Boulder Canyon Project Act, or any other entitlement to the use of the Colorado River existing pursuant to or recognized by Federal law. Furthermore, nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of Federal law to the laws of the States or political subdivisions of a State with regard to the diversion and use of Colorado River water, or to relieve any person of any obligation imposed by any law of any State, tribe, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State, tribal, or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State or tribe, so that the two cannot be reconciled or consistently stand together.

(b) LIMITATION ON COLORADO RIVER WATER.—Nothing in this Act shall be construed to enlarge an existing entitlement or to create a new entitlement to Colorado River water for California or any user therein.

(c) FLOOD FLOWS.—In no event shall Colorado River water be diverted for Salton Sea restoration except as provided in this subsection. Diversion into the All-American Canal for delivery directly to the Salton Sea of flood flows in the Colorado River that are required by the Water Control Manual for Flood Control, Hoover Dam and Lake Mead, Colorado River, Nevada-Arizona, adopted February 8, 1984, and which would pass to Mexico in excess of the amount required to be delivered pursuant to the Mexican Water Treaty and Minute 242 thereunder may be made available to carry out the purposes of this Act. The volume of water diverted pursuant to this subsection shall be limited to the excess capacity of the All-American Canal to carry such flood flows after, and as, it has been used to meet existing obligations. The diversion of water from time to time under this subsection shall not give rise to any ongoing right to the recurrent use of such waters or the All American Canal or facilities.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) RIVER ENHANCEMENT.—

(1) IN GENERAL.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) ACQUISITIONS.—The Secretary may acquire equipment, real property, and interests in real property (including site access) as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) CLEAN WATER ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) for a wetlands filtration or constructed wetlands project authorized by subsection (a)(1) of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary from the land and water conservation fund $3,000,000.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from California (Mr. MILLER), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. MILLER) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I am going to yield my time to the gentleman from California (Mr. CALVERT) for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. CALVERT) will control the time.

There was no objection.

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

Mr. Speaker, I thank my friend from California. As my colleagues can probably tell, he is not feeling well and so I will fill in for our able friend from California. I have a statement to read on his behalf.

Mr. Speaker, I appear on behalf of the gentleman from Alaska (Mr. DON YOUNG) for consideration of H.R. 3267, authored by our colleague the gentleman from California (Mr. DUNCAN HUNTER).

As many of my colleagues are aware, restoration of the Salton Sea was a primary concern of our late colleague, Sonny Bono. This bill, H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act, is designed to promote Sonny's dream of quickly and effectively restoring the Salton Sea.

This legislation will provide the authority to deal with issues affecting salinity and water levels at the Salton Sea. A great deal of work has been done to evaluate the causes of increased salinity as well as the periodic inundation and exposure of lands around the Sea. If we are ever to find and implement the solutions, the time for action is upon us. Water quality is at an all time low. The Sea can no longer serve as the recreation resource it once was, and wildlife populations continue to be adversely affected.

Land, recreational, and ecological values associated with the Sea have declined over the last two decades, due in large part to the rising salinity and surface elevation. Without efforts to reduce and stabilize the salinity levels, they will continue to rise and will have severe impacts on surrounding landowners, individuals who wish to use the Sea for recreation, and the existing fish and wildlife species.

H.R. 3267 establishes the process for determining and implementing an engineering solution to save the Sea, while also continuing the analysis to evaluate and ensure the long-term health of the Sea's wildlife populations. Additionally, this measure will authorize a water reclamation project along the New and Alamo Rivers, the major sources of water flowing into the Sea.

With that, Mr. Speaker, we obviously are in favor of moving this bill and opposing the Miller substitute.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I thank gentleman for yielding me this time, and I rise today in opposition to this bill, reluctantly, because I believe that there is a great need in the Salton Sea if we can begin to remediate all of the problems that it has. However, the legislation, as drafted, contains a number of anti-environmental provisions which could jeopardize the Sea's revitalization.

This bill provides unneeded exemptions from the Clean Water Act, it places time limits to judicial review associated with the project, and it improperly uses the Land and Water Conservation Fund to fund its cleanup. The LWCF provides funding for acquisition of high priority lands, and by diverting up to $350 million from the LWCF to the Salton Sea project, it jeopardizes the acquisition and protection of other high priority lands across the country. In fact, this funding exceeds the total of $270 million that Congress appropriated in fiscal year 1998 for LWCF acquisitions.

Consequently, I am supporting the Miller-Brown amendment, which authorizes an exhaustive 18-month study of the problems of the Salton Sea, combining both science and engineering considerations, to determine the best solution.

It is true we have ignored this important environmental problem for several decades, but that is even more reason why we should not rush in to a remediation without completing the necessary studies that we need to conduct. Therefore, I urge support of the Miller-Brown amendment and I urge a ''no'' vote on this legislation if that amendment does not pass.

Mr. CALVERT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER), a gentleman who has a substantial portion of the Sea in his Congressional District and who has the privilege to represent Imperial County.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding to me, and I want to thank the gentleman from California (Mr. KEN CALVERT) for his great work, along with the gentleman from California (Mr. GEORGE BROWN) and the gentleman from California (Mr. JERRY LEWIS), and, of course, the gentlewoman from California (Mrs. MARY BONO) in putting this bill together.

This thing is really beyond being a remediation of a terrible problem. This total project, including the Salton Sea and the New River, is going to create one of the biggest wetlands in the United States. This is great news for people that love wildfowl and waterfowl and all the bird species. There are some 380 bird species that utilize the Salton Sea.

As the gentleman from California (Mr. DUKE CUNNINGHAM) said, it is a major piece of the Pacific flyway. It is a stop-over. In Imperial Valley, in fact, we actually have a bird festival, a waterfowl and bird festival, that attracts now thousands of people because the south end of the Salton Sea is one place where they stop on that sojourn from Canada, in some cases down to Mexico, in other cases all the way down to Central and South America.

We are going to build, along the 50 miles of desert river, from where New River enters the United States at Calexico and Mexicali, we are going to build 50 miles of marshes. And through those marshes we are going to sift New River.

So we really have three legs to this project. One is a desalinization problem. And that is the idea of diluting this salt before it gets up to 60,000 parts per million and kills the Sea.

The other part of this project, of course, is the Mexicali project. And that is the part I have talked to the gentleman from California (Mr. GEORGE MILLER) about, in many cases, and that is the part in which we join with Mexico, which we are doing right now, to wean the Mexican sewage system in Mexicali, Mexico, off the New River. Right now that system still breaks down at times and pours stuff into New River, and that waste ultimately makes it way up to the Salton Sea. So we are doing a totally new project with Mexico.

And, lastly, we are doing the third leg, of course, which is this 50 miles of desert river that we are going to build

into 50 miles of marshes that will host hundreds of bird species and be an enormous boon to everyone who loves wildlife and loves conservation. This is a great, great program.

And I just want to say one last thing, and that is simply that we had to have an exemption to the Clean Water Act because we cannot clean a river with marshes, according to the lawyers, under the Clean Water Act. It says if we take out the first bucketful of water, we have to return it in drinking water form. And using marshes to clean up rivers, which is environmentally accepted, is an incremental process. Some of the river is cleaned up in the first mile, some of the river in the second mile, some of the river in the third mile.

There are bull rushes, there are duck weed, there are pond weed, and all this various aquatic plants that take the bad stuff out of the water. Our environmentalists like that process. Unfortunately, when we wrote the law up here as congressmen, we made a little mistake and we made it so tight that we cannot use marshes to clean up rivers. So we have what ''60 Minutes'' has called the most polluted river in North America.

So let us use that good old common sense. We really worked with the environmental community in putting this thing together. We extended the time, the study period, from 12 to 18 months, because Secretary Babbitt thought he needed 18 months. Instead of blocking judicial review, we cannot have people sue in Federal Court every day until the Sea dies, so we just told the court to expedite that review. If somebody sues, give them their day in court, but do not wait years to bring them to court while the Sea dies. We think that is reasonable. That is something a lot of environmentalists should like, the fact that we are going to clean this thing up so it does not languish in courts. So we have touched on all those bases.

And once again I want to thank the gentleman from California (Mr. CALVERT), the gentlewoman from California (Mrs. BONO), and the gentleman from California (Mr. LEWIS), who has really been a driver in this process; but also the gentleman from California (Mr. JOHN DOOLITTLE), who came over here pretty much under the weather and really worked with us as we were putting this thing together. This is a great bill. Let us pass it and let us celebrate for the environment.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Let me just say that I hope that this debate does not get redundant, because I think there is a point at which, obviously, both parties to this debate believe that these studies should, in fact, be conducted so that we can make some determinations about how to clean up the Salton Sea, if in fact that is possible to do. But we have already heard some suggestions about how we are going to do that, and the suggestions are being made here in advance of those studies, and that is a problem we have.

In 1992, we tried to step up those studies and we passed legislation to step up those studies but, unfortunately, the appropriations for those studies have not been forthcoming. So here we are again now asking the Secretary of the Interior to engage in these studies and to report back to us in 18 months.

The substitute that the gentleman from California (Mr. GEORGE BROWN) and I will offer to this legislation later in the debate does exactly that. It coordinates a project, scientific studies, for 18 months, some of which the Secretary of the Interior has already started to undertake, and it requires an interim report after 9 months delineating what they think some of the alternatives will be and what the status of those alternatives and the studies are, and to have oversight hearings and to identify additional authorities if they need it. This puts the studies on the same timetable.

Then we would do what I think this bill does unconstitutionally, we would then come to the Congress, to the Committee on Resources, and ask them what is this project that we want authorized; do we want to authorize this project or do we not; do we want it this scale, smaller; or if there is going to be alternatives which the studies lay out, which alternative do we want to do.

I think that is simply a prudent use of the taxpayers' money. It does not slow this project down at all unless we believe that somehow by doing it this way today they are stealing the money and Members of Congress will not understand that we are talking about $380 million in a single project. Then I guess we want to do it today. Otherwise, we would do it in the regular order, as all Members of Congress do when they are representing projects that they are interested in.

For those reasons and for those distinctions between the bill, that is why the administration opposes this legislation. That is why almost every major environmental group opposes this legislation. It is why Taxpayers for Common Sense oppose this legislation. Because we have a terrible history in this Congress of authorizing water projects sometimes that are not thoroughly studied, and we go back and spend billions of dollars trying to correct the mistakes that were made because we did not put the proper foresight into them, or because we had the political rush on to do something that overwhelmed our good judgment, overwhelmed the science, and then we ended up funding something that, in fact, did not work, and either spent a lot of time with the Federal Government inheriting a huge amount of liability or trying to correct horrible environmental consequences of these projects.

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And that has been true, and that is the life of these projects, whether this is the central Arizona projects, the Central Valley project in California, the central Utah project, the Garrison project. All of these were projects in the hundreds of millions of dollars where we ended up having to come back later and make major, major changes because of the unforeseen consequences and because of inadequate studies and because of an overwhelming political pressure to get this done.

Whatever it is that we do that we want to get done should be done based upon the sciences, and the Congress should have the opportunity to review that and then to authorize, and the key word there is to ''authorize,'' as the Justice Department points out in the President's statement of administration policy. That is the order. That is what the Constitution requires.

I think, in fact, that the Miller-Brown substitute will speed this process up because I think that is the alternative that has the best chance of being taken up in the Senate and passed by the Senate. This legislation will probably not pass the Senate. The chairman of the committee over there has said that he opposes this legislation. Our two Senators have opposed this legislation. Senator LOTT says if it is controversial and takes more than an hour, it probably will not go to the floor in the Senate.

So the purpose here of the gentleman from California (Mr. BROWN) and myself is to offer an amendment that we think preserves the intent, the purposes and the outcomes that everybody wants with respect to the Salton Sea in California, but does it, I think, in a simpler manner, in a more timely fashion, and one that is geared toward greater chance of success as the closing days of this session come into sight. And that is an important part of this consideration.

Finally, I would just say that no matter what funds we look at with respect to this project, whether the money comes out of the Atlanta Water Conservation Fund or whether the money comes out of EPA or the money comes out of the Bureau of Reclamation, we are talking about a major, major commitment of funds in this day and age.

As every Member can tell us, as they line up before the Committee on Appropriations and ask for small amounts of money to keep projects going, this one is a major commitment of any of the funds within any of those budgets with respect to construction projects in this day and age and in the budget constraints that we have. And I think that is another reason why we owe the regular order to the Members of Congress and to the taxpayers to do the studies and then come back and, if we determine it is justified, to reauthorize the project and to do it without all of these offenses to the Clean Water Act, to the questions of liability of the Federal

taxpayers if things go wrong in this project and to holding other people harmless who should have a stake in this legislation.

For those reasons, Mr. Speaker, when the time is appropriate, the gentleman from California (Mr. BROWN) and myself will be offering an amendment when it is allowed under the rule.

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

Mr. CALVERT. Mr. Speaker, I yield 4 minutes to my good friend the gentleman from upstate New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise this afternoon in support of this Sonny Bono Memorial Salton Sea Reclamation Act.

The legislation before us today authorizes significant new resources to improve water quality and habitat for wildlife in and around the largest body of water in America's most populous State. Though concerns have been expressed by some about the way in which this project will be funded, and we are going to address that in a moment, there is no question that this bill will result in substantial improvement to a unique natural resource.

This legislation will result in the creation of extensive new wetlands critical to migrating waterfowl in the Pacific flyway. Thousands of ducks and geese and shore birds visit the Salton Sea each year. They do so now at their own peril.

This legislation will result in the removal of tons of pollutants daily that are now flowing into the Salton Sea. This legislation will protect and improve habitat for the birds and fish that depend on the Salton Sea for their survival. Indeed, I can make a good case that this legislation is proenvironment.

As this legislation was being developed, concerns were raised about its Clean Water Act provisions. As the chairman of the House Subcommittee on Water Resources and Environment, I worked with both the majority and minority members of the Committee on Resources to address the concerns presented.

The bill before us explicitly limits changes to the Clean Water Act's permitting process to constructed wetland projects, salt removal projects, and wetlands filtration projects on the Alamo and New Rivers, the two primary tributaries into the Salton Sea.

The bill also contains measures protecting Good Samaritans who undertake water quality improvement projects on the Alamo and New Rivers from lawsuits. Again, the inclusion of these measures was to expedite the pace of environmental restoration at the Salton Sea.

In a few minutes, there will be offered for unanimous consent language deleting the single largest outstanding concern, the use of Land and Water Conservation Funds for this project. I would hope that that would address the principal concern of so many of my colleagues and will enable them to support the bill.

I would like to remind my colleagues that the League of Conservation Voters and the Audubon Society have stated repeatedly that the Salton Sea is an environmental disaster. We are here today to take a critical step towards addressing this environmental disaster.

Some, instead of action now, will advocate a lengthy study of the problem that the environmental community concluded years ago to be an environmental disaster. This reminds me of the acid rain debate of the 1980s when Governor Tom Kean, Governor of New Jersey, said if all we do is continue to study the problem, we are going to end up with the worst documented environmental disaster in history.

We know the problem and we know the solution. I think the time to begin cleaning up the Salton Sea is long overdue. Let us get on with the job, and let us pay tribute in a responsible way to a former colleague who served in many respects as an inspiration to a lot of us in a lot of ways. And let us say to the sitting Member who represents that district who is advocating this legislation, she is doing a good job and we appreciate it and we are with her.

Mr. MILLER of California. Mr. Speaker, I yield myself 2 minutes just in response.

First of all, let us understand that the timetables for the studies is identically the same. The difference is that we asked for a coordination of the scientific studies and the salinity studies to see whether or not we can, in fact, come up with a solution.

The bill offered by the majority only deals with salinity. The birds and the fish are dying off today. It is not the salinity itself that is killing them. The salinity will get worse and in all likelihood will have a greater adverse impact on the fish kills and the bird die-offs.

But that is the point of how we constructed the study. So we have the information. There is no requirement in the bill to require the Secretary to consider all the available findings and reports that the science subcommittee established pursuant to this legislation. And we think that this is a very important part, because when we talk to the scientists, the scientists will tell us that it is not the salinity alone that is the problem. The salinity is an egregious problem, but it does not solve the problem of the Salton Sea.

So people obviously can say whatever they want, but they should not suggest that somehow this legislation is a diversion to lengthy studies. The time frame is the same. The studies are the same. The coordination is better. And the report back and the interim actions by the Secretary during those 18 months study so Congress will have the fullest amount of evidence and the best evidence available as they make a decision to commit $350 million, that is called for in this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

For some reason, long ago, sometime when I was very young, I became aware of the Salton Sea and became kind of fascinated with this inland body of water created by a manmade engineering mistake and had been saddened in later life to see its incredible degradation, and in particular the highly publicized die-off of large numbers of migratory birds.

This is a very prime stopping point for migratory birds, so not only would it be a tremendous resource for the people of southern California in terms of its recreational values and environmental values, but also for migratory birds and things that would benefit all of us in the United States by having it appropriately restored to health.

That being said, we have a common objective. The problem here is the process. And I have got to say that I am a bit puzzled by recent actions in the committee on which I have served now for more than 11 years, formerly called the Interior Committee and formerly called Natural Resources, now called Resources. And I guess therein lies the rub. The current chairman removed the word ''natural'' from the title because he took some offense to that, and things have been a little bit weird ever since.

That is what is going on here today. We are considering a number of bills tomorrow in the Subcommittee on Water and Power that have some merit in terms of turning over reclamation projects to local districts, but the chairman of the subcommittee is going to insist on environmental waivers, which the President has promised will bring about vetoes on all of those, no matter what merit they might have.

I have the same problem with this legislation before us. Why not work out the differences with the administration?

I know that the majority does not like the reality of Bill Clinton in the White House. There are some days I do not like the reality of Bill Clinton in the White House. Other days it is okay.

The point is, it is a reality, and we have a lengthy statement of administration policy here which is pretty definitive. There are some problems we have to work out. Why not work out these problems and achieve our common objective, which is to clean up the Salton Sea?

I think that this was a great dream of our deceased member, and I fully am supportive of that dream. I would love to see it come to fruition in my lifetime, and I would like to see it happen without a lot of unnecessary delay, but there are substantive concerns here.

I am pleased to hear from the previous speaker that they are going to drop the proposal that the money come

out of the Land and Water Conservation Funds. That would have been an unprecedented expenditure, and that is fine. I am happy to find the money elsewhere in the budget. I can come up with some budgetary offsets to fund this, if it costs $350 million or half a billion or less. I do not know what it is going to cost, because the other concern here is I do not know that we know the solution at this point in time.

From what I heard in the committee and in the deliberations in the committee, we are not quite certain of how we are going to go forward, what technology or which one of these methods will work, what exactly are all the interrelationships between the salinity and the other pollution problems, the bird die-offs. None of this is totally explicable.

I do not think that the Miller bill is being offered in the spirit of trying to delay the cleanup. It is not being offered because of some sort of pride of authorship. It is a genuine attempt to get this thing done this year by this Congress and move it forward so that we can all live to see the cleanup of the Salton Sea. That is what is going on here.

These are not insignificant concerns. There is probably a constitutional problem with the way this bill is being written by the manager's amendment to require that the committees of jurisdiction basically sign off on the final project, and the Secretary would be subject to a resolution of the committees, not of the entire Congress.

I have been down that road with other legislation. That does not stand up to scrutiny. If some obstructive person wants to sue, they can delay this thing for years just because of that provision. Why have that provision? We could have an expedited congressional review. There are other ways to get around that problem. It just seems that that was done in haste and perhaps out of a desire to get this done, but I think it is a problem.

The Clean Water Act exemption, that is a problem. It is a problem with the administration. It is a problem with some Members on this side.

Limitations on liability, that should lie with both sides of the aisle. We do not want to expose the Federal taxpayers to have them assume new liabilities that they do not currently have when there are other responsible authorities who should share in any future liability that might arise.

Cost sharing, irrigators benefit. Irrigators are a big part of the problem in terms of the increased salinity in the chemical soup we are dealing with here. Why should not they have some cost sharing if they are going to continue to benefit and will doubly benefit by an improved and cleaner Salton Sea? There are a number of other minor provisions that are of concern.

□ 1800

But I rise out of a genuine concern that we do something significant here today, not just something symbolic, something that actually will be enacted into law.

Too many times that I have been here, both with my own party in charge and now with the Republicans in charge, we do things for the day or for the moment or to say we passed them out of the House of Representatives. Does not do us a lot of good if they do not get through the United States Senate and they do not get signed by the President of the United States. And a number of the problems that I am pointing out here that are addressed by the Miller substitute are problems that are going to cause problems in the other body and are going to cause big problems downtown.

So I would just urge us to move ahead deliberately with what I believe is probably the intent of all Members of this body, and that is to get this job done as expeditiously as possible and honor the memory of our diseased colleague.

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. EWING).

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

I would like to thank Representatives' MARY BONO, DUNCAN HUNTER, and KEN CALVERT, as well as the rest of my colleagues who worked diligently to bring H.R. 3267 "The Sonny Bono Memorial Salton Sea Restoration Act" to the floor today.

This is an important piece of legislation which I am proud to be a cosponsor of.

The Salton Sea, located in both Riverside and Imperial counties in California, is the State's largest inland body of water.

It has been determined that the Salton Sea has about only 12 years of life left before it becomes a dead sea, whereby no life can be sustained. Passing H.R. 3267 goes a long way in preventing that from occurring.

What H.R. 3267 attempts to do is to simply improve the water quality of the Salton Sea by reducing the salinity, and to stabilize the elevation along the shoreline.

It does this by authorizing $22.5 million dollars for a feasibility study, environmental review, and an engineering design of a construction project.

The bill also authorizes 350 million dollars for a construction project for the Salton Sea. There is also a 50/50 cost share between the federal government and non-federal entities to finance such a project.

It is important to note that the Salton Sea is also a major stop over for avian species along the Pacific Flyway. This is the primary reason why the Salton Sea is of national importance, and why if it dies, it stands to take many birds with its decline.

In the past five years, hundreds of thousands of birds have died at the Sea. In fact, at least 17,000 birds have died at the Salton Sea this year along. It is vitally important that we act now, and not wait to address this desperate situation.

I believe we must take action to save the Salton Sea now, or risk losing a major environmental resource for not only the state of California, but the nation as a whole.

Again, I would like to thank Representatives' BONO, HUNTER, and CALVERT for all their hard work in bringing H.R. 3267 to the House floor today. This bill is a fitting tribute to my good friend, the late Sonny Bono. H.R. 3267 is a good bill and I urge my colleagues to vote "yes" on this important piece of legislation.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, too often we hear about the wetlands, not too often because wetlands have been denigrated. But a plant in the middle of the desert, because it flourishes for a few weeks, is not a wetland, or something that is frozen at the top of a 12,000 foot peak for the last thousand years in my opinion is not a wetland. But the opponents say that they oppose this bill, and yet it creates 50 miles of wetlands complete with marshes that purify and clean the environment, 50 new miles with marshes that create wetland. The wetland that is saved and enhanced is the size of the Beltway here in Washington, D.C.

Mr. Speaker, we are not talking about a farm pond. We are talking about a sea so big that if we were in a boat, it is like being in an ocean. I have been there, and I think the gentleman from California (Mr. MILLER) has, too. But we are actually creating good with the wetlands.

The Miller substitute would study, and I agree there are other problems besides salinity with the Salton Sea. Agriculture is mostly to the south, though. Around the Salton Sea, if my colleagues have gone, it is all desert. The pollution comes in through the New River, and down, and filters, and that is what we are going to fix, but the farmlands are way to the south. They flow toward Mexico. They do not go in the Salton Sea. But yet I still think that pesticides and things like that are a problem for the birds that land in those farmlands, but not the Salton Sea.

And I would say to my friend that said that, well, the Senate, the two senators from California, are against this. The one gentlewoman from California, her views are so extreme she even opposed the tuna/dolphin bill which the President and the Vice President and five environmental groups supported.

So I would say support the bill, reject the Miller substitute.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Santa Clara, California (Mr. MCKEON), my good friend.

Mr. MCKEON. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

I am pleased to rise today in support of one of the most important pieces of environmental legislation that we will consider this year. Our late friend, Sonny Bono, worked hard and in a bipartisan manner to bring about awareness for the Salton Sea and would be proud that his efforts are now rewarded.

Mr. Speaker, the Salton Sea is a unique body of water, and it is a great

resource that should be preserved. Although it was created by accident 93 years ago, it is a potential jewel that we should do all that we can to save. However, the sea is unfortunately dying. According to studies, in only 12 years this body of water will become dead. It will not support life. Further complicating this problem is the presence of botulism in the water that has affected the native fish. As the fish become infected in the water, birds along the Pacific flyway eat the fish and retain and spread the disease. Since last year alone some 10,000 fish and 2,000 birds have perished.

Why is this important? Should the Salton Sea continue its decline to death, it will take with it many more birds and fish, thus robbing California and our Nation of a valuable environmental resource.

H.R. 3267 addresses these concerns and takes quick action to save this important body of water. This legislation provides funding for research, environmental review and engineering designs to stabilize the shoreline of the Salton Sea and reduce its salinity. It also provides for an expedited judicial review to ensure that this area will not become hostage to a lengthy court fight, given its relative short life expectancy.

Mr. Speaker, I urge my colleagues to join me in supporting this important legislation and the hard work that our colleague and my friend, the gentlewoman from California (Mrs. BONO), has made to improve our environment and finish the work begun by her late husband, Sonny.

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

Mr. Speaker, we have talked about many of the reasons why the Salton Sea is worth saving. I think that there is agreement on both sides of the aisle that we want to save the Salton Sea. The difference between the approach of the majority and the minority in this case is that we actually want to do something about it.

For over 30 years I have been reading newspaper articles about this study and that study, about amounts of money that have been going in to look at the catastrophe of the Salton Sea, and nothing has happened, and yet again today we talk about yet another study that leads potentially nowhere. The great difference between the proposal today by the Salton Sea Task Force is that we actually are going to do something about a problem that has existed for a long time, not talk about it, but actually do something about it.

People have talked about the birds, the fish, the recreational resources that are going to waste. We can talk about that until the sea dies. And, Mr. Speaker, Sonny was a person that spoke plainly, so I will speak plainly: It is time that we do something about this, and that is why we are here.

Fifteen million people live near the Salton Sea. Actually much more than that around the southwest United States utilizes it and have for many years. It would be a shame if today we let this opportunity pass us by.

So I am hopeful that today we will pass the bill, we will defeat the Miller substitute, and we can be proud of the fact that we are going to save the Salton Sea for future generations.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO) who represents the beautiful area of Palm Springs and a good part of the Salton Sea who has really taken over the fight to save the Salton Sea.

Mrs. BONO. Mr. Speaker, today I rise in support of the bill, H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act. The Salton Sea is California's largest inland body of water, and it sits in both my and the gentleman from California (Mr. HUNTER'S) district. This great body of water was formed by accident in 1905 and since then has become an integral part of the region's ecosystem system. In fact, it also now home to over 300 native bird species. It provides a major stopover on the Pacific flyway and up until a few years ago provided enjoyment for thousands of tourists who came to view this magnificent wonder. Unfortunately, its health is in jeopardy.

The Salton Sea, quite simply, is on a death watch. It has been estimated that if nothing is done to reverse the salinity content of the sea, it will die within 10 to 15 years. Currently, the Salton Sea is 25 percent saltier than that of the Pacific ocean, and the selenium is rising. Over the past few years more than 100,000 birds have died due to avian botulism. These numbers will continue to rise. It will only get worse. We must act fast to save this great body of water.

H.R. 3267 provides the framework for this action. Named after my late husband, Sonny, and authored by my good friend and fellow task force member, the gentleman from California (Mr. DUNCAN HUNTER), H.R. 3267 sets forth the process to reclaim the Salton Sea. A vote for H.R. 3267 is a vote for the environment. There is no other way to describe it.

I invite any of my colleagues to come visit the Salton Sea so they can witness firsthand the devastation that has occurred in this part of the country, the pictures of dead birds lying around the shoreline along with the stench of the body of water would make anybody's stomach turn. However, in contrast, as one comes up upon the Salton Sea from a distance, it is one of the most beautiful sights anyone's eyes may ever witness. It is like an oasis in the middle of the desert, as Sonny used to say, yet there are those who advocate the Salton Sea should just dry up and die.

Quite frankly, this is not an option. This is one of the most dynamic ecosystems in North America, teaming with avian and aquatic life. Also what would be accomplished by killing the sea? Absolutely nothing. With over 90 percent of all wetlands in southern California lost, we would destroy one of the last remaining stopovers in the Pacific flyway. We would only compound the fish and bird deaths. All that would be accomplished is that the bad environmental problem would be made worse.

Is that what people want, and is that pro-environment?

To those who argue for more study I say is not 20 years enough? Is that not enough time to study this problem?

Contrary to public opinion, Sonny was not the first person to notice the Salton Sea and that it was in dire shape. In fact, this problem was first brought forth by Jerry Pettis back in the early 1970s. If action was taken then to address this problem, we would not be here today talking about this urgent need to save the sea. But the sea was put on the back burner then, not getting the attention it needed or deserved. Other projects in California took center stage, and the sea became worse.

Well, my fellow colleagues, the sea cannot be put on the back burner any longer. Action needs to be taken, and H.R. 3267 must be passed.

At this time, Mr. Speaker, I would like to take a moment to thank all of the people who have been involved with this bill. First and foremost, I would like to thank the Salton Sea Task Force members, the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. LEWIS), the gentleman from California (Mr. CALVERT), and the gentleman from California (Mr. BROWN) for keeping Sonny's dream of restoring the Salton Sea alive with this bill. These are the people that guided me through much of this debate surrounding H.R. 3267, and I owe them my deepest gratitude.

Secondly, I want to thank the gentleman from California (Mr. DOOLITTLE) for his leadership and hard work guiding this bill through his Subcommittee on Resources. He always made time for me when I had questions, and I thank him for his efforts.

I would also like to thank the gentleman from Alaska (Mr. YOUNG) for allowing this bill to be brought before his committee. Without him we would not be here today.

I especially want to thank the gentleman from Georgia (Mr. GINGRICH) for making the Salton Sea a major environmental cause for the 105th Congress. Again, I want to thank Speaker GINGRICH. I know he was deeply moved by the carnage of the Salton Sea when he came out to visit it shortly after Sonny's death, and I knew at this point by the look in his eyes he believed then that it was good public policy.

I also want to thank Tony Orlando on my staff and all the members of staff who have worked hard on this bill.

And, lastly, I want to thank all of those whose footsteps I walked behind, the Members who spoke of the need and urgency to save the Salton Sea, but whose pleas fell on deaf ears, people like Julie and Jerry and Shirley Pettis,

Al McCandless, and, most of all, Sonny whom this bill is in memory of. Their voices are on this bill, Sonny's voice is on this bill, and I proudly stand in support.

Mr. Speaker, I urge a yes vote on H.R. 3267.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act.

This legislation offers an opportunity to restore the Salton Sea for recreational and ecological purposes and to improve water quality in the Alamo River and the New River.

The Committee on Transportation and Infrastructure has an interest in several sections of this bill, particularly section 101, which authorizes the project to, among other things, improve water quality in the Salton Sea by reducing salinity, including authorization of appropriations to carry out this project to the Environmental Protection Agency; and section 201, which authorizes actions to improve water quality in the Alamo River and New River, including a waiver of section 402 of the Federal Water Pollution Control Act for those persons who utilize a wetland filtration or constructed wetlands project to improve such water quality.

I would like to thank the leadership of the Resources Committee for working with me on these provisions. The Young-Doolittle substitute addresses some of the concerns over the source of funding for this important project by ensuring that the cost of construction is divided between EPA and the Department of Interior such that neither agency funds substantially all of the project. The intent of this provision is to allow this project to be funded without adversely affecting other important projects funded by either EPA or the Department of Interior.

The Young-Doolittle substitute also addresses concerns over the waiver of Clean Water Act permitting by clarifying that this waiver applies only to wetlands filtration and constructed wetlands projects to improve water quality in the Alamo River and the New River.

Even though it is not clear that these wetlands projects even require a Clean Water Act permit, it is an unfortunate reality that, under the Clean Water Act, someone can be sued for stepping in and taking action to improve water quality. For example, in Calaveras County, California, the local community took action to protect its water supply by building some dams and holding ponds to reduce runoff from an abandoned mine. They were sued by an environmental group who got the court to agree that, by taking action to protect their water supply, they became responsible for bringing the abandoned mine into compliance with the Clean Water Act, which will cost over $10 million.

We need to protect Good Samaritans from similar lawsuits under the Clean Water Act so they will be willing to step forward and take action to improve water quality in the Alamo and New Rivers.

I urge members to support this important legislation.

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

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

□ 1815

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Speaker, I offer an amendment and I ask unanimous consent that it be adopted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Amend the proposed section 101(g)(4) to read as follows: ''(4) APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR.—Amounts appropriated under paragraph (1)(B) to the Secretary may be appropriated to the Bureau of Reclamation as specified in appropriations Acts.''.

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

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

There was no objection.

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

Mr. MILLER of California. Mr. Speaker, I reserve the right to object for the purpose of having the gentleman explain his amendment.

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

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

Mr. BOEHLERT. Mr. Speaker, essentially the amendment deletes on page 14 of the bill paragraph 4, subsections (A) and (C), to make it abundantly clear that we are not going to have a raid on the land and water conservation fund to finance the program.

The environmental community raised this objection as its principal objection to the bill. I have here a letter signed by a whole host of representatives from key environmental organizations with whom the gentleman from California (Mr. MILLER) and I work very closely and have over the years. They point out that they are strongly supportive of efforts to clean up the Salton Sea, but they are specific in their strong objection to the authorization of funding from the land and water conservation fund. We agree with that, and I am pleased to report that this amendment would eliminate that principal objection.

I am not trying to suggest to anyone that this eliminates all of the objections; it does not, as the gentleman from California (Mr. MILLER) and I both know. But I think this makes a major improvement to the bill, and I am pleased to offer the amendment.

Mr. MILLER of California. Mr. Speaker, reclaiming my time, I thank the gentleman for his last point, because the environmental groups continue to oppose this legislation even with this amendment, should it be accepted.

I would also like to raise the question, because I think the amendment needs to be fixed here for a second, because land and water conservation funds are also used for the wildlife studies and for the river reclamation and drainage and water treatment to the tune of about $8 million. I would ask that the gentleman's amendment include those, since those are unauthorized purposes for which the land and water conservation fund is created.

Mr. BOEHLERT. Mr. Speaker, if the gentleman would be so kind as to jot that down.

Mr. MILLER of California. I think the gentleman amends proposed section 101(g)(4), which does what the gentleman said it does. But in another section of the bill, in section 102(e) and section 201(d), there is additional monies coming from the land and water conservation fund. I would just ask that those also be made a part of this amendment so that we do not use any of this for unauthorized purposes.

Mr. BOEHLERT. Mr. Speaker, if the gentleman will yield further, I do not think I have an objection. The gentleman and I have worked so well over the years, and we are in basic agreement on this. I would like to see it in writing, if the gentleman could just jot it down.

Mr. MILLER of California. Mr. Speaker, if the gentleman wants to go ahead without prejudice and work out this language, I am be glad to do that.

Mr. BOEHLERT. Mr. Speaker, I withdraw the amendment for now.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I offer an amendment in the nature of a substitute, Amendment No. 1, printed in the RECORD.

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

The text of the amendment is as follows:

Amendment in the Nature of a Substitute Offered by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sonny Bono Memorial Salton Sea Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is a critical component of the Pacific flyway. However, the concentration of pollutants in the Salton Sea has contributed to recent die-offs of migratory waterfowl.

(3) The Salton Sea is critical as a reservoir for irrigation, municipal, and stormwater drainage.

(4) The Salton Sea provides benefits to surrounding communities and nearby irrigation and municipal water users.

(5) Restoring the Salton Sea will provide national and international benefits.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''Study'' means the Salton Sea study authorized by section 4.

(2) The term ''Salton Sea Authority'' means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

SEC. 4. SALTON SEA RESTORATION STUDY AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a study of the feasibility of various alternatives for restoring the Salton Sea, California. The purpose of the Study shall be to select 1 or more practicable and cost-effective options for decreasing salinity and otherwise improving water quality and to develop a restoration plan that would implement the selected options. The Study shall be coordinated with preparation of an environmental impact statement pursuant to the National Environmental Policy Act of 1969 evaluating alternatives for restoration of the Salton Sea. The Study shall be conducted in accordance with the memorandum of understanding under subsection (g).

(b) STUDY GOALS.—The Study shall explore alternatives to achieve the following objectives:

(1) Reducing and stabilizing the overall salinity, and otherwise improving the water quality of the Salton Sea.

(2) Stabilizing the surface elevation of the Salton Sea.

(3) Reclaiming, in the long term, healthy fish and wildlife resources and their habitats.

(4) Enhancing the potential for recreational uses and economic development of the Salton Sea.

(5) Ensuring the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) OPTIONS TO BE CONSIDERED.—

(1) IN GENERAL.—Options considered in the Study shall include each of the following and any appropriate combination thereof:

(A) Use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin.

(B) Pumping water out of the Salton Sea.

(C) Augmented flows of water into the Salton Sea.

(D) Improving the quality of wastewater discharges from Mexico and from other water users in the Salton Sea basin.

(E) Water transfers or exchanges in the Colorado River basin.

(F) Any other feasible restoration options.

(2) LIMITATION TO PROVEN TECHNOLOGIES.—Options considered in the Study shall be limited to proven technologies.

(d) FACTORS TO BE CONSIDERED.—

(1) SCIENCE SUBCOMMITTEE FINDINGS AND REPORTS.—In evaluating the feasibility of options considered in the Study, the Secretary shall carefully consider all available findings and reports of the Science Subcommittee established pursuant to section 5(c)(2) and incorporate such findings into the project design alternatives, to the extent feasible.

(2) OTHER FACTORS TO BE CONSIDERED.—The Secretary shall also consider—

(A) the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(B) how and where to dispose permanently of water pumped out of the Salton Sea;

(C) the availability of necessary minimum inflows to the Salton Sea from current sources, including irrigation drainage water; and

(D) the potential impact of Salton Sea restoration efforts on the rights of other water users in the Colorado River Basin and on California's Colorado River water entitlement pursuant to the Colorado River Compact and other laws governing water use in the Colorado River Basin.

(e) INTERIM REPORT.—

(1) SUBMISSION.—Not later than 9 months after the Secretary first receives appropriations for programs and actions authorized by this title, the Secretary shall submit to the Congress an interim progress report on restoration of the Salton Sea. The report shall—

(A) identify alternatives being considered for restoration of the Salton Sea;

(B) describe the status of environmental compliance activities;

(C) describe the status of cost-sharing negotiations with State of California and local agencies;

(D) describe the status of negotiations with the Government of Mexico, if required; and

(E) report on the progress of New River and Alamo River research and demonstration authorized by this Act.

(2) CONGRESSIONAL ACTION.—Upon receipt of the interim report from the Secretary, the appropriate committees of the House of Representatives and the Senate shall promptly schedule and conduct oversight hearings to review implementation of the Salton Sea restoration plan included in the report under subsection (f), and to identify additional authorizations that may be required to effectuate plans and studies relating to the restoration of the Salton Sea.

(f) REPORT TO CONGRESS.—Not later than 18 months after commencement of the Study, the Secretary shall submit to the Congress a report on the findings and recommendations of the Study. The report shall include the following:

(1) A summary of options considered for restoring the Salton Sea.

(2) A recommendation of a preferred option for restoring the Salton Sea.

(3) A plan to implement the preferred option selected under paragraph (2).

(4) A recommendation for cost-sharing to implement the plan developed under paragraph (3). The cost-sharing recommendation may apply a different cost-sharing formula to capital construction costs than is applied to annual operation, maintenance, energy, and replacement costs.

(5) A draft of recommended legislation to authorize construction of the preferred option selected under paragraph (2).

(g) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary shall carry out the Study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(2) OPTION EVALUATION CRITERIA.—The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subsection (a), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(h) RELATIONSHIP TO OTHER LAWS.—

(1) RECLAMATION LAWS.—Activities authorized by this section shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.) and other laws amendatory thereof or supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable and nonreturnable for purposes of those laws.

(2) LAW OF THE COLORADO RIVER.—This section shall not be considered to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to carry out the Study under this section must be carried out in a manner consistent with rights and obligation of persons under those treaties, laws, and agreements.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $30,000,000 to carry out the activities authorized in this section.

SEC. 5. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—Concurrently with the Study under section 4, the Secretary shall provide for the conduct of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the Salton Sea Research Management Committee. The Committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The Committee shall consist of 5 members appointed as follows:

(A) 1 by the Secretary.

(B) 1 by the Governor of California.

(C) 1 by the Torres Martinez Desert Cahuilla Tribal Government.

(D) 1 by the Salton Sea Authority.

(E) 1 by the Director of the California Water Resources Center.

(c) COORDINATION.—

(1) IN GENERAL.—The Secretary shall require that studies conducted under this section are conducted in coordination with appropriate international bodies, Federal agencies, and California State agencies, including, but not limited to, the International Boundary and Water Commission, the United States Fish and Wildlife Service, the United States Environmental Protection Agency, the California Department of Water Resources, the California Department of Fish and Game, the California Resources Agency, the California Environmental Protection Agency, the California Regional Water Quality Board, and California State Parks.

(2) SCIENCE SUBCOMMITTEE.—The Secretary shall require that studies conducted under this section are coordinated through a Science Subcommittee that reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside, the University of Redlands, San Diego State University, the Imperial Valley College, and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary $5,000,000.

SEC. 6. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the Sonny Bono Salton Sea National Wildlife Refuge.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 7. ALAMO RIVER AND NEW RIVER.

(a) RESEARCH AND DEMONSTRATION PROJECTS.—The Secretary shall promptly conduct research and construct wetlands filtration or construct wetlands demonstration projects to improve water quality in the Alamo River and New River, Imperial County, California. The Secretary may acquire equipment, real property, and interests in real property (including site access) as needed to implement actions authorized by this section.

(b) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any demonstration project authorized by this section.

(c) COOPERATION.—The Secretary shall implement subsections (a) and (b) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, the State of California, and other interested persons.

(d) AUTHORIZATION OF APPROPRIATIONS.—For research and demonstration projects authorized in this section, there are authorized to be appropriated to the Secretary $3,000,000.

SEC. 8. EMERGENCY ACTION.

If, during the conduct of the studies authorized by this Act, the Secretary determines that environmental conditions at the Salton Sea warrant immediate and emergency action, the Secretary shall immediately submit a report to Congress documenting such conditions and making recommendations for their correction.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the gentleman from California (Mr. MILLER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment has been described earlier in the debate. It is offered on behalf of myself and the gentleman from California (Mr. BROWN). The purpose of this amendment, somebody said they want to be plain speaking, is let us just do something about the Salton Sea.

The point is this: When we make a decision to commit the $350 million, we ought to do that which we know works. The many shortcomings in the current bill that is before us have been outlined in both the objections by taxpayer groups, by environmental groups and by the Clinton Administration with respect to serious problems that exist in bill.

But with respect to the studies, let me say that the legislation offered by the committee goes ahead and does some studies relating to feasibility. With respect to dealing with the salinity, there is a whole other body of studies that are in that legislation and in our legislation. There are scientific studies that deal with this issue of nutrient loading, that deal with the issue of botulism, that deal with other concerns that are killing the fish and wildlife at the current time that have got to be developed, and any project that we develop for the Salton Sea should make sure that it deals with the full array of problems that are presented by the current conditions in the Salton Sea.

That is terribly important, because we know that the salinization of the Salton Sea is going to continue to get worse. We also know that some of the best water that flows into the Salton Sea currently, about 1 million acre feet, or over 1 million acre feet of agricultural drain water, that maybe half a million acre feet of that water may leave the Salton Sea because water is going to be sold into other markets.

Discussions are under way to sell water to San Diego and elsewhere, so that drainage water will not necessarily flow to the Salton Sea. That will make this problem even worse. There is nothing any of us can do about that. That is the right of the water rights holders and the contractors there in the Imperial Irrigation District and elsewhere, should they so decide to enter into that contract and if that is approved.

What our amendment says is the same timetable as the majority amendment, the same set of studies, but what we do is we require you to coordinate these studies so you, in fact, make these decisions based upon the evidence, not simply one part of this problem that everybody admits is going to get worse over the next decade. But the birds and fish and wildlife are dying today. That is because of what we do not know yet as to what is causing that.

People want to portray this as somehow that nobody paid attention to this. In 1992, we passed a bill. The majority party has not provided the appropriations for that legislation to do these studies. Everybody in the State wants to do something about the Salton Sea. The reason things have not been done is because we do not know what to do.

We can spend a lot of money, we can run around and build a lot of projects, but unless we know they are going to work, we are not keeping faith with the taxpayers and with the Members of Congress in terms of the authorization of the money.

That is the purpose of the substitute that is offered by us. My conversations with the Senators from our State, my conversations with the environmental groups and with the leadership in the other House lead me to believe that this also has the best chance of being passed by the Senate and in fact becoming law.

If we send this legislation over here with all of these bells and whistles, with the united opposition of the environmental groups, with some of the taxpayer organizations against this legislation, with the statement of administrative policy that has serious problems with this legislation, we are dramatically reducing the likelihood that we can get on with curing the problems of the Salton Sea.

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

Mr. CALVERT. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California (Mr. CALVERT) is recognized for 30 minutes.

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

Mr. Speaker, I have heard the point from the minority that this is a salinity-only bill. That is nonsense. This bill takes a holistic approach to restoring the Salton Sea. At the request of this Secretary and the Salton Sea authority, $5 million is earmarked for wildlife resources studies to provide real-time science to support the decisionmaking processes during the feasibility study.

Additionally, $3 million is included to improve water quality in the Alamo and New Rivers, the major sources of water for the Salton Sea. The New River, which has been explained earlier, is the most polluted river, in some estimation, in the North American continent.

But if we do not address the sea salinity, we might as well just write the sea's ecosystem off. No leading scientist, none that I am aware of, dispute this fact.

In a speech by Dr. Milt Freed, Chairman of the Science Subcommittee, delivered on July 29 at the U.S. EPA Ecosystems Restoration, a national symposium to bring together practitioners and researchers, he notes the salinity of the sea has reached 43,000 parts per million, a level that is 26 percent greater than ocean water. Salinity is increasing at a rate of approximately 1 percent per year and will soon reach a level that will cause a collapse in fish populations, thereby eliminating the food base for fish-eating birds that come to the sea. This will also end the sports fishery.

The salinity issue is analogous to passing the particles from one end of an hourglass to another. The time frame is finite, and no amount of discussion or study will alter the end result. The collapse of the biological components of the ecosystem due to the physical parameter will have far-reaching impacts on many of the other values humans expect from the sea.

So let us quit talking about, let us get something done, let us defeat the Miller-Brown substitute and get on with saving the Salton Sea.

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

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Speaker, I offer an amendment and I ask unanimous consent that it be adopted.

I would point out that the gentleman from California (Mr. MILLER) and I have worked out agreement on the language that the gentleman addressed.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered by Mr. BOEHLERT:

Amend the proposed section 101(g)(4) to read as follows:

''(4) APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR.—Amounts appropriated under paragraph (1)(B) to the Secretary may be appropriated to the Bureau of Reclamation as specified in appropriations Acts.''.

Page 16, beginning on line 5, strike ''from the land and water conservation fund''

Page 21, beginning on line 9, strike ''from the land and water conservation fund''

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

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the amendment offered by the gentleman from New York?

Mr. MILLER of California. Mr. Speaker, reserving the right to object, I thank the gentleman for the changes that he has made, which would completely remove the use of the land and water conservation funds for this legislation. I think that is important.

I would, again, reiterate in our discussions with many of the environmental coalitions opposing this legislation this does not remove their opposition to that legislation. They have numerous items that they are in opposition to.

But I would, if I might, ask the manager of the bill, as we remove this source of funding, the land and water conservation fund, what then becomes the source of funding here? What is left? EPA and Bureau of Reclamation?

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

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

Mr. CALVERT. Mr. Speaker, I do not control the appropriations process.

Mr. MILLER of California. What is authorized to be used?

Mr. CALVERT. Certainly the Secretary of Interior can designate those funds from various accounts.

Mr. MILLER of California. Mr. Speaker, I guess I am trying to determine what is left with respect to the authorization?

Mr. CALVERT. If the gentleman would yield further, the standard appropriations process, it does not preclude the appropriators to appropriate funds from various accounts that they appropriate from.

Mr. MILLER of California. But what is the gentleman's expectation? And I do not have the language that has been removed.

Mr. CALVERT. Obviously, the Bureau of Reclamation is a source that has been talked about, Fish and Wildlife resources, resources within the appropriations process.

Mr. MILLER of California. So the Bureau of Reclamation remains the source of funding then for this legislation?

Mr. CALVERT. I would not expect any single source of funding for this legislation on any major project. As the gentleman knows, we have probably never had very many that have had a single source of appropriation.

Mr. MILLER of California. Mr. Speaker, reclaiming my time, let me back up here then. My problem is we are preauthorizing in this legislation. What are we authorizing it from? We were going to authorize it from the land and water conservation fund. Now what are we authorizing it from?

Mr. CALVERT. Mr. Speaker, if the gentleman will yield further, the Secretary of Interior and EPA can designate those appropriations.

Mr. MILLER of California. So it is the gentleman's expectation this would come out of the Bureau of Reclamation budget and/or the EPA budget?

Mr. CALVERT. That is correct.

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman from New York (Mr. BOEHLERT) offering this amendment to avert the use of LCWF funds. The reason, I think, is pretty transparent as to why the land and water conservation fund was being used, because you would have no new authorization here and it would not score in terms of CBO uder the umbrella of LCWF authority.

That is interesting, but it is also interesting and important to find out in 34 years that these funds have been authorized for the land-water conservation, authorized until appropriated, in that sense a trust fund, that there has not been anything of this magnitude of misuse proposed, much less enacted. There have been, I think, some minor uses, especially in the last few years, as individuals are attempting to look for authorization without CBO scoring and use some of the land-water conservation fund, but this measure and action is unprecedented. One-third of a billion or nearly $400 million with studies coming out this fund would be three or four times the amount that this Congress is willing to, in fact, appropriate from that fund on an annual basis in recent years.

□ 1830

So this is an important change. I think there are some other questions that need to be answered about this legislation, but I think it is a step in the right direction to present this as what it is; this is a new authorization that is going to have to score, and clearly, the money should be derived from the various program titles and protocols of the Bureau of Reclamation and/or other agencies that would have a legitimate role. I guess Fish and Wildlife Service would have some role, but it is not clear. I think this is another example of why we need to adopt, or should adopt, a more definitive plan as to what is going to happen regards such Salton Sea project. This measure is simply standing the process on its head.

But that is not the gentleman from New York's problem, but the problem of those that are advocating this particular policy.

So I thank the gentleman from California (Mr. MILLER) for yielding under his reservation.

Mr. MILLER of California. Mr. Speaker, continuing on my reservation, just one point here is as I read the manager's amendment, it says, ''May be appropriated to the administrator of the Environmental Protection Agency and the Secretary of the Interior in amounts to ensure that neither the administrator nor the Secretary is appropriating substantially all of the construction costs.''

So I do not know if that means they split them, but I just think again, since this is a preauthorization of this $350 million project, Members ought to understand that the rational reading would be about half of it is going to come out of EPA, which is receiving reductions in funding, and half of it is going to come out of the Bureau of Reclamation, which is receiving reductions in funding and not able to meet the demands that the Members already place on those two funds.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The amendment is adopted.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the Miller substitute.

I would just call to my colleagues' attention that the Salton Sea and the resolution that is of concern to the Members is heartening; that is, that we are buoyed by the fact that there is a great deal of interest in terms of trying to restore this area—or at least stabilize it. But I would hasten to point out that the Salton Sea is a man-made ecological disaster. It is a man-made ecological disaster.

The fact is that this particular landscape, this particular area is the product of millions of years, and certainly in the last couple of 100,000 years, the accumulation of various types of salts and other nutrients, as my California colleague (Mr. MILLER) has pointed out, in this large delta area, the site of an ancient sea. The fact is that in the early part of this century, something like around 1905, this sea came into existence because of modifications to the manmade hydrology and the landscapes modifications in this region of California.

It has, of course, had continued contributions, accelerated contributions of nutrients and contaminated waters that have reactivated many of the salts, many of the nutrients to make the kind of soup that exists in the Salton Sea today that is obviously not conducive to the existence of, even in terms of fauna and flora that would normally occur in the ocean, because the salinity as an example and the nutrients as an example are even greater than what exists in any living ecosystem, in other words, it is toxic to a normal natural ecosystem.

So I think the fact that we have this ecological man-made disaster that continues to of course be compounded by the existing treatment of the watersheds and rivers and the modifications that have occurred, and this is not the only place in the country, incidentally, that we have this problem.

In fact, if we look at the Bureau of Reclamation, and, in fact, the Corps of Engineers have spent billions and billions of dollars, south Florida as an example is another place, and we find that they have so changed the landscape and hydrology, have provided for the incursion of salt water and the damage to these natural areas to a great extent by upsetting the balance. But what we do not need on top of the ecological man-made disaster here is a legislative disaster. That is, frankly, where we are going.

Everyone agrees that there ought to be a project which addresses the problem but we ought to make the commitment to do that, and that it ought to be done on a broad-based basis, and there is someone out there that has apparently come up with a number: $350 million to something in excess of that with studies, $350 million, over a third of a billion dollars, to, in fact, resolve this problem, and they are apparently not ready to say exactly what that project ought to be. But they suggest to those of us that raise questions about this that, in fact, we have had enough study; we have had study for 20 years, and we do not need any more study.

Well, I think we need to know how we are going to use that information, how we are going to use that knowledge. The fact is that water projects that are actually understood and defined much less presented in a glowing generality such as this Salton Sea project are often among the most controversial measures that the Congress deals with.

Our job in Congress really is not all that complicated. I always think of it as trying to translate new information or knowledge into public policy. But what is missing here is not the accumulation of a lot of information, but a conclusion a solution and we are passing the buck, quite frankly, in this bill. In the next 18 months we are saying to the administrator, whether it is Secretary Babbitt or whether it is others in the EPA in this Clinton administration in whom I have some confidence, we are suggesting that they will come up with a final solution, and they will bring it to Congress for a review, but it is not within the context of our legal law making responsibilities, not within the context of our oversight responsibility in terms of this.

In fact, there has been some question as to statements made by the advocates of this measure that the actions that they pretend are powerful limits in terms of what Congress would do are not even constitutional in terms of their nature. In fact, they represent something like akin to and connected to a legislative veto. That is not possible. It is not possible to do that. We have been there, we have tried that, and the courts have said that particular congressional action is invalid.

So the suggestion that we can bring this back and somehow keep review of it is a curious statement and in error. But just giving 18 months and suggesting we have a study and solution, and today preauthorizing or authorizing over a third of $1 billion to go to this particular project without knowing exactly what it is, I suggest, is a predicate to legislative disaster, just as we have had the ecological disaster. A 350 billion dollar water project without definition!

I understand that without quick action, without better action, we will have a continuing compounding of the problem that is going on within the Salton Sea ecosystem, but if we are so hell-bent on action in this case, one way we could do that is to appropriate the money this year, right now, appropriate some money and fence it so that it is there pending authority as to enactment of a policy law. That is what the major hang-up is going to be in terms of what we are doing here coming up with the money. In other words, we authorize many programs, and they do not receive the funding or the full funding—that is what has repeatedly occurred with this issue in fact!

I noted that our colleague from California, the chairman of the Subcommittee on Appropriations, implied that some funds have already being set aside, but I doubt anything of the magnitude of what is being done. That is ⅓ of billion has been set aside! In other words, the spending and standing the legislative process on its head as is being proposed in the underlying vehicle here is, I think, the wrong way to go and likely raising hopes but in the end frustrating a final solution.

I think it is destined to be and to make something that should not and would not apparently be controversial, extremely controversial.

So I would hope that in this instance we would stop and take a closer look at this, recognize that having it follow the normal process in terms of going through and pushing and directing the administration, as this bill initially does and as the substitute does, directs the administration to come up with a sound proposal that we can then authorize and fund, and go through the proper form of debate, rather than suspending our responsibilities and then afterwards suggesting that we can deal with this by remote control. Look, Ma, no hands.

We cannot function that way in this institution. We should not. I do not think it is a responsible way. I applaud my colleagues for their enthusiasm, and I applaud them for their efforts to do something good for the Salton Sea, but this is the wrong way to do it.

The right way to do it is by adopting the Miller amendment in this case and providing a specific project, providing specific actions that we know, and then try to come back at that point with that knowledge in hand, with that specific project in hand and deal with whatever mitigation has to be done, allocating the dollars based upon a sound authority and policy.

There are many problems with this bill that I could go into, including the cost-sharing, the lack of cost-sharing by the irrigators in this area, which are, after all, one of the, I think in my judgment, in the studies that I have read, one of the principal contributors to the saline and nutrient problem. Looking at the modifications that need to be made to facilitate the dealing with the Clean Water Act, dealing with NEPA, dealing with the judicial review process so that we can move ahead quickly, but having a common understanding of what the specific project is going to be, we do not have that.

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

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

Mr. BILBRAY. Mr. Speaker, I appreciate the gentleman's remarks. The gentleman is on a border State.

Mr. VENTO. Mr. Speaker, reclaiming my time, I am on a what State?

Mr. BILBRAY. Mr. Speaker, the gentleman is on a border State; he is up North, I am down South. There are two borders, though we forget about that sometimes.

I want to clarify. The gentleman said this happens in many places. Where else in the United States do we have a problem like this that has been perpetuated through either Federal inaction or inappropriate action and been perpetuated through Federal agreements with foreign governments?

I think the gentleman has to admit this is unique in one aspect.

Mr. VENTO. Mr. Speaker, reclaiming my time, there are some unique aspects of this. I am just pointing out that there are man-made ecological disasters of some magnitude in Florida, in California. Fortunately, I do not know that we can compare the great State of Minnesota's environmental problems to this. We have had some problems incidentally with Canada and nonnative species like the sea lamphrey in Lake Superior. But I thank the gentleman, and I appreciate his point. And hope he understands mine. That's why I support the Miller substitute.

Mr. CALVERT. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. HUNTER).

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

I want to address some of the concerns that have been voiced here by the last speaker, my good friend from Michigan (Mr. VENTO).

First, this is a bipartisan bill, and this is a bill that is the subject of enormous compromise. I want to tell my colleagues first about part of that compromise.

A number of the groups that have written in saying they have some problems with the bill, and the first biggest problem has been taken care of, and that was using the Land and Water Conservation Fund. That is now no longer a problem.

They said there was another problem. They said, you are changing the Clean

Water Act. Well, once again, we have a legal opinion voiced by a number of attorneys who should know who say that one cannot clean up a river using wetlands under the present tight construction of the Clean Water Act because, it says, if one takes a bucketful of water out of a river, one has to return that bucketful of water in drinking-water form.

Now, one cannot do that if one builds a series of marshes along the New River, as we intend to do. We intend to build one of the biggest wetlands projects in America that will host hundreds of thousands of birds, hundreds of species, and yet, because of the way we wrote the Clean Water Act, we cannot do it, so we live with the most polluted river in North America in New River.

Now, we worked with all sides on this thing, and I have here the author of this much-hated provision, and the author, according to my memorandum, is the gentleman from California (Mr. MILLER). Because the gentleman from California (Mr. MILLER) sent a memo over to the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER), or his staff did, saying, in general, the gentleman's preferred course of action is to amend Title I of the bill, as reported, et cetera, and they go on to give us the language that they would like to have. The language says, ''Subsection D, authorization of appropriations for river reclamation and other irrigation of drainage water actions under this section, there are authorized to be appropriated to the Secretary for Land and Water Conservation Fund 3 million.'' That is the $3 million that goes into cleaning up New River. And above that, ''No permit shall be required under section 402 of the Federal Water Pollution Control Act, 33 USC 1342, for a wetland filtration or constructed wetlands project authorized by subsection A–1 of this section.''

We took the gentleman's exact language that he gave us to put in the bill to take care of the problem, and now we are told that it is still a problem. I guess I would say to my friend from California (Mr. MILLER), I want the gentleman to take yes for an answer.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of California. Mr. Speaker, the gentleman knows my first preference was to remove the exemption from the legislation. We were then asked technically on how you would do it if you were going to do it the way you wanted to do it, and we said that is how you would do it the way you wanted to do it. Our first preference was to take it out of the bill, as recommended by the administration and others.

Mr. HUNTER. Mr. Speaker, in the spirit of compromise, however, the gentleman did provide language and we did put in, I would say to the gentleman, his precise language.

Now, let me go to the second point, and that point is the 18 months.

□ 1845

We had a 12-month period for study before construction, although this thing has been studied 30 years, as the gentlewoman and the gentleman from California (Mr. CALVERT) had mentioned. We had given a 12-month period for study. We sat down in a good talking session with Secretary Babbitt at the Salton Sea, with Secretary Babbitt, his staff and himself. He said essentially to me, I do not think I can do it in 12 months, but he did say in that conversation they thought they could do it in 18 months.

We worked with his staff. His staff sat in on a number of these meetings, and they said 18 months. When we met with Senator BOXER, she wanted us to move from 12 to 18 months, so we did it. We said, we will compromise, we will give 18 months.

Another thing we were concerned about, of course, was judicial review. We did not want lawsuits to stop action on the sea while the sea died. I think the gentleman can understand that, because as the gentlewoman from California (MARY BONO) has shown us, the sea is on a death watch. It is very predictable. At 60,000 parts per million, as it gets saltier and saltier, all the fish die, so we have to move now. And if somebody sues us and the court date is not set for 2 years, and then another suit is filed and that court date is not set for 2 years, the sea expires. The sea dies while we are tied up in court.

So what we said was, okay, to Senator BOXER and others who wanted to have judicial review, we said we will. Let us just say that we have to have expedited judicial review. We said we wanted to direct the court in this language to expedite review.

That means when you have a temporary restraining order, if somebody sues and says, I do not like this because I live down here and I do not want to have the sea saved because I think the gentleman from Minnesota (Mr. VENTO) is right, it is an ecological disaster, so let us have it die, and they happen to get a TRO from somebody, a temporary restraining order, we will say you have to go to trial in 60 days. That means do not put the thing off for 2 years while the sea dies, that means you go to trial in 60 days. So we have put in expedited judicial review instead of eliminating judicial review, so in all areas we have made compromises.

I say to my friend, the gentleman from California (Mr. MILLER), I called one of my constituents last night who had signed one of the letters from one of the environmental organizations that said, we are against it for umpteen reasons. I explained the reason for the clean water change.

He said, that makes perfect sense. He said, that is not what they told me when they called me and said they wanted me to sign it. I think if Members explain that to the people who really care about the 380 bird species, they are going to agree to.

So let us get on with this bill. Let us get it passed. I thank the gentleman for taking the unanimous consent to make the land-water conservation fix that was offered by this side, but this is the right action to take. Once again, let us go back to Sonny Bono, who said, why can not we just get this thing done? Let us get started, at least.

Mr. CALVERT. Mr. Speaker, I yield 5 minutes to the gentleman from Redlands, California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding time to me. It is a pleasure to rise today and join my colleagues on both sides of the aisle who are strongly committed to finding solutions to the tremendous challenge that is this great environmental project in Southern California that is known as the Salton Sea.

I must say that in the initial stages of my hearing this discussion, I was intrigued to see both my colleague, the gentleman from California (Mr. GEORGE MILLER) speaking, and he was being aided by his friend, the gentleman from Minnesota (Mr. BRUCE VENTO), and it was almost deja vu all over again. I remember fighting months on this, fighting to get access to our desert lands by both the gentleman from Minnesota (Mr. VENTO) and the gentleman from California (Mr. MILLER), and the thrill of that process was that we won a few.

I have a sense we might win a few today, as well, for there is little question that this coalition has gone together that is a nonpartisan, bipartisan effort to make sure that this tremendous asset, the Salton Sea, is saved, finally. It is going forward.

I must say to my friend, it is going forward almost entirely because of the rather fantastic leadership of the gentlewoman from California (Mrs. BONO), the new congresswoman from Riverside County, who has done a phenomenal job to make sure we keep our eye on this very important target.

If we should remove our serious attention from this for a moment the Salton Sea will be gone in terms of its effective use for the people of Southern California, and peoples all over the country who appreciate just what an important environmental asset this is.

I must say that the cost that is being suggested here is almost beside the point. We are moving forward quickly with rounding out what have been years and years of study. The authorized amount that involves the project is the minimum amount we need for whatever approach is finally selected. There is little doubt that we are going to get to that decision very, very quickly.

I would suggest to my colleague, the gentleman from California (Mr. MILLER), that we need to have this authorization in place early on because that is the way we go about getting money in the pipeline in the appropriations

process, very quickly. We cannot afford to wait. Therefore, we are going forward with that minimum amount that is needed.

In turn, I must say that if my colleague remembers some years ago, back in 1974, when Shirley Pettis was a Member of Congress, she being here because her husband, too, had been killed in a tragic accident, raised this flag, the most important environmental project in the country, I must say, if we had moved forward then instead of having these same kinds of questions interfering with that progress, the project would have been completed. It would have cost, before, one-fifth of what it is going to cost, and indeed, this discussion would not have been necessary today.

I want Members to know that I am proud, very proud of those colleagues who have joined with me in this effort, but especially pleased to join with the gentlewoman from California (Mrs. MARY BONO) in what will be a successful and perhaps the most important environmental project of this decade.

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to say to the gentleman that he has been this year appropriating some money to get the process started, he has already moved out on the project. We deeply appreciate that action. It was really timely, and we are going to be able to move this year. I understand the administration is moving this year.

Mr. LEWIS of California. Mr. Speaker, I appreciate that, but I would not have been able to do that if the gentlewoman from California (Mrs. BONO) had not been beating me over the head almost every day.

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I also thank the gentleman for his hard work in moving this Salton Sea project. With the gentleman's help, we are going to get this done today.

Mr. LEWIS of California. It will be a great time to celebrate, but it is only the beginning. I really do appreciate this nonpartisan effort.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

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

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding me this time. I think I owe the body an apology for not being able to be here earlier, because I wanted very much to participate in this debate, but I was engaged in a ceremony which only occurs once in a lifetime. That is being hung, your portrait being hung, in the committee room.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I do not mean to take much of the gentleman's time, but I was away at that hanging as well, and I must say, at the Library of Congress they had this wonderful ceremony where both the gentleman from Wisconsin (Mr. JIM SENSENBRENNER) and the chairman, the gentleman from California (Mr. GEORGE BROWN) were being honored with their portraits being presented to a cross-section of family and friends as a reflection of years and years of dedicated work on both their parts, but especially my colleague, the gentleman from California (Mr. GEORGE BROWN). And I know he wanted to be here.

I say to the gentleman from California (Mr. BROWN), he should be the first to know that we have taken out of the bill those few little items he was concerned about, so he can be as enthusiastic as he likes.

Mr. BROWN of California. Mr. Speaker, I appreciate the gentleman's comments. Of course, I am extremely enthusiastic about the need to solve the problems of the Salton Sea and the efforts we are making. I am encouraged by the large amount of interest in the Congress, and in general in the public, in doing something about this problem.

I have been rather cynical over the past, because I have followed every study for the last 30 years aimed at solving this problem, and seeing them come to naught, including the 1992 legislation, which actually authorized the same general type of study that we are authorizing here in this bill, and $10 million in order to fund that study, and nothing of any substance has come out of that, which, as I say, has left me somewhat cynical.

I would like to say that I am a coauthor of the bill. I want to see suitable legislation passed. I have had reservations about the bill as it had emerged from committee, not because I did not appreciate the work done in committee to get the bill out, but because I was fearful that the product would not survive the intense scrutiny of the other body, and that in all likelihood might not survive and be approved by the President. That concerns me, because I do not wish to have spent all of this time and effort in a futile exercise if we can do better.

It is my view that we could do better. I have cosponsored the amendment of my good friend, the gentleman from California (Mr. MILLER), because that amendment or that substitute on his part has eliminated much of the material that I think would have caused this problem in the other body, or would have precluded or would have caused the President to veto the bill.

Now I am encouraged by the fact, as my good friend, the gentleman from California (Mr. LEWIS) has just reported to me, and as the gentlewoman from California (Mrs. BONO) had reported to me earlier in the afternoon, that agreement had been reached to resolve the problem of funding from the Land and Water Conservation Fund, which some Members may not think is important, but anything that brings down the wrath of practically every environmental group in this country is of considerable importance to me. It could mean I would not get reelected, for example, and that sometimes influences my judgment a little bit.

The fact that the authors and managers of the bill have been willing to accept that change is a very encouraging thing in itself. That does not solve all of the problems. Nothing ever does in a piece of complex legislation.

I am learning a great deal about the politics of water in the inland empire and in the Salton Sea area, and how many different interests are at stake here, and the steps that will be taken in order to protect the interests of some of the groups that are involved. I hope I can benefit from what I have learned here.

I am going to support the Miller amendment, because while it reduces the scope of the bill, and originally I had wanted a bill that would make it clear that the Congress wanted to carry this thing through to completion, that it would authorize not only the necessary research and the design and specifications for the preferred solution, but would actually authorize the construction, I am inclined to think that that is one of the things that has added undue complexity to this bill, and that by simplifying it and doing it in two stages, we are likely to succeed in getting better legislation in the long run.

My expectation is that the House will disregard my advice and the advice of my good friend, the gentleman from California (Mr. MILLER), and will pass a less than perfect bill. It would not be the first time that that has happened.

Mr. Speaker, I have co-sponsored this amendment with my colleague from California to offer a constructive alternative that takes into account political, fiscal and environmental realities. My motivation is simple: I do not just want a House-passed bill, I want a bill which will be passed by the Senate and signed by the President. The underlying bill, though it may win House approval, will not be enacted into law.

The substitute which I have co-sponsored with my colleague Rep. MILLER, does not contain both the authorization of feasibility studies and construction, which might hasten the completion of the project. However, it does set specific deadlines for Congressional and Administration action, including direction to the Administration to provide draft authorizing language for the selected mitigation option.

I must admit to having a less than adequate response to those who are asking: ''Why should we authorize $350 million for a project that is not fully defined?'' They can rightly claim we are asking them to buy ''a-pig-in-a-poke.'' It is not possible to fully define environmental restoration projects from the outset. This amendment provides a framework to begin action.

I would rather see the process of saving the Salton Sea move forward more slowly, but

with more certainly, than risk losing this bill because of the questionable shortcuts which are included in it.

I would like to take a few minutes to outline some of the other provisions of this amendment.

Our substitute authorizes funding through traditional sources of water project funding. The funds needed for research, feasibility studies, and construction on the Salton Sea should come from the traditional sources dedicated to these purposes. While it is tempting to suggest otherwise, we westerners cannot avoid setting priorities for expenditures on our water projects by raiding other accounts.

This is tantamount to admitting that the Salton Sea isn't really a priority and that southern California should not expect to be allocated its fair share of water project funds. I firmly reject both of these notions.

This substitute contains no Clean Water Act permit exemptions. I do not believe the authors of the underlying bill intended anything bad in the provisions of the underlying bill. However, the truth is—this provision is unnecessary and it looks suspicious. It is true that the New and Alamo Rivers are in desperate need of clean up, but so are many of our other rivers, and we can not and should not address the problems through permit exemptions.

The constructed wetland projects that are envisioned can move forward in a timely manner. We do not need to bypass the Clean Water Act and leave the process open to criticism.

Our substitute also does not contain the broad liability exemption for the local water districts that have made their way into the underlying bill since introduction. While some type of limited liability protection may be reasonable, that is not what the underlying text contains. We should not be creating an open-ended exposure for federal liability in our efforts to address the Salton Sea's problems. I, and all concerned, want to ensure that federal, state, and local dollars are spent on clean up activite, not on lawsuits.

Finally, I want to once again reiterate my continued commitment to work with all interested parties to restore and preserve the Salton Sea. I want a bill that Members of both parties in both legislative bodies will be proud to support and that the President will be anxious to sign. I want a bill that is as enthusiastically endorsed by the environmental community as it is by the water district representatives. I believe the substitute Mr. MILLER and I are offering is closer to achieving that goal than the underlying bill and I urge my colleagues to support our substitute.

Mr. MILLER of California. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. MILLER) is recognized for 11 minutes.

Mr. MILLER of California. Mr. Speaker, let me just say in closing on this amendment, I think what this amendment does is it ensures the probability that this legislation will become law, and that we can get on with curing the problems of the Salton Sea. It also ensures that when we go to cure those problems, that we know exactly what we are doing, and that the decisions we make and the money we spend will be spent in a scientifically sound fashion; that we will not deal with just one part of the problem of the Salton Sea, which is the salinization, the continued increased salinization of the Salton Sea, but we will also deal with the other concerns with respect to the fish kills and the bird die-off that is taking place today, before the salinization reaches the levels people have talked about in the coming decade. That is the problem of the Salton Sea currently today.

Also, let me say this, that this amendment removes all of the objections of the Clinton administration. It removes all of the objections of the Taxpayers for Common Sense. It removes all of the objections of the environmental legislation.

That means that this legislation, if amended with my substitute, would have the ability to go to the Senate, be taken from the desk, and bypass all of the committee considerations and all of the things that we know happen to you when you go to the Senate late in the legislative year.

I believe that with the commitment of the coalition, the commitment of the gentleman from California (Mr. BROWN) and the gentlewoman from California (Mrs. BONO) and everybody else to this process, that we will in fact see the results of these studies enacted into law.

□ 1900

I think we have a better opportunity of seeing that done with this amendment. We have accepted the change, I was hoping to offer the amendment but the rule did not allow for that, but we accepted the unanimous consent request by the gentleman from New York (Mr. BOEHLERT) to remove the funding from the Land and Water Conservation Fund. That is an improvement.

But let me reiterate and emphasize to all of my colleagues that that does not remove the objections of the environmental organizations. That does not remove the objections of the Clinton administration, objections which are substantial, objections that are serious to this legislation.

I would hope that the Members of the House would vote for this substitute because it does deal with the problems of the Salton Sea. It does deal with them on the timetable suggested by the majority, but what it does not do is it does not preauthorize an unknown $350 million project. It does not waive the Clean Water Act or limit judicial review. It does not make the U.S. taxpayers 100 percent liable for all of the activities that will take place around the Salton Sea. And it does not contain an unconstitutional review scheme.

It does preserve the purpose, the intent and the outcomes that are sought in the legislation but without all of the harmful provisions that are currently embodied in the bill as it came from the committee. I would hope that Members would support the substitute by myself and the gentleman from California (Mr. BROWN).

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, I rise in support of the Miller amendment.

Mr. Speaker, I rise in support of the Miller-Brown amendment, and in strong opposition to the underlying bill. While I fully support efforts to restore the Salton Sea, I cannot support a bill which includes exemptions from the Clean Water Act, and could actually reduce the ability of the Environmental Protection Agency to protect this resource.

The proponents of the bill claim that it will benefit the environment. If that is so, why is every major environmental organization opposed to it? The reasons are simple—

It creates an exemption to the Clean Water Act.

It excuses local water companies from their rightful liabilities.

It could divert scarce resources from EPA's environmental programs.

These concerns make the bill unacceptable.

I am particularly concerned about the exemption in this bill to the Clean Water Act. How can you say that you are doing good for the environment if you need an exemption from environmental protection laws?

The Clean Water Act has been under assault by the majority since they won control of the House. In the last Congress, we had to fight the waivers, loopholes and rollbacks of H.R. 961—the Dirty Water Bill. Later, we had to fight anti-environmental riders to the Appropriations bill. Now today, we are faced with yet another attempt to create more exemptions to environmental protection. These assaults on the Clean Water Act must stop.

The Clean Water Act is our Nation's most successful environmental law. Yet, one of its most glaring weaknesses is that irrigation return flows are not subject to regulation. How ironic that, at the Salton Sea, are these very irrigation return flows are the major source of pollution, and that this bill specifically allows untreated irrigation return flows to continue to be dumped into the Salton Sea.

Instead of treating the sources of pollution to the Salton Sea, this bill would preserve the existing exemption for irrigators, and create a new exemption from the Clean Water Act.

If the proponents of this bill are serious about addressing the water quality issues at the Salton Sea, their bill should address the sources of the pollution. That objective would best be served by preserving the Clean Water Act, and addressing the pollution from irrigation return flows.

This bill does neither.

If we want to improve the quality of the environment and protect the Salton Sea, we should reject the pending bill and support the Miller-Brown substitute.

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

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

I want to point out that there is an existing 30 years of studies on the shelf. Quite literally, thousands of pages and millions of dollars have been spent and the time for action has finally come to move from the study

phase to a consensus-based Federal, State, local, NEPA approved engineering solution. Every day compounds the environmental problems of the sea, adding time and expense to the solution. Act now or the sea dies, period.

Mr. Speaker, I yield such time as she may consume to the gentlewoman in California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I thank my distinguished colleague and dear friend for, first of all, his leadership on this and steering it through today. I am a little bit disturbed about something I heard earlier in the remarks by one of my colleagues from California when he said that he bowed under pressure that he was facing from certain environmental groups to go ahead and support the Miller-Brown substitute.

What about pressure from ordinary people? What about pressure from people who live near the Salton Sea within the 44th district of California? What about pressure from those people, not the pressure from people who live inside the Beltway, who live inside Washington here?

Who cares about how we are going to be rated on a score card if this is what is, in fact, right. And it is. One of my greatest political mentors is Bruce Herschson. He said something brilliant. He said, one day as a Member of Congress you might have that vote that comes before you that you know is right. You know you are going to have to make that vote and know that it might cost you something. Perhaps this is that vote for my colleague here.

I am deeply concerned about the Miller substitute for a number of reasons. First of all, I think it is a mistake to offer something, a study, again, authorize a significant amount of money to say we will study this again, knowing that perhaps we might not go through with the solution here. I think that is the ultimate deal here.

I think we are saying we are going to go ahead and tell the American people again, we are afraid to lead here in Congress so we will write a check and study it again. Three years from now we are going to maybe study it again. That is where we are right here.

It is time for Congress to say no more. It is time for Congress to say, we are serious here, and we are going to do this. I think that we need to get away from the Miller amendment just for that very reason.

The Salton Sea will never be 100 percent perfect for anybody, their side, our side, whomever. But it can be a lot better than it is. It is a mistake for us to stop what we are doing, to stop the progress simply because it cannot be 100 percent. I think we see that in all of the issues that they have raised. It will never be 100 percent, but it will be close to that.

I think to study it again, once more, will just be an insult to the people who live around the area. And when I travel, when I campaign, when I just get out in the district, all I hear is, let us save the Salton Sea. People see the studies, and they know that it is a joke. They will see the front pages and the headlines, and they will say, no more studies.

Let us get serious here. The one thing that Sonny said is, no more studies. I think we need to prove that now. I think, again, it is time for Congress to lead. I just think it is time for a bipartisan Congress to prove that we will finally get serious here and clean up the Salton Sea.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MILLER).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 218, not voting 14, as follows:

[Roll No. 281]

YEAS—202

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

NAYS—218

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

NOT VOTING—14

Dingell
Gonzalez
Hill
Linder
McNulty
Rangel
Reyes
Rogers
Roybal-Allard
Schumer
Sensenbrenner
Sununu
Weygand
Yates

□ 1923

Mr. WELLER, Mrs. CUBIN, Mr. LAZIO of New York, and Mr. BLUNT changed their vote from ''yea'' to ''nay.''

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

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WEYGAND. Mr. Speaker, just a few minutes ago, as I was returning from the White House, I missed rollcall vote 281. Had I been present, I would have voted ''aye'' on the Miller substitute.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 500, the previous question is ordered on the bill, as amended.

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

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

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

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

Mrs. BONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 282]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Castle
Chambliss
Chenoweth
Christensen
Clayton
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lucas
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Millender-McDonald
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Cardin
Carson
Chabot
Clay
Clement
Clyburn
Coble
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Duncan
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Furse
Gejdenson
Gephardt
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
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Moran (VA)
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Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rivers
Rodriguez
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Salmon
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Sanders
Sandlin
Sanford
Sawyer
Scarborough
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
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Tanner
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Thompson
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Torres
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Turner
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Velazquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Becerra
Dingell
Gonzalez
Hill
Linder
McNulty
Miller (FL)
Oxley
Rangel
Reyes
Roybal-Allard
Schumer
Yates

□ 1941

Messrs. GOODLATTE, KINGSTON, EHLERS and HEFNER changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1945

PROVIDING FOR CONSIDERATION OF H.R. 4104, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 498

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. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against section 628 for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 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.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

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

Mr. Speaker, H.Res. 498 is a second attempt by our Committee on Rules to bring forward H.R. 4104, the Treasury, Postal Service and General Government appropriation bills for fiscal year 1999.

As Members may recall, on June 25, before the break, this House rather resoundingly defeated the first rule we brought forward, a rule that attempted to balance all the competing demands of the many Members with interest in this bill. We worked long hours at that time and jumped through a series of complicated hoops, making every effort to iron out the problems while remaining as faithful as possible to our commitment to fiscal and legislative discipline. Given the wide margin of defeat for that rule, however, we went back to the drawing board and decided to let the chips fall where they may on the host of controversial issues in this bill, finding our guide in the normal standing rules and procedures of the House for consideration of annual spending bills.

So this evening, Mr. Speaker, we bring H.Res. 498, a rule which, with one exception, presents this appropriation bill for House consideration under the normal process by which appropriation bills may come to the floor.

Members who have been around here for a while may remember our esteemed former colleague, in fact legend, the late Bill Natcher, a wonderful gentleman and appropriations cardinal who prided himself on bringing forward his annual spending bills without a rule. He willingly subjected himself and his legislative product to the standing procedures of House rules, letting the chips fall where they may and making his case directly to the Members through open debate. Not only was he respected, he was successful.

What we are doing here today, Mr. Speaker, comes very close to that type of effort. H.Res. 498 is an open rule providing for the traditional 1 hour debate equally divided between the chairman and ranking minority member of the Committee on Appropriations with one exception. The rule is silent on the many controversial provisions within this bill that constitute legislating on an appropriation bill or that provide funding for programs and activities that are not authorized. I am told by the subcommittee chairman that, in fact, there is something like 80 percent of the bill that would fall in that category.

As Members know, Mr. Speaker, both of those things are violations of rule XXI of House rules. We do not legislate on appropriation bills normally, and without protection from the House Committee on Rules any provision of the bill that falls into those categories is vulnerable to being stricken by a point of order raised on this floor, should Members wish to do that.

The only provision within this bill that this Committee on Rules has felt compelled to protect from that fate of being stricken is the one which precludes Members of Congress from receiving an automatic cost of living increase, the congressional COLA. We all know that, without action by the Congress, a COLA for Members would automatically take effect. This year, as in the past, the Committee on Appropriations erected a barrier to that COLA in this bill so that there would be no such automatic increase for Members' pay. By waiving the point of order under House rule XXI that otherwise would lie against Section 628 of H.R. 4104, that is, the provision relating to the COLA, the Committee on Rules has insured that a procedural maneuver cannot be used to bring back to life the Members' COLA salary adjustment.

As one who continues to believe that the voters have not determined that we in this Congress deserve a raise, I support this action.

Mr. Speaker, this rule also waives points of order against consideration of the bill for failure to comply with Section 306 of the Congressional Budget Act regarding the prohibition on consideration of legislation within the Committee on the Budget's jurisdiction unless reported by that committee. This is necessary because the appropriators included within this bill funding for the year 2000 problem, affectionately known as Y2K, under an emergency designation, which is something traditionally in the province of the Committee on the Budget. This whole Y2K issue and whether to call it an emergency or to find offsets for the additional funding has been the subject of much debate in this body, as Members will recall. This rule ensures that this debate can continue allowing the matter to come to the floor while allowing Members an opportunity to strike the emergency designation, should they wish.

Mr. Speaker, the rule does several additional standard things:

Providing priority and recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD and providing that the chairman of the Committee of the Whole may postpone recorded votes on any amendment. It also allows the chairman to reduce voting time on postponed questions to 5 minutes provided that the voting time on the first in a series of questions is not less than 15 minutes. Lastly, the rule provides for 1 motion to recommit with or without instructions.

Mr. Speaker, there may be some Members who wish this rule had come out differently, and some of those Members probably did not like our first rule much either. But I would say to my colleagues that with this rule we have come very close to approximating the standing rules of the House in bringing forth a spending bill that actually meets the requirements we have set out for ourselves in our normal government procedures. In my view, that is a bit of a breath of fresh air, and I urge Members to support the rule so we can get on with the business of funding the agencies covered by H.R. 4104, Postal Treasury.

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

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

I thank my colleague, the gentleman from Florida (Mr. GOSS), my dear friend, for yielding this time to me; and, Mr. Speaker, I must again oppose this rule. I would like to support the rule because it is open and it does give Members an opportunity to offer amendments that are germane and otherwise in compliance with the rules. However, Mr. Speaker, the rest of the rule is even more egregious than the first rule for the bill, and that rule was defeated by this House only 3 legislative days ago by an overwhelming vote of 291 to 125. The changes from the previous rule certainly do not fix the problems that caused the rule to fail, so presumingly, in fact, I think it even makes the problems worse.

The bill itself is not the problem, Mr. Speaker. As before, I think the underlying bill is generally fair, and it is worthy of support. It provides $13.2 billion in discretionary budget authority, a slight increase from last year's bill. This level of funds should adequately support most of the programs and services that are covered by the bill. The major exceptions, however, continue to be the Federal Election Commission, which is funded significantly below the level necessary to do its job properly and effectively; and, furthermore, Mr. Speaker, the bill contains authorizing language imposing term limits for the Commission's staff directors and general counsel which will further impede the FEC's ability to do its work objectively and impartially.

Mr. Speaker, I wish those in their offices would listen. This rule would expose nearly all of this bill to a point of order including the Office of Inspector General of the Treasury, the Federal Law Enforcement Training Center, the Bureau of Alcohol, Tobacco and Firearms, and most of the Customs Service, the Mint, the Bureau of Public Debt, the Secret Service, the Federal Election Commission and the General Services Administration.

Mr. Speaker, the rule also exposes to a point of order critical legislative language to implement a new, fair and reasonable pay system to adequately compensate the Federal firefighters for overtime. This provision is necessary to correct a pay inequity between Federal firefighters and their municipal and civil service counterparts. I strongly support this language, and I am disappointed that it is not protected in this rule.

We all saw the incredible work done by those firefighters, those courageous

firefighters, to stop those terrible fires that plagued Florida in recent weeks. We must ensure that those who risk their lives in fighting fires are compensated fairly for their valiant efforts.

Mr. Speaker, I am also disappointed that this rule did not protect from a point of order another provision in this bill that would have helped implement Federal employee's pay reform which was in accordance with legislation signed into law in 1990. Language in this bill, Mr. Speaker, would have fixed the problems that have prevented this law from being implemented.

Also, Mr. Speaker, one of the main reasons that the first rule failed is still a problem in the second rule. That is, of course, the failure to protect the $2.25 billion in emergency designation that is desperately needed to address the massive computer failure known as Y2K. If we do not immediately begin efforts to fix this problem, it could cripple our Nation's computers on January 1 in the year of 2000, and, Mr. Speaker, that is less than 18 months away. If we continue to ignore this problem, if we put it off for another day, we may well run out of enough time to prevent the major chaos and confusion that is certain to compromise our Nation's economic well-being and our national security. Whether it is a crash in the stock market or a failure of our traffic control system or a lapse of our Nation's defense systems, the consequences are likely to be very, very grave.

We just cannot take this risk, Mr. Speaker. We must put aside partisan squabbling and take the action and take that action now.

The Committee on Appropriations wisely included emergency funding for the Y2K in this bill and in the defense bill also, but my Republican colleagues have decided that this crisis just has to wait. They have decided to remove the emergency funds from both of these bills. The majority continues to say they will do it later, they will do it in another bill. Well, it has been almost 3 weeks since the House leadership decided to delete the emergency designation for Y2K first from the defense bill and then from this bill. I still do not see any action that any legislation will be on the schedule shortly.

□ 2000

This problem is not going to go away, and we are wasting very, very precious time.

Mr. Speaker, we are playing with fire by not dealing with the Y2K matter immediately, and I hope, for all of our sakes, that my Republican colleagues are genuine in their promise to make this a top priority. This should not be a political issue, and we must act now.

Mr. Speaker, I oppose the rule because it fails to protect this critical funding and subjects much of the bill to being struck on a point of order. I urge Members to join with me in voting no on this rule.

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

Mr. GOSS. Mr. Speaker, I am privileged to yield such time as he may consume to the distinguished gentleman from Glens Falls, New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, when I hear my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), who is the ranking member of the Committee on Rules, stand up here and make the absolute opposite argument that he has made in the past, I do not know whether to lose my temper or just to smile. I guess I will just smile.

But I am just looking at the vote that took place several weeks ago on June 25 when we brought a rule to the floor that fits the exact description that the gentleman just outlined that he would vote for. Now, as I look down at the vote that took place, I see my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), did not vote. I do not know why. He did not cast his vote. But I see that 135 Democrats voted ''no'' on that rule that the gentleman just described. The rule was defeated with 125 yes votes and 291 no votes. The House overwhelmingly spoke against it.

Now, what normally happens in a situation like that? If you are on the floor and the rule does not pass, you generally bring these appropriation bills back to the floor.

I remember Mr. Natcher from Kentucky, one of the most respected Members of this body, a perfect southern gentleman, and he often sat in that chair where you are, Mr. Speaker, and let me tell you, he knew how to run this House. He ran it fairly. He also was the chairman of a subcommittee on appropriations, and he did not bother coming to the Committee on Rules. He brought his bill right to the floor.

Mr. Speaker, the point I am trying to make is that once this rule was defeated, protecting all of these issues the gentleman has just outlined, and there are a lot of them in there that I support. We have a gun issue in there that is very important to those of us that stand up for property rights and for gun rights of people. We have the Federal firemen's pay issue. We have some FEC language in there. We have some currency language. All of these things I support very strongly.

But the truth of the matter is, there is no way to put together a rule that anybody is going to support, because if we protected the Lowey amendment, we are going to have all of the prolifers vote against it. If we do not protect it, we will have another group vote against it.

So what we have done is said, okay, let us bring this bill to the floor without a rule, and then let the chips fall where they may, with one exception, and that one exception is that in this bill is a ban on a pay raise for Members of Congress going into effect.

Now, we cannot bring this bill to the floor under these circumstances and allow that provision to be knocked out. That means that Members of Congress are going to get their pay raise. I happen to be for pay raises, but the point is that we cannot allow that to happen here.

So we have simply brought this bill to the floor without a rule, except that we are saying that the ban on the pay raise from going into effect shall be protected. Otherwise, the bill stands as is.

So for Members that want to come over here and vote this time, let me just say once and for all: You come over here and you vote against this rule and you are voting for a Member's pay raise. There is absolutely no question about it. Because that is the only issue at stake here, other than regular order, regular procedure, of bringing this rule to the floor. Members ought to know that. So I want to make that perfectly clear.

Mr. Speaker, I would be glad to discuss this at any time with other Members for the next hour.

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

Mr. Speaker, I enjoyed my chairman's dissertation, but most of the rules on appropriations that come out of the Committee on Rules, they protect most everything. In fact, we just voted a rule today that protected everything but two issues. This was beaten 3 weeks ago, Mr. Speaker, because of some of these items that are not protected today. We are just doing exactly what we did a couple of weeks ago. I am sure this is going to meet the same fate.

About the pay raise being blocked, we could correct that in 1 minute, and the chairman knows that. We could go back, on any rule coming out, we could put that in there, we could stop it. So that is really a red herring on this bill. This rule should not be passed.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, the ranking member of the Committee on Rules, for yielding.

Mr. Speaker, I rise in opposition to the rule.

At the outset, let me say that it is unfortunate that we find ourselves in this position. The chairman of the Treasury Postal Subcommittee, the gentleman from Arizona (Mr. KOLBE), as I said in the committee markup, has forged a fair bill as it came out of subcommittee. It was a bill that sought to address the problems that confront the agencies that are our responsibility. It was a bill as well that sought to fund a critical situation that confronts not just our agencies but almost every agency of government other than defense, and that critical crisis was, as we refer to it, the Y2K problem, ensuring that computers would be compatible with the change of century.

Because if they are not, we will not be able to fly airplanes. Indeed, we will

not be able to collect revenues. We will not be able to pay Social Security. We will not be able to pay Medicare. The fact of the matter is, government will come to a screeching halt, and commerce will come to a screeching halt. That is not an acceptable alternative.

As a result, the gentleman from Louisiana (Mr. LIVINGSTON), and it is my understanding the Speaker, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and the Committee on Appropriations, all agreed that we would confront this issue forthrightly and designate it for what it is, an emergency, one that cannot be delayed, one that must be solved on behalf of every American, young and old. We did not do that.

I tell my friend, the chairman of the Committee on Rules, that his rule does not protect that issue. It does not allow us to proceed as we should. And the ranking member of the Committee on Rules is absolutely correct, on this floor, on the debate, when this rule was last considered 3 weeks ago on the 25th of June, it was represented that by the time we got back, we will know how to solve this problem. We will know where to get the $2.3 billion. That was represented to us on this floor by the leadership on the other side of the aisle. As the gentleman from Massachusetts (Mr. MOAKLEY) has correctly pointed out, that has not happened.

Substantively, this was a good bill, as I said, as it came out of subcommittee. It was not a perfect bill as it came out of the full Committee on Appropriations from my perspective. There were matters in it that I had concerns about, but they would not have led me to oppose the rule. But as it came out of the Committee on Rules last time, it was not acceptable.

Now, I say to my friend, the chairman of the Committee on Rules, this is not about a pay raise. Like the chairman, I am for a pay raise, because it is effectively simply a cost of living adjustment, less half a point that every other Federal employee gets, less a half a point. So we get a half a point less, because we did not want to take a full pay raise. We wanted to respect the American public's concern on that issue.

I say to my friend, the chairman of the Committee on Rules, our committee reported out, as he well knows, the preclusion of the acceptance of that pay raise, and that is the only matter the gentleman has protected in his rule.

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

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

Mr. SOLOMON. Mr. Speaker, if the gentleman would help clarify something in my own mind. The gentleman knows that he and I have worked together on many issues dealing with Federal employees, and I have the greatest respect for them, as does the gentleman, but the committee of jurisdiction, the authorizing committee, as the gentleman knows, has not dealt with this issue. There is a $7 billion price tag.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am talking about the Members. The gentleman brought up the Members' pay raise. The gentleman said this was about a Members' pay raise. My representation to the gentleman is that, in fact, the committee included the preclusion, the prohibition on the receipt by Members of a pay raise.

There is nothing in this bill about employees' pay raises, as the gentleman knows, so that what I am saying to the gentleman is whether this rule fails or whether this rule passes, Members will not get pay raises, the reason being because, if we have to go back to the drawing board, we will come back with the same provision. The gentleman knows that, and Members ought to know that.

Mr. Speaker, if I might therefore conclude, I say to my friend, the chairman of the Committee on Rules, his representation about a Members' pay raise vote is, frankly, political tactics, not substance. It is political tactics to try to scare Members into voting for or against this rule.

What this is about is the failure of the Committee on Rules to protect what are democratically adopted in the Committee on Appropriations provisions, some of which I like, some of which I did not like.

Now I will tell my friend, he says if he protects the Lowey amendment, for instance, which provides for access to contraception, which I believe the overwhelming majority of Americans believe is good policy and good family practice, the overwhelming majority of Americans in my opinion believe that, he says that people will vote against the rule to prohibit a vote in the people's House on that issue. It does not make sure that it happens. What it says is that the representatives of the American public will be able to vote on that issue.

The gentleman has provided for a procedure, as the Chair well knows, where one Member can come and strike out what the Committee on Appropriations adopted in a democratic process.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further, the gentleman is moving from one subject to the other so fast it is hard to stay concentrated.

Mr. HOYER. One has so little time, one needs to deal with all the subjects at one time.

Mr. SOLOMON. One Member can rise and strike, and that is under regular rules of the House, so we do not want to change those rules.

Mr. HOYER. Mr. Speaker, reclaiming my time, with all due respect, as the gentleman from Massachusetts said, the gentleman changed it yesterday on the rule. The gentleman protected everything except two items that were in that bill.

Mr. GOSS. Mr. Speaker, I think it is most important that this debate continue, and I am pleased to yield such time as he may consume to the distinguished gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, let me be very, very brief. What the gentleman has been complaining about that this rule does not take care of is the fact that we did not protect a change in the locality pay for Federal workers. That is very important, and I agree with the gentleman. But the truth is, there is a $7 billion price tag, which is not paid for in this bill. Now, true, it does not take place until next year, but we just cannot allow this kind of legislation to go through without it being paid for. We are going to blow the balanced budget deal that we have had.

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

Mr. SOLOMON. I yield briefly to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I have not mentioned that issue.

Mr. SOLOMON. Well, the gentleman mentioned it to me on many occasions, including up in the Committee on Rules.

Mr. HOYER. That is correct. But I have not mentioned that as the rationale for this opposition to the rule.

The gentleman mentioned that if the Lowey amendment was left protected, that the gentleman could not get the votes of right-to-lifers on his side of the aisle. My proposition to the gentleman is that what the gentleman is saying is they would not want to bring to the floor for a democratic vote up or down a resolution of that issue.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just say I do not understand why, when we brought the rule to the floor which protected the Lowey amendment, 135 Democrats voted against it. We could have passed that rule and this bill would already be over at the Senate where it belongs. Now we are here today under a regular rule process, and Members ought to come over here and vote for the rule.

□ 2015

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

Mr. KUCINICH. Mr. Speaker, I must oppose this rule. Under this rule, any Member can strip funding from this bill by raising a point of order.

I am particularly concerned about the appropriations to repair the year 2000 problem. Numerous computer programs will either crash or generate errors when computing dates for the year 2000. People should know that date-sensitive computer programs are everywhere. In desktop and mainframe computers, in machines used in manufacturing, in simple devices such as the computer chips in coffeemakers which have timers.

Consumers everywhere are going to be watching what we do here. Since computers are so widespread, since software is time-sensitive, since computer chips are in all kinds of devices, failures cause serious repercussions.

In government, many areas are vulnerable to failure. Many government agencies have made progress on the Y2K problem, and that is thanks to the gentleman from California (Mr. HORN) and also thanks to President Clinton and Vice President GORE. It has been bipartisan, but we have a lot of progress that needs to be made. Removing the Y2K appropriations from this bill cripples the agencies' ability to cope with this problem.

Now, the President asked for $234 million for year 2000 conversion. We will need another $138 million next year. If the IRS does not get funding to clean up the Y2K problem, we are looking at failures in customer service, failure to refund taxpayers' money, problems with the Taxpayer Relief Act of 1997, implications for the IRS restructuring bill, delays in the 1999 filing season, effects on the 2000 filing season, effects on the processing of refunds. The processing of refunds will be delayed.

The IRS has 127 mission-critical systems. So far, 59 of these systems have been repaired. The Customs Service is making progress on Y2K repairs. Currently, only 25 percent of the mission-critical systems are in the testing phase. The Financial Management Service in the Treasury Department has not completed the assessment of all of their systems yet. The Postal Service has many repairs to make. They expect to have 21 percent of their mission-critical systems ready for funding by this September.

Sufficient Y2K funding is critical to ensure that our law enforcement can operate, that government can collect taxes, write refund, tax refund checks and deliver the mail. The Y2K problem is a management challenge and a programming challenge. It must not become a political football.

Again, I will say the progress that has been made so far I will credit Chairman HORN, I will credit the President and Vice President for moving quickly on this, but we cannot let this become a political football. The American people are depending on us to make sure they receive government services on and after January 1, the year 2000. Let us not let them down.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to this rule. It pains me to do so since we defeated it a few days ago, but I believe there is a good rule that can protect the excellent work of this subcommittee, and I do believe that the subcommittee reported a fair and sound and thoughtful piece of legislation that would have served the appropriations process very well and would have done honor to this body.

This is a rule that exposes all parts of this bill with a small exception of one section to points of order. It is also a unique appropriations bill in the sense that most of the sections have not been authorized, and for many years we have protected them against points of order.

So it is true that under this rule the funding for the IRS could be knocked out. We just spent months and months and months passing the most significant reform of the IRS passed in the history of this body. And why would we then want to bring this to the floor under an appropriations bill that is not going to actually fund this important agency?

Now, there is no need for this kind of rule. Honestly, we need to get ourselves together, come back with a rule that addresses the critical snarly areas of this bill that have caused the controversy.

I regret that the passage of an amendment in the subcommittee that guaranteed Federal employees full access to contraceptives has caused such a hullabaloo in this body. Frankly, this same bill denies Federal employees access to abortion, which is a medical, legal procedure in America. But we have made the decision that Federal employees should not have access to this legal medical procedure.

Well, it is perfectly rational then to at least guarantee that our own employees have access to the full range of contraceptives so that they do not get pregnant unintentionally, that is all. If we disagree with that, fine. Have a rule that allows a vote on that. We have offered, have a rule that protects everything except the Lowey amendment. Let that be struck on a point of order; just let that rule allow us to offer an amendment to reinstate access to contraceptives for Federal employees, and we will argue it here on the floor. Let it take its course.

There is this controversy about the funding of the Y2K resources. Let that be up or down. Let us talk about it. Let us debate it. I am for how the bill does it. I think it is irrational to take the funding for Y2K compliance for the whole government out of one budget and thereby disadvantage all of the other important programs that that budget provides for all the people of America and for our important Federal functions.

So let us have a rule that brings the primary controversies to the floor. My colleagues, vote down this rule. This is an overreaction to an unfortunate lack of communication that caused the defeat of the first rule. I urge a ''no'' vote.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule. As my colleagues know, this rule leaves unprotected the Lowey contraceptive coverage language in the bill, language which provides that Federal employees must have their contraceptives prescriptions covered if, in fact, other prescription drugs are covered.

This language passed in the full Committee on Appropriations with support from Democrats and Republicans, pro-life and prochoice Members, but the Committee on Rules has denied Members a chance to have a debate and a vote on this critical issue and on the amendment of the gentleman from Wisconsin (Mr. OBEY) which will give religiously-based plans an opt-out from covering the plans of contraceptives if it conflicts with their religious beliefs.

We have had vote after vote after vote on legislation that would restrict women's access to abortion, but we are not allowed to have even one vote on improving women's access to contraception, which will prevent abortion.

The rule we are considering is a clear infringement on the rights of Members to offer amendments in the House, and it is a slap in the face, frankly, to more than 1 million American women who are covered by the Federal Health Benefits Plan who stand to benefit if Federal health benefit plans that cover prescription drugs are required then to cover contraceptives as well.

Why is this language so important? We are all in agreement that we want to reduce the number of abortions. Close to half of all unintended pregnancies end in abortions, and although all but one of the FEHBP plans cover sterilization, all but one cover sterilization, only 10 percent cover the five most basic, widely-used forms of contraception, and over 80 percent of the plans do not cover all five methods.

Contraception, my colleagues, is basic health care for women. It allows couples to plan families and have healthier babies when they choose to conceive, and it makes abortion less necessary, which is a goal we all share.

Currently, women of reproductive age spend 68 percent more in out-of-pocket health costs than men, and part of the reason for this gender gap in health care costs is the failure of health plans to cover contraception. Plans refuse to cover contraceptives because they know that this is a necessity for women and that if forced to, women will pay for it themselves. On average, women using the pill pay $25 a month, that is $300 a year for their prescriptions.

It is important to understand, my colleagues, what we are talking about when we talk about contraceptive methods. We are not talking about abortion, we are not talking about RU 486 or any abortion method. No abortions will be covered by this amendment. We are talking about the range of contraceptive options that women need, including the five most popular methods, the oral contraceptive pill, the diaphragm, the IUDs, Depo-Provera and Norplant.

It is crucial that plans cover the full range of choices because some methods do not work for some women. For example, many women cannot use any of the hormone-based methods such as the oral contraceptive pill because it causes migraines or because they have been advised not to because it may increase their risk of stroke or any other

reason that is peculiar to them and the advice from their physician.

Now, some of my colleagues may think that we should not be telling FEHBP plans what they have to cover, that this is an insurance mandate. Let us be clear. This is not a mandate on private plans. What we are discussing here is what the United States as an employer should provide to its employee. The United States Government should be a model for other employers.

There was strong support for this provision in the Committee on Appropriations. It has the support of the subcommittee chairman, the gentleman from Arizona (Mr. KOLBE); it has the support of several prolife Democrats on the Committee on Appropriations, and, in fact, a myriad of health groups support the provision, including the American Medical Association, the American Academy of Family Physicians, the American Academy of Pediatrics. It is also supported by the AFL-CIO, the AFGE.

Let me say in closing that a recent Congressional Budget Office analysis determined that this improved coverage for Federal employees would not have any impact on the budget totals for fiscal year 1999, no budgetary impact for fiscal year 1999.

This issue is absolutely essential. I would hope that the Congress could come together to support contraceptive coverage and defeat this rule.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members that the gentleman from Florida has 15 minutes remaining, and the gentleman from Massachusetts has 7 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Speaker, I very reluctantly rise in opposition to this rule. I rise in opposition because it endangers many provisions that are important to Federal employees and their families, many of whom I have the honor of representing.

□ 2030

But before I give the reasons why, I do want to say that it is not because of the fact that the money for the Y2K problem is not put into this bill, because it is going to be put into a separate appropriations bill, so we do not have division, one agency versus another agency. So that is certainly not the reason I oppose the rule.

This rule actually does not protect an important provision regarding insurance coverage of contraceptives for women. It requires Federal Employees Health Benefit plans to cover prescription contraception, just as they cover other prescriptions. The vast majority of FEHB plans offer prescription drug coverage, but they fail to cover the full range of prescription contraceptives which prevent unintended pregnancies and reduce the need for abortion.

Congress has repeatedly voted to exclude abortion coverage from FEHB plans. Contraceptives help couples plan wanted pregnancies and reduce the need for abortion. Close to half of all pregnancies are unintended. Currently, women of reproductive age spend 68 percent more in out-of-pocket health costs than men. Treating prescription contraceptives the same as all other covered drugs would help to achieve parity between the benefits offered to male participants in FEHB plans and those offered to female participants.

I also want to point out that the rule does not protect an important provision affecting Federal employee pay. The bill would close a loophole in the Federal Employees Compensation Act of 1990 that has allowed the President to deny Federal employees their just raises because of a severe economic condition, despite our booming economy.

The FEPCA was enacted to ensure fair pay raises for Federal employees, but according to CRS, it has never been implemented as originally enacted. The bill closes this loophole by defining a severe economic condition as two consecutive quarters of negative growth in the real Gross Domestic Product, which was the generally accepted definition of a recession.

The rule also leaves vulnerable an important provision to bolster firefighter pay, something for which I have been working for many years. Within the Federal work force firefighters are paid less than other Federal employees. A GS–5, Step 5, Federal Government worker makes 44 percent more per hour than a GS–5, Step 5, Federal Government firefighter.

The pay gap between Federal and non-Federal firefighters is largely due to an unfair and convoluted method of calculating Federal firefighter pay. They are dedicated civil servants, we have certainly seen that with the disasters that have occurred in Florida and other parts of the country, constantly risking their lives so our communities can sleep at night with confidence that our safety and the safety of our loved ones is protected.

I encourage my colleagues to join me in opposing this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

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

Mr. Speaker, I rise in strong opposition to this rule. This rule strips the Lowey Federal employee family planning provision from the bill so we cannot even debate this deeply important issue.

As a nurse, I believe that contraception is, first and foremost, a health issue. The fact that close to half of all pregnancies in the United States are unintended is astounding. The decision to have children should be made by individuals in a family setting and in consultation with doctors and within a religious belief context. We need to support that in this House.

I believe that the Federal Government must set an example for the rest of this country by providing our employees with full access for health care for women. This includes opportunities for the whole range of contraception methods. We in Congress must demonstrate that we consider family planning a key health issue.

I urge my colleagues to vote against this rule, and provide our Federal employees with fundamental health care coverage, including contraception, according to the Lowey provision.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, I hate to see a good bill sacrificed on the alter of contraception. That is what this rule does. We are seeing many important provisions of this bill go up in smoke because of one provision.

The notion that plans could pick and choose what contraceptive a woman or man should use is or should be anathema to this House. I warn this House, the Lowey amendment is one of seven priorities of the Bipartisan Women's Caucus. We have chosen seven bills on which, Democrats and Republicans alike, as women we regard as must-pass provisions for this Congress. The Lowey amendment is one of those. We had an entire hearing on contraceptive research because of the neglect of contraception and what that has done to women over the past decade.

We have gotten to the point where if you are in service to your country as a member of the Armed Forces or as a Federal employee, you can guarantee to have your privacy invaded. We are talking about grown women, and plans, health plans choosing what contraceptives they should use.

The last thing a woman or a man should be subject to is somebody else choosing or advising them which contraception is best for them. Some do not work, some are absolutely harmful, some have side effects. We have to have a choice here, because one size absolutely does not fit all, and indeed, one size clearly endangers the health of many.

I am looking for anti-choice allies on this one. If we cannot come together on this one, I am not sure where we will come together. Members cannot go home and say they are against abortion, and also go home and say they are against preventing abortion. Defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me the time. Mr. Speaker, this rule allows the bipartisan Lowey amendment on contraceptives and the funding to fix the

year 2000 computer problem to be struck by a point of order. What does that mean? That means without even a recorded vote. The Lowey amendment was adopted in committee. She did it fairly, she did it squarely, and now the Republican leadership is ready to knock her out of the bill without a vote.

We have heard just a second ago how important this is on expanding insurance coverage on contraception. We also heard, Mr. Speaker, about how important this is to prevent abortions. This process is a sham. It is unfair. We will oppose this rule.

Because some on this side of the aisle want to play games with us now and politicize the issue of Members' pay, they want to cover up and hide their extreme proposals with respect to contraceptive insurance coverage, so we are not going to let that happen.

We are going to move to defeat the previous question on this rule, and if successful, we will do three things, three things. Number one, we will make in order the Lowey and the Obey amendments on contraception, we will preserve funding for the year 2000 computer problems, and we will stop any increase in pay for Members of Congress.

I urge my colleagues to vote no on the previous question and to vote no on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the great gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I want to explain what procedure we are going to pursue. I believe it is very important to have every Member understand what we are going to ask for. We are going to ask that the previous question be defeated. That will then allow us to offer an alternative rule.

I want to represent to every Member in this Chamber and listening in their offices what that rule will be comprised of. First of all, we will continue the provision reported out of subcommittee, reported out of full committee, that will preclude Members' pay from going into effect.

Secondly, we will provide for the consideration of the Lowey amendment, which was democratically adopted in the committee and reported to this floor, but is unprotected. Not only would it be not subjected to a vote, yea or nay, but one Member under the rules that were proposed will be able to exclude that or any other item.

Thirdly, we will protect in our rule the Y2K funding, which everybody in this House and in this Nation knows is an emergency, and which the Committee on Appropriations, with the leadership of the gentleman from Louisiana (Mr. LIVINGSTON), designated an emergency, to his credit, and frankly, to the credit of the Republican leadership that initially agreed with that procedure.

So to remind Members, if they vote no on the previous question, they will then be able to vote yes on a rule which will preclude a pay raise, which will take it out of a political demagoguery situation; that will allow a democratic vote in the people's House on whether or not we ought to allow for access to contraception so we can preclude more abortions; and thirdly, if Members vote no on the previous question, they will be able to protect the provision which provides for funding of the solution to the Y2K problem, and ensure the effective operations of our computers and our governmental programs, as well as commerce in this country in the next century.

I urge Members to vote no on the previous question to accomplish these three objectives.

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

Mr. Speaker, we have heard a lot of inconsistent comment this evening relative to just three legislative days ago, as our friends across the aisle said, actually it was a little more than that, because it was on the calendar a couple of weeks ago when we tried to come up with a rule to protect the Lowey amendment, do the things they asked, and lo and behold, 135 Democrats took a hike on us and did not support the bill.

We listened to them before, we tried to work it out in a deliberative and I think nonpartisan way, and we did not get their support. So now we are trying to do our job faithfully, and we have come back for what is one of the important appropriations bills, and we have tried to craft a way to let the deliberative body work its will.

There has been some mischaracterization, if not misrepresentation, of the fact that the sky is going to fall automatically if we pass this rule. That is not the case. If somebody, some Member, wishes to get up and strike on a point of order, that is a privilege. That happens to be a House rule. If somebody says that is unfair, what they are really saying is the House rules are unfair.

If Members are saying that the rules that have served this House so well for so long are unfair, then come on up to the Committee on Rules and let us talk about changing them, and why Members think they are unfair. But that is not something that is done lightly.

So I think there has been a series of mischaracterizations going on, as I have listened to the concern about the people who have failed to get the authorizations of measures that they want enacted. We all know that we are not supposed to do a lot of authorization on appropriations bills.

The failure of the authorizations process to get the work done now has been picked up by the appropriators, trying to pick up what pieces they could to do a good faith job, and the Committee on Rules tried to do a good faith job to bring a rule forward that would get enough votes to pass so we could have a debate. That went down by a big number. That went down 291 to 125 three legislative days ago, so I remind Members of that.

Now we are coming back with a different one and saying okay, let the body work its will in a different way. We will have what is basically an open rule. Now, open rules used to be something we spoke of around here with a certain degree of reverence, that that is something we all strive to achieve is the open rule. I know the number of times that the gentleman from Massachusetts (Mr. MOAKLEY), when he was Chairman MOAKLEY of the Committee on Rules, we brought him to task because he did not have enough open rules.

I know his colleagues on the other side regularly tried to do that to Chairman Solomon and the rest of us in the majority. We understand that. But we do strive for open rules and we do it in a good-natured way.

The only thing that is different is that we did protect the issue of the pay raise, so if Members are trying to shoot this rule down, they are basically saying, let us get the pay raise back on the floor.

□ 2045

At least some will characterize it that way. I think there is much more at stake than the pay raise issue obviously. We had the contraception question. We have had the question of Y2K.

On the contraception question, again, we had our chance, 135 Members on the other side voted against the Lowey provision apparently because it was protected in that rule.

We had the Y2K. It surprises me a little bit that we are talking about Y2K as an emergency. It is not an emergency to those of us who understand the consequences of Y2K. We have been for some time trying to encourage the Clinton administration to get a grip on the fact that the calendar is real, that the year 2000 is coming and that we do have a problem. Most people in the world know that the year 2000 is on the calendar, and they have a fairly approximate idea of when it is coming. Even if one does not know much about the computer problem, one can at least understand the calendar.

We have not done well with the Clinton administration. Some agencies are ahead of others. Again, I will join with my colleague who congratulated the gentleman from California (Mr. HORN) for the work he has done trying to bring attention to that and trying to stimulate some interest in the administration to get that job done.

The debate about whether or not is it an emergency payment or not an emergency payment, therefore, if it is an emergency, we all know we do not have to figure out a way to pay for it. If it is not an emergency, then we have to figure out a way to pay for it. It is a little extra harder because we have to actually designate the money from some revenue source. So I would say

that that is a secondary debate to the debate that Y2K is very serious. We all agree on that. We are not going to put off the solution because we cannot decide whether to pay for it from here and designate what the source of payment is going to be. I think that is a bit of a red herring before us.

I think what is, frankly, out here is this, that the authorizers did not get that their job done. The appropriators tried to pick it up. The Committee on Rules has tried to work with everybody. Apparently it has not happened.

The next step is, we can go the other route and say, fine. We can bring a rule out here with no protection at all on it and let it go to the floor.

I would urge all those listening to understand that this is a good faith effort to try and bring forth some kind of a workable rule to get this legislative appropriations bill on the floor. It is a legislative appropriations bill, because it is about 80 percent legislation. We know that. It is way overburdened. That is wrong, but that is what we are presented with. We are presented with a schedule. We are presented with a calendar of our own. We are presented with a budget we have to deal with.

So if the question is, shall we go forward and deal with the business of getting these agencies funded, the answer is yes. Vote for the rule. Yes, vote for the previous question.

Voting no on the previous question, throwing this thing into a controversy which is sure to destine it to another defeat, another round of this, is not going to get this appropriations bill passed. Some of those Members who live in the area and represent workers in the area have a great concern, naturally, doing good jobs of representing their districts, and the people in their districts are going to be very, very concerned, if this thing goes down a couple of more times because we cannot get it together.

I can guarantee Members that the provision that has been suggested with regard to the motion on the previous question on Members pay and the Lowey amendment and Y2K will appeal to some Members but it will not appeal to enough because we did that. We already did that a couple of days ago, three legislative days ago. We did some other things as well. But you will not be allowed to bring a rule forth that will get necessary majority support with just those provisions. It is not going to happen.

The final point I would make on this is, there is not going to be a better offer right now than voting yes on the previous question and voting yes on the rule to get this piece of legislation on the floor. If we do not pass it, it goes home.

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

HOUSE RULES COMMITTEE

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

The previous question is a motion made in order under House Rule XVII and is the only parliamentary device in the House used for closing debate and preventing amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule or any motion or piece of legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the bill or amendment before it?

In order to amend a rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the House is in effect, turning control of the Floor over to the Minority party.

If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the amendment followed by a vote on the rule as amended.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this rule. Earlier today, we debated abortion again—for the 87th time since 1995—and this House passed a bill to criminalize abortion in yet another way.

Now, we learn that this rule does not protect language already included in this Treasury Appropriations bill to provide for contraceptive coverage equity for federal employees.

Later today, we will vote once again on the issue of whether a federal employee's health plan can choose to cover abortion. I find this very contradictory.

If you want to prevent abortion, why not do everything we can to make contraceptives more available and affordable.

The language left unprotected by this rule simply requires Federal Employee Health Benefit plans that currently cover prescription drugs, to also cover FDA-approved prescription contraceptives and related services to individuals and their families.

Mr. Speaker, women of reproductive age spend approximately 68% more than men in out-of-pocket health care costs.

Much of this disparity can be attributed to the lack of coverage of reproductive health care costs.

By improving insurance coverage of contraceptive care, we can reduce or eliminate this unfair financial cost to women.

More than half of all pregnancies in the United States are unintended, and half of these pregnancies end in abortion.

Currently, 10% of FEHB plans offer no coverage of reversible contraceptives and, in some cases, plans cover only one method of prescription contraception.

This lack of insurance coverage leads many women to choose less expensive and less reliable methods of contraception.

So why not allow a vote on this provision? It won a bipartisan victory in committee, and now this rule will make it easy to strip this language.

That is unfair and undemocratic. We have a real opportunity today to decrease the number of unintended pregnancies and the number of abortions. And, the Republican majority says no. It is shameful. I urge a ''no'' vote on this rule.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for the opportunity to speak today. I strongly oppose the Rule Committee's decision not to protect Representative LOWEY's amendment in the FY 1999 Treasury Postal Service General Government Appropriations bill, H.R. 4101. Representative LOWEY's amendment required Federal employee health benefits to cover contraceptive drugs and related services to individuals and their families.

Currently the Federal Employee Health Benefit Plan uniformly offers prescription drug coverage, but the majority of such health plans discriminate against women by failing to include coverage for the full range of prescription contraceptives.

In fact, 10 percent of Federal employee health plans fail to include reversible contraceptive. In some cases, plans only cover one method of prescription contraception. Overall, 81 percent of Federal Employee Health Benefit plans do not cover all five leading reversible methods of contraception, which of course, prevent unintended pregnancy and reduce the need for abortion.

The Federal program should be a model for private plans, and as an employer, it is shocking that the Federal Government does not provide this basic health benefit for women and their families insured through FEHB.

Women of reproductive age spend 68 percent more of their own money for health care than men, with contraception and related health services accounting for much of the difference.

Making the full range of contraceptive options available to our Federal employees is not only an issue of fairness, but is an issue of women's health and reproductive choice.

We must remember that increased access to contraceptives is critical to the effort of reducing the number of unintended pregnancies. Close to half of all pregnancies in the United States are unintended. Increasing access to contraceptives through insurance coverage will help Federal employees obtain the methods and services they need to plan their families.

Polls show that 90 percent of the American voting public supports family planning. I hope that my colleagues will take this opportunity to support family planning. Let's make sure every child is a wanted and cared for child. I urge my colleagues to oppose this rule.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 185, not voting 18, as follows:

[Roll No. 283]

YEAS—231

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

NAYS—185

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

NOT VOTING—18

Allen
Clement
Dingell
Gonzalez
Hill
Kennelly
Kind (WI)
McDade
McNulty
Meeks (NY)
Moran (VA)
Roybal-Allard
Schumer
Shuster
Slaughter
Smith (OR)
Sununu
Yates

□ 2106

Mr. MOLLOHAN and Mr. KLINK changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 201, answered ''present'' 1, not voting 14, as follows:

[Roll No. 284]

AYES—218

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

NOES—201

Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce

Lampson	Murtha	Serrano
Lantos	Nadler	Shays
Leach	Neal	Sherman
Lee	Oberstar	Sisisky
Levin	Obey	Skaggs
Lewis (GA)	Olver	Smith, Adam
Lofgren	Ortiz	Snyder
Lowey	Owens	Spratt
Luther	Pallone	Stabenow
Maloney (NY)	Pascrell	Stark
Manton	Pastor	Stokes
Markey	Payne	Strickland
Martinez	Pelosi	Tanner
Mascara	Pickett	Tauscher
Matsui	Pomeroy	Thompson
McCarthy (MO)	Porter	Thurman
McCarthy (NY)	Poshard	Tierney
McDermott	Price (NC)	Torres
McGovern	Ramstad	Towns
McHale	Rangel	Turner
McKinney	Reyes	Upton
Meehan	Rivers	Velazquez
Meek (FL)	Rodriguez	Vento
Meeks (NY)	Roemer	Visclosky
Menendez	Rothman	Waters
Millender-McDonald	Roukema	Watt (NC)
	Rush	Waxman
Miller (CA)	Sabo	Wexler
Minge	Sanchez	Weygand
Mink	Sanders	Wise
Moakley	Sandlin	Woolsey
Moran (VA)	Sawyer	Wynn
Morella	Scott	

ANSWERED ''PRESENT''—1

Kolbe

NOT VOTING—14

Clement	McDade	Slaughter
Dingell	McNulty	Smith (OR)
Gonzalez	Roybal-Allard	Whitfield
Hill	Schumer	Yates
Kennelly	Shuster	

□ 2123

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. GOSS, from the Committee on Rules, submitted a privilege report (Rept. No. 105–628) on the resolution (H. Res. 501) providing for consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REQUEST TO WAIVE CERTAIN POINTS OF ORDER AGAINST PROVISIONS OF H.R. 4104, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the House waive all points of order under clause 2 or 6 of rule XXI against the Y2K provisions of H.R. 4104, to wit: the provisions on page 37, line 12, through page 38, line 14.

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

Mr. KOLBE. Mr. Speaker, reserving the right to object, and I would object, Mr. Speaker, I would have to object on the grounds that this unanimous consent agreement is contrary to the rule which was just adopted by the House of Representatives, and for that reason I do object.

The SPEAKER pro tempore. Objection is heard.

CHEAP POLITICS AT THEIR VERY WORST

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

Mr. HEFNER. Mr. Speaker, I have been in politics for a long, long while and I have been in tough campaigns when the rhetoric was very, very high but there is something that came to my attention tonight that was issued by the Republican National Committee, and the last paragraph says if Democrats want to block this motion so they can get a raise, so be it, said the gentleman from Georgia (Mr. LINDER), but by tomorrow I guarantee every newspaper in their district will know about it.

I would not even bring this up but a few months ago my sister-in-law died after a 3-year battle with cancer, and I had an excused absence from this House, and there was a vote that was taking place and a press release sent to my district accusing me of making a bad vote, it was bad for my constituents.

It only takes 10 seconds to check this computer to see if people are here. You have no guarantee that there will not be a press release in your newspaper whether you are even here or voting or not. This is cheap politics at its very, very worst, and I abhor it to the nth degree.

□ 1930

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4104 and that I may include tabular and extraneous material.

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

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 498 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. 4104.

□ 2131

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. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, with Mr. DREIER 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 Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, I do not know that anybody has made an announcement, but am I correct that the only thing we will be doing for the balance of the evening will be general debate? There will be no votes?

Mr. KOLBE. Mr. Chairman, will the gentleman yield? I would be happy to respond to that.

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, yes, it is our intention to proceed through the hour of general debate, which will include a number of colloquies that we have, but not yet to open the bill at any point, not to begin the reading of the bill.

The CHAIRMAN. The Chair will anxiously look forward to a motion to rise and will certainly recognize a Member who might choose to make that proposal.

Mr. HOYER. So, Mr. Chairman, the Members should know that they have no need to be here if they wanted to object or make any other suggestions in the body of the bill itself?

Mr. KOLBE. Mr. Chairman, if the gentleman would continue to yield, any provisions dealing with the bill itself, amendments or motions to strike, would not be in order tonight because we will not begin the reading of the bill this evening.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Arizona for his clarification.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, tonight I am pleased that we have gotten to the point where we are and that I can bring to the floor H.R. 4104 which is the fiscal year 1999 Treasury, Postal Service and General

Government appropriations bill. As reported, this bill provides $13.2 billion in discretionary budget authority for the agencies under the subcommittee's jurisdiction, and this level of funding is consistent with the subcommittee's section 302(b) allocation.

Mr. Chairman, I might note that the rule that we have just adopted, I realize, places in jeopardy large portions of this bill and many parts of the bill which include legislative provisions carefully crafted and agreed upon by the Members on both sides of the aisle. So I want to say that I believe the bill, as reported by the Committee on Appropriations, is an outstanding bill. It is one which every Member, I believe, on both sides of the aisle, can be very proud.

The bill that we have here today is one that is very strong for law enforcement. It is tough on drugs. It supports our efforts to restructure and reform the way the Internal Revenue Service does business. It is supportive of much-needed new court space for our judicial system.

First, in this area of law enforcement we continue our commitment to the drug and law enforcement efforts of the Department of Treasury as well as to the Office of National Drug Policy drug control policy headed by General McCaffrey. In total, we provide $3.6 billion for Treasury law enforcement efforts and $427 million for the activities and operations of the Office of National Drug Control Policy. As it specifically relates to drug efforts, the mark provides $1.8 billion. That is an increase of about 3 percent over the current fiscal year and approximately the same as the President has requested.

Second, we continue to target resources to restructuring the IRS management, computer modernization and customer service; and, third, we end the moratorium on the Federal construction of courthouses, providing much-needed space and security for the judiciary to meet the demands of its increasing workloads.

Mr. Chairman, as my colleagues are very aware, this bill carries an emergency appropriation of $2.25 billion for ensuring that all Federal information systems are Year 2000 compliant. I cannot stress enough to my colleagues the emergency nature of this issue. The implications of an information systems crash on January 1 in the Year 2000 would be simply mind-boggling.

Checks to senior citizens, to veterans, to financially-needy Americans will go unsent because the group responsible for getting these payments out, the Financial Management Service, may not be able to meet its deadline. The FMS, Financial Management Service, sends out 63 million Federal payments each month. They pay 85 percent of the government's bills. Rail systems could come to a standstill with trains sitting idle on tracks because switches are locked in place. Major power grids could be thrown into a massive blackout because nuclear power plants have gone off line, have shut down for safety reasons. FAA's contingency plan for the year 2000, that is, in the event their computers go belly-up and they do not have their mission-critical systems compliant, their contingency plan is simply to reduce the number of flights by 60 percent.

My colleagues, it is obvious that this kind of solution or this kind of problem is one we simply cannot afford.

In OMB's last report to the Committee on Agency Progress in Meeting the Year 2000 Deadline we were told that only 40 percent of all critical mission systems in the Federal Government are compliant. That means that 60 percent are not. We are being told that 15 of the 24 largest Federal agencies will fail to meet the January 1 deadline.

Mr. Chairman, January 1, 2000, is not a date that we can slip. We cannot in this body, in this Congress, pass legislation which will postpone the beginning of the millennium, which will stop the clock in its tracks, so it is critical that agencies get the resources they need and that it gets them in a timely fashion. We cannot and we should not afford to play politics on this issue. We need to do everything possible to ensure that the agencies have the money they need and they have it when they need it, and regardless of the outcome of what happens on this bill, we must make sure that we take the steps, whether it is in this bill or a separate supplemental appropriation bill, to get that money to these agencies that is absolutely necessary.

Mr. Chairman, I want to make a few general observations about several possible amendments to this bill. At this point, we have a list of some 25 different colloquies, amendments and points of order. I suspect with the adoption of the rule that we have just had there will be many other points of order that will be made. Of these only seven, seven have anything to do with an appropriations matter, with the dollars that are in this bill. The rest are all legislative in nature.

I appreciate and share the frustration that we all have when important legislative issues are not and cannot be addressed through the appropriate authorization process. But there is a reason that these provisions cannot and are not moved through the regular legislative process. They are controversial, and they are difficult issues. They require the thorough vetting of a committee hearing. They require the careful consideration of the authorizing committees which are established and constituted and staffed to consider that kind of legislation. Attaching these items to an appropriation bill does nothing to address the underlying controversy. In fact, it intensifies the debate and serves to threaten and derail the very important work of the Committee on Appropriations which is to make sure that our agencies have the funds they need to carry out the tasks that this Congress has given them through the authorizing legislation.

Mr. Chairman, the bill before us today supports those critical operations for the Customs Service, the Internal Revenue Service, the Secret Service, the General Services Administration. We simply cannot afford to shut those agencies down in order to advance controversial legislative items.

Finally, Mr. Chairman, let me take just a moment to take this opportunity in this moment to express my sincere appreciation for the very hard work and the dedication of the distinguished ranking member of this subcommittee, the gentleman from Maryland (Mr. HOYER), and for his staff, Cory Alexander, Kim Weaver, Pat Schlueter. They have been absolutely invaluable as we moved this bill through the subcommittee, the full committee, and now to the House floor.

And as I pay tribute to them, let me pay tribute to those staff members who are around me on this side of the aisle who have done such an outstanding and fantastic job: the clerk for our committee, Michelle Mrdeza; our other professional staff, Bob Schmidt, Jeff Ashford, Tammy Hughes; and our detailee from the Federal Government, from the Secret Service, Frank Larkin; and to my personal staff member, Jason Isaac; all of whom have toiled an incredible number of hours in order to get us where we are this evening.

Mr. Chairman, without the cooperative work on both sides of the aisle, I do not think that we would have the bill that we have here this evening.

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

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

Mr. Chairman, the gentleman from Arizona is, in my opinion, one of the most decent, hard-working Members of the House, and he is continually. Because this is a difficult bill to handle, plays in very difficult situations, and I want to thank the gentleman from Arizona for his bipartisanship in handling this bill.

I also want to join him in congratulating the staff at the beginning of my remarks. He mentioned, and I will mention them again because that deserves such: the Chief Clerk of our committee, Michele Mrdeza, with whom I have had the opportunity to work for 7 years now, Bob Schmidt, Jeff Ashford, Tammy Hughes, Frank Larkin and Jason Isaac who is, although not on the committee staff like Cory Alexander of my personal staff, of my leadership staff, a critical component of the consideration of this bill, and Pat Schlueter and Kim Weaver, who work respectively for the committee and for the Committee on Appropriations' associate staff.

Mr. Chairman, I want to begin by saying that this bill in many respects is a very good bill given the fiscal constraints that confront the Committee on Appropriations. This subcommittee's commitment of over $4 billion to

the Treasury's very important law enforcement activity is present in this bill. Almost one-third of the $13.2 billion in discretionary budget authority in this bill is targeted at law enforcement.

I am pleased that the bill fully funds the President's request for the Youth Crime Gun Interdiction Initiative. The $27 million program is an important part of the administration's overall strategy to curb youth violence. This administration has been successful in presenting to the American public in its first term a program to reduce crime in America. The good news is they have been successful.

□ 2145

This bill will continue that progress. This bill funds antidrug activities totaling over $1.8 billion. Over $400 million is provided to the drug czar for a variety of drug-fighting efforts, including $162 million for the very successful high-intensity drug trafficking areas.

I am pleased that we are able to maintain IRS funding at a level that will enable Commissioner Rossotti to continue progress with reform.

I want to speak briefly of the changes that had been effected in IRS. Secretary Rubin and Deputy Secretary Sommer should be given great credit for rescuing the failing tax system's modernization program. They provided the needed high-level oversight for IRS to make a sharp turn in this computer systems area. They appointed a new chief computer systems officer who, after months of intense work, released a blueprint for technology modernization. This multibillion dollar program is now on the right track and it has been put on the right track by a bipartisan effort of this Congress and by the leadership and through the leadership of Secretary Rubin and Secretary Sommer and members of the IRS staff.

The appointment of Commissioner Rossotti was another clear change, Mr. Chairman, for IRS. Commissioner Rossotti is a tough-minded business manager. During his brief tenure, together with Secretary Rubin, IRS has improved customer service in a number of ways. Telephone access has been increased from 69 percent to 90 percent. Problem-solving days were instituted in all 33 IRS districts, allowing taxpayers to cut through the red tape and resolve difficult problems. National and local taxpayer advocates were established.

In addition to Treasury, this bill, Mr. Chairman, funds many smaller agencies, including Archives, OPM, GSA, the Federal Elections Commission and the Executive Office of the President. We will be talking about those agencies as we proceed through the markup of this bill. They are critically important agencies of our government; and, for the most part, we have tried to fund them so that they can perform their responsibilities as appointed by this Congress through legislation and as is expected by the American public.

For GSA, I am pleased that we are able to include money for absolutely essential courthouse construction projects. One of the reasons crime has gone down is because prosecutions are up, and we are processing criminals and letting them know that prosecution will be swift and sure. It is obvious that we need facilities to accomplish that objective.

I want to congratulate the gentleman from Arizona (Chairman KOLBE) because he disciplined our committee to taking the priorities of the Judicial Conference and the General Services Administration. These are not political choices. These are choices by the experts who know the needs and the abilities of the GSA to perform the responsibilities assigned to them by this Congress.

I remain concerned, however, about authorizing language for the FEC that would essentially establish term limits for the staff director and general counsel. I presume that will be struck, and I expect it to be struck.

Finally, I am pleased that this bill contains special emphasis in funding for solving the century date change problems with computers government-wide. We talked about that in the consideration of the rule. I hope that it stays in this bill. The chairman has pointed out it is a critical need, and our committee has responded to that need, not just on behalf of the agencies in our bill but the agencies throughout government.

As I pointed out in my opposition to the rule, which did not protect this, that was absolutely essential as we confront, as the chairman said, January 1 of the year 2000, because if we fail to solve this problem, not only will government shut down, not only will Medicare and Social Security be put at risk, not only will veterans benefits be put at risk, not only will the FAA, who controls our airplanes and our flight patterns and safety in the skies be at risk, but private commerce, which relies on the operations of government, will also be put at risk. I would hope, but do not expect, that we will protect that item.

Mr. Chairman, I want to thank again the chairman and the staff for their work on this bill. We will see how it proceeds, and we will see what is left of the bill after the Members in this House or this House works its will on it within the framework of this unfortunate rule.

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

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume for the purpose of a colloquy with the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. KOLBE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the distinguished gentleman from Arizona for this time.

Mr. Chairman, I would say to the gentleman from Arizona (Chairman KOLBE), I would like to take a moment to thank you for your hard work on this Treasury, Postal Service, and General Government appropriations bill. In particular, I am very pleased the gentleman and his committee has seen fit to include report language that directs the White House Counsel's Office to clearly define the line between personal and official legal business in representation.

Mr. Chairman, I have been examining this issue for many months now and have come to the conclusion that the White House Counsel's Office continues to use taxpayer funds to pay legal staff to work on the President's personal legal issues. I think this is clearly a misuse of taxpayer funds. That is why I introduced a sense of the House resolution this March that, along with the cosponsorship of 30 of my colleagues, sends a clear signal to the White House that the public will not stand for footing personal legal bills of its elected officials.

Mr. Chairman, the White House Counsel's Office does not need 34 staff members, when previous Counsel's Office staff was limited to seven at most, and the American taxpayers should not be held accountable for $2.36 million in salaries for this legal work.

Mr. KOLBE. Mr. Chairman, reclaiming my time, first of all, I would like to commend my colleague from Arizona for the hard work that he has done on the research on this issue. Our subcommittee has spent a good deal of time in the past several months reviewing the operations of the Office of General Counsel in the White House. What we have learned is that, of the 34 full-time employees in this office, there are seven attorneys that are assigned to ongoing Congressional, Independent Counsel and Justice Department investigations.

We all know that appropriations cannot be used to pay an employee's personal expenses. While we know that this is the case, the General Accounting Office has found that there may be some instances in which official and personal interests of a Federal employee may overlap. It appears this is precisely the case in the current investigations of the President.

I agree with my colleague that a proper distinction needs to be made between these two very separate sources of legal business, and I was pleased to include report language to this effect in the Treasury, Postal Service, and General Government appropriations bill.

Mr. Chairman, as the gentleman knows, the bill before us today calls for the counsel's office to write guidelines to ensure that ''no Federal funds are used for the private defense of the President.'' The gentleman and I agree on this issue, and I look forward to continuing to work with the gentleman on this and other issues to ensure that tax dollars are not used to pay the private legal expenses of the President.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield further, I

would like to thank my colleague from Arizona for his continued support of this very important issue.

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

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would ask the gentleman from Arizona (Mr. KOLBE), am I correct that our committee has made no finding that such funds have been used?

Mr. KOLBE. Mr. Chairman, our committee was not and we were not charged with making such a finding, that is correct.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member and former chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, first of all, I want to congratulate the gentleman from Arizona (Mr. KOLBE) for his opening statement. I think it was a very thoughtful discussion of the procedural obligations of the House. I think the gentleman is a distinct credit to the House, and it is a privilege for me to serve with him. I think the gentleman tried to do the right thing on the subject that I am about to talk about.

Mr. Chairman, our job as Members of Congress is, first of all, to define differences and then to try to find resolution to those differentials. There are a number of items in the appropriation bills which are always subject to being stricken on a point of order, but they are usually included because they are necessary to build the kind of consensus that one has to have to pass bills like this.

The committee knew, for instance, that we had an emergency with government computers with the year 2000 problem that our computer manufacturers have tossed in our lap, and the committee tried to deal with that in a responsible way. But the rebels in the Republican caucus blew that agreement up, and so we had a rule which will allow that to be stricken.

On the issue of contraception involving Federal employee insurance, again we had a bipartisan committee consensus on that issue, but the rebels in the Republican caucus did not like that, so they have blown up that agreement.

I tried to make my earlier motion because I sought to prevent one Member from being able to strike the language in this bill that treats as an emergency the government-wide computer problems which we have. That motion was objected to.

If the majority is insisting on striking that emergency provision and if the majority is insisting on striking of the Lowey language, then it seems to me that, in the interests of equity, I have no choice but to strike most of the language of the bill which is vulnerable to points of order, and I intend to do so as we move through the committee process. I take this time simply to notify the House of that so that they will understand why I will be striking a good many provisions, including a number of those that I happen to personally agree with.

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

Mr. Chairman, before I yield for a colloquy, let me just say in response to the gentleman from Wisconsin (Mr. OBEY) that I appreciate very much his kind words about our work on this bill, my work. Certainly he and his staff have been also very helpful in getting us where we are.

Obviously, the statements that I made about the Y2K, I believe very strongly that we need them. My objection earlier to the gentleman's unanimous consent request was not because I do not believe that we should have this, but because I think it is my responsibility as the chairman of this subcommittee and managing this bill to preserve the rights of the House in what the rule that they just passed says, which is not to protect that. So I am still very hopeful we are going to have this issue resolved in the not-too-distant future.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS) for a colloquy.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk, but rather than introducing it, I rise to engage the gentleman from Arizona (Mr. KOLBE) in a colloquy. I would like to discuss with the gentleman from Arizona, the distinguished chairman of the Subcommittee on Treasury, Postal Service and General Government, provisions, issues, that are contained in his fiscal 1999 appropriations measure.

In title 3 of the bill, there is funding for high-intensity drug trafficking areas. As the gentleman knows, the illegal drug trade has been a problem in the Dallas-Fort Worth area for quite some time. However, in the last 13 months, it has gotten progressively worse.

Since 1997, 13 young people have died from heroin overdoses in Plano, which is an affluent subdivision of Dallas. From January to June 1997, Parkland Hospital in Dallas has had 311 cocaine overdoses, 44 heroin overdoses and 19 methamphetamine overdoses. I reiterate, this is just in one hospital in Dallas.

Recently, the U.S. Attorney's Office in Dallas and the Drug Enforcement Administration announced the seizure of $11.7 million in heroin at the Dallas-Fort Worth International Airport. It is clear that the DFW area has become a major trafficking point for international narcotics trafficking.

According to the Office of National Drug Control Policy, a region's designation as a HIDTA is the result of massive collection and analysis of various kinds of drug and law enforcement information. This information should demonstrate that increased resources can be brought to bear in a specific area and would result in progress being made in that area.

In our discussions with the Office of Drug Policy Director, Barry McCaffrey, General McCaffrey, has indicated that he believes that resources should be brought to bear in the Dallas-Fort Worth area. This $5 million that we believe is necessary is something that we would like to ask to be designated as a result of these discussions and would ask that General McCaffrey designate this area as a HIDTA.

□ 2200

My good friend and colleague, the gentleman from Texas, (Mr. SAM JOHNSON) and I wanted to engage in some discussions about this.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise today to join in this colloquy with the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government, as well as my friend and colleague, the gentleman from Texas (Mr. SESSIONS). The 13 that died from heroin that the gentleman discussed came from Plano, which is the area that I represent, and the drug seizure at Dallas-Fort Worth Airport which was $11.7 million in heroin, amounts to only 2 percent of what goes through there in their estimation. They do not have the resources to address the problem, and that is why we are requesting the gentleman's help in securing the necessary funds to designate north Texas as a high-intensity drug area.

Providing funds will give local law enforcement the necessary resources to fight the war on drugs. The gentleman knows what our position in Texas is relevant to the country of Mexico, and therefore, I think that the gentleman understands that our Dallas-north Texas area has become a funnel for that process, and Barry McCaffrey, as he indicated, does agree and informs us that he supports our efforts.

The Senate has already earmarked $5 million for the creation of HIDTA in northeast Texas, and we hope that the gentleman will continue to work with us and support the Senate language in conference. I know that the chairman of the subcommittee, the gentleman from Arizona (Mr. KOLBE) and I have had a discussion previously, and the gentleman indicated that perhaps the dollars were not there, but in conference, perhaps the gentleman and the Senate can find them.

Parents and children of north Texas need this help, and we are really fighting a war there, and we need the essential weapon of the HIDTA in the Dallas area. I know for the people of our area that the gentleman will help us. We just cannot afford to lose one more child to the ravages of drugs.

I thank the gentleman for allowing us to discuss it with the gentleman this evening.

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

Mr. SESSIONS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank both of the gentlemen for the questions and the comments that they made. I am very aware of the work done by the

High Intensity Drug Trafficking Areas, the HIDTAs, and the efforts that they make in order to cooperate with local law enforcement. I think they do make a difference, and I certainly understand from the eloquent statements tonight how critical the need is in the Dallas-Fort Worth area.

It is my understanding that the director plans to designate the Dallas-Fort Worth area as a HIDTA, and this legislation, I can tell my colleagues that this legislation does provide adequate funding of the overall HIDTA account to fund the creation of another HIDTA in that area.

Mr. SESSIONS. Mr. Chairman, I would like to thank the distinguished gentleman from Arizona, and the gentleman from Texas (Mr. SAM JOHNSON) and I both have worked very carefully with the chairman of the subcommittee, not only to enunciate what the problem has been in Dallas and Fort Worth, but also to receive his advice along the way in how to get this done.

I have great respect and I want to thank the gentleman very much. I will tell the gentleman that the citizens of Dallas and Fort Worth, the police departments that will utilize this and the U.S. Attorney, we will spend the money very wisely. We have a great respect for the taxpayers who have provided this money, and we intend for our resources to be used very carefully. I thank the gentleman.

Mr. HOYER. Mr. Chairman, I yield such time as she may consume to a distinguished member of our committee, the gentlewoman from South Florida (Mrs. MEEK), the former State Senator and now a distinguished Member of our body.

Mrs. MEEK of Florida. Mr. Chairman, to the gentleman from Arizona (Mr. KOLBE) my chairman of the subcommittee, and to my ranking member, the gentleman from Maryland (Mr. HOYER), it has been a pleasure to serve on this subcommittee.

First of all, the chairman has conducted the meetings with a professional acumen that is rarely seen in a body such as this. The ranking member has supported him and has helped us. We have worked as a group. It is not a partisan committee, it is a bipartisan committee where we work together on issues and we work toward the resolution of those issues.

This is a very good bill. I support it. I would like my colleagues to support it. It is extremely important that attention be paid to the reduction of violent crime, and this subcommittee has seen to that, not only in its proceedings, but in all of its action in that committee.

What effort is any better in a Congress than the reduction of crime and the saving of lives, and this committee has seen to that and has funded it.

I am particularly interested in the gang resistance reduction program in that gangs are on the rise in our country, and we need more and more attention paid to them, and this subcommittee has done that. We have given the kind of support to investigations so that when something is discovered, that there is support for the findings.

Most importantly, attention is being given to missing and exploited children. My colleagues may have heard of many instances in my Miami, Dade County, of children who have been missing and have yet to be found, and this committee is focusing on that, to strengthen the families and to try to give us some assurance that once there is a missing or a lost child, this committee has paid attention to that.

The Customs Service, that is the highlight of an area that I represent, Miami. We are surrounded by water, and if it were not for the attention of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) and this subcommittee, we would have many, many problems in Miami. They have steadily increased the number of Customs Service operators we have in Miami, and in south Florida we are extremely grateful for that. I could go on and on, telling my colleagues about the many things that this committee has focused on, but most of all, it is important to be a working Member of this committee and not be left out of decisions. That has not happened on this subcommittee.

I want to congratulate the chairman and the ranking member for such professional acumen.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Erie, Pennsylvania (Mr. ENGLISH) for the purposes of a colloquy.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, it is indeed a privilege to engage the distinguished gentleman from Arizona (Mr. KOLBE), my friend, the subcommittee chairman, in a colloquy.

Mr. Chairman, it is my understanding that the subcommittee felt, understandably so, that they had to closely follow the recommendations of the Judicial Conference when deciding on courthouse priorities in this appropriation.

As the gentleman is well aware, because we have discussed it at length, the Federal courthouse complex in my hometown of Erie, Pennsylvania, is badly in need of renovation and expansion. Repair and renovation of this courthouse is a strong community priority that enjoys active support by the Federal judges who work there, the GSA, as well as most of our local elected officials.

Recognizing that the committee had severely limited funds to work with this year on new courthouse construction projects, does the chairman agree to consider this project for funding for the fiscal year 2000 legislation?

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

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's question and yielding to me to respond to him.

Let me just say, first of all, that the gentleman from Pennsylvania has been extraordinarily eloquent and persistent on this issue, and he has made a case, I think a very strong case, not just to me, but I believe to the GSA, about the need for this in the gentleman's community, and his community is very fortunate to have the gentleman advocating on their behalf for this, I know, very important project for the gentleman's community. Let me just say the gentleman made me aware, and if I was not before, I am very aware now, for the need for renovation and expansion of the Erie Federal Courthouse that the gentleman brought to my attention both last year and again this year.

As the gentleman points out, we did follow the priorities established by the Judicial Conference of the United States in this year's bill. Last year we did not have any courthouse construction, this year we do have some, and we have gone right down the list, funding as many as we can going straight down that list.

It is my understanding that the Erie project is currently in the Judicial Conference's fiscal year 2001, not fiscal year 2000, construction program, but I will certainly continue to work with the gentleman on the gentleman's project as we attempt to continue funding priorities for new courthouse projects, and I hope that we can get additional funding next year to move as many projects forward as possible.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman, and I thank him for all of his efforts on our behalf, for his willingness to consider this project, and I look forward to supporting this appropriation and working with him in the future to make sure that the Erie project goes forward.

Mr. HOYER. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), who has been such a hard worker on the Federal Election Commission and such an assistance to our committee in working on this issue.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, tomorrow I will raise a point of order against section 511 of this bill. I had planned to offer an amendment to strike this language. However, the provision is not protected, and I will instead raise a point of order.

The current version of this bill contains an unprecedented provision which makes Members of Congress micromanagers. It would essentially fire the general counsel and staff director of the Federal Elections Commission.

Since when, Mr. Chairman, have Members of Congress gotten into the business of hiring and firing staff at the Federal Elections Commission? The Federal Elections Commission is a congressional campaign watchdog. How can Congress be put in charge of hiring and firing people who are supposed to be policing them? It is sort of like letting the inmates run the penitentiary.

This is how it is being engineered: The FEC is a bipartisan commission made up of three Republicans and three Democrats. The Commissioners make all the final decisions: Salaries, decisions regarding who or what is investigated. It is all made on a bipartisan basis because four members must agree.

The bill that is in front of us tonight and tomorrow would change all that. It would allow the general counsel and the staff director to be fired by just three Commissioners or by just one party.

It was not long ago that the new majority tied the hands of the FEC financially by fencing their money, saying it could only be used for computers and not for investigations, which is what they needed. Now the new majority is attempting to tie the hands of the FEC politically. In other words, if one's party or big donor becomes a target of the FEC, the FEC and its staff will become the target.

Unfortunately, I believe the pattern has already been set. The current FEC general counsel, Mr. Lawrence Noble, has served the agency with distinction for 11 years. During that time he has recommended investigations of anyone he believes may have violated election laws, Republicans, Democrats, Independents alike.

However, because he is making sensible recommendations regarding an FEC ban on soft money and tightening the definition of ''independent expenditure,'' he has become the target of the GOP. Also, his investigations of GOPAC have been questioned.

I must note quickly that these two recommendations are currently contained in the Shays-Meehan campaign finance reform bill. That, too, is a proposal that the leadership on the other side of the aisle has taken great creative pains to kill.

Mr. Chairman, I have before me a recent editorial from the New York Times called ''Punishing Competence at the FEC.'' The text reads, ''This change is nothing more than an attempt to install a do-nothing staff. Reform-minded members from both parties have a duty to oppose this vendetta.'' Vendetta.

Mr. Chairman, we have enough on our plate to do; we should not be getting into the area of making personnel decisions at the Federal Election Commission, and I am relieved that this provision will be stricken tomorrow, and I hope that this is the last time that we will ever hear of such an ill-conceived, partisan, misguided idea as was put forward by the majority party.

□ 2215

Mr. KOLBE. Mr. Chairman, I am happy to yield 2½ minutes to the very distinguished gentlewoman from Connecticut (Mrs. JOHNSON), who has worked very hard on the reform of the Internal Revenue Service.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, no one opposed the rule under which we are working more strongly than did I. No one regrets more keenly that that rule passed. However, it gives us extraordinary latitude, extraordinary freedom, and with that freedom comes a good deal of responsibility. I would call on my colleagues on both sides of the aisle to exercise the power that this rule gives us individually in the interests of the people of this country.

I lost that rule fight. Those who opposed it lost that rule fight in the good old-fashioned way democracy works. I would hope that no one in this House would raise a point of order against the funding for the IRS, whose very structure and organization we have worked hard to reform.

I would hope we would not raise a point of order against the Customs; against the Financial Management Services, that pays all the bills in this country; the GSA, responsible for building courthouses, some of them so desperately needed to administer justice in this country.

I know the passions that underlie some of the controversial sections of the bill, like that referred to by my colleague, the gentlewoman from New York (Mrs. MALONEY) in the section regarding the FEC. There certainly will be some sections struck as this bill goes forward. But I would hope that none of us would use the latitude granted under this rule in a punitive, vindictive, or destructive manner.

It is extremely important that this House be able to exercise freedom responsibly. We tell our constituents to do it, and we have to do it. So I would hope that we would be able, at the end of the day, to come out with a bill that does appropriately fund the many, many functions of government that are encompassed in this appropriations bill.

Mr. Chairman, as one who opposed the rule strongly, I ask my colleagues to not exercise the authority it grants except in a very, very narrow manner.

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

Mr. Chairman, I thank the gentlewoman for her very eloquent comments and remarks. I think they are remarks that I hope will be heeded by Members on both sides of the aisle.

As the ranking member from the other side said a few moments ago, this has been a bill that has been carefully crafted, and I think has had the work in a bipartisan way of people on both sides of the aisle, so I would hope that we would not strike out, and it does not mean that we have agreed on everything, but I would hope that we do not get into a spirit of tit for tat, and we do not strike all the provisions of this bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, as chairman of the Subcommittee on Oversight of the Committee on Ways and Means that has direct responsibility for the IRS, I have held the hearings on compliance on the year 2000 matters for all of those agencies under our jurisdiction, which is more than half the Federal Government.

I believe that many, many, many people in our government are working extremely hard to assure that on January 1, 2000, we will be able to pay the bills, that there will be no interruption in government services, that Medicare will go well, Social Security will go well, contractors will get paid, defense will move forward.

I think it is our obligation, while we may not all agree on how to fund this at this particular moment, to let this bill move forward. So my plea is not just to those who might want to eliminate any agency that is vulnerable to elimination under this rule, like those that I mentioned. It is also, for a second thought, by some on my side who are not satisfied with how we are funding the Y2K challenge.

There are many rounds yet in the public discussion within this body and in the Senate as to how we satisfy that, so I think restraint on both sides of the aisle to move forward on this very important bill is a responsibility we share.

Mr. KOLBE. I thank the gentlewoman for her comments. I certainly concur with them.

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

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to simply comment and thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her comments. Unfortunately, as she knows and we all know, the problem with the rule is that any one of 435 people can, under the rule, object and strike any matter in the bill that is not authorized, or is so-called legislation on an appropriation bill, which in many instances is absolutely essential to carry out objectives that are generally agreed upon.

The problem with doing that, of course, is that acting reasonably is sometimes in the eye of the actor, and one of our 435 colleagues may well think they are acting very reasonably and responsibly by striking a matter that 434 of us do not. But under this rule, any one of us that sees something as a reasonable action to strike probably a majority of this bill can do so. That was and is the problem with this rule.

Mr. Chairman, I yield 4½ minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I rise to engage the gentleman from Arizona (Mr. KOLBE) in a colloquy. Before I do, I just want to associate myself with the remarks of the ranking member regarding the hard work and the

dedication by both staff on the minority and the majority side, as well as the kudos and praise that he proffered to the chairman.

Mr. Chairman, I ask to engage the gentleman from Arizona in a colloquy.

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

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

Mr. KOLBE. Mr. Chairman, I am pleased to engage the gentleman from Massachusetts (Mr. DELAHUNT) in a colloquy.

Mr. DELAHUNT. Mr. Chairman, I say to the Chairman, the gentleman from Arizona, as a former prosecutor, I have seen firsthand the devastating toll of illegal drugs on countless individuals, families and communities. As we strive to continue to reduce the demand for illegal narcotics, we must also do all we can to supply the men and women who patrol our borders with the tools they need to prevent drugs from reaching our shores.

Today I rise in support of a new interdiction technology that could help law enforcement do its job. The innovative, sea-going Night Cat catamaran has outstanding fuel efficiency, remarkable speed, and superior handling and maneuvering capability, as well as a unique wave-piercing engineering which addresses the problems of physical stress and injuries to crew members caused by vertical acceleration in choppy seas.

These advances would provide a dramatic increase in our ability to outmaneuver smugglers and maintain control in high-speed pursuits. There is a long list of recent rave reviews from Federal, State, and local anti-smuggling officials.

In extensive tests last September that were funded by the Office of National Drug Control Policy's Counterdrug Technology Assessment Center, and carried out by the Naval Surface Warfare Center and the Massachusetts Institute of Technology, the Night Cat outperformed other craft up to 150 percent larger. Its design has been formally endorsed by U.S. Customs, U.S. Border Patrol, the DEA, U.S. Coast Guard, Navy Seals, and the Naval Surface Warfare Center.

Now it is time to help realize the potential of the prototype Night Cat catamaran. Congressional support, by providing an additional $2.5 million, would allow research and development of a 40-foot vessel with night vision and stealth capability, and the manufacturing of two additional 27-foot vessels desperately needed in high-intensity drug traffic areas.

Such vessels could be put to use to test this concept in an operational context before any additional funding might be sought. Too often the smugglers have the tactical edge. We owe our agents the most sophisticated and effective technology available for their safety and the success of their mission on our behalf.

I recognize that the subcommittee has produced a bill within very tight budget constraints, and that this request comes very late in the appropriations process. I cannot at this time propose an amendment to transfer this funding from other activities included in this bill. Instead, I would hope to work with the committee to explore ways to work with this program as the bill proceeds to conference.

Will the chairman agree to work in conference with the other body to find funding for the Night Cat pilot program?

Mr. KOLBE. Mr. Chairman, I want to thank the gentleman from Massachusetts for his efforts in this innovative and promising law enforcement technology program.

The committee is highly concerned about the state of U.S. marine law enforcement, and the poor condition of the vessels and operational capabilities of the Custom Service's marine interdiction program. Our bill adds $1 million for the Customs marine interdiction program. That is a 20 percent increase over last year's level.

While the Night Cat would be a major asset for the interdiction mission, many other issues, apart from procurement, have to be addressed in order to upgrade the condition of Customs marine enforcement.

Scores of vessels are deteriorating or are in poor condition, sitting in drydock or otherwise languishing for lack of resources to operate or maintain them. Inadequate staffing and operational support is a continuing problem, as is the need for management to integrate operational intelligence, investigative efforts, and air assets far better than is currently the case.

I would also expect to see efforts to secure funding through DOD channels. Nonetheless, test results do show the Night Cat could make a strong contribution to the interdiction effort along our vulnerable coastal areas. As the gentleman has indicated, it could be a useful military asset.

With the understanding that we have to address a broad range of issues in supporting marine interdiction, I want to assure the gentleman from Massachusetts that we will work with him to explore ways in which we can support this program, this very useful program as we go to the conference.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. BLAGOJEVICH) for the purposes of entering into a colloquy.

Mr. BLAGOJEVICH. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Arizona.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am pleased to enter into a colloquy with the gentleman from Illinois.

Mr. BLAGOJEVICH. Mr. Chairman, as the gentleman from Arizona knows, the Violent Crime Coordinators Program was organized under Public Law 103–322. This law provides that in the investigative component of the Department of Justice's Trigger Lock program, the violent crime coordinators work with local prosecutors, police departments, and the United States Attorney's Office to investigate armed career criminal cases and ensure that they are prosecuted to the full extent of the law.

VCC's represent an important link in our law enforcement system, and have been successful in keeping our Nation's most violent repeat offenders off our streets by making sure that Federal mandatory extended sentences are implemented.

VCC programs have been supported by groups on all sides of the gun debate as a way to increase the prosecution of violent crime. I know that the subcommittee has worked hard to craft a bill within a very limited budget. Unfortunately, no money was appropriated for this very important program in the House bill. I have been working with the subcommittee to find a way to provide $2 million for the program to bring it to cities like Chicago, as well as others.

While I had initially intended to offer an amendment to transfer $2 million from the General Services Administration's building operations account to fund this program, I am instead hoping to work with the subcommittee as the bill proceeds to conference to find a way to achieve this goal.

Will the chairman agree to work in conference with the other body to find funding for the violent crime coordinator program?

□ 2230

Mr. KOLBE. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his interest and for the strong support that he has given to this law enforcement issue.

The committee has tried very hard to fund law enforcement priority programs that have been requested by the administration, and I would like to point out that we increased funding for the ATF by $16 million to a total of $28 million for the youth crime gun interdiction initiative that was requested by the President.

In trying to accommodate all the requirements the committee needed to fund, it was not possible to increase the funding for support of the trigger lock investigative efforts. However, we believe that locking up violent career criminals is an important objective, and ATF can contribute significantly to that effort. I, therefore, want to assure the gentleman that we will work with him on ways to fund this requirement when we do get to a conference on this bill.

Mr. BLAGOJEVICH. Mr. Chairman, I would like to thank the chairman. He is a great chairman. The ranking member is a great ranking member. Jeff Ashford from the gentleman's staff, Pat Schlueter from the ranking member's staff and Deanne Benos from my staff.

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

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

I rise to say that in ending this general debate, we ought to, again, lament the fact that a large part of the work of this committee is, in my opinion, supported by the majority on both sides. It is unfortunate that we have gotten ourselves involved in a lot of political gamesmanship and that this rule will plunge us into seeing much of this bill stricken because, as I said, one person can do that.

Furthermore, we will not really focus, I predict, during the course of the consideration of this bill, on the substance of this bill, which is funding critical law enforcement, critical tax collection and tax reform issues, critical building of facilities to confront the crime problem in America, critical programs to make sure that our elections are fair, that people who are running for election follow the rules and that we adequately fund those who we are assigned the purpose of overseeing those elections.

It is unfortunate that as we consider this bill we will focus on the elimination of programs because they have not been authorized, through no fault of the Committee on Appropriations and perhaps even through no fault of the authorization committees, but the fact is they have not been authorized. So many of the programs that the gentlewoman from Connecticut referenced, which all of us know ultimately will be adopted, will be stricken from this bill. That is unfortunate, but the rule allows that.

In closing, I want to again congratulate the chairman and thank the chairman, thank the staff on both sides of the aisle, thank the members, the gentleman from North Carolina (Mr. PRICE) and the gentlewoman from Florida (Mrs. MEEK) on my side, and the members on the other side for working together to try to adequately and appropriately fund agencies that are critical to the continued success of this country.

We are fortunately experiencing one of the longest, most successful economic periods in the history of America. We clearly have not been the sole persons who have brought that about. In fact, what government has done has been only a portion and not the majority portion of that success.

It has been the private sector, their innovation, their enterprise, their investment that have brought about this growth. But clearly, as I said in relationship to the Y2K problem, the agencies in this bill are critical partners in that success.

This bill has a long way to go before it becomes law. We will work together with the chairman and with the Members of this committee in a bipartisan way to try to bring it to fruition successfully.

I want to regret that and hope that the provision that the gentlewoman from New York (Mrs. LOWEY) included in this bill and the Committee on Appropriations adopted providing for women in the Federal service to have access to contraceptive services to preclude unwanted pregnancies and, therefore, abortions, which everybody wants to do, will not be struck on a point of order and that at the very least we can consider that by majority vote in this House, which is not precluded by the rule, probably will not happen but is not precluded by the rule.

I thank, again, the gentleman from Arizona (Mr. KOLBE) for his leadership, his openness, and his positive attitude and actions as we consider this bill.

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

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

I thank the gentleman from Maryland for his kind words and would echo them back to him and tell him that I appreciate very much his cooperation and the efforts that he has made this year and in the past year that I have been chairman of this subcommittee to help me craft a bill that I think has been a good bill and one that can be supported by a majority on both sides of the aisle.

I come to this subcommittee with a lot less knowledge than the ranking member has of these agencies that are under the jurisdiction of this committee and he has been extraordinarily helpful. Again, I want to thank his staff and the staff that is with me on this side of the aisle for the work that they have done.

Mr. Chairman, as the ranking member said, tonight is the calm before the storm. Tomorrow is not likely, when we take this bill up again, to be quite so easy in terms of the kinds of things that will happen to this bill tomorrow.

As the gentlewoman from Connecticut said, I hope that Members will exercise as much restraint as possible, but as the gentleman from Maryland has pointed out, it takes only one Member out of 435 to strike most of the provisions of this bill, 80 percent of which, sadly, have not been authorized by the appropriate authorizing committees.

So I would only say that if this is going to happen tomorrow, I will, although we will have to concede the point of order, I will vigorously object or urge Members not to make that point of order. I would do so now in a general fashion and will tomorrow at the time that they make these points of order.

Nonetheless, I would note for my colleagues on both sides of the aisle that there will be another day for this bill. We will have an opportunity in the conference committee with the Senate to craft, I think, again, a bill, using the work that we have already done in the subcommittee and the full committee, using that work to make sure that our priorities that have been expressed by this House through the committee process, as it should be done, that those priorities are included in the final bill which gets brought to the floor this fall in a conference report.

I am confident that we will have a bill. I am confident we will have a bill that can be generally supported by Members on both sides of the aisle. I am confident we will have a bill that will deal with the priorities that we have established for law enforcement, for restructuring the Internal Revenue Service. I believe that those priorities will be dealt with.

Mr. Chairman, I will say that while I believe that tomorrow may be a stormy day, the sun will come out on the other side of that day. And we will have legislation, we will have an appropriation that all of us can look with some pride on.

Mr. KUCINICH. Mr. Speaker, this rule strikes the emergency funding appropriation related to the Year 2000 conversion of Federal information technology systems. I must protest this provision in the rule because of the severity and potential impact of the Year 2000 problem.

I'd like to commend the work of Representative STEVE HORN who is the Chairman of the Government, Management, Information and Technology Subcommittee where I serve as ranking member. Mr. Horn has been a leader on the Y2k issue long before anyone else. I am pleased to be serving with him on the subcommittee on this issue.

I'd also like to commend the Majority for paying special attention to the Y2k problem. However, I'm concerned that if we delay the emergency appropriations for Y2k that we will not be giving the agencies the support they need to solve this problem.

Last month, the U.S. Postal Service released their first progress report on fixing the Y2k problem. The report was worrisome. Out of 335 mission-critical systems, 210 need to be repaired, 59 need to be replaced, and only 54 were Year 2000 compliant. The Postal Service needs their emergency appropriations as soon as possible. Imagine the disservice we are doing to the American people and economy by not doing our best to make sure their mail is delivered in a timely manner once January 1, 2000 is here.

At the Treasury, the Financial Management Service issues all the Social Security and other checks for the Government. Currently, they have 5 systems that have not been completely assessed to see if they are Year 2000-compliant. Renovation of these systems is critical if U.S. citizens are to receive their Social Security checks in the Year 2000.

The IRS is funded with this appropriations bill and currently has 93 out of 243 information technology systems fixed. That leaves 150 systems to be fixed before the year 2000. If the U.S. Government is unable to collect taxes on January 1, 2000, this could have serious consequences to the continued operation of the Government.

The Customs Service Year 2000 effort is also funded under this bill. All three of Customs mission-critical systems need to be repaired and tested. One of them is the NCIC component of the Treasury Enforcement Communications System which is also used by the FBI. NCIC is the Federal criminal database. Not fixing these systems in a timely manner could affect the apprehension of smugglers come January 1, 2000.

Alcohol, Tobacco, and Firearms is funded under this bill and needs to replace several of their programs. The funds need to be there for them to assure that the ATF can enforce the law come January 1, 2000.

Removing the emergency appropriations for Y2k from the Appropriations bill and setting up a separate emergency spending measure delays agency efforts at fixing the Y2k problem. Also, a separate emergency appropriations bill could contain unrelated objectionable amendments just as last year's flood relief bill did. Politicizing Y2k emergency funds this way trivializes the problem and threatens our readiness for the new millennium.

Mr. STARK. Mr. Chairman, I rise today in support of the Sanders amendment to H.R. 4104 which prohibits financial loans, guarantees, or other obligations from the Exchange Stabilization Fund (ESF) in the U.S. Treasury unless authorized by the U.S. Congress. Congress must have a say in how billions of taxpayer dollars are distributed worldwide. Under the current system, the administration is given a blank check—in the form of the ESF—to bailout failed economies in developing countries. This blank check, however, has been used to support irresponsible, and undemocratic international economic policy. Congress needs to gain leverage so that it can force the administration to abandon short-sighted goals and unequitable practices.

The ESF has evolved from a fund with a specific mission to an unaccountable giant nourished by tax dollars. Created by President Roosevelt under the Gold Reserve Act, the ESF was intended to be used to stabilize the exchange value of the dollar. The billions of dollars recently taken from the fund to bailout Asian countries and the $12 billion loan to Mexico in 1995 fall way outside of the realm of the ESF's original mission. A fund that no longer fulfills its original Congressional directive must be made accountable once again.

In addition to serving a financial purpose, ESF loans symbolically demonstrate American support for regimes, such as the Mexican regime that was bailed out in 1995. Loans with such international political and economic significance should require more than just the Administration's backing. The ESF currently has no direct accountability to the American people.

It is unwise for these funds to be distributed without Congressional approval. Each year on this floor we debate appropriations worth millions of dollars. We are shirking our responsibility to the American people by accepting unilateral executive appropriation of billions of dollars every year from the ESF to developing countries. Congress needs to be able to voice the American people's concerns over the use of the ESF.

And Mr. Chairman, I have many concerns over the projects that the ESF is currently supporting. These concerns have a direct bearing on the lives of the hard-working people back in my district.

ESF loans are part of an international tax and transfer cycle that rescues irresponsible risk-taking international banks at the expense of American and foreign middle and lower-income taxpayers. The short-term economic recovery promoted by ESF bailouts, not to mention U.S.-subsidized IMF structural adjustment, ignores long-term economic and political instability. Instead of learning to make more sound investments, banks continue to take risks knowing that they have a safety net. As a result there is a cycle of debt and rescue, subsidized by U.S. taxpayers. It is outrageous for wealthy international financiers and industrial moguls in developing countries to be saved time and time again by the hard-working people of America.

Congress needs to have the power to control the ESF so that lasting democratic regimes can be established and strengthened in countries benefiting from ESF funds. Under the present system, the ESF guarantees the solvency of insolvent institutions and unjust governments by continually bailing them out of crisis. The use of the ESF to support dictators in countries like Indonesia makes it obvious that Congress is needed to guarantee that the U.S. helps spread democracy and not corruption around the world.

Mexico in 1995 is a case in point in the use of the ESF to support corruption. The Mexican government purchased more than $45 billion of bad debts from Mexican banks in 1995 with the aid of $12 billion in ESF loans. Despite promising to eventually hold borrowers liable for the debts, the government has permanently absorbed the debt burden, agreeing to rescue the very financial elites that control the government. The likely result is that the $45 billion will be directly transferred from Mexican and American taxpayers to the politically and economically elite in Mexico, accentuating the class divisions that plague that society. Congress must have the power to insure that ESF loans are not given to countries that perpetuate corrupt political and economic regimes, such as Mexico.

ESF loans are part of a larger pattern of irresponsibly short-sighted international financial bailouts subsidized by U.S. taxpayers. Currently members can voice their feelings about funding for the IMF and other multilateral development banks. We deserve to also have our voice heard on the appropriation of billions of tax dollars to foreign countries through the ESF. I strongly urge my colleagues to support the amendment.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

STEVE SCHIFF AUDITORIUM

Mr. REDMOND. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the bill (H.R. 3731) to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the ''Steve Schiff Auditorium'', and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

GENERAL LEAVE

Mr. REDMOND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3731.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3731

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

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Congressman Steve Schiff represented the First Congressional District of New Mexico in Congress from 1988 to 1998 with honor and distinction.

(2) Mr. Schiff chaired the Subcommittee on Basic Research of the Committee on Science emphasizing protection and improvement of America's economic and military strength into the 21st century through the support of a robust national science and technology infrastructure.

(3) Mr. Schiff was a tireless advocate of facilitating the transfer of technologies developed at federally supported institutions into the commercial sector.

(4) Mr. Schiff supported technology transfer efforts at Sandia National Laboratory, located in the First Congressional District of New Mexico, including its cooperative research and development programs, which have benefited the people of New Mexico and the Nation as a whole.

(5) Mr. Schiff's contributions should be acknowledged with a fitting tribute within the district he so selflessly served.

SEC. 2. DESIGNATION.

The auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, and known as Building 825, shall be known and designated as the ''Steve Schiff Auditorium''.

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the auditorium referred to in section 2 shall be deemed to be a reference to the ''Steve Schiff Auditorium''.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. REDMOND) is recognized for 1 hour.

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

I rise today in support of H.R. 3731, a bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico as the ''Steve Schiff Auditorium.''

It is a privilege to bring this bill to the floor today. This bill is a fitting tribute to the late Steve Schiff, who represented New Mexico's first congressional district, which includes Sandia National Laboratory, for nearly 10 years.

As chairman of the Subcommittee on Basic Research, Steve Schiff set a standard of commitment, furthering

national science and technology. Naming the auditorium for Mr. Schiff memorializes Steve and his legacy of support for the scientific community of New Mexico and the United States. Steve Schiff lived a full life of achievement that epitomized service to the local community and to the Nation at large.

As a young man, Steve enlisted in the Air Force and eventually became a full colonel in the U.S. Air Force Reserve.

As a young attorney, he worked as an assistant district attorney for Bernalillo County and ultimately rose to become the district attorney.

Mr. Speaker, Steve Schiff had a long and admirable career in public service, and we have a number of our distinguished colleagues who would like to speak in tribute to Mr. Schiff.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Mexico (Mr. SKEEN), our senior Representative.

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

Mr. SKEEN. Mr. Speaker, as Members know, our citizens of the great State of New Mexico mourned the death of Congressman Steve Schiff earlier this year. Steve was one of the most distinguished colleagues of this honorable body we proudly call the ''people's'' House of Representatives.

Changing the name of the auditorium at Sandia Technology Transfer Center in Albuquerque, New Mexico to the Steve Schiff Auditorium will provide New Mexicans and all who visit the center with a continuing tribute to this great Congressman, Steve Schiff.

Steve was dedicated to his constituents, and he worked hard to represent their interests in Congress. All of us remember Steve Schiff for caring so much, for trying so hard and for doing so much for his district, our State and country.

As chairman of the House Committee on Science Subcommittee on Basic Research, Steve led efforts to improve the Nation's economic and military strength into the 21s century through the support of robust national science and technology infrastructure.

Steve represented the first congressional district of New Mexico, which includes Sandia Laboratory. And as many of my colleagues know, Steve was a leading advocate for the use and transfer of technology developed at federally supported institutions for use in the private sector.

Naming this building in Steve Schiff's honor is most appropriate to recognize the memory of Steve and his contribution toward the enhancement of our quality of life through his support of technology transfer.

I ask my colleagues to strongly support this bill.

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Mr. REDMOND. Mr. Speaker, I yield 4 minutes to the gentlewoman from the first Congressional District of New Mexico (Ms. WILSON).

(Ms. WILSON asked and was given permission to revise and extend her remarks.)

Ms. WILSON. Mr. Speaker, it is a real pleasure to rise in support of this bill to rename the auditorium at the Technology Transfer Center of the Sandia National Laboratories the Steve Schiff Auditorium.

The first time I met Steve Schiff was about 3 weeks after I moved to New Mexico. We had a little reception at our home for our wedding, and my husband invited a friend of his from the Air National Guard named Steve Schiff. He was humble, he was focused on public service, he was a good and a great man, and it is often harder to be a good man than to be a great man.

In 1994, when he was up for reelection, he asked me to chair, or co-chair, his finance committee, and I quickly understood that his asking me to chair his finance committee had less to do with his needing my help than my needing his and his belief in stewardship of young people in this country and in the Republican Party in New Mexico.

At that time, I went into his campaign headquarters and was signing hundreds of letters to people who might donate to his campaign; and he walked in and he said, ''Well, Heather, you know, you don't need to sign all those letters yourself. If you hadn't noticed, there are a lot of Steves around here.'' Well, the truth is that we all know that there are not many Steves around here. He was a unique and valued individual, an honored Member, former Member, of this body, and I know all of us miss him dearly.

He was known for his humility and also for his humor. He told many, many stories about service in the public interest; and he gave a good name to being a public servant. It is more difficult to be good than to be great, and Steve Schiff was an example to us all.

I would urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. GILCHREST). Without objection, the previous question is ordered.

There was no objection.

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

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

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

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

Mr. REDMOND. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, further proceedings on this matter are postponed.

SAVE THE ''E-RATE''

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, the telecommunications industry is holding hostage the future of every single child in America. We all know our classrooms and libraries must be wired to the Internet for our children to have the skills to compete in the 21st century, but this must happen today if our children are to become the leaders of tomorrow. Over half of all jobs in the future will require computer and networking skills.

The Telecommunications Act of 1996 specifically provided such services to our schools and libraries at discount rates. Over 30,000 schools and libraries have applied for this education rate, including 59 from my own congressional district. Yet now, just as this important program is getting off the ground, the telecommunications industry, which has profited by billions of dollars from this act, is reneging on its part of the deal, with the full support of the Republican leadership of this House.

It is shameful. We cannot let corporate greed put an end to this historic effort to meet a critical national need. I urge my colleagues to stand up on behalf of our children and support the E-rate.

[From the School Board News, June 9, 1998]

TO THE TELECOMMUNICATIONS INDUSTRY, CONGRESS, AND THE FCC: DON'T PULL THE PLUG ON AMERICA'S CHILDREN

(By Anne L. Bryant)

When Congress was debating new telecommunications legislation a couple of years ago, NSBA was there lobbying to make sure the law included a plan so schools and libraries can afford to provide Internet access, distance learning, and other technologies.

When the Federal Communications Commission (FCC) began drafting the regulations to put the e-rate into effect, NSBA lobbyists were there to make sure the e-rate would provide a deep enough discount and to ensure that schools could use the discount for a wide variety of services with few limitations.

NSBA and other education groups were key players in the FCC's negotiations with the telecommunications industry and utility regulators to come up with a plan to finance the e-rate that all parties agreed to.

And now that the e-rate is under attack, NSBA is there, working with a coalition of education groups, to make sure it is not held hostage in a ''telecommunications war'' as long distance and local phone companies fight over market share.

Since NSBA and five other education groups launched the ''Save the E-Rate Campaign'' last month, school officials from across the country generated 10,000 letters to members of Congress, the FCC, and telecommunications companies to support full funding for the e-rate.

Despite earlier statements from the FCC that it would provide up to $2.25 billion a year for the e-rate discounts, first-year funding now is likely to be in the range of $1.75 billion.

Schools and libraries that have applied for the e-rate have requested a total of $2.02 billion, and the Schools and Libraries Corp. (SLC) is carefully reviewing all the applications to make sure that the discounts are

used for eligible costs. If there is not enough money in the fund to finance all the applications, FCC Chairman William Kennard says schools in poor and rural communities will get first priority.

Local school boards' overwhelming support for the discounts underscores how crucial the e-rate is to ensure that our students can be full participants in the Information Age. Without the e-rate, the gap between the technology haves and have nots will continue to grow.

The SLC received more than 30,000 applications for the e-rate before the April 20 deadline. These applicants have developed extensive technology plans and have lined up local funding sources to support their part of the bargain. They are counting on these discounts to start July 1 so they can begin providing services to the students they serve.

Just as this important program is getting off the ground, the telecommunications industry is backing off from its commitment to contribute enough to the FCC's Universal Service Fund to pay for the discounts.

Certain long-distance telephone companies—AT&T, MCI, and Sprint—are undermining the program by charging their customers higher rates and blaming the increases on the e-rate. Other companies—SBC, BellSouth, and GTE—have filed a lawsuit that, if successful, could destroy the e-rate program.

The fact is, the Telecommunications Act of 1996 cut the access fees the long distance carriers are charged to connect with local telephone systems. These fees will be cut even further in July.

The savings from these fee reductions would offset the long distance companies' contributions to the Universal Service Fund to finance the e-rate and also allow the companies to pass along the savings to customers. In addition, these companies, have the opportunity to make a profit by winning contracts to serve schools and libraries.

Despite earlier agreements, however, AT&T has raised its long distance rates, and now claims it won't be able to contribute to the Universal Service Fund unless it adds a surcharge to customers' phone bills.

This ploy has gotten the attention of consumer groups, who now have asked the FCC and Congress to delay implementation of the e-rate until the issue of access charge reductions is resolved.

A coalition that includes the Consumer Federation of America, Consumers Union, and groups representing business telephone users wrote to the FCC May 21 requesting another $1 billion be cut annually from the access charges. They claim that is the amount consumers are being asked to pay in unrelated new line-item charges that began showing up on long-distance bills earlier this year. The groups want the e-rate to be halted until new fees are imposed to pay for it.

That would be a grave mistake. The e-rate must not be delayed or reduced. The FCC and Congress should not break their promise at the eleventh hour.

We must not let the nation's schools be held hostage to policy disputes among various sectors of the industry, government policymakers and regulators, unrelated businesses, and consumer groups. Schools and libraries—and the thousands of students, teachers, parents, and community members they serve—are consumers, too.

There is a huge demand for the e-rate. Our children's—and our nation's—future requires that our schools have access to the telecommunications services they will need to succeed in the 21st century.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 1998.

Hon. WILLIAM E. KENNARD,
Chairman, Federal Communications Commission, Washington, DC

DEAR CHAIRMAN KENNARD: We are writing to you today to express our utmost concern and support for the education rate (E-rate) created by the Telecommunications Act of 1996. It is absolutely imperative that you, as Chairman of the F.C.C., work with your fellow Commissioners to implement the intentions of Congress regarding this initiative and ensure that the E-rate receives the comprehensive funding that it has been promised. It is vital that you hear of the positive support that the E-Rate program has in Congress, as well as the valuable and practical impact that the program will directly have in all of our communities. We urge you and the Commission to ensure that funds allocated to the E-rate meet the demand that has already been demonstrated by schools and libraries in the 30,000 applications submitted thus far.

Despite the adverse message that has been relayed by a small number of Members of Congress, the E-rate has overwhelming endorsement in the House, Senate, and in communities nationwide. By creating the E-Rate, Congress clearly enumerated its commitment to guarantee that each child and community have the tools necessary to become technologically capable of participating in the global marketplace. The influx of advanced technology in our society makes it imperative for our schools and libraries to have adequate technology with which to teach the youth of our future. The E-Rate program provides discounts to schools and libraries for a limited number of services. Internal wiring, one of the most integral endeavors eligible for E-Rate discounts, would enable countless local schools and libraries access to the information superhighway.

The E-rate, financed through reductions in the regulatory fees assessed to telephone companies, is a positive and beneficial program which encourages the economic development of infrastructure for both schools and libraries. However, the uncertainty of such funding now becoming a reality greatly concerns us—the overall impact on Massachusetts would be devastating if E-Rate discounts were not provided for the projects proposed statewide. The Massachusetts Department of Education has begun the initial implementation of a statewide dial-up Internet access network for all Massachusetts educators. Though there are already over 20,000 educators who have registered for this service, without financial assistance through the E-Rate program, thousands more will be denied of a tremendous opportunity to access the Internet and ensure that they will be able to transfer information and technological skills to their classrooms.

The negative publicity that has surrounded the implementation of this program is distressing, and despite some naysayers, the program has attained solid support from local communities, educators, students, and many businesses. This effort must not be compromised nor delayed by the potential ongoing debates and criticisms that are fueled and based on misinformation. The message from local communities has been resoundingly clear—our students need to be exposed to technology and have access to as much information as possible in order to be successful and to function in modern society. The E-Rate is a prime means by which the federal government can offset, and often times initiate, the inception of high tech infrastructure in our schools and libraries.

We urge you to not impede or delay decisions to grant many Massachusetts schools and libraries with the funding needed to access technology. Thank you in advance for your time and attention to this matter. We look forward to hearing from you in the very near future and to working with you to promote the E-Rate program and the goals that it aims to achieve.

Very truly yours,

RICHARD E. NEAL.
JOHN W. OLVER.
JOE P. KENNEDY, II.
WILLIAM DELAHUNT.
JIM P. MCGOVERN.
MARTY MEEHAN.
JOE MOAKLEY.

E-RATE PROGRAM PROVIDES HOPE AND PROMISE TO STUDENTS AROUND THE COUNTRY

(Mrs. CAPPS kasked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. CAPPS. Mr. Speaker, I rise today in support of the E-rate program, which provides hope and promise to students, parents, and schools all over this country.

I have here letters in support of the School and Libraries Telecommunications Discount, and they are from school districts across the 22nd Congressional District of California. These letters clearly state the deep need that exists for these discounts and the losses which will be incurred if the program is repealed.

Dr. Gale Tissier, the Santa Maria Bonita School District superintendent writes, ''Without the E-rate, our community will not be able to provide technology and Internet access for our students and families.''

In the small district of Shandon, Superintendent Summers states, ''Without this program we will continue to struggle with what little obsolete facilities and equipment we currently have.''

Funding of the E-rate was part of a deal reached by Congress, the telephone companies, schools and libraries as part of the Telecommunications Act of 1996. I call on the phone companies to live up to this agreement and fund the program without burdening their customers. I call on Congress to support the E-rate and prepare today's students for the challenges and the opportunities of tomorrow.

Mr. Speaker, I include for the RECORD letters that I referred to in my remarks.

SANTA MARIA-BONITA SCHOOL DISTRICT,
Santa Maria, CA, June 17, 1998.

Hon. LOIS CAPPS,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN CAPPS: I am writing to ask your support for full funding of the Schools and Libraries Discount Program that has been put in place as a result of the passage of the Telecommunications Act of 1996. That program has come under attack in recent weeks. I am concerned that the tremendous opportunity it provides to help all students in America gain equal access to the benefits of modern technology and the Internet might be lost in the debate.

While the FCC has ordered funds for the support of this program to be collected, the

amount to be collected is less than the amount that the program originally set as being needed. It will also not cover all of the requests for the current funding cycle. This means that many projects will not be funded. The FCC has acted courageously in setting even this funding amount in light of the extreme pressure exerted on it from the large TELCOs and other detractors of the program. The TELCOs claimed need to add 5% to long distance rates to cover the costs of Universal Service has been blamed on the Schools and Libraries Discount program. In fact, only a little over one third of that amount (1.5%) would raise more than enough to fully fund the program. With the elimination of local access charges starting in July, the TELCOs will save much more than that amount.

This is a landmark program that will help assure a brighter future for many students who otherwise will not be able to benefit from the rich technology that can transform education in our country. Our community will not be able to provide technology and Internet access for our students and families, of which less than 20% now have access to computers and the Internet at home, without this program. The school may be the only place that the next generation of workers and consumers can get the training and experience they need to compete in the 21st century job market.

We ask for your support for the future of our children and the full funding of the Schools and Libraries Discount Program. We need a strong voice in this debate in favor of the program.

Sincerely,

GAIL M. TISSIER,
Superintendent.

SHADON UNIFIED SCHOOLS,
Shandon, CA, June 18, 1998.

Hon. LOIS CAPPS,
U.S. Congress,
San Luis Obispo, CA.

DEAR CONGRESSWOMAN CAPPS: I want to express my thanks to you for your fine work on behalf of the schools and school children of San Luis Obispo County. We in Shandon have been encouraged by the time you have taken to listen our requests for relief from some of the special problems of the smaller districts in low income areas.

I am alarmed, though, after the wonderful promise offered by the FCC ''e-rate'' process, that there are those in the Congress that are working to dilute its value to us or to eliminate the program entirely. If there are those who harbor doubts about the worth of this program, I would love to have them visit my schools.

For Shandon children, this program will absolutely offer a chance for technological literacy on a par with school children in the most advantaged schools. Large numbers of our families are at or near the poverty level, and our district has no economies of scale. This program will allow us to acquire nearly $200,000 worth of services, wiring, and equipment at less than one-fourth the cost. Without this program, we will continue to struggle with what little obsolete facilities and equipment we currently have.

Every one of my employees works very hard to get the most out of what we have. Our students are motivated and eager to learn.

Please, carry this message to your colleagues: Help me to help these people!

Sincerely,

RICHARD L. SUMMERS,
Superintendent.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 5 minutes.

(Mrs. NORTHUP 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 Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS 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 Florida (Mr. MILLER) is recognized for 5 minutes.

(Mr. MILLER of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INDONESIA'S HUMAN RIGHTS VIOLATIONS IN IRIAN JAYA/WEST PAPUA

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, my remarks, in sharing these thoughts with my colleagues, I have entitled Indonesia's Human Rights Violations to the People of the West Papua, New Guinea.

Mr. Speaker, many of our colleagues are familiar with Indonesia's dismal record of human rights violations in East Timor. The abuses have been well publicized and documented, especially the Dili massacre of 1991, where hundreds of innocent Timorese were killed by government security forces. What has not received much attention, Mr. Speaker, is the tragic story of the people of West Papua, New Guinea, or Irian Jaya, as the people of New Guinea have renamed that province. West Papua, New Guinea, borders the independent nation of Papua, New Guinea, and forms the western half of the world's second largest island.

Mr. Speaker, the recent violence by the Indonesian government against the people of West Papua, New Guinea, is nothing new. It is part and parcel of the long history of Indonesia's oppression of the native Melanesian people of West Papua, New Guinea.

In 1961, the people of West Papua, New Guinea, with the assistance of Holland and Australia, prepared to declare independence from its Dutch colonial master. This enraged Indonesia, which invaded West Papua, New Guinea, and threatened war with Holland. As a Cold War maneuver to counter Soviet overtures for Indonesia to become a member of the Communist block, the United States intervened in the West Papua, New Guinea, issue. After the Dutch were advised that they could not count on the support of the allies in a conflict with Indonesia, Holland seized involvement with West Papua, New Guinea's, independence. Indonesia thus took West Papua, New Guinea, in 1963, suppressing the West Papua, New Guinea, people's dreams of freedom and self-determination.

In 1969, a referendum called the ''Act of Free Choice'' was held to approve the continued occupation by force of West Papua, New Guinea, by Indonesia. West Papuans called it the ''Act of No Choice''. Listen to this, Mr. Speaker. Only 1,025 delegates, hand picked by the Indonesian government, were allowed to vote, and bribery and threats were used to influence them. The rest of the 800,000 citizens, the local, or the indigenous Melanesians, the 800,000 West Papua, New Guineans, had no say in the undemocratic process. Despite calling for a one-person, one-vote referendum, the United Nations recognized the so-called vote.

Mr. Speaker, since Indonesia took over West Papua, New Guinea, the native Melanesian people have suffered under one of the most repressive and unjust systems of colonial occupation ever known in the 20th Century. The Indonesian military has waged an ongoing war against the free Papuan movement and their supporters since the 1960s, and against the civilian populace that has objected to Indonesia's plan for development in West Papua. An example of the latter are the thousands of killings associated with the expansion of the Freeport copper and gold mines in West Papua, New Guinea.

Incredible as it may seem, Mr. Speaker, estimates are that between 100,000 to 300,000 indigenous West Papua, New Guineans, have been killed or have simply vanished or disappeared from the face of the earth during Indonesian colonization. Mr. Speaker, the depth and intensity of this conflict, spanning three decades, underscores the fact that the people of West Papua, New Guinea, do not have common bonds with nor accept being part of Indonesia.

The indigenous people of West Papua, New Guinea, are racially, culturally and ethnically different from the majority of Indonesians. West Papuans

are Melanesians, Mr. Speaker, they are not Indonesians. West Papuans practice Christianity. Indonesians practice Islam, or the faith of Islam. West Papuans have a unique language and culture which is distinct and different from the rest of Indonesia.

Mr. Speaker, to make matters worse, the government of Indonesia has chosen a policy of transmigration, or a unilateral forced settlements, where hundreds of thousands of Indonesians have now taken residence in the lands belonging to these 800,000 to 900,000 West Papua, New Guineans, in their own homelands.

Mr. Speaker, the tragic situation in West Papua, New Guinea, greatly concerns me. With the recent shootings over the pro-independence demonstrations in West Papua/Irian Jaya, I would hope all my colleagues in the House would join me in urging the Indonesian government to immediately stop these human rights violations and take steps now to review the status of West Papua, New Guinea, as it should be, especially perhaps it should be considered as a non self-governing territory under the auspices of the United Nations, similar to the territory of New Caledonia, currently a colony of France.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REPUBLICAN TASK FORCE TO RELEASE LANGUAGE ON MANAGED CARE REFORM BILL

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, this week the Republican health care task force here in the House is supposed to release the language for its so-called managed care reform bill. And we know from what the task force has already released publicly that this bill will be a farce, a cosmetic fix that lacks some of the most important patient protections.

Despite an avalanche of real-life examples of people who have died because their HMOs refuse to approve needed care, the Republican leadership has kowtowed to the insurance industry. The Republican plan will not allow patients to sue their HMOs when they are denied needed care.

This weekend Senate majority leader TRENT LOTT announced that Republicans in the Senate are following suit. The Senate Republican bill will also deny patients the right to sue their HMOs. Unlike the Republicans' proposals, the Democrats' patient bill of rights would give patients the right to sue their HMOs.

Although this provision is included in the Patient's Bill of Rights, support for giving patients a legal mechanism to hold HMOs accountable is hardly limited to Democrats in Congress. Federal judges around the country are increasingly frustrated by the Employee Retirement Income Security Act, or ERISA law, which is the source of the problem. ERISA shields HMOs and insurance companies from being sued by patients.

I would like to give some examples, Mr. Speaker. Take the case, for example, of a Louisiana woman named Florence B. Corcoran. Miss Corcoran brought suit against her HMO after her fetus died following the HMO's refusal to hospitalize her for a high-risk pregnancy. After the suit was thrown out, the U.S. Court of Appeals for the fifth circuit in New Orleans said the Corcorans have no remedy for what may have been a serious mistake.

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The court observed that the death of Mrs. Corcoran's unborn child would seem to warrant a reevaluation of ERISA so that it can continue to serve its noble purpose of safeguarding the interests of employees.

There are other courts around the country, other Federal courts, that have also been critical of ERISA and the fact that patients cannot bring suit against their HMOs.

In Boston, Judge William C. Young of the Federal court expressed his deep concern by the failure of Congress to amend the statute that due do the changing realities of the modern health care system has gone conspicuously awry. ''It is deeply troubling,'' Judge Young said, ''that in the health insurance context ERISA has evolved into a shield of immunity which thwarts the legitimate claims of the very people it was designed to protect.''

I could give other examples. I will give one more, Mr. Speaker. In San Francisco, the U.S. Court of Appeals for the Ninth Circuit ruled just last month than an insurance company that denied Ms. Rhonda Bast from Seattle treatment for breast cancer. She had died from the disease. ''This case presents a tragic set of facts,'' said Judge David R. Thompson. ''Without action by Congress,'' he added, ''there is nothing we can do to help the Basts and others who may find themselves in the same unfortunate situation.''

I think that these examples clearly demonstrate the severity of the problem. From coast to coast, Federal courts are forced to tell patients and families of patients who have died that they would like to help but cannot. The law does not allow for it. The law does not allow for a patient to bring suit effectively for damages against an HMO.

And this, I would remind my colleagues, is what the Republicans now are ardently defending. No matter what the cost, the Republican leadership will not break its alliance with the insurance industry and allow for adequate enforcement of patient protections.

Giving patients the right to sue HMOs is an absolutely vital component of managed care reform. The right to sue is the enforcement mechanism through which all the patient protections we are advocating are to be protected. President Clinton summed it up best when he said the other day that ''a right without a remedy is not a right.''

The public's support, Mr. Speaker, for true managed care reform I think has translated into an enormous amount of support for the Patients' Bill of Rights, the Democratic proposal, which offers the most comprehensive set of protections of any managed care reform bill in Congress today.

Currently, the Patients' Bill of Rights has the support of over 175 patients, physicians, consumer medical and public health groups. It has 190 cosponsors in the House, including some Republicans.

Despite this groundswell of grassroots support, the Republican leadership is still throwing up roadblocks to progress. Their are reports today that the Republican leadership may bring its sham proposal directly to the floor for a vote as early as next week.

This week, supporters of the Patients' Bill of Rights will be working hard to gather support for the bipartisan Dingell-Ganske discharge petition, which was introduced before Congress adjourned for the July 4 recess. This discharge petition would force the Republican leadership to allow the Patients' Bill of Rights to come to the floor for a vote. The discharge petition will play a crucial role in ensuring Members of this body are given the opportunity to vote on the Patients' Bill of Rights if the Republicans bring their sham proposal to the floor next week.

I think, Mr. Speaker, it is time that we all took stock of the fact that if we are going to pass patient protections, and we certainly should, that it should be patient protections that is real managed care reform.

MANAGED CARE REFORM

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

Mr. STUPAK. Mr. Speaker, I would like to pick up a little bit on where the gentleman from New Jersey (Mr. PALLONE) was talking about on managed care.

The leadership of the majority in both the House and the Senate have now finally entered into public discussions on trying to adopt a Patients' Bill of Rights. And I think that is great, because I think, as a country, American families are demanding that we begin to deal with the inequities that we find in health maintenance organizations organizations and managed care plan.

So I also think it is an important step that the Republican majority is starting to engage finally in this conversation. And I think, as America has the chance to look at the different plans that are out there, they will clearly see that there is a choice. They can choose the Republican majority plan, which really affirms the right of a patient to appeal to the health maintenance organization which denied them their coverage.

So I think that is an internal appeal which falls really on deaf ears. I am afraid that the majority plan does not have any real enforcement provisions and simply moves the appeal, if you will, internally within the HMO. And as I said earlier today, the denial of coverage would be moved up the management ladder to a more fancier waste paper basket.

Now if we take a look at the Democratic plan, the plan that has been out there for a number of months, what we see is the Democratic plan does provide for real enforcement of all the provisions of the HMO that the consumer pay for will be entitled to receive. It gives the patient the right to enforce all the provisions of their manage the care plan.

That is why we need the Democratic Patients' Bill of Rights legislation. The Democratic proposal reaches beyond the quick fix that is put forth by the Republican majority, and the Democratic plan will give consumers a real power in dealing with their HMO and managed care plan.

And when we think about it, in managed care and HMOs, we have the insurance executives determining what their coverage will be or what they are going to pay for, what will be covered underneath the plan, what will not be covered.

Well, we Democrats happen to think that is wrong. We believe in a doctor-patient relationship, and that is why the American Medical Association and most of the medical and consumer groups have endorsed our plan. We believe, as Democrats, that the doctor and the patient should make the decision, not what is in the fiscal interests of the managed care plan.

Some of the other very positive aspects of the Democratic plan also makes for women, the OB/GYN can be your primary care physician; not a specialist, but could be your primary care physician and would be covered underneath your HMO. In the Democratic plan, when you have a true emergency, when you have an emergency, the closest emergency room, whether they come underneath that HMO or not, must treat you.

Of course, the enforcement that I have been speaking of, as the gentleman from New Jersey (Mr. PALLONE) mentioned, gives you, the patient, the right to make the enforcement process, and if that enforcement process says that you are denied coverage, you have a right to then go into court and not sue the hospital or the doctor who are trying to give you the care, but sue the insurance executive that denied you the coverage for whatever treatment or specialist you may need.

What we try to do in the Democratic plan is put back medicine where it belongs, back with the doctor/patient. The decisions on your health care should be what is medically necessary to help you overcome your illness or disease, and that is where the doctor and the patient should make the decisions.

And in the Democratic plan, all specialists that are needed, that are medically necessary, are going to be covered underneath your managed care plan. Unfortunately, in the parts that we have seen of the Republican proposal, only some specialists are covered, not all of them.

We lift the gag rule. A doctor can say, well, you may need this CAT scan, and even though your plan does not pay for it, I can refer you outside your plan for this specialty. Right now, many doctors are forbidden, underneath the contract they have signed with the managed care plan, not to even make referrals outside the plan that would cost the plan more money. Therefore, there is what has always been called a gag rule on the physicians. That would be lifted.

So you can see, the Democratic plan, in fact, I am looking at the National Journal of Congress Daily of June 25, just before we broke, and the proposal was floated, GOP plan draws diverse criticism. Even those that are supporting the plan were criticizing the Republican proposal because it provides controversial proposals that would make it easier for small businesses to band together and would escape State benefit mandates, cap damages awards.

While you are trying to give the consumer more power, the Republican plan actually took the power away from the consumer, away from the medical profession.

So the Democrats, the insurers, the consumer groups and even the American Medical Association all happen to like H.R. 3605, which is the Patient's Bill of Rights put forth by the gentleman from Michigan (Mr. DINGELL). I would hope each and every Member would take a chance, take a look at this bill and support us with this legislation.

NATIONAL RIGHT TO WORK BILL

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia (Mr. GOODLATTE) is recognized for half the time until midnight, as the designee of the majority leader.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to advise and extend their remarks and include extraneous material on the subject of this special order.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I rise this evening to speak in support of legislation that I have introduced, called the national right to work bill. This is a very short bill. In fact, I am very proud of the fact that it is on one piece of paper. That is the entire bill, but it is a very important bill regarding protecting the rights of all American citizens.

This legislation deals with the right of every individual in the country to decide for him or herself whether or not they want to join a labor union when they get a job or pay dues to a labor union.

The issue is one that stems from changes in the law made more than 60 years ago. Prior to that time, every American had the right to decide for themselves whether or not to join a labor union or pay dues to a union. That right was taken away by the National Labor Relations Act in 1935.

So this is not an issue of States rights. There are States today that have State right-to-work laws that are allowed under the Taft-Hartley Act which was adopted in 1948. This is legislation that deals with overturning specific provisions of Federal law to restore to individuals all across this country the right that they had prior to that time.

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Mr. Speaker, this Chamber has spent the better part of this session discussing the need to reform misguided and counterproductive federal laws. We have made great strides toward reforming the education and welfare systems by taking the federal bureaucracy out and returning the focus back to individuals. We have taken a great step towards scrapping the counterproductive Tax Code and allowing the American people to keep what they have earned and spend it as they see fit.

Yet, Mr. Speaker, this Chamber has remained almost silent on one of the most abusive intrusions on individual liberties ever enacted by Congress. The passage of the National Labor Relations Act in 1935, some 63 years ago, granted union officials a unique package of coercive powers and privileges at the expense of working Americans.

Foremost among these coercive powers granted to union officials are monopoly bargaining, the power to force workers to accept representation they disagree with, and compulsory unionism, the power to force independent workers to join or pay fees to unions as a condition of employment. Compulsory unionism and monopoly bargaining are contrary to the American tradition of individual liberty and allow a tiny elite of union officials to wield dictatorial power over millions of working Americans.

Mr. Speaker, the National Labor Relations Act created a massive increase

in the federal government's regulation of and interference in labor relations. It is time for reform. The antidote to compulsory unionism is right to work, the principle that Americans must have the right, but not be compelled, to join or financially support a labor union.

That is why I have sponsored H.R. 59, the National Right to Work Act. H.R. 59 does not add one word to federal law, it simply removes the forced union dues provisions from the National Labor Relations Act and the Railway Labor Act guaranteeing every American's right to work and decreasing Federal intervention of labor policy.

Thomas Jefferson said it best: To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

This legislation is designed to cure that limitation on the rights of all Americans that Congress passed 63 years ago. Indeed, compulsory unionism blots the American tradition of individual liberty by stripping working Americans of their right to join, or not join, or financially support a labor union. This legislation in no way interferes with the right of individuals to form labor unions, to engage in collective bargaining, indeed to strike under current law. It simply gives the employees the right to decide for themselves whether or not they want to join.

By forcing independent employees to join or pay fees to a union, big labor officials have embraced collectivism based on coercion and have discarded individual liberty. And how did the defenders of compulsory unionism justify their beliefs? They do not. In fact, union officials and their allies, who support forced union dues, offer no apologies at all.

Robert Reich, former Secretary of Labor for President Clinton summed up the sentiments of big labor when he said: In order to maintain themselves, unions have to strap their members to the mast. The only way unions can exercise countervailing power is to hold their members' feet to the fire.

Mr. Speaker, that statement speaks for itself. It goes against the very values of the founders of the modern labor union movement.

And I point to this quote from Samuel Gompers: Union officials long ago abandoned the principles of Samuel Gompers, the grandfather of the American trade union movement and the founder of the American Federation of Labor who once said the workers of America adhere to voluntary institutions in preference to compulsory systems which are not only impractical, but a menace to their welfare and their liberty.

Mr. Speaker, compulsory systems are a menace to the workers' welfare and to their liberty. That is what the grandfather of the American trade union movement and founder of the American Federation of Labor thought of today's system. What a contrast. While Samuel Gompers spoke of the welfare and liberty of workers, today's union officials and their supporters are concerned with maintaining their power and strapping their members' to the mast.

Mr. Speaker, the American worker has the right to know where their elected representative in Congress stands on the issue of compulsion versus freedom. The American worker has the right to know whether their elected representative in Congress supports the liberty of workers or supports the government-endorsed policy of allowing union officials to strap their members to the mast and hold their feet to the fire.

It is clear where the American people stand. A poll conducted by Mason Dixon shows that 76 percent of all Americans support the individual rights of workers to decide for themselves, 76.6 percent support right to work, 17.1 percent support forced union dues, 6.3 percent had no opinion in that poll, and I might point out that the vast majority of members of labor unions in the United States support right to work. And why would they not? It increases their ability to assure that their union is responsive to their needs because, if they belong to a union and have the right to decide for themselves whether they are going to leave the union or remain a member of the union, pay dues to the union or not, that union leadership is going to be far more responsive to their needs and their concerns because they know that if they are not responsive to the needs of their members, those members can walk out, and that is the right that every American should have.

Just yesterday 500,000 petitions were delivered to the United States capital from right to work supporters across the country urging a vote on H.R. 59 this session. I urge my colleagues and the leadership to schedule a vote to free the independent-minded voters, and I urge a vote on H.R. 59, the National Right to Work Act.

At this time I am delighted that we have been joined by the majority whip of the House of Representatives, the gentleman from Texas (Mr. DELAY) to speak on this important issue.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Virginia (Mr. GOODLATTE) for bringing this special order. It is high time we started talking about these issues, particularly the issue of workers having the right to, the freedom, to pick whether they belong to a union or not. Compulsory unionism is an archaic concept that no longer belongs in the economy of the United States, and it is being exemplified, quite frankly, in what is going on in the strikes in Michigan where we have people in Texas who are being laid off because two different plants in Michigan have decided to strike and the plants in Texas have no right; a right-to-work State by the way, have no right to decide their fate when their fate is being decided by the union.

I just want to take just a minute, if the gentleman will allow me, to sort of relate what we are doing and what we have been doing for the last couple of weeks in campaign finance reform and how compulsory unionism affects people's right to participate in the political process. I am a co-sponsor of this Right to Work Act and would like, I personally would like, to see a floor vote on this legislation. Nobody, nobody questions the right of labor unions to participate in our democracy. We have all been targets of their advertising campaign, but so-called campaign reform legislation that has been authored by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) while restricting the first amendment rights of all Americans does not deal with the root issue. The root issue is compulsory unionism that we are trying to get at.

The authors of Shays-Meehan legislation like to claim that they have a provision in the bill, for instance, that codifies the Beck decision to protect union workers from compulsory unionism, having their dues taken from them and used in political activities that they may not agree with. What the authors of this bill fail to tell anyone is that the way they drafted this provision does not even apply to union workers, it applies to nonunion workers.

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In other words, in a compulsory union State that does not have right-to-work, one's dues is taken and used not only for collective bargaining practices, but they are also used for political activities, even if one does not agree with those political activities. How they disguise things all the time around here and will try to disguise what the gentleman is trying to do in bringing H.R. 59 to the floor is disguising it in such a way that says that we are going to protect workers' rights and freedoms to decide whether they are going to be involved in political activities or not, because we are going to codify a decision by the Supreme Court of the United States; but at the same time they say, one has to resign from the union in order to stop the union from using one's dues for political activities.

My question, number one, is what if one is in a compulsory union State and one loses their job if one resigns from the union? So what the gentleman is bringing to the attention of the American people and to this House is a bill that basically gives the right of workers back to them.

So, Mr. Speaker, this provision in Shays-Meehan is a fig leaf that comes woefully short of covering the problem. The root problem is forced union dues authorized by Federal law. It is this coercive power that allows union officials to funnel union dues into their political machines without the consent of their memberships. Shays-Meehan, by

amending the Labor Relations Act, will actually act to cement compulsory unionism in place while failing to eliminate the many problems facing America's working men and women, and for these reasons alone, Shays-Meehan deserves our opposition.

But, Mr. Speaker, there is more. The curious wording of those that want to protect compulsory unionism through even the Shays-Meehan campaign reform, so-called campaign reform, would even authorize union officials to charge for political activities related to collective bargaining, which union bosses contend is just about everything they do.

Now, this provision not only is a perversion of the Beck decision, but it ignores the Beck decision's holding that workers may object to any dues payment for any union activities not directly related to collective bargaining activities. So if this language was adopted, union officials would be able to force, force workers to pay 100 percent of their dues to the unions.

So the language that the pro-union people are trying to put forward, for all practical purposes, destroys existing legal procedures that provide protection, albeit minimal protection, to workers who must pay union dues to work, must pay union dues to work. In other words, under this bill, these sponsors, whether intentional or not, would actually enlarge the scope of expenses that union officials could charge workers, and for independent-minded workers, passage of the Shays-Meehan proposal is clearly a step backward and a major victory for big labor.

Only this bill, H.R. 59, would return a basic right to millions of Americans, a right that they should never have lost in the first place. The American worker deserves more than just the right not to be forced to pay for political policies that they disagree with, they deserve the right not to be forced to pay dues or fees to a labor union just to keep or just to get a job.

We are in America. If the unions of America are viable representatives of the workers of America, then they ought to be able to compete in the marketplace just like anybody else, and they should not have to have laws on the books that forces someone that may disagree with their practices to belong to that union to keep or get their job. That is what H.R. 59 is all about. It is giving freedom back to Americans when it has been taken away from them.

I thank the gentleman for holding this Special Order.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his participation.

The gentleman is exactly correct with regard to what this is all about. Both political parties claim Thomas Jefferson and much of his philosophy as a part of their historic tradition, and certainly I from Virginia am very proud of Thomas Jefferson. He said it best: ''To compel a man,'' and of course today we mean men and women, but ''to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical,'' and that is what we are faced with in this country for the last 63 years because of legislation passed a long time ago that is outdated, certainly not in step with the vast majority of the American people who support right-to-work, and we need to pass this legislation.

I am pleased that we have been joined now by the gentleman from Arizona (Mr. HAYWORTH), and we welcome him to this discussion.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Virginia and our distinguished majority whip for taking time on the floor tonight, Mr. Speaker, to discuss this vital issue. I am proud to stand strongly and foursquare in support of one of America's most fundamental rights: The right to work.

Mr. Speaker, Arizona's favorite son recently passed, and Barry Goldwater's memory has been extolled by members of both major political parties and many others on the scene. Indeed, tonight I am reminded that Barry Goldwater, Jr., the former Congressman from California, who returned to his native State of Arizona, and now, I am pleased to say, a very good personal friend of mine, that on this date, Barry Goldwater, Jr., celebrates an important birthday. But I must say, in all sincerity, the plain-spoken, commonsensical ways of Barry Goldwater, Sr. were brought to bear in this fight, in this endeavor as Arizona clearly and unequivocally is a right-to-work State.

Said Senator Goldwater, quoting now, ''I believe people have a right to join a union, but I also believe people have a right not to join a union.'' And that simple two-sentence statement sums it up.

In this Nation we have rights to freely associate. How then could this government move to abridge those rights in the 1930s? It is sad, but truly a part of our history, that there have been times when certain factions have moved to consolidate political power in the attempt to ensure a permanent majority and abridge the rights of American citizens.

So tonight I remember the simple eloquence of Barry Goldwater, Sr., extolling the virtues of that basic fundamental American freedom, not to the detriment of unions or the collective bargaining process, which as my colleague from Virginia pointed out was summed up in the message of one of the great leaders of the American Federation of Labor, Samuel Gompers, to talk about voluntary institutions and how it was preferred that voluntary institutions would work far better than compulsory systems. Indeed, as my colleague from Virginia pointed out earlier in this time, Gompers said those compulsory systems are not only impractical, but a menace to their welfare and to their liberty.

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I am struck by the words of another who served at the other end of Pennsylvania avenue, and who went to foreign soil a decade ago. President Ronald Wilson Reagan stood clearly and boldly, square in the jaws of tyranny, and challenged the leader of the then Soviet Union to tear down a wall that came to symbolize oppression.

Mr. Gorbachev said, President Reagan, tear down this wall. And, Mr. Speaker, tonight, to my colleagues, to those who found it so seductive to strip Americans of a basic freedom of association, and thereby build a wall of compulsory coercive unionism, to them we say, in the best traditions of freedom, Mr. Speaker, tear down this wall, tear down this wall of compulsory unionism, tear down the wall that Thomas Jefferson would call sinful and tyrannical, because it moves to abridge the very basic rights of freedom of association. It moves through coercion and through compulsory status to extinguish the freedoms of association, and it moves against the basic fabric of American society.

Hear clearly what I say. I heard it from constituents in the Sixth District of Arizona, given the fact that we champion in this country political discourse, and give and take, and a free, open debate.

Mr. Speaker, and those who join us electronically far beyond these walls, I cannot tell Members the number of times union members in Arizona would come to me and say, I support you, but to keep my seat at the bargaining table, even though we live in a right-to-work State, to avoid retribution I must support you silently.

What does that say about those in our society who would have moved to abridge this most basic right? It certainly calls not upon the best traditions American history has to offer, and yet, tonight, this is that fundamental choice. That is why we are pleased to rise in favor of the right to work.

That is why I am pleased that Arizona, not only in the alphabet, beginning with A, leads the way, but Arizona shows the way, the youngest of the 48 contiguous States, and yet at the forefront of championing the rights of workers to freely associate with different groups.

I am pleased that every one of my colleagues on the majority side from Arizona joined me in sponsorship of the legislation offered by the gentleman from Virginia.

Of course, there are other practical means beyond the most practical and basic notion of freedom that commend this act. The simple notion of prosperity is also commended. The gentleman from Virginia (Mr. GOODLATTE) is well aware of the academic labors at George Mason University and the scholar there, James T. Bennett, where, in his study of a higher standard of living in right-to-work States, he illustrates how families in States like Arizona

enjoy a higher standard of living than families who hail from States with compulsory unionism.

According to the study of Mr. Bennett, the cost of living in the 21 right-to-work States is nearly 25 percent less than in the 29 compulsory unionism States. Families in right-to-work States also have lower State and local tax burdens than compulsory unionism State families. It is what the scholar calls a right-to-work boom.

The average urban family living in a right-to-work State has an after-tax cost-of-living adjusted household income of $36,540 dollars, almost $3,000 more than a family in a forced unionism State, because of the principle of the free market working, where people can freely associate and have work and not artificially inflated prices, either in the public sector, through public works, or in private works.

These are the fruits of honest labor, and this is what we come to the floor to extoll, not in the fashion of a green eyeshade, but again, evoking the best of American traditions; again, evoking the words and the memories of those who have gone on before.

Lest anyone mistake this as a harangue against any one political party or the current liberal minority, I will not only call on the memory of Arizona's favorite son and the standard-bearer of my party in 1964, but I would call upon the memory of another great member of the other body, the gentleman from North Carolina, Senator Sam Irvin.

In his book entitled ''Preserving the Constitution,'' Senator Irvin wrote, quoting now, ''Right-to-work States remove the motive of the union to subordinate the interests of the employees to its wishes, and thus leaves it free to conduct negotiations for the sole purpose of obtaining an employment contract advantageous to the employees.''

So we can see even from that observation that one from the other side of the aisle, if you will, talked about the true nature of collective bargaining, the essence of collective bargaining, not the intervention in other areas.

The SPEAKER pro tempore (Mr. GILCHREST). The time of the gentleman from Virginia (Mr. GOODLATTE) has expired. The gentleman from Pennsylvania (Mr. KLINK) is not on the floor. Does the gentleman from Virginia (Mr. GOODLATTE) wish to claim the remaining time until midnight?

Mr. GOODLATTE. Mr. Speaker, we would claim the rest of the time until midnight, because we do have some additional matters.

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

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

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Virginia, and I thank the Speaker pro tempore, the gentleman from Maryland, who manages the proceedings of the House in a manner that behooves bipartisanship, as I call it, in the bipartisan fashion of the writings of Senator Sam Irvin and what he had to say about the true notion of negotiation; not all the other trappings and all the compulsory addenda to what is the central mission of the labor-management dynamic, but to concentrate on what is really important.

It is a sad fact, as my colleague, the gentleman from Virginia, will attest, that even now there are those at the other end of Pennsylvania Avenue what would look to limit the choices even of this Federal Government. When it comes to competitive bidding, there are those in this administration who have said that competitive bidding should be open only to union shops.

Mr. Speaker, I ask Members to stop and think about that for just a second. In addition, again, to abridging, to segregating the choices available in the work force, what would happen there to carry that scenario to fruition would mean billions upon billions of dollars of extra costs to the American taxpayer; indeed, the most conservative estimate I have seen is some $5 billion in additional spending by the taxpayers, simply to assuage the notion of those who would even move in a greater way to force compulsory unionism past the membership, already subverting the notion of free association, but to the point where this government could not contract with non-union shops.

Mr. Speaker, I will work and fight to maintain the rights of all companies to freely bid, because in that way, in that way the best interests of the taxpayers are preserved, and in that way the best interests of this country is preserved.

Yet, my colleague, the gentleman from Virginia, brings it to the most simple and elemental fact here, because it deals with freedom of the individual, because it deals with the clear, simple notion that we in this Congress should undo the unfair power grab of those who succumbed to temptation in the middle part of the 1930s; that we in fact should stand, as we are poised for a new century, to reemphasize the most basic of freedoms: freedom of association, freedom in the marketplace, freedom for families, freedom from fear, and freedom to work; indeed, the right to work for all Americans for all time.

Mr. GOODLATTE. I thank the gentleman for his remarks. I think he is particularly correct in pointing out that Arizona and Virginia have led the way with right-to-work laws, as allowed under an exception to the Federal law that was created some time after the right was taken away from all Americans to have right-to-work.

It is important to note that this is not a States' rights issue. I would point out to the gentleman, this entire bill, and we complain about bills that are thousands of pages long, this bill is on one piece of paper.

□ 2340

All it does is repeal provisions of Federal law that took away the most precious liberty that an individual can have, and that is the right to decide for themselves what they are going to do with their life, whether when they get a job, they are going to be required to pay dues or belong to something that they may or may not believe in. And we take nothing away from those who want to join labor unions, this does not affect that in any way, to organize, to collectively bargain or even strike as permitted under law.

I would like to point out that we have a number of press clippings that under the unanimous consent order previously given we would like to make a part of the RECORD. And before I do so, I would like to read from one of those from the Chattanooga Free Press of Chattanooga, Tennessee which wrote:

One of the most basic human rights that most assuredly should be protected in America is the right of men and women to work and earn a living for themselves and their families without being forced to join or pay tribute to anyone or anything. If an American can be denied the right to work, what liberty remains? Yet in all but 21 of our States that have right to work laws, American citizens can be forced to join and pay dues to a labor union against their will or be denied jobs or be fired. That obviously is utterly wrong.

Part of American freedom includes the right of workers to join unions voluntarily and to pay dues to them voluntarily. But tyranny prevails if they are forced to join a union or any other organization and pay it involuntarily or be denied the right to earn self-support.

We need a national right to work law. It is as simple as that. No one would tolerate a situation in which any American would have to join a certain church to work or join a certain lodge or fraternal group to work. Why tolerate forced union membership to work? Until a national right to work act is passed, the basic philosophy of our Declaration of Independence and Constitution of the United States is being denied American citizens. This should not be allowed to continue.

Does the gentleman have any additional remarks?

Mr. HAYWORTH. Mr. Speaker, I just was struck by the eloquence of my colleague from Virginia, and I think, again, he has pointed out quite correctly, but it bears some repeating, because we all realize sadly that there are those who would attempt to deliberately misunderstand or distort the message we offer tonight. Again, the message we offer is in the finest tradition of freedom and individual self-determination.

As my colleague from Virginia points out, this is not an attempt to eliminate unions. This is not an attempt to destroy collective bargaining. This is not an attempt to end anyone's right to strike. Those rights exist in a free society and will be maintained. But what we are saying, Mr. Speaker, simply,

clearly and we believe ultimately persuasively to the American people is the fact that we want people to have the right to decide for themselves when it comes to economic association, when it comes to making determinations about their economic future and freedom, and how wrong it is to predicate the acceptance of a job on compulsory membership in a union.

Again, the quarrel is not with those who would voluntarily join such an union. That is the right of an American. But, again, we reaffirm that right in its true essence by saying, if you want to belong to a union, well and good. Join, be involved in that process. If you want to be involved politically in that union and have a portion of your earnings secured through some mechanism for union dues ultimately to go to political expression, God bless you, you should have that right. But just because you have that right does not mean you should abridge the rights of others and in some way step in and subvert their abilities, A, either to join the union or choose not to join the union or, B, once a member of the union, coercively force them to surrender a portion of their paycheck and union dues to go to political activities with which they may disagree.

Mr. GOODLATTE. Mr. Speaker, the fact of the matter is that those union dues collected and used to influence policy that individuals who are members of a union may not agree with or to influence political campaigns for candidates that they may not support, that money is used all over the country. Even if you are in a right-to-work State, you are affected by forced compulsory unionism in other States. That is why we need to have a national right to work law.

Mr. HAYWORTH. Indeed, as my colleague from Virginia accurately points out, in having lived through the experience firsthand in 1996, as the number one target of boss John Sweeney and the other union bosses of the AFL-CIO, who took from their membership compulsory union dues used for the committee on political education, I can tell you, one of the real tragedies from my vantage point was not the give and take and the rough and tumble of public discourse because, as Abraham Lincoln said, the American people, once fully informed, will make the right decision. And I trust the people. No, the tragedy was this, Mr. Speaker, that that longshoreman in Maryland, or that lettuce picker in California or that assembly line worker in Michigan who knew nothing of the political dynamics of the sixth district of Arizona, who had no direct stake in the political expression of the people of the sixth district of Arizona, yet found their wages against their will imported to the State of Arizona to the tune of $2.1 million for false television ads distorting my record. And we will see that, I dare say, again as we receive reports around the country that the same activity continues.

Again, let us stress, free and open debate is fine. If people voluntarily give of their wages, that is a time-honored tradition in the Constitution. That is something we freely welcome, freedom of speech, freedom of association.

But when that crosses to compulsory, coercive, accumulations of wealth by the labor bosses against the will of the very working people they purport to help, how sad and how cynical. And again, Mr. Speaker, amidst all the talk of campaign finance reform, there is this one fact that comes from 1996. In a Rutgers University study, it is well documented that despite the reports of some $35 million used in an effort to influence congressional elections, the actual figures, according to the Rutgers University study were these. Between 300 million and a half a billion dollars was taken coercively from members of unions to go into political campaigns in an attempt to change control in this Congress.

How much better for our constitutional Republic had all those donations been freely given and freely accepted. How much better for the rights of workers would it be if they had the opportunity to express this most basic of freedoms, the right to associate and, indeed, the right to work regardless of the encumbrances of those who would compel them into associations with which they might disagree.

This is something that must change for freedom in its truest form to flourish, so that the give and take can be genuine, not coercive and for those who would stand for true reform to end the practice or the threat of this constitutional Republic, as some would say, being sold to the highest bidder. That is what is at stake every 2 years in our renewal and celebration of freedom at the ballot box expressed in this institution, the most basic, the most responsive designed by our founders to be a constitutional office absolutely beholden to the people. How much better it would be if the people were free to truly express their opinions, their free associations without the specter of intimidation or the specter of economic ruin for failing to belong to an organization.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his participation. I would point out that just yesterday petitions signed by more than half a million American citizens were delivered here at the Capitol from right to work supporters all across the country, urging a vote on this important legislation.

I urge my colleagues in the leadership to schedule a vote to free independent-minded workers who wish to choose for themselves whether or not to belong to a labor union or pay dues to a labor union. Let them decide for themselves by passing into law the National Right to Work Act. I hope we have the opportunity to vote on this legislation soon.

I thank the gentleman again for his participation and the majority whip the gentleman from Texas (Mr. DeLay).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this important issue. I am pleased to have this opportunity to reiterate my strong support for the National Right to Work Act, HR 59. Unlike much of the legislation considered before this Congress, this bill expands freedom by repealing those sections of federal law that authorize compulsory unionism, laws that Congress had no constitutional authority to enact in the first place!

Since the problem of compulsory unionism was created by Congress, only Congress can solve it. While state Right to Work laws provide some modicum of worker freedom, they do not cover millions of workers on federal enclaves, in the transportation industries, or on Indian Reservations. Contrary to the claims of Right to Work opponents, this bill in no way infringes on state autonomy. I would remind my colleagues that, prior to the passage of the National Labor Relations Act, no state had a law requiring workers to join a union or pay union dues. Compulsory unionism was forced on the people and the states when Congress nationalized labor policy in 1935. It strains logic to suggest that repeal of any federal law is somehow a violation of states' rights.

I would also like to take this opportunity to emphasize that this bill does not in any way infringe on the rights of workers to voluntary join or support a labor union or any other labor organization. Nothing in HR 59 interferes with the ability of a worker to organize, strike, or support union political activity if those actions stem from a worker's choice. Furthermore, nothing in HR 59 interferes with the internal affairs of unions. All the National Right to Work Bill does is stop the federal government from forcing a worker to support a labor union against that worker's will. In a free society, the decision of whether or not to join a union should be made by the worker, not by the government.

No wonder the overwhelming majority of the American people support the National Right to Work Act, as shown both by polling results and by the many postcards and petitions my office has received asking for Congressional action on this bill.

I once again thank the gentleman from Virginia for his leadership on this bill.

Mr. DOOLITTLE. Mr. Speaker, Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical."

The House of Representatives has an opportunity to hold a historic vote on legislation to repeal those provisions of Federal law which require employees to pay union dues or fees as a condition of employment. This vote is long overdue for the working men and women of this country.

Nearly 80% of Americans share in the belief that compulsory unionism violates a fundamental principle of individual liberty, the very principle upon which this Nation was founded.

Compulsory unionism basically says that workers cannot and should not decide for themselves what is in their best interest, that they need a union boss to decide for them. I can think of nothing more offensive to our core founding principles which we celebrated on the Fourth of July, a few days ago, than that principle that the working people of this country do not have the ability to decide for themselves.

With this bill, not a single word is added to Federal law. It simply repeals those sections of the National Labor Relations Act and Railway Labor Act that authorizes the imposition of forced-dues contracts upon working Americans. It simply does away with the requirement that people have to belong to a union to hold a job.

I believe that every worker must have the right to join and financially support a labor union if that is what they want to do. Every worker should have the right, of his own free will and accord, but he should not be coerced to pay union dues just to keep his job. This bill simply protects that right, and no worker would ever be forced into union membership without his consent.

Union membership should be a choice that an individual makes based upon merits and benefits offered by the union. If a union truly benefits its members, they do not have to coerce them. If workers had confidence in the union leadership, if the union leadership was honest, upright, and forthright, then they would not need to coerce their members to join. A union freely held together by common interests and desires of those who voluntarily want to be members would be a better union than one in which members were forced to join. If the National Right to Work Act is passed, nothing in Federal law will stop workers from joining a union, participating in union activity, and paying union dues.

Union officials who operate their organizations in a truly representative, honest, democratic manner would find their ranks growing with volunteer members who are attracted by service, benefits, and mutual interests, not because they are forced against their will with no options to be a member of a union and pay union fees in order to hold a job. In addition, voluntary union members would be more enthusiastic about union membership simply because they had the freedom to join and were not forced into it.

When Federal laws authorizing compulsory unionism are overturned, only then will working men and women be free to exercise fully their right to work. When that time comes, they will have the freedom to choose whether they want to accept or reject union representation and union dues without facing coercion, violence, and workplace harassment by overbearing, and in many cases, disreputable union bosses.

A poll taken in 1995 indicates 8 out of 10 Americans oppose compulsory unionism—8 out of 10 Americans do not think you should be forced to belong to a union to hold a job.

Mr. Speaker, some members of this Chamber will say that this is a states rights issue and since law allows states to pass Right to Work Laws there is not need for this legislation.

Nothing could be further than the truth. First of all, Federal Law is the source of compulsory union. But more than that Mr. Speaker, Right to Work is about freedom.

No governmental authority should endorse the right of a private organization to force working men and women to pay dues or fees as a condition of employment.

Compulsory unionism is wrong on the federal level, compulsory unionism is wrong on the state level and compulsory unionism is wrong on the local level.

In the words of Supreme Court Justice Robert Jackson ''The very purpose of the Bill of Rights is to place certain subjects beyond the reach of the majority . . . ones fundamental rights wait for no election, they depend on no vote.''

It is my sincere hope that my colleagues will join me in defending the fundamental individual liberty of the right to work and will support this bill.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted to:

Mr. HILL (at the request of Mr. ARMEY) for today after 4 p.m. and the balance of the week on account of medical reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 7:30 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, today, for 5 minutes.

Mr. FILNER, today, for 5 minutes.

Mr. STUPAK, today, for 5 minutes.

Mr. FALEOMAVAEGA, today, for 5 minutes.

Mr. STRICKLAND, today, for 5 minutes.

Mr. PALLONE, today, for 5 minutes.

(The following Members (at the request of Ms. WILSON) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, July 16, for 5 minutes.

Mr. DIAZ-BALART, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous material:)

Mr. HAMILTON.

Mr. KIND.

Mr. GEJDENSON.

Mr. FROST.

Mrs. CAPPS.

Mr. LIPINSKI.

Mr. DOYLE.

Mr. CONYERS.

Mr. SERRANO.

Mr. FAZIO of California.

Mr. FILNER.

Mr. BLAGOJEVICH.

(The following Members (at the request of Ms. WILSON) and to include extraneous material:)

Mr. GALLEGLY.

Mr. GILMAN.

Mr. RADANOVICH.

Mr. PORTMAN.

Mr. OXLEY.

Mrs. ROUKEMA.

Mr. RIGGS.

Mr. PAUL.

Mr. HUNTER.

Mr. FRELINGHUYSEN.

Mr. WOLF.

Mr. COBLE.

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous material:)

Ms. STABENOW.

Mr. BALDACCI.

Mr. SMITH of Texas.

Mr. PARKER.

Mr. RIGGS.

Mr. KENNEDY of Rhode Island.

Mr. EDWARDS.

Mr. HILLEARY.

Mr. BONILLA.

Mr. UPTON.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, JUNE 26, 1998

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2069. To permit the mineral leasing of Indian land located within the Fort Berthold Indian reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

□ 2350

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, July 16, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9974. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Peanuts Marketed in the United States; Relaxation of Handling Regulations [Docket Nos. FV97–997–1 FIR and FV97–998–1 FIR] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9975. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revision of User Fees for 1998 Crop Cotton Classification Services to Growers [CN–98–004] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9976. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final

rule—Animal Welfare; Primary Enclosures for Dogs and Cats [Docket No. 98–044–1] received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9977. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report involving U.S. exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9978. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9979. A letter from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970–AB52) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9980. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium [Docket No. 90F–0220] received July 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9981. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Foods for Human Consumption; Acesulfame Potassium [Docket No. 93F–0286] received July 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9982. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102—1, section 3 (105 Stat. 4); (H. Doc. No. 105—282); to the Committee on International Relations and ordered to be printed.

9983. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—284); to the Committee on International Relations and ordered to be printed.

9984. A letter from the Acting Director, Defense Security Assistance Agency, transmitting certification for the Memorandum of Understanding Between the U.S. France, the Netherlands and the United Kingdom for Research, Development, Test, Evaluation, Productions and Life Cycle Support Activities for Technologies and Systems for Environmentally Sound Ships and Naval Installations Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9985. 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 Israel and the United Kingdom (Transmittal No. DTC–76–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(b); to the Committee on International Relations.

9987. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9988. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9989. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions—received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9990. A letter from the Assistant Chief Financial Officer, Export-Import Bank, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

9991. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Alabama Regulatory Program [SPATS No. AL–065–FOR] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9992. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Outer Continental Shelf Beaufort Sea Notice of Leasing Systems, Sale 170—received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9993. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule—Transportation and Utility Systems In and Across, and Access Into, Conservation System Units in Alaska (RIN: 1093–AA07) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9994. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Rockfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 062498A] received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9995. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 [Docket No. 971208297–8054–02; I.D. 061898A] received June 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9996. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Fishing Moratorium [Docket No. 980319068–8155–02; I.D. 021998A] (RIN: 0648–AK59) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9997. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Mongolia, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—283); to the Committee on Ways and Means and ordered to be printed.

9998. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kerosene Tax; Aviation Fuel Tax; Tax on Heavy Trucks and Trailers [T.D. 8774] (RIN: 1545–AW15) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9999. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Magnetic Media Filing Requirements for Information Returns [TD 8772] (RIN: 1545–AU08) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10000. A letter from the Secretary of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Establishment of the MedicareChoice Program [HCFA–1030–IFC] (RIN: 0938–AI29) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3980. A bill to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes; with an amendment (Rept. 105–626). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 4110. A bill to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes (Rept. 105–627). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 501. Resolution providing for consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–628). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3249. Referral to the Committee on Ways and Means extended for a period ending not later than July 17, 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. PAUL (for himself and Mr. BARR of Georgia):

H.R. 4217. A bill to repeal section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and to prohibit Federal agencies from accepting the same identification document for identification-related purposes; to the Committee on Government Reform and Oversight.

By Mr. ANDREWS:

H.R. 4218. A bill to provide rental assistance under section 8 of the United States Housing Act of 1937 in a manner that preserves residential property values, protects residents, and enhances tenant and neighborhood safety; to the Committee on Banking and Financial Services.

By Mr. BALDACCI (for himself, Mr. ALLEN, Mr. HINCHEY, and Mr. SANDERS):

H.R. 4219. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on 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 Mrs. LINDA SMITH of Washington (for herself, Mr. KILDEE, Mr. EDWARDS, and Ms. RIVERS):

H.R. 4220. A bill to amend title 38, United States Code, to repeal the recently enacted provisions of law that limit the authority of the Department of Veterans Affairs to provide compensation and treatment for smoking-related illnesses suffered by veterans of the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, 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. COBLE (for himself, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mr. CANADY of Florida, and Mr. CHABOT):

H.R. 4221. A bill to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for recording depositions; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. STRICKLAND, Mr. NORWOOD, Mr. GANSKE, Mr. BROWN of Ohio, and Mr. ACKERMAN):

H.R. 4222. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and titles XVIII and XIX of the Social Security Act to require that group and individual health insurance coverage and group health plans and managed care plans under the Medicare and Medicaid Programs provide coverage for hospital lengths of stay as determined by the attending health care provider in consultation with the patient; referred to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAZIO of California:

H.R. 4223. A bill to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Resources.

By Mr. FROST:

H.R. 4224. A bill to ensure safety in public schools by increasing police presence; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 4225. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to establish liability for individuals practicing medicine without a license in connection with a group health plan; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 4226. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H.R. 4227. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 concerning liability for the sale of certain facilities for residential use; referred 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. NUSSLE:

H.R. 4228. A bill to amend title XVIII of the Social Security Act to provide an election for MedicareChoice organizations to exclude payment for the provision of abortion services under the Medicare Program; referred to the Committee on Ways and Means, and in addition to the Committee on 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. PASCRELL (for himself, Mr. ANDREWS, and Mr. HOYER):

H.R. 4229. A bill to authorize a Federal grant program to local governments to better enable them to protect public safety against fire and fire-related hazards; to the Committee on Science.

By Mr. RADANOVICH:

H.R. 4230. A bill to provide for a land exchange involving the El Portal Administrative Site of the Department of the Interior in the State of California; to the Committee on Resources.

By Mr. ROTHMAN (for himself and Mr. MILLER of California):

H.R. 4231. A bill to require employers to notify local emergency officials, under the appropriate circumstances, of workplace emergencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SCARBOROUGH (for himself, Mr. ENSIGN, Mr. CHRISTENSEN, and Mr. SKEEN):

H.R. 4232. A bill to provide that Executive Order 13083, relating to the constitutional division of governmental responsibilities between the Federal Government and the States and the application of federalism principles to Federal agency actions, shall have no force or effect; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 4233. A bill to amend title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and a minimum 72-hour waiting period before the purchase of a handgun; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself, Mr. BUNNING of Kentucky, Mr. STRICKLAND, and Mr. BAESLER):

H.R. 4234. A bill to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride; referred to the Committee on Commerce, and in addition to the Committee on the Budget, 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. GALLEGLY (for himself and Mr. ACKERMAN):

H. Res. 502. A resolution expressing the sense of the House of Representatives congratulating the people of Colombia for completing free and democratic elections on June 21, 1998, congratulating the President-elect on his victory, and calling on the new government and all other parties to the current conflict in Colombia to renew their efforts to end the guerrilla and paramilitary violence which continues to pose a serious threat to democracy as well as economic and social stability in Colombia; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

374. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 72 memorializing the Congress of the United States to Take Certain Actions Regarding The Implementation Of The Food Quality Protection Act Of 1996; jointly to the Committees on Agriculture and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. SUNUNU.
H.R. 40: Ms. CHRISTIAN-GREEN.
H.R. 339: Mr. SUNUNU.
H.R. 372: Ms. DELAURO.
H.R. 716: Mr. HOEKSTRA.
H.R. 754: Mr. MANTON.
H.R. 814: Ms. LEE and Ms. JACKSON-LEE.
H.R. 857: Mrs. BONO and Mr. ADERHOLT.
H.R. 1009: Mr. SESSIONS and Mr. PETERSON of Pennsylvania.
H.R. 1126: Mr. SMITH of Oregon, Mr. LEWIS of California, Mr. POSHARD, Mr. EDWARDS, Ms. MCKINNEY, and Mr. STENHOLM.
H.R. 1140: Mr. MENENDEZ.
H.R. 1147: Mr. TALENT.
H.R. 1231: Mr. KLINK, Mrs. MINK of Hawaii, Mr. GOODLATTE, Ms. JACKSON-LEE, and Mr. GALLEGLY.
H.R. 1376: Mr. SHAYS.
H.R. 1407: Mr. HOSTETTLER.
H.R. 1524: Mr. PASTOR.
H.R. 1891: Mr. PAXON.
H.R. 2313: Mr. CRAMER.
H.R. 2397: Mr. COYNE, Mr. RAHALL, Mr. MALONEY of Connecticut, Mr. PALLONE, Mr. SCARBOROUGH, Mr. DUNCAN, Mr. PASCRELL, Ms. DANNER, and Mr. HALL of Ohio.
H.R. 2483: Mr. MCINNIS, Mr. ROYCE, and Mr. CRAPO.
H.R. 2504: Mr. MCNULTY.
H.R. 2523: Mr. COSTELLO.
H.R. 2699: Mr. FORD, Ms. CHRISTIAN-GREEN, and Mr. KILDEE.
H.R. 2800: Mr. NEY and Mr. SOUDER.
H.R. 2848: Mr. MARTINEZ and Mr. VENTO.
H.R. 2891: Mr. PORTMAN.
H.R. 2914: Ms. LEE, Mr. MARTINEZ, Mr. BISHOP, Ms. MCCARTHY of Missouri, Ms. HOOLEY of Oregon, and Mr. JACKSON.
H.R. 2936: Mr. SHAYS and Mr. LEACH.
H.R. 2955: Mr. MCGOVERN.
H.R. 3008: Mr. SNOWBARGER, Mr. GREEN, Mr. HORN, Mr. NEY, and Mrs. CUBIN.
H.R. 3126: Mr. CLYBURN.
H.R. 3166: Mr. ISTOOK.
H.R. 3205: Ms. CARSON, Mr. MARTINEZ, Mr. TURNER, Mr. BOEHLERT, Ms. NORTON, and Mr. DUNCAN.
H.R. 3259: Mr. EVANS.
H.R. 3262: Mr. CARDIN.
H.R. 3279: Mr. TOWNS and Mr. PASCRELL.
H.R. 3342: Mrs. MINK of Hawaii and Mr. ACKERMAN.
H.R. 3410: Mr. MCINNIS and Mr. BUNNING of Kentucky.

H.R. 3506: Mr. PRICE of North Carolina, Mr. BERMAN, Mr. BROWN of Ohio, and Mr. DEUTSCH.

H.R. 3567: Mr. GOODE, Mr. RODRIGUEZ, Mr. NEUMANN, and Mr. WALSH.

H.R. 3583: Mr. EHLERS and Mr. MANZULLO.

H.R. 3605: Mr. FARR of California, Mr. KIND of Wisconsin, and Mr. KENNEDY of Rhode Island.

H.R. 3610: Mr. STRICKLAND, Mrs. CLAYTON, Mr. ROGERS, Mr. SHUSTER, Mr. MICA, and Ms. STABENOW.

H.R. 3622: Mr. TOWNS and Mr. OWENS.

H.R. 3702: Mr. KENNEDY of Massachusetts and Mr. FILNER.

H.R. 3704: Mrs. LOWEY, Mr. GOODLATTE, and Mr. PICKETT.

H.R. 3731: Mr. HALL of Texas, Mr. COOKSEY, Mr. BEREUTER, Mr. WELDON of Pennsylvania, Mr. WAMP, Mr. GUTKNECHT, and Mr. STUMP.

H.R. 3782: Mr. KILDEE, Mr. KENNEDY of Rhode Island, and Mr. OLVER.

H.R. 3783: Mr. FOX of Pennsylvania, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. PITTS, Mr. LARGENT, and Mr. FRANKS of New Jersey.

H.R. 3792: Mr. BARTON of Texas and Mr. WELDON of Pennsylvania.

H.R. 3821: Mr. INGLIS of South Carolina and Mr. MANZULLO.

H.R. 3831: Ms. SLAUGHTER, Ms. JACKSON-LEE, Mr. GUTIERREZ, Mr. GORDON, Mr. BROWN of California, Mr. STARK, and Mr. ENGEL.

H.R. 3862: Ms. PRYCE of Ohio.

H.R. 3864: Mr. BUNNING of Kentucky, Mrs. NORTHUP, Mr. LEWIS of Kentucky, and Mr. BAESLER.

H.R. 3875: Ms. LEE.

H.R. 3888: Mr. NEY, and Mr. PETERSON of Minnesota.

H.R. 3939: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 3949: Mr. BONILLA, Mr. PETRI, Mr. HILLEARY, Mr. GOODLATTE, Mr. BRYANT, Mr. CHAMBLISS, Mr. PAUL, and Mr. BARTON of Texas.

H.R. 3980: Ms. RIVERS, and Mr. NEAL of Massachusetts.

H.R. 3999: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4000: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4001: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4002: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4003: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4018: Mr. POSHARD, Mr. PAYNE, Mr. LEVIN, Mr. MARTINEZ, Mr. RODRIGUEZ, and Ms. DELAURO.

H.R. 4019: Mrs. MYRICK.

H.R. 4025: Mr. KENNEDY of Rhode Island.

H.R. 4027: Mr. MURTHA, Mr. HALL of Ohio, Mr. FROST, Mr. CALVERT, Mr. ABERCROMBIE, and Mr. COOK.

H.R. 4028: Mr. YATES and Mr. ENGEL.

H.R. 4031: Mr. TOWNS.

H.R. 4037: Mr. TALENT, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. CALVERT, and Mr. ENGLISH of Pennsylvania.

H.R. 4086: Mrs. CLAYTON, Mr. SANDERS, Mr. KLECZKA, Mr. ROMERO-BARCELO, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Mr. ACKERMAN, Mr. KILDEE, Ms. DEGETTE, Mrs. CAPPS, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. FROST, and Mr. LAMPSON.

H.R. 4109: Mr. GREENWOOD, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. WELDON of Pennsylvania, and Mr. MCHALE.

H.R. 4110: Mr. COOKSEY, Mr. PASCRELL, Mr. OLVER, and Mr. SANDLIN.

H.R. 4121: Ms. ESHOO.

H.R. 4125: Mr. SAM JOHNSON, Mr. ENSIGN, Mrs. CUBIN, and Mr. CUNNINGHAM.

H.R. 4131: Mr. WEYGAND.

H.R. 4138: Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. YATES, Mr. SHERMAN, Mr. WEXLER, Mr. ENGEL, Mr. FROST, Mr. RUSH, Mrs. MORELLA, and Mr. MCGOVERN.

H.R. 4149: Mr. HOSTETTLER and Mr. BOB SCHAFFER.

H.R. 4152: Mr. ACKERMAN, Mr. ADAM SMITH of Washington, Mr. OBERSTAR, and Mr. KLECZKA.

H.R. 4167: Mr. HUTCHINSON.

H.R. 4184: Mr. LAMPSON and Ms. KILPATRICK.

H.R. 4185: Mr. LAMPSON and Ms. KILPATRICK.

H.R. 4196: Mr. SKEEN, Mr. DEAL of Georgia, Mr. CHAMBLISS, Mr. BALLENGER, Mr. STUMP, Mr. PETERSON of Pennsylvania, Mr. PAUL, Mr. BARTON of Texas, and Mr. BARTLETT of Maryland.

H.R. 4197: Mr. COLLINS, Mr. HOSTETTLER, Mr. LARGENT, and Mr. BARTLETT of Maryland.

H.R. 4214: Mr. LEVIN, Mr. KLECZKA, and Mr. SANDERS.

H.J. Res. 72: Mr. SHAYS.

H.J. Res. 124: Mr. FRANKS of New Jersey.

H. Con. Res. 55: Mrs. BONO and Mr. HEFLEY.

H. Con. Res. 65: Mr. FOSSELLA.

H. Con. Res. 236: Mr. SCARBOROUGH.

H. Con. Res. 239: Mr. RUSH and Mrs. MORELLA.

H. Con. Res. 296: Mr. WEYGAND and Mr. MORAN of Virginia.

H. Res. 37: Ms. JACKSON-LEE, Mr. KANJORSKI, Ms. HARMAN, Mr. KLINK, Mr. OBEY, Mr. ROEMER, Mr. TANNER, Mr. BISHOP, Mr. DEUTSCH, Mr. FRANKS of New Jersey, and Mr. HALL of Ohio.

H. Res. 460: Mr. KUCINICH, Mr. DEUTSCH, Mr. TORRES, Mr. SHERMAN, Mr. SANDLIN, Mr. PASCRELL, Mr. ROTHMAN, and Mrs. MCCARTHY of New York.

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. 219: Ms. KILPATRICK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4104

OFFERED BY: MR. SAXTON

AMENDMENT NO. 18: Page 109, after line 24, add the following:

SEC. 648. (a) EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION.—Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the State Department Basic Authorities Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality of such State) is not immune under section 1605(a)(7).

''(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

''(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such State.

''(B) In providing such assistance, the Secretaries—

''(i) may provide such information to the court under seal; and

''(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.''.

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after ''punitive damages'' the following: '', except in any action under section 1605(a)(7) or 1610(f)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

H.R. 4104

OFFERED BY: MR. SNOWBARGER

AMENDMENT NO. 19: Page 39, line 13, insert after ''$33,700,000'' the following: ''(increased by $2,800,000)''.

Page 41, line 22, insert after ''$5,626,928,000'' the following: ''(reduced by $2,800,000)''.

Page 46, line 21, insert after ''$2,583,261,000'' the following: ''(reduced by $2,800,000)''.

H.R. 4193

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: Page 107, beginning at line 19, strike section 328 (and redesignate the subsequent sections accordingly).

H.R. 4193

OFFERED BY: MR. RIGGS

AMENDMENT NO. 3: At the end of the bill before the short title insert:

SEC. . If the State of California has not made available $130,000,000 by October 1, 1998, for the acquisition of lands in the Headwaters National Forest and other lands in Humboldt County, California, as required by section 501(b)(1) of title V of Public Law 105–83, the $250,000,000 made available by such title V from the Land and Water Conservation Fund for purposes of such land acquisition shall cease to be available for the purposes of such title V and shall be available only for maintenance and improvement of national park system units and $50,000,000 of such $250,000,000 amount may only be used for maintenance and improvement of national park system units that contain civil war sites.

H.R. 4193

OFFERED BY: MR. RIGGS

AMENDMENT NO. 4: At the end of the bill before the short title insert:

SEC. XX. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the acquisition of lands under section 501 of Public law 105–83 unless, prior to October 1, 1998, the State of California has provided the contribution required under such section 501.

H.R. 4193

OFFERED BY: MR. RIGGS

AMENDMENT NO. 5: At the end of the bill before the short title insert:

SEC. XX. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the acquisition of lands under section 501 of Public law 105–83.

H.R. 4193

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6. In the item relating to ''DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—PAYMENTS IN LIEU OF TAXES'', after the first dollar amount, insert the following: ''(increased by $20,000,000)''.

In the item relating to ''DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT'', after the dollar amount, insert the following: ''(reduced by $50,000,000)''.

H.R. 4194

OFFERED BY: MR. LEACH

AMENDMENT NO. 12: Page 2, after line 6, insert the following:

DIVISION A—APPROPRIATIONS

Page 91, line 4, strike ''This Act'' and insert ''Titles I, II, III, and IV of this Act''.

At the end of the bill (after the short title), insert the following:

DIVISION B—HOUSING OPPORTUNITY AND RESPONSIBILITY

SEC. 1001. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Housing Opportunity and Responsibility Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—HOUSING OPPORTUNITY AND RESPONSIBILITY

Sec. 1001. Short title and table of contents.
Sec. 1002. Permanent applicability.
Sec. 1003. Declaration of policy to renew American neighborhoods.

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Statement of purpose.
Sec. 1102. Definitions.
Sec. 1103. Organization of public housing agencies.
Sec. 1104. Determination of adjusted income and median income.
Sec. 1105. Community work and family self-sufficiency requirements.
Sec. 1106. Local housing management plans.
Sec. 1107. Review of plans.
Sec. 1108. Reporting requirements.
Sec. 1109. Pet ownership.
Sec. 1110. Administrative grievance procedure.
Sec. 1111. Headquarters reserve fund.
Sec. 1112. Labor standards.
Sec. 1113. Nondiscrimination.
Sec. 1114. Prohibition on use of funds.
Sec. 1115. Inapplicability to Indian housing.
Sec. 1116. Regulations.

TITLE XII—PUBLIC HOUSING

Subtitle A—Block Grants

Sec. 1201. Block grant contracts.
Sec. 1202. Grant authority, amount, and eligibility.
Sec. 1203. Eligible and required activities.
Sec. 1204. Determination of grant allocation.
Sec. 1205. Sanctions for improper use of amounts.

Subtitle B—Admissions and Occupancy Requirements

Sec. 1221. Low-income housing requirement.
Sec. 1222. Family eligibility.
Sec. 1223. Preferences for occupancy.
Sec. 1224. Admission procedures.
Sec. 1225. Family choice of rental payment.
Sec. 1226. Lease requirements.
Sec. 1227. Designated housing for elderly and disabled families.

Subtitle C—Management

Sec. 1231. Management procedures.
Sec. 1232. Housing quality requirements.
Sec. 1233. Employment of residents.
Sec. 1234. Resident councils and resident management corporations.
Sec. 1235. Management by resident management corporation.
Sec. 1236. Transfer of management of certain housing to independent manager at request of residents.
Sec. 1237. Resident opportunity program.

Subtitle D—Homeownership

Sec. 1251. Resident homeownership programs.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

Sec. 1261. Requirements for demolition and disposition of developments.
Sec. 1262. Demolition, site revitalization, replacement housing, and choice-based assistance grants for developments.
Sec. 1263. Voluntary voucher system for public housing.

Subtitle F—Mixed-Finance Public Housing

Sec. 1271. Authority.
Sec. 1272. Mixed-finance housing developments.
Sec. 1273. Mixed-finance housing plan.
Sec. 1274. Rent levels for housing financed with low-income housing tax credit.
Sec. 1275. Carry-over of assistance for replaced housing.

Subtitle G—General Provisions

Sec. 1281. Payment of non-Federal share.
Sec. 1282. Authorization of appropriations for block grants.
Sec. 1283. Funding for operation safe home.
Sec. 1284. Funding for relocation of victims of domestic violence.

TITLE XIII—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

Subtitle A—Allocation

Sec. 1301. Authority to provide housing assistance amounts.
Sec. 1302. Contracts with PHA's.
Sec. 1303. Eligibility of PHA's for assistance amounts.
Sec. 1304. Allocation of amounts.
Sec. 1305. Administrative fees.
Sec. 1306. Authorizations of appropriations.
Sec. 1307. Conversion of section 8 assistance.
Sec. 1308. Recapture and reuse of annual contract project reserves under choice-based housing assistance and section 8 tenant-based assistance programs.

Subtitle B—Choice-Based Housing Assistance for Eligible Families

Sec. 1321. Eligible families and preferences for assistance.
Sec. 1322. Resident contribution.
Sec. 1323. Rental indicators.
Sec. 1324. Lease terms.
Sec. 1325. Termination of tenancy.
Sec. 1326. Eligible owners.
Sec. 1327. Selection of dwelling units.
Sec. 1328. Eligible dwelling units.
Sec. 1329. Homeownership option.
Sec. 1330. Assistance for rental of manufactured homes.

Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families

Sec. 1351. Housing assistance payments contracts.
Sec. 1352. Amount of monthly assistance payment.
Sec. 1353. Payment standards.
Sec. 1354. Reasonable rents.
Sec. 1355. Prohibition of assistance for vacant rental units.

Subtitle D—General and Miscellaneous Provisions

Sec. 1371. Definitions.
Sec. 1372. Rental assistance fraud recoveries.
Sec. 1373. Study regarding geographic concentration of assisted families.
Sec. 1374. Study regarding rental assistance.

TITLE XIV—HOME RULE FLEXIBLE GRANT OPTION

Sec. 1401. Purpose.
Sec. 1402. Flexible grant program.
Sec. 1403. Covered housing assistance.
Sec. 1404. Program requirements.
Sec. 1405. Applicability of certain provisions.
Sec. 1406. Application.
Sec. 1407. Training.
Sec. 1408. Accountability.
Sec. 1409. Definitions.

TITLE XV—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

Sec. 1501. In general.
Sec. 1502. Purposes.
Sec. 1503. Evaluation of various performance evaluation systems.
Sec. 1504. Consultation.
Sec. 1505. Contract to conduct study.
Sec. 1506. Report.
Sec. 1507. Funding.
Sec. 1508. Effective date.

Subtitle B—Housing Evaluation and Accreditation Board

Sec. 1521. Establishment.
Sec. 1522. Membership.
Sec. 1523. Functions.
Sec. 1524. Powers.
Sec. 1525. Fees.
Sec. 1526. GAO audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

Sec. 1531. Interim applicability.
Sec. 1532. Management assessment indicators.
Sec. 1533. Designation of PHA's.
Sec. 1534. On-site inspection of troubled PHA's.
Sec. 1535. Administration.

Subtitle D—Accountability and Oversight Standards and Procedures
Sec. 1541. Audits.
Sec. 1542. Performance agreements for authorities at risk of becoming troubled.
Sec. 1543. Performance agreements and CDBG sanctions for troubled PHA's.
Sec. 1544. Option to demand conveyance of title to or possession of public housing.
Sec. 1545. Removal of ineffective PHA's.
Sec. 1546. Mandatory takeover of chronically troubled PHA's.
Sec. 1547. Treatment of troubled PHA's.
Sec. 1548. Maintenance of records.
Sec. 1549. Annual reports regarding troubled PHA's.
Sec. 1550. Applicability to resident management corporations.
Sec. 1551. Advisory council for Housing Authority of New Orleans.
TITLE XVI—REPEALS AND RELATED AMENDMENTS
Subtitle A—Repeals, Effective Date, and Savings Provisions
Sec. 1601. Effective date and repeal of United States Housing Act of 1937.
Sec. 1602. Other repeals.
Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs
Sec. 1621. Allocation of elderly housing amounts.
Sec. 1622. Pet ownership.
Sec. 1623. Review of drug elimination program contracts.
Sec. 1624. Amendments to Public and Assisted Housing Drug Elimination Act of 1990.
Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing
Sec. 1641. Screening of applicants.
Sec. 1642. Termination of tenancy and assistance for illegal drug users and alcohol abusers.
Sec. 1643. Lease requirements.
Sec. 1644. Availability of criminal records for tenant screening and eviction.
Sec. 1645. Definitions.
TITLE XVII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS
Sec. 1701. Rural housing assistance.
Sec. 1702. Treatment of occupancy standards.
Sec. 1703. Implementation of plan.
Sec. 1704. Income eligibility for HOME and CDBG programs.
Sec. 1705. Prohibition of use of CDBG grants for employment relocation activities.
Sec. 1706. Regional cooperation under CDBG economic development initiative.
Sec. 1707. Use of American products.
Sec. 1708. Consultation with affected areas in settlement of litigation.
Sec. 1709. Treatment of PHA repayment agreement.
Sec. 1710. Use of assisted housing by aliens.
Sec. 1711. Protection of senior homeowners under reverse mortgage program.
Sec. 1712. Conversion of section 8 tenant-based assistance to project-based assistance in the Borough of Tamaqua.
Sec. 1713. Housing counseling.
Sec. 1714. Transfer of surplus real property for providing housing for low- and moderate-income families.
Sec. 1715. Effective date.

SEC. 1002. PERMANENT APPLICABILITY.

Upon effectiveness pursuant to section 1601(a), the provisions of this division and the amendments made by this division shall apply thereafter, except to the extent otherwise specifically provided in this division or the amendments made by this division.

SEC. 1003. DECLARATION OF POLICY TO RENEW AMERICAN NEIGHBORHOODS.

The Congress hereby declares that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) the Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

(3) the Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly;

(4) housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty;

(5) it is a goal of our Nation that all citizens have decent and affordable housing; and

(6) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector.

TITLE XI—GENERAL PROVISIONS

SEC. 1101. STATEMENT OF PURPOSE.

The purpose of this division is to promote safe, clean, and healthy housing that is affordable to low-income families, and thereby contribute to the supply of affordable housing, by—

(1) deregulating and decontrolling public housing agencies, thereby enabling them to perform as property and asset managers;

(2) providing for more flexible use of Federal assistance to public housing agencies, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources;

(3) facilitating mixed income communities;

(4) increasing accountability and rewarding effective management of public housing agencies;

(5) creating incentives and economic opportunities for residents of dwelling units assisted by public housing agencies to work, become self-sufficient, and transition out of public housing and federally assisted dwelling units;

(6) recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market; and

(7) remedying troubled public housing agencies and replacing or revitalizing severely distressed public housing developments.

SEC. 1102. DEFINITIONS.

For purposes of this division, the following definitions shall apply:

(1) ACQUISITION COST.—When used in reference to public housing, the term ''acquisition cost'' means the amount prudently expended by a public housing agency in acquiring property for a public housing development.

(2) DEVELOPMENT.—The terms ''public housing development'' and ''development'' (when used in reference to public housing) mean—

(A) public housing; and

(B) the improvement of any such housing.

(3) DISABLED FAMILY.—The term ''disabled family'' means a family whose head (or his or her spouse), or whose sole member, is a person with disabilities. Such term includes 2 or more persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(4) DRUG-RELATED CRIMINAL ACTIVITY.—The term ''drug-related criminal activity'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(5) EFFECTIVE DATE.—The term ''effective date'', when used in reference to this division, means the effective date determined under section 1601(a).

(6) ELDERLY FAMILIES AND NEAR ELDERLY FAMILIES.—The terms ''elderly family'' and ''near-elderly family'' mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(7) ELDERLY PERSON.—The term ''elderly person'' means a person who is at least 62 years of age.

(8) ELIGIBLE PUBLIC HOUSING AGENCY.—The term ''eligible public housing agency'' means, with respect to a fiscal year, a public housing agency that is eligible under section 1202(d) for a grant under this title.

(9) FAMILY.—The term ''family'' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(10) GROUP HOME AND INDEPENDENT LIVING FACILITY.—The terms ''group home'' and ''independent living facility'' have the meanings given such terms in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act.

(11) INCOME.—The term ''income'' means, with respect to a family, income from all sources of each member of the household, as determined in accordance with criteria prescribed by the applicable public housing agency and the Secretary, except that the following amounts shall be excluded:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(12) LOCAL HOUSING MANAGEMENT PLAN.—The term ''local housing management plan'' means, with respect to any fiscal year, the plan under section 1106 of a public housing agency for such fiscal year.

(13) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 80 percent of the median income for the area, as determined by

the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

(14) LOW-INCOME HOUSING.—The term ''low-income housing'' means dwellings that comply with the requirements—

(A) under title XII for assistance under such title for the dwellings; or

(B) under title XIII for rental assistance payments under such title for the dwellings.

(15) NEAR-ELDERLY PERSON.—The term ''near-elderly person'' means a person who is at least 55 years of age.

(16) OPERATION.—When used in reference to public housing, the term ''operation'' means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a public housing development, including the financing of resident programs and services.

(17) PERSON WITH DISABILITIES.—The term ''person with disabilities'' means a person who—

(A) has a disability as defined in section 223 of the Social Security Act,

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his or her ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions, or

(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under title XII of this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(18) PRODUCTION.—When used in reference to public housing, the term ''production'' means any or all undertakings necessary for planning, land acquisition, financing, demolition, construction, or equipment, in connection with the construction, acquisition, or rehabilitation of a property for use as a public housing development, including activity in connection with a public housing development that is confined to the reconstruction, remodeling, or repair of existing buildings.

(19) PRODUCTION COST.—When used in reference to public housing, the term ''production cost'' means the costs incurred by a public housing agency for production of public housing and the necessary financing for production (including the payment of carrying charges and acquisition costs).

(20) PUBLIC HOUSING.—The term ''public housing'' means housing, and all necessary appurtenances thereto, that—

(A) is low-income housing, low-income dwelling units in mixed-finance housing (as provided in subtitle F of title XII), or low-income dwelling units in mixed income housing (as provided in section 1221(c)(2)); and

(B)(i) is subject to an annual block grant contract under title XII; or

(ii) was subject to an annual block grant contract under title XII (or an annual contributions contract under the United States Housing Act of 1937) which is not in effect, but for which occupancy is limited in accordance with the requirements under section 1222(a).

(21) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' is defined in section 1103.

(22) RESIDENT COUNCIL.—The term ''resident council'' means an organization or association that meets the requirements of section 1234(a).

(23) RESIDENT MANAGEMENT CORPORATION.—The term ''resident management corporation'' means a corporation that meets the requirements of section 1234(b)(2).

(24) RESIDENT PROGRAM.—The term ''resident programs and services'' means programs and services for families residing in public housing developments. Such term may include (A) the development and maintenance of resident organizations which participate in the management of public housing developments, (B) the training of residents to manage and operate the public housing development and the utilization of their services in management and operation of the development, (C) counseling on household management, housekeeping, budgeting, money management, homeownership issues, child care, and similar matters, (D) advice regarding resources for job training and placement, education, welfare, health, and other community services, (E) services that are directly related to meeting resident needs and providing a wholesome living environment; and (F) referral to appropriate agencies in the community when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

(25) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(26) STATE.—The term ''State'' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(27) VERY LOW-INCOME FAMILY.—The term ''very low-income family'' means a low-income family whose income does not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

SEC. 1103. ORGANIZATION OF PUBLIC HOUSING AGENCIES.

(a) REQUIREMENTS.—For purposes of this division, the terms ''public housing agency'' and ''agency'' mean any entity that—

(1) is—

(A) a public housing agency that was authorized under the United States Housing Act of 1937 to engage in or assist in the development or operation of low-income housing;

(B) authorized under this division to engage in or assist in the development or operation of low-income housing by any State, county, municipality, or other governmental body or public entity;

(C) an entity authorized by State law to administer choice-based housing assistance under title XIII; or

(D) an entity selected by the Secretary, pursuant to subtitle D of title XV, to manage housing; and

(2) complies with the requirements under subsection (b).

The term does not include any entity that is an Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996) or a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996.

(b) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—Each public housing agency shall have a board of directors or other form of governance as prescribed in State or local law. No person may be barred from serving on such board or body because of such person's residency in a public housing development or status as an assisted family under title XIII.

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in localities in which a public housing agency is governed by a board of directors or other similar body, the board or body shall include not less than 1 member who is an elected public housing resident member (as such term is defined in paragraph (5)).

(B) EXCEPTIONS.—The requirement in subparagraph (A) with respect to elected public housing resident members shall not apply to—

(i) any State or local governing body that serves as a public housing agency for purposes of this division and whose responsibilities include substantial activities other than acting as the public housing agency, except that such requirement shall apply to any advisory committee or organization that is established by such governing body and whose responsibilities relate only to the governing body's functions as a public housing agency for purposes of this division;

(ii) any public housing agency that owns or operates less than 250 public housing dwelling units (including any agency that does not own or operate public housing); or

(iii) any public housing agency in a State that requires the members of the board of directors or other similar body of a public housing agency to be salaried and to serve on a full-time basis.

(3) FULL PARTICIPATION.—No public housing agency may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

(4) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of members of the board or directors or governing body of a public housing agency.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term ''elected public housing resident member'' means, with respect to the public housing agency involved, an individual who is a resident member of the board of directors (or other similar governing body of the agency) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the agency; and

(II) have not been convicted of a felony;

(ii) in which only residents of dwelling units of public housing administered by the agency may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term ''resident member'' means a member of the board of directors or other similar governing body of a public housing agency who is a resident of a public housing dwelling unit owned, administered, or assisted by the agency or is a member of an assisted family (as such term is defined in section 1371) assisted by the agency.

(c) ESTABLISHMENT OF POLICIES.—Any rules, regulations, policies, standards, and procedures necessary to implement policies required under section 1106 to be included in the local housing management plan for a public housing agency shall be approved by the board of directors or similar governing body of the agency and shall be publicly available for review upon request.

SEC. 1104. DETERMINATION OF ADJUSTED INCOME AND MEDIAN INCOME.

(a) ADJUSTED INCOME.—For purposes of this division, the term ''adjusted income'' means, with respect to a family, the difference between the income of the members of the family residing in a dwelling unit or the persons on a lease and the amount of any income exclusions for the family under subsections (b) and (c), as determined by the public housing agency.

(b) MANDATORY EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency shall exclude from the annual income of a family the following amounts:

(1) ELDERLY AND DISABLED FAMILIES.—$400 for any elderly or disabled family.

(2) MEDICAL EXPENSES.—The amount by which 3 percent of the annual family income is exceeded by the sum of—

(A) unreimbursed medical expenses of any elderly family;

(B) unreimbursed medical expenses of any nonelderly family, except that this subparagraph shall apply only to the extent approved in appropriation Acts; and

(C) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.

(3) CHILD CARE EXPENSES.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

(4) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

(5) CHILD SUPPORT PAYMENTS.—Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this paragraph may not exceed $480 for each child for whom such payment is made.

(6) EARNED INCOME OF MINORS.—The amount of any earned income of a member of the family who is not—

(A) 18 years of age or older; and

(B) the head of the household (or the spouse of the head of the household).

(c) PERMISSIVE EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency may, in the discretion of the agency, establish exclusions from the annual income of a family. Such exclusions may include the following amounts:

(1) EXCESSIVE TRAVEL EXPENSES.—Excessive travel expenses in an amount not to exceed $25 per family per week, for employment- or education-related travel.

(2) EARNED INCOME.—An amount of any earned income of the family, established at the discretion of the public housing agency, which may be based on—

(A) all earned income of the family,

(B) the amount earned by particular members of the family;

(C) the amount earned by families having certain characteristics; or

(D) the amount earned by families or members during certain periods or from certain sources.

(3) OTHERS.—Such other amounts for other purposes, as the public housing agency may establish.

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this division, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

(e) AVAILABILITY OF INCOME MATCHING INFORMATION.—

(1) DISCLOSURE TO PHA.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department to disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) APPLICABILITY TO FAMILIES RECEIVING PUBLIC HOUSING OR CHOICE-BASED HOUSING ASSISTANCE.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title XIII (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act)).

(3) PROTECTION OF APPLICANTS AND PARTICIPANTS.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(ii) by adding at the end the following new paragraph:

''(4) only in the case of an applicant or participant that is a member of a family described in section 1104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement.''; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before ''or'' the first place it appears the following: '', pursuant to section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,''; and

(II) by inserting ''or 104(e)(1)'' after ''such section 303(i)''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by inserting '', section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act''; and

(II) in subparagraph (A), by inserting ''or agreement, as applicable,'' after ''consent'';

(III) in subparagraph (B), by inserting ''section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997,'' after ''Social Security Act,''; and

(IV) in subparagraph (B), by inserting '' such section 1104(e)(1),'' after ''such section 303(i),'' each place it appears.

SEC. 1105. COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY REQUIREMENTS.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title XIII on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency.

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title XIII on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title XIII.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right

on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term ''covered family'' means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title XIII.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 1225 and 1322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 1225 and 1322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this division on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title XIII.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 1110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title XIII for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title XIII, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title XIII. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title XIII.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under section 1226, and into any agreements for the provision of choice-based assistance under title XIII on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title XIII, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term ''economic self-sufficiency program'' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship, or other activities as the Secretary may provide.

SEC. 1106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this division.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan

under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with, or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this division is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 1203 and housing assistance to be provided under title XIII;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this division to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title XIII, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title XIII, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 1224(c);

(F) the criteria for providing and denying housing assistance under title XIII to families moving into the jurisdiction of the agency;

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

(H) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title XIII and the system used by the agency to ensure that such rents comply with the requirements of this division.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 1232 and 1328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 1641 and 1642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 1110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title XII; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 1227 and any information required under section 1227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 1203(b), to convert to housing assistance under title XIII or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title XII to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of—

(A) any homeownership programs of the agency under subtitle D of title XII or section 1329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 1105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 1541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 1533(c) as at risk of becoming troubled; or

(B) under section 1533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public

housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 1107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment). If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official or officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections, If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title XIII (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

SEC. 1107. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing management plan submitted to the Secretary to ensure that the plan is complete and complies with the requirements of section 1106. The Secretary shall have the discretion to review a plan to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each public housing agency submitting a plan whether the plan complies with such requirements not later than 75 days after receiving the plan. If the Secretary does not notify the public housing agency, as required under this subsection and subsection (b), the Secretary shall be considered, for purposes of this division, to have made a determination that the plan complies with the requirements under section 1106 and the agency shall be considered to have been notified of compliance upon the expiration of such 75-day period. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 1106, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 1106.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 1106 only if—

(1) the plan is incomplete in significant matters required under such section;

(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this division because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this division.

The Secretary shall determine that a plan does not comply with the requirements under section 1106 if the plan does not include the information required under section 1106(d)(2)(D).

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a public housing agency shall be considered to have submitted a plan under this section if the agency has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such authorities to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 1106.

(e) ACTIONS TO CHANGE PLAN.—A public housing agency that has submitted a plan under section 1106 may change actions or policies described in the plan before submission and review of the plan of the agency for the next fiscal year only if—

(1) in the case of costly or nonroutine changes, the agency submits to the Secretary an amendment to the plan under subsection (f) which is reviewed in accordance with such subsection; or

(2) in the case of inexpensive or routine changes, the agency describes such changes in such local housing management plan for the next fiscal year.

(f) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—During the annual or 5-year period covered by the plan for a public housing agency, the agency may submit to the Secretary any amendments to the plan.

(2) REVIEW.—The Secretary shall conduct a limited review of each proposed amendment submitted under this subsection to determine whether the plan, as amended by the amendment, complies with the requirements of section 1106 and notify each public housing agency submitting the amendment whether the plan, as amended, complies with such requirements not later than 30 days after receiving the amendment. If the Secretary determines that a plan, as amended, does not comply with the requirements under section 1106, such notice shall indicate the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 1106. If the Secretary does not notify the public housing agency as required under this paragraph, the plan, as amended, shall be considered, for purposes of this section, to comply with the requirements under section 1106.

(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan, as amended by a proposed amendment, does not comply with the requirements under section 1106 only if—

(A) the plan, as amended, would be subject to a determination of noncompliance in accordance with the provisions of subsection (c);

(B) the Secretary determines that—

(i) the proposed amendment is plainly inconsistent with the activities specified in the plan; or

(ii) there is evidence that challenges, in a substantial manner, any information contained in the amendment; or

(C) the Secretary determines that the plan, as amended, violates the purposes of this division because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(4) AMENDMENTS TO EXTEND TIME OF PERFORMANCE.—Notwithstanding any other provision of this subsection, the Secretary may not determine that any amendment to the plan of a public housing agency that extends the time for performance of activities assisted with amounts provided under this title

fails to comply with the requirements under section 1106 if the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

SEC. 1108. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each public housing agency shall annually submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this division. The report of the public housing agency shall include an assessment by the agency of the relationship of such use of funds made available under this division, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this division. The public housing agency shall certify that the report was available for review and comment by affected tenants prior to its submission to the Secretary.

(b) REVIEW OF PHA'S.—The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

(1) has carried out its activities under this division in a timely manner and in accordance with its local housing management plan; and

(2) has a continuing capacity to carry out its local housing management plan in a timely manner.

(c) RECORDS.—Each public housing agency shall collect, maintain, and submit to the Secretary such data and other program records as the Secretary may require, in such form and in accordance with such schedule as the Secretary may establish.

SEC. 1109. PET OWNERSHIP.

Pet ownership in housing assisted under this division that is federally assisted rental housing (as such term is defined in section 227 of the Housing and Urban-Rural Recovery Act of 1983) shall be governed by the provisions of section 227 of such Act.

SEC. 1110. ADMINISTRATIVE GRIEVANCE PROCEDURE.

(a) REQUIREMENTS.—Each public housing agency receiving assistance under this division shall establish and implement an administrative grievance procedure under which residents of public housing will—

(1) be advised of the specific grounds of any proposed adverse public housing agency action;

(2) have an opportunity for a hearing before an impartial party (including appropriate employees of the public housing agency) upon timely request within a reasonable period of time;

(3) have an opportunity to examine any documents or records or regulations related to the proposed action;

(4) be entitled to be represented by another person of their choice at any hearing;

(5) be entitled to ask questions of witnesses and have others make statements on their behalf; and

(6) be entitled to receive a written decision by the public housing agency on the proposed action.

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises. In the case of any eviction from or termination of tenancy in public housing not described in the preceding sentence, each of the following provisions shall apply:

(1) Such eviction or termination shall be subject to an administrative grievance procedure if the tenant so evicted or terminated requests a hearing under such procedure not later than five days after service of notice of such eviction or termination.

(2) The public housing agency shall take final action regarding a grievance under paragraph (1) not later than thirty days after such notice is served.

(3) If the public housing agency fails to provide a hearing under the grievance procedure pursuant to a request under paragraph (1) and take final action regarding the grievance before the expiration of the 30-day period under paragraph (2), the notice of eviction or termination shall be considered void and shall not be given any force or effect.

(4) If a public housing authority takes final action on a grievance for any eviction or termination, the tenant and any member of the tenant's household shall not have any right in connection with any subsequent eviction or termination notice to request or be afforded any administrative grievance hearing during the 1-year period beginning upon the date of the final action.

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any public housing agency to establish or implement an administrative grievance procedure with respect to assisted families under title XIII.

SEC. 1111. HEADQUARTERS RESERVE FUND.

(a) ANNUAL RESERVATION OF AMOUNTS.—Notwithstanding any other provision of law, the Secretary may retain not more than 2 percent of the amounts appropriated to carry out title XII for any fiscal year for use in accordance with this section.

(b) USE OF AMOUNTS.—Any amounts that are retained under subsection (a) or appropriated for use under this section shall be available for subsequent allocation to specific areas and communities, and may only be used for the Department of Housing and Urban Development and—

(1) for unforeseen housing needs resulting from natural and other disasters;

(2) for housing needs resulting from emergencies, as determined by the Secretary, other than such disasters;

(3) for housing needs related to a settlement of litigation, including settlement of fair housing litigation; and

(4) for needs related to the Secretary's actions under this division regarding troubled and at-risk public housing agencies.

Housing needs under this subsection may be met through the provision of assistance in accordance with title XII or title XIII, or both.

SEC. 1112. LABOR STANDARDS.

(a) IN GENERAL.—Any contract for grants, sale, or lease pursuant to this division relating to public housing shall contain the following provisions:

(1) OPERATION.—A provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all contractors and persons employed in the operation of the low-income housing development involved.

(2) PRODUCTION.—A provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a—276a–5), shall be paid to all laborers and mechanics employed in the production of the development involved.

The Secretary shall require certification as to compliance with the provisions of this section before making any payment under such contract.

(b) EXCEPTIONS.—Subsection (a) and the provisions relating to wages (pursuant to subsection (a)) in any contract for grants, sale, or lease pursuant to this division relating to public housing, shall not apply to any individual who—

(1) performs services for which the individual volunteered;

(2)(A) does not receive compensation for such services; or

(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(3) is not otherwise employed at any time in the construction work.

SEC. 1113. NONDISCRIMINATION.

(a) IN GENERAL.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with amounts made available under this division. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) CIVIL RIGHTS COMPLIANCE.—Each public housing agency that receives grant amounts under this division shall use such amounts and carry out its local housing management plan approved under section 1107 in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, and shall affirmatively further fair housing.

SEC. 1114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this division, which are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

SEC. 1115. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles XII, XIII, XIV, and XV shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority under the United States Housing Act of 1937 or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

SEC. 1116. REGULATIONS.

(a) IN GENERAL.—The Secretary may issue any regulations necessary to carry out this division. This subsection shall take effect on the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations authorized under subsection (a) shall not affect the effectiveness of any provision of this division or any amendment made by this division.

TITLE XII—PUBLIC HOUSING

Subtitle A—Block Grants

SEC. 1201. BLOCK GRANT CONTRACTS.

(a) IN GENERAL.—The Secretary shall enter into contracts with public housing agencies under which—

(1) the Secretary agrees to make a block grant under this title, in the amount provided under section 1202(c), for assistance for low-income housing to the public housing agency for each fiscal year covered by the contract; and

(2) the agency agrees—

(A) to provide safe, clean, and healthy housing that is affordable to low-income families and services for families in such housing;

(B) to operate, or provide for the operation, of such housing in a financially sound manner;

(C) to use the block grant amounts in accordance with this title and the local housing management plan for the agency that complies with the requirements of section 1106;

(D) to involve residents of housing assisted with block grant amounts in functions and decisions relating to management and the quality of life in such housing;

(E) that the management of the public housing of the agency shall be subject to actions authorized under subtitle D of title XV;

(F) that the Secretary may take actions under section 1205 with respect to improper use of grant amounts provided under the contract; and

(G) to otherwise comply with the requirements under this title.

(b) SMALL PUBLIC HOUSING AGENCY CAPITAL GRANT OPTION.—For any fiscal year, upon the request of the Governor of the State, the Secretary shall make available directly to the State, from the amounts otherwise included in the block grants for all public housing agencies in such State which own or operate less than 100 dwelling units, ½ of that portion of such amounts that is derived from the capital improvement allocations for such agencies pursuant to section 1203(c)(1) or 1203(d)(2), as applicable. The Governor of the State will have the responsibility to distribute all of such funds, in amounts determined by the Governor, only to meet the exceptional capital improvement requirements for the various public housing agencies in the State which operate less than 100 dwelling units: *Provided*, however, that for States where Federal funds provided to the State are subject to appropriation action by the State legislature, the capital funds made available to the Governor under this subsection shall be subject to such appropriation by the State legislature.

(c) MODIFICATION.—Contracts and agreements between the Secretary and a public housing agency may not be amended in a manner which would—

(1) impair the rights of—

(A) leaseholders for units assisted pursuant to a contract or agreement; or

(B) the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged; or

(2) provide for payment of block grant amounts under this title in an amount exceeding the allocation for the agency determined under section 1204.

Any rule of law contrary to this subsection shall be deemed inapplicable.

SEC. 1202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

(a) AUTHORITY.—The Secretary shall make block grants under this title to eligible public housing agencies in accordance with block grant contracts under section 1201.

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible public housing agencies under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—

(A) IN GENERAL.—A public housing agency may use up to 20 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 1203(a)(2) to be funded with amounts from the operating fund.

(B) FULL FLEXIBILITY FOR SMALL PHA'S.—In the case of a public housing agency that owns or operates less than 250 public housing dwelling units and is (in the determination of the Secretary) operating and maintaining its public housing in a safe, clean, and healthy condition, the agency may use amounts from a grant under this title for any eligible activities under section 1203(a), regardless of the fund from which the amounts were allocated and provided.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a public housing agency for a fiscal year shall be the amount of the allocation for the agency determined under section 1204, except as otherwise provided in this title and title XV.

(d) ELIGIBILITY.—A public housing agency shall be an eligible public housing agency with respect to a fiscal year for purposes of this title only if—

(1) the Secretary has entered into a block grant contract with the agency;

(2) the agency has submitted a local housing management plan to the Secretary for such fiscal year;

(3) the plan has been determined to comply with the requirements under section 1106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(4) the agency is exempt from local taxes, as provided under subsection (e), or receives a contribution, as provided under such subsection;

(5) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony;

(6) the agency has entered into an agreement providing for local cooperation in accordance with subsection (f); and

(7) the agency has not been disqualified for a grant pursuant to section 1205(a) or title XV.

(e) PAYMENTS IN LIEU OF STATE AND LOCAL TAXATION OF PUBLIC HOUSING DEVELOPMENTS.—

(1) EXEMPTION FROM TAXATION.—A public housing agency may receive a block grant under this title only if—

(A)(i) the developments of the agency (exclusive of any portions not assisted with amounts provided under this title) are exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision; and

(ii) the public housing agency makes payments in lieu of taxes to such taxing authority equal to 10 percent of the sum, for units charged in the developments of the agency, of the difference between the gross rent and the utility cost, or such lesser amount as is—

(I) prescribed by State law;

(II) agreed to by the local governing body in its agreement under subsection (f) for local cooperation with the public housing agency or under a waiver by the local governing body; or

(III) due to failure of a local public body or bodies other than the public housing agency to perform any obligation under such agreement; or

(B) the agency complies with the requirements under subparagraph (A) with respect to public housing developments (including public housing units in mixed-income developments), but the agency agrees that the units other than public housing units in any mixed-income developments (as such term is defined in section 1221(c)(2)) shall be subject to any otherwise applicable real property taxes imposed by the State, city, county or other political subdivision.

(2) EFFECT OF FAILURE TO EXEMPT FROM TAXATION.—Notwithstanding paragraph (1), a public housing agency that does not comply with the requirements under such paragraph may receive a block grant under this title, but only if the State, city, county, or other political subdivision in which the development is situated contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed 10 percent of the gross rent and utility cost charged in the development.

(f) LOCAL COOPERATION.—In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise, the Secretary may not make any grant under this title to a public housing agency unless the governing body of the locality involved has entered into an agreement with the agency providing for the local cooperation required by the Secretary pursuant to this title. The Secretary shall require that each such agreement for local cooperation shall provide that, notwithstanding any order, judgment, or decree of any court (including any settlement order), before making any amounts provided under a grant under this title available for use for the production of any housing or other property not previously used as public housing, the public housing agency shall—

(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the public housing for which such amounts are to be so used is located (or to be located) of such use; and

(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the public housing to be so assisted (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the public housing.

(g) EXCEPTION.—Notwithstanding subsection (a), the Secretary may make a grant under this title for a public housing agency that is not an eligible public housing agency but only for the period necessary to secure, in accordance with this title, an alternative public housing agency for the public housing of the ineligible agency.

(h) RECAPTURE OF CAPITAL ASSISTANCE AMOUNTS.—The Secretary may recapture, from any grant amounts made available to a public housing agency from the capital fund, any portion of such amounts that are not used or obligated by the public housing agency for use for eligible activities under section 1203(a)(1) (or dedicated for use pursuant to section 1202(b)(2)(A)) before the expiration of the 24-month period beginning upon the award of such grant to the agency.

SEC. 1203. ELIGIBLE AND REQUIRED ACTIVITIES.

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 1202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may be used for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 1261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities and including child care services for public housing residents;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing community work program under section 1105, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

(b) REQUIRED CONVERSION OF ASSISTANCE FOR PUBLIC HOUSING TO RENTAL HOUSING ASSISTANCE.—

(1) REQUIREMENT.—A public housing agency that receives grant amounts under this title shall provide assistance in the form of rental housing assistance under title XIII, or appropriate site revitalization or other appropriate capital improvements approved by the Secretary, in lieu of assisting the operation and modernization of any building or buildings of public housing, if the agency provides sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimated cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title XIII for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Public housing agencies shall identify properties that meet the definition of subparagraphs (A) through (E) and shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying such properties.

(2) USE OF OTHER AMOUNTS.—In addition to grant amounts under this title attributable (pursuant to the formulas under section 1204) to the building or buildings identified under paragraph (1), the Secretary may use amounts provided in appropriation Acts for choice-based housing assistance under title XIII for families residing in such building or buildings or for appropriate site revitalization or other appropriate capital improvements approved by the Secretary.

(3) ENFORCEMENT.—The Secretary shall take appropriate action to ensure conversion of any building or buildings identified under paragraph (1) and any other appropriate action under this subsection, if the public housing agency fails to take appropriate action under this subsection.

(4) FAILURE OF PHA'S TO COMPLY WITH CONVERSION REQUIREMENT.—If the Secretary determines that—

(A) a public housing agency has failed under paragraph (1) to identify a building or buildings in a timely manner,

(B) a public housing agency has failed to identify one or more buildings which the Secretary determines should have been identified under paragraph (1), or

(C) one or more of the buildings identified by the public housing agency pursuant to paragraph (1) should not, in the determination of the Secretary, have been identified under that paragraph,

the Secretary may identify a building or buildings for conversion and take other appropriate action pursuant to this subsection.

(5) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a building or buildings meets or is likely to meet the criteria set forth in paragraph (1), the Secretary may direct the public housing agency to cease additional spending in connection with such building or buildings, except to the extent that additional spending is necessary to ensure safe, clean, and healthy housing until the Secretary determines or approves an appropriate course of action with respect to such building or buildings under this subsection.

(6) USE OF BUDGET AUTHORITY.—Notwithstanding any other provision of law, if a building or buildings are identified pursuant to paragraph (1), the Secretary may authorize or direct the transfer, to the choice-based or tenant-based assistance program of such agency or to appropriate site revitalization or other capital improvements approved by the Secretary, of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such building or buildings pursuant to section 14 of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b));

(B) in the case of an agency receiving public housing modernization assistance by formula pursuant to such section 14, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to such building or buildings;

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of such building or buildings pursuant to section 5(j)(2) of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b); and

(D) in the case of an agency receiving assistance pursuant to the formulas under section 1204, any amounts provided to the agency which are attributable pursuant to the formulas for allocating such assistance to such building or buildings.

(7) RELOCATION REQUIREMENTS.—Any public housing agency carrying out conversion of public housing under this subsection shall—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance or occupancy in a unit operated or assisted by the public housing agency;

(B) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title XIII (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing);

(C) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(D) provide any reasonable relocation expenses for families displaced by such action.

(8) TRANSITION.—Any amounts made available to a public housing agency to carry out section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (enacted as section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)) may be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, to carry out this section. The Secretary shall provide for public housing agencies to conform and continue actions taken under such section 202 in accordance with the requirements under this section.

(c) EXTENSION OF DEADLINES.—The Secretary may, for a public housing agency, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

(d) COMPLIANCE WITH PLAN.—The local housing management plan submitted by a public housing agency (including any amendments to the plan), unless determined under section 1107 not to comply with the requirements under section 1106, shall be binding upon the Secretary and the public housing agency and the agency shall use any grant amounts provided under this title for eligible activities under subsection (a) in accordance with the plan. This subsection may not be construed to preclude changes or amendments to the plan, as authorized under section 1107 or any actions authorized by this division to be taken without regard to a local housing management plan.

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 1204 or pursuant to provision of mixed-income developments under section 1221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title XIII.

SEC. 1204. DETERMINATION OF GRANT ALLOCATION.

(a) IN GENERAL.—For each fiscal year, after reserving amounts under section 1111 from the aggregate amount made available for the fiscal year for carrying out this title, the Secretary shall allocate any remaining amounts among eligible public housing agencies in accordance with this section, so that the sum of all of the allocations for all eligible authorities is equal to such remaining amount.

(b) ALLOCATION AMOUNT.—The Secretary shall determine the amount of the allocation for each eligible public housing agency, which shall be—

(1) for any fiscal year beginning after the enactment of a law containing the formulas described in paragraphs (1) and (2) of subsection (c), the sum of the amounts determined for the agency under each such formula; or

(2) for any fiscal year beginning before the expiration of such period, the sum of—

(A) the operating allocation determined under subsection (d)(1) for the agency; and

(B) the capital improvement allocation determined under subsection (d)(2) for the agency.

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the public housing agency, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the public housing agency to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the public housing agency, including backlog and projected future needs of the agency;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the public housing agency to carry out activities that provide a safe and secure environment in public housing units owned or operated by the public housing agency.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—

(A) IN GENERAL.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(i) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(ii) the number of public housing dwelling units owned or operated by the public housing agency;

(iii) the need of the public housing agency to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents; and

(iv) any record by the public housing agency of exemplary performance in the operation of public housing.

(B) INCENTIVE TO INCREASE INCOME.—The formula shall provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (i) 100 percent of the total amount of the operating allocation for which the agency is eligible under this section, and (ii) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(C) TREATMENT OF UTILITY RATES.—The formula shall not take into account the amount of any cost reductions for a public housing agency due to the difference between projected and actual utility rates attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. In the case of any public housing agency that receives financing from any person or entity other than the Secretary or enters into a performance contract to undertake energy conservation improvements in a public housing development, under which the payment does not exceed the cost of the energy saved as a result of the improvements during a reasonable negotiated contract period, the formula shall not take into account the amount of any cost reductions for the agency due to the differences between projected and actual utility consumption attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. Notwithstanding the preceding 2 sentences, after the expiration of the 10-year period beginning upon the savings initially taking effect, the Secretary may reduce the amount allocated to the agency under the formula by up to 50 percent of such differences.

(3) CONSIDERATION OF PERFORMANCE, COSTS, AND OTHER FACTORS.—The formulas under paragraphs (1) and (2) should each reward performance and may each consider appropriate factors that reflect the different characteristics and sizes of public housing agencies, the relative needs, revenues, costs, and capital improvements of agencies, and the relative costs to agencies of operating a well-managed agency that meets the performance targets for the agency established in the local housing management plan for the agency.

(4) DEVELOPMENT UNDER NEGOTIATED RULEMAKING PROCEDURE.—The formulas under this subsection shall be developed according to procedures for issuance of regulations under the negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code, except that the formulas shall not be contained in a regulation.

(5) REPORT.—Not later than the expiration of the 12-month period beginning upon the enactment of this Act, the Secretary shall submit a report to the Congress containing the proposed formulas established pursuant to paragraph (4) that meets the requirements of this subsection.

(d) INTERIM ALLOCATION REQUIREMENTS.—

(1) OPERATING ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for operating allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for operating subsidies under section 9 of the United States Housing Act of 1937 bears to the sum of such operating subsidy amounts plus the amounts appropriated for such fiscal year for modernization under section 14 of such Act.

(B) DETERMINATION.—The operating allocation under this paragraph for a public housing agency for a fiscal year shall be an amount determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of operating subsidies for fiscal year 1997 to public housing agencies (as modified under subparagraphs (C) and (D)) under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b).

(C) TREATMENT OF CHRONICALLY VACANT UNITS.—The Secretary shall revise the formula referred to in subparagraph (B) so that the formula does not provide any amounts, other than utility costs and other necessary costs (such as costs necessary for the protection of persons and property), attributable to any dwelling unit of a public housing agency that has been vacant continuously for 6 or more months. A unit shall not be considered vacant for purposes of this paragraph if the unit is unoccupied because of rehabilitation or renovation that is on schedule.

(D) TREATMENT OF INCREASES IN INCOME.—The Secretary shall revise the formula referred to in subparagraph (B) to provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except that such benefit may not be retained if—

(i) the agency's operating allocation equals 100 percent of the amount for which it is eligible under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b) of this Act; and

(ii) the agency's operating reserve balance is equal to the maximum amount permitted under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b) of this Act.

(2) CAPITAL IMPROVEMENT ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for capital improvement allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for modernization under section 14 of the United States Housing Act of 1937

bears to the sum of such modernization amounts plus the amounts appropriated for such fiscal year for operating subsidies under section 9 of such Act.

(B) DETERMINATION.—The capital improvement allocation under this paragraph for an eligible public housing agency for a fiscal year shall be determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of modernization assistance for fiscal year 1997 to public housing agencies under section 14 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b), except that the Secretary shall establish a method for taking into consideration allocation of amounts under the comprehensive improvement assistance program.

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a public housing agency uses proceeds from the sale of units under a homeownership program in accordance with section 1251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the agency under this section until sale by the agency, but in any case no longer than 5 years.

SEC. 1205. SANCTIONS FOR IMPROPER USE OF AMOUNTS.

(a) IN GENERAL.—In addition to any other actions authorized under this title, if the Secretary finds pursuant to an audit under section 1541 that a public housing agency receiving grant amounts under this title has failed to comply substantially with any provision of this title, the Secretary may—

(1) terminate payments under this title to the agency;

(2) withhold from the agency amounts from the total allocation for the agency pursuant to section 1204;

(3) reduce the amount of future grant payments under this title to the agency by an amount equal to the amount of such payments that were not expended in accordance with this title;

(4) limit the availability of grant amounts provided to the agency under this title to programs, projects, or activities not affected by such failure to comply;

(5) withhold from the agency amounts allocated for the agency under title XIII; or

(6) order other corrective action with respect to the agency.

(b) TERMINATION OF COMPLIANCE ACTION.—If the Secretary takes action under subsection (a) with respect to a public housing agency, the Secretary shall—

(1) in the case of action under subsection (a)(1), resume payments of grant amounts under this title to the agency in the full amount of the total allocation under section 1204 for the agency at the time that the Secretary first determines that the agency will comply with the provisions of this title;

(2) in the case of action under paragraph (2), (5), or (6) of subsection (a), make withheld amounts available as the Secretary considers appropriate to ensure that the agency complies with the provisions of this title; or

(3) in the case of action under subsection (a)(4), release such restrictions at the time that the Secretary first determines that the agency will comply with the provisions of this title.

Subtitle B—Admissions and Occupancy Requirements

SEC. 1221. LOW-INCOME HOUSING REQUIREMENT.

(a) PRODUCTION ASSISTANCE.—Any public housing produced using amounts provided under a grant under this title or under the United States Housing Act of 1937 shall be operated as public housing for the 40-year period beginning upon such production.

(b) OPERATING ASSISTANCE.—No portion of any public housing development operated with amounts from a grant under this title or operating assistance provided under the United States Housing Act of 1937 may be disposed of before the expiration of the 10-year period beginning upon the conclusion of the fiscal year for which the grant or such assistance was provided, except as provided in this Act.

(c) CAPITAL IMPROVEMENTS ASSISTANCE.—Amounts may be used for eligible activities under section 1203(a)(1) only for the following housing developments:

(1) LOW-INCOME DEVELOPMENTS.—Amounts may be used for a low-income housing development that—

(A) is owned by public housing agencies;

(B) is operated as low-income rental housing and produced or operated with assistance provided under a grant under this title; and

(C) is consistent with the purposes of this title.

Any development, or portion thereof, referred to in this paragraph for which activities under section 1203(a)(1) are conducted using amounts from a grant under this title shall be maintained and used as public housing for the 20-year period beginning upon the receipt of such grant. Any public housing development, or portion thereof, that received the benefit of a grant pursuant to section 14 of the United States Housing Act of 1937 shall be maintained and used as public housing for the 20-year period beginning upon receipt of such amounts.

(2) MIXED INCOME DEVELOPMENTS.—Amounts may be used for eligible activities under section 1203(a)(1) for mixed-income developments, which shall be a housing development that—

(A) contains dwelling units that are available for occupancy by families other than low-income families;

(B) contains a number of dwelling units—

(i) which units are made available (by master contract or individual lease) for occupancy only by low- and very low-income families identified by the public housing agency;

(ii) which number is not less than a reasonable number of units, including related amenities, taking into account the amount of the assistance provided by the agency compared to the total investment (including costs of operation) in the development;

(iii) which units are subject to the statutory and regulatory requirements of the public housing program, except that the Secretary may grant appropriate waivers to such statutory and regulatory requirements if reductions in funding or other changes to the program make continued application of such requirements impracticable;

(iv) which units are specially designated as dwelling units under this subparagraph, except the equivalent units in the development may be substituted for designated units during the period the units are subject to the requirements of the public housing program; and

(v) which units shall be eligible for assistance under this title; and

(C) is owned by the public housing agency, an affiliate controlled by it, or another appropriate entity.

Notwithstanding any other provision of this title, to facilitate the establishment of socioeconomically mixed communities, a public housing agency that uses grant amounts under this title for a mixed income development under this paragraph may, to the extent that income from such a development reduces the amount of grant amounts used for operating or other costs relating to public housing, use such resulting savings to rent privately developed dwelling units in the neighborhood of the mixed income development. Such units shall be made available for occupancy only by low-income families eligible for residency in public housing.

SEC. 1222. FAMILY ELIGIBILITY.

(a) IN GENERAL.—Dwelling units in public housing may be rented only to families who are low-income families at the time of their initial occupancy of such units.

(b) INCOME MIX WITHIN DEVELOPMENTS.—A public housing agency may establish and utilize income-mix criteria for the selection of residents for dwelling units in public housing developments that limit admission to a development by selecting applicants having incomes appropriate so that the mix of incomes of families occupying the development at any time is proportional to the income mix in the eligible population of the jurisdiction of the agency at such time, as adjusted to take into consideration the severity of housing need. Any criteria established under this subsection shall be subject to the provisions of subsection (c).

(c) INCOME MIX.—

(1) PHA INCOME MIX.—Of the public housing dwelling units of a public housing agency made available for occupancy by eligible families, not less than 35 percent shall be occupied by families whose incomes at the time of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. This paragraph may not be construed to create any authority on the part of any public housing agency to evict any family residing in public housing solely because of the income of the family or because of any noncompliance or overcompliance with the requirement of this paragraph.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) FUNGIBILITY WITH CHOICE-BASED ASSISTANCE.—If, during a fiscal year, a public housing agency provides choice-based housing assistance under title XIII for a number of low-income families, who are initially assisted by the agency in such year and have incomes described in section 1321(b) (relating to income targeting), which exceeds the number of families that is required for the agency to comply with the percentage requirement under such section 1321(b) for such fiscal year, notwithstanding paragraph (1) of this subsection, the number of public housing dwelling units that the agency must otherwise make available in accordance with such paragraph to comply with the percentage requirement under such paragraph shall be reduced by such excess number of families for such fiscal year.

(d) WAIVER OF ELIGIBILITY REQUIREMENTS FOR OCCUPANCY BY POLICE OFFICERS.—

(1) AUTHORITY AND WAIVER.—To the extent necessary to provide occupancy in public housing dwelling units to police officers and other law enforcement or security personnel

(who are not otherwise eligible for residence in public housing) and to increase security for other public housing residents in developments where crime has been a problem, a public housing agency may, with respect to such units and subject to paragraph (2)—

(A) waive—

(i) the provisions of subsection (a) of this section and section 1225(a); and

(ii) the applicability of—

(I) any preferences for occupancy established under section 1223;

(II) the minimum rental amount established pursuant to section 1225(c) and any maximum monthly rental amount established pursuant to section 1225(b);

(III) any criteria relating to income mix within developments established under subsection (b);

(IV) the income mix requirements under subsection (c); and

(V) any other occupancy limitations or requirements; and

(B) establish special rent requirements and other terms and conditions of occupancy.

(2) CONDITIONS OF WAIVER.—A public housing agency may take the actions authorized in paragraph (1) only if agency determines that such actions will increase security in the public housing developments involved and will not result in a significant reduction of units available for residence by low-income families.

SEC. 1223. PREFERENCES FOR OCCUPANCY.

(a) AUTHORITY TO ESTABLISH.—Each public housing agency may establish a system for making dwelling units in public housing available for occupancy that provides preference for such occupancy to families having certain characteristics.

(b) CONTENT.—Each system of preferences established pursuant to this section shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 1106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

SEC. 1224. ADMISSION PROCEDURES.

(a) ADMISSION REQUIREMENTS.—A public housing agency shall ensure that each family residing in a public housing development owned or administered by the agency is admitted in accordance with the procedures established under this title by the agency and the income limits under section 1222.

(b) NOTIFICATION OF APPLICATION DECISIONS.—A public housing agency shall establish procedures designed to provide for notification to an applicant for admission to public housing of the determination with respect to such application, the basis for the determination, and, if the applicant is determined to be eligible for admission, the projected date of occupancy (to the extent such date can reasonably be determined). If an agency denies an applicant admission to public housing, the agency shall notify the applicant that the applicant may request an informal hearing on the denial within a reasonable time of such notification.

(c) SITE-BASED WAITING LISTS.—A public housing agency may establish procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include (notwithstanding any other law, regulation, handbook, or notice to the contrary) a system of site-based waiting lists whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures shall comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

(d) CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family in public housing that was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

(e) TRANSFERS.—A public housing agency may apply, to each public housing resident seeking to transfer from one development to another development owned or operated by the agency, the screening procedures applicable at such time to new applicants for public housing.

SEC. 1225. FAMILY CHOICE OF RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit the amount determined under paragraph (1) or (2) of subsection (b), subject to the requirement under subsection (c). Each public housing agency shall provide for each family residing in a public housing dwelling unit owned or administered by the agency to elect annually whether the rent paid by such family shall be determined under paragraph (1) or (2) of subsection (b).

(b) ALLOWABLE RENT STRUCTURES.—

(1) FLAT RENTS.—Each public housing agency shall establish, for each dwelling unit in public housing owned or administered by the agency, a flat rental amount for the dwelling unit, which shall—

(A) be based on the rental value of the unit, as determined by the public housing agency; and

(B) be designed in accordance with subsection (e) so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The rental amount for a dwelling unit shall be considered to comply with the requirements of this paragraph if such amount does not exceed the actual monthly costs to the public housing agency attributable to providing and operating the dwelling unit. The preceding sentence may not be construed to require establishment of rental amounts equal to or based on operating costs or to prevent public housing agencies from developing flat rents required under this paragraph in any other manner that may comply with this paragraph.

(2) INCOME-BASED RENTS.—The monthly rental amount determined under this paragraph for a family shall be an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

Nothing in this paragraph may be construed to require a public housing agency to charge a monthly rent in the maximum amount permitted under this paragraph.

(c) MINIMUM RENTAL AMOUNT.—Notwithstanding the method for rent determination elected by a family pursuant to subsection (a), each public housing agency shall require that the monthly rent for each dwelling unit in public housing owned or administered by the agency shall not be less than a minimum amount (which amount shall include any amount allowed for utilities), which shall be an amount determined by the agency that is not less than $25 nor more than $50.

(d) HARDSHIP PROVISIONS.—

(1) MINIMUM RENTAL.—

(A) IN GENERAL.—Notwithstanding subsection (c), a public housing agency shall grant an exemption from application of the minimum monthly rental under such subsection to any family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) WAITING PERIOD.—If a resident requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the resident from the applicability of the minimum rent requirement for such 90-day period.

(2) SWITCHING RENT DETERMINATION METHODS.—Notwithstanding subsection (a), in the case of a family that has elected to pay rent in the amount determined under subsection (b)(1), a public housing agency shall provide for the family to pay rent in the amount determined under subsection (b)(2) during the period for which such election was made if the family is unable to pay the amount determined under subsection (b)(1) because of financial hardship, including—

(A) situations in which the income of the family has decreased because of changed circumstances, loss of reduction of employment, death in the family, and reduction in or loss of income or other assistance;

(B) an increase, because of changed circumstances, in the family's expenses for—

(i) medical costs;

(ii) child care;

(iii) transportation;

(iv) education; or

(v) similar items; and

(C) such other situations as may be determined by the agency.

(e) ENCOURAGEMENT OF SELF-SUFFICIENCY.—The rental policy developed by each public housing agency shall encourage and reward employment and economic self-sufficiency.

(f) INCOME REVIEWS.—Each public housing agency shall review the income of each family occupying a dwelling unit in public housing owned or administered by the agency not less than annually, except that, in the case of families that are paying rent in the amount determined under subsection (b)(1), the agency shall review the income of such family not less than once every 3 years.

(g) DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under this section by a family whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program) may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

(2) PHASE-IN OF RENT INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1) shall be phased in over a subsequent 3-year period.

(3) TRANSITION.—Notwithstanding the provisions of paragraphs (1) and (2), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) shall be governed by such authority after such date.

(h) PHASE-IN OF RENT CONTRIBUTION INCREASES AFTER EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), for any family residing in a dwelling unit in public housing upon the effective date of this division, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon initial applicability of this title is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) EXCEPTION.—The minimum rental amount under subsection (c) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 1226. LEASE REQUIREMENTS.

In renting dwelling units in a public housing development, each public housing agency shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) obligate the public housing agency to maintain the development in compliance with the housing quality requirements under section 1232;

(3) require the public housing agency to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or public housing agency employees is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) contain the provisions required under sections 1642 and 1643 (relating to limitations on occupancy in federally assisted housing); and

(5) specify that, with respect to any notice of eviction or termination, notwithstanding any State law, a public housing resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records or regulations directly related to the eviction or termination.

SEC. 1227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES.

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a public housing agency for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the public housing agency may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a public housing agency determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the agency may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in subtitle C of title XVI, any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

(c) RELOCATION ASSISTANCE.—A public housing agency that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title XIII, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—A public housing agency may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the agency, as part of the agency's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; or

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term ''supportive services'' means services designed to meet the special needs of residents. Notwithstanding section 1107, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) EFFECTIVENESS.—

(1) INITIAL 5-YEAR EFFECTIVENESS.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 1107(a) of the public housing agency that the information complies with the requirements under section 1106 and this section.

(2) RENEWAL.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an agency may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a public housing agency extends the effectiveness of a designation and information under this paragraph.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a public housing agency shall be considered to have submitted the information required under this section if the agency has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) that has not been approved or disapproved before such effective date.

(4) TRANSITION PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) before such effective date shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(f) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(g) USE OF AMOUNTS.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of

1996 (Public Law 104–120) may also be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, for choice-based rental housing assistance under title XIII for public housing agencies to implement this section.

Subtitle C—Management

SEC. 1231. MANAGEMENT PROCEDURES.

(a) SOUND MANAGEMENT.—A public housing agency that receives grant amounts under this title shall establish and comply with procedures and practices sufficient to ensure that the public housing developments owned or administered by the agency are operated in a sound manner.

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.

(c) MANAGEMENT BY OTHER ENTITIES.—Except as otherwise provided under this division, a public housing agency may contract with any other entity to perform any of the management functions for public housing owned or operated by the public housing agency.

SEC. 1232. HOUSING QUALITY REQUIREMENTS.

(a) IN GENERAL.—Each public housing agency that receives grant amounts under this division shall maintain its public housing in a condition that complies—

(1) in the case of public housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(2) in the case of public housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with the housing quality standards established under subsection (b).

(b) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that public housing dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 1328(c). The Secretary shall differentiate between major and minor violations of such standards.

(c) DETERMINATIONS.—Each public housing agency providing housing assistance shall identify, in the local housing management plan of the agency, whether the agency is utilizing the standard under paragraph (1) or (2) of subsection (a).

(d) ANNUAL INSPECTIONS.—Each public housing agency that owns or operates public housing shall make an annual inspection of each public housing development to determine whether units in the development are maintained in accordance with the requirements under subsection (a). The agency shall retain the results of such inspections and, upon the request of the Secretary, the Inspector General for the Department of Housing and Urban Development, or any auditor conducting an audit under section 1541, shall make such results available.

SEC. 1233. EMPLOYMENT OF RESIDENTS.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through the end and inserting ''assistance provided under title XII of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs.''; and

(B) in subparagraph (B)(ii), by striking ''managed by the public or Indian housing agency'' and inserting ''assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996'';

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through ''section 14 of that Act'' and inserting ''assistance provided under title XII of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs''; and

(B) in subparagraph (B)(ii), by striking ''operated by the public or Indian housing agency'' and inserting ''assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996'';

(3) in subsections (c)(1)(A) and (d)(1)(A), by striking ''make their best efforts,'' each place it appears and inserting ''to the maximum extent that is possible and'';

(4) in subsection (c)(1)(A), by striking ''to give'' and inserting ''give''; and

(5) in subsection (d)(1)(A), by striking ''to award'' and inserting ''award''.

SEC. 1234. RESIDENT COUNCILS AND RESIDENT MANAGEMENT CORPORATIONS.

(a) RESIDENT COUNCILS.—The residents of a public housing development may establish a resident council for the development for purposes of consideration of issues relating to residents, representation of resident interests, and coordination and consultation with a public housing agency. A resident council shall be an organization or association that—

(1) is nonprofit in character;

(2) is representative of the residents of the eligible housing;

(3) adopts written procedures providing for the election of officers on a regular basis; and

(4) has a democratically elected governing board, which is elected by the residents of the eligible housing on a regular basis.

(b) RESIDENT MANAGEMENT CORPORATIONS.—

(1) ESTABLISHMENT.—The residents of a public housing development may establish a resident management corporation for the purpose of assuming the responsibility for the management of the development under section 1235 or purchasing a development.

(2) REQUIREMENTS.—A resident management corporation shall be a corporation that—

(A) is nonprofit in character;

(B) is organized under the laws of the State in which the development is located;

(C) has as its sole voting members the residents of the development; and

(D) is established by the resident council for the development or, if there is not a resident council, by a majority of the households of the development.

SEC. 1235. MANAGEMENT BY RESIDENT MANAGEMENT CORPORATION.

(a) AUTHORITY.—A public housing agency may enter into a contract under this section with a resident management corporation to provide for the management of public housing developments by the corporation.

(b) CONTRACT.—A contract under this section for management of public housing developments by a resident management corporation shall establish the respective management rights and responsibilities of the corporation and the public housing agency. The contract shall be consistent with the requirements of this division applicable to public housing development and may include specific terms governing management personnel and compensation, access to public housing records, submission of and adherence to budgets, rent collection procedures, resident income verification, resident eligibility determinations, resident eviction, the acquisition of supplies and materials and such other matters as may be appropriate. The contract shall be treated as a contracting out of services.

(c) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing development, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

(d) BLOCK GRANT ASSISTANCE AND INCOME.—A contract under this section shall provide for—

(1) the public housing agency to provide a portion of the block grant assistance under this title to the resident management corporation for purposes of operating the public housing development covered by the contract and performing such other eligible activities with respect to the development as may be provided under the contract;

(2) the amount of income expected to be derived from the development itself (from sources such as rents and charges);

(3) the amount of income to be provided to the development from the other sources of income of the public housing agency (such as interest income, administrative fees, and rents); and

(4) any income generated by a resident management corporation of a public housing development that exceeds the income estimated under the contract shall be used for eligible activities under section 1203(a).

(e) CALCULATION OF TOTAL INCOME.—

(1) MAINTENANCE OF SUPPORT.—Subject to paragraph (2), the amount of assistance provided by a public housing agency to a public housing development managed by a resident management corporation may not be reduced during the 3-year period beginning on the date on which the resident management corporation is first established for the development.

(2) REDUCTIONS AND INCREASES IN SUPPORT.—If the total income of a public housing agency is reduced or increased, the income provided by the public housing agency to a public housing development managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of

the agency, except that any reduction in block grant amounts under this title to the agency that occurs as a result of fraud, waste, or mismanagement by the agency shall not affect the amount provided to the resident management corporation.

SEC. 1236. TRANSFER OF MANAGEMENT OF CERTAIN HOUSING TO INDEPENDENT MANAGER AT REQUEST OF RESIDENTS.

(a) AUTHORITY.—The Secretary may transfer the responsibility and authority for management of specified housing (as such term is defined in subsection (h)) from a public housing agency to an eligible management entity, in accordance with the requirements of this section, if—

(1) such housing is owned or operated by a public housing agency that is designated as a troubled agency under section 1533(a); and

(2) the Secretary determines that—

(A) such housing has deferred maintenance, physical deterioration, or obsolescence of major systems and other deficiencies in the physical plant of the project;

(B) such housing is occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

(C) such housing is located in an area such that the housing is subject to recurrent vandalism and criminal activity (including drug-related criminal activity); and

(D) the residents can demonstrate that the elements of distress for such housing specified in subparagraphs (A) through (C) can be remedied by an entity that has a demonstrated capacity to manage, with reasonable expenses for modernization.

Such a transfer may be made only as provided in this section, pursuant to the approval by the Secretary of a request for the transfer made by a majority vote of the residents for the specified housing, after consultation with the public housing agency for the specified housing.

(b) BLOCK GRANT ASSISTANCE.—Pursuant to a contract under subsection (c), the Secretary shall require the public housing agency for specified housing to provide to the manager for the housing, from any block grant amounts under this title for the agency, fair and reasonable amounts for operating costs for the housing. The amount made available under this subsection to a manager shall be determined by the Secretary based on the share for the specified housing of the total block grant amounts for the public housing agency transferring the housing, taking into consideration the operating and capital improvement needs of the specified housing, the operating and capital improvement needs of the remaining public housing units managed by the public housing agency, and the local housing management plan of such agency.

(c) CONTRACT BETWEEN SECRETARY AND MANAGER.—

(1) REQUIREMENTS.—Pursuant to the approval of a request under this section for transfer of the management of specified housing, the Secretary shall enter into a contract with the eligible management entity.

(2) TERMS.— A contract under this subsection shall contain provisions establishing the rights and responsibilities of the manager with respect to the specified housing and the Secretary and shall be consistent with the requirements of this division applicable to public housing developments.

(d) COMPLIANCE WITH LOCAL HOUSING MANAGEMENT PLAN.—A manager of specified housing under this section shall comply with the approved local housing management plan applicable to the housing and shall submit such information to the public housing agency from which management was transferred as may be necessary for such agency to prepare and update its local housing management plan.

(e) DEMOLITION AND DISPOSITION BY MANAGER.—A manager under this section may demolish or dispose of specified housing only if, and in the manner, provided for in the local housing management plan for the agency transferring management of the housing.

(f) LIMITATION ON PHA LIABILITY.—A public housing agency that is not a manager for specified housing shall not be liable for any act or failure to act by a manager or resident council for the specified housing.

(g) TREATMENT OF MANAGER.—To the extent not inconsistent with this section and to the extent the Secretary determines not inconsistent with the purposes of this division, a manager of specified housing under this section shall be considered to be a public housing agency for purposes of this title.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MANAGEMENT ENTITY.—The term ''eligible management entity'' means, with respect to any public housing development, any of the following entities:

(A) NONPROFIT ORGANIZATION.—A public or private nonprofit organization, which shall—

(i) include a resident management corporation or resident management organization and, as determined by the Secretary, a public or private nonprofit organization sponsored by the public housing agency that owns the development; and

(ii) not include the public housing agency that owns the development.

(B) FOR-PROFIT ENTITY.—A for-profit entity that has demonstrated experience in providing low-income housing.

(C) STATE OR LOCAL GOVERNMENT.—A State or local government, including an agency or instrumentality thereof.

(D) PUBLIC HOUSING AGENCY.—A public housing agency (other than the public housing agency that owns the development).

The term does not include a resident council.

(2) MANAGER.—The term ''manager'' means any eligible management entity that has entered into a contract under this section with the Secretary for the management of specified housing.

(3) NONPROFIT.—The term ''nonprofit'' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means any private organization (including a State or locally chartered organization) that—

(A) is incorporated under State or local law;

(B) is nonprofit in character;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

(5) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' has the meaning given such term in section 1103(a).

(6) PUBLIC NONPROFIT ORGANIZATION.—The term ''public nonprofit organization'' means any public entity that is nonprofit in character.

(7) SPECIFIED HOUSING.—The term ''specified housing'' means a public housing development or developments, or a portion of a development or developments, for which the transfer of management is requested under this section. The term includes one or more contiguous buildings and an area of contiguous row houses, but in the case of a single building, the building shall be sufficiently separable from the remainder of the development of which it is part to make transfer of the management of the building feasible for purposes of this section.

SEC. 1237. RESIDENT OPPORTUNITY PROGRAM.

(a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing developments, as a means of improving existing living conditions in public housing developments, by providing increased flexibility for public housing developments that are managed by residents by—

(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term ''public housing development'' includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

(b) PROGRAM REQUIREMENTS.—

(1) RESIDENT COUNCIL.—As a condition of entering into a resident opportunity program, the elected resident council of a public housing development shall approve the establishment of a resident management corporation that complies with the requirements of section 1234(b)(2). When such approval is made by the elected resident council of a building or row house area, the resident opportunity program shall not interfere with the rights of other families residing in the development or harm the efficient operation of the development. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council.

(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing development, in cooperation with the public housing agency, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the development.

(3) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the agency establishing the respective management rights and responsibilities of the corporation and the agency. The contract shall be treated as a contracting out of services and shall be subject to the requirements under section 1235 for such contracts.

(4) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing development shall be audited annually by a certified public accountant. A written report of each such audit shall be forwarded to the public housing agency and the Secretary.

(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing developments managed by resident management corporations may be provided with modernization assistance from grant amounts under this title for purposes of renovating such developments. If

such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the public housing agency involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

(d) WAIVER OF FEDERAL REQUIREMENTS.—

(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and public housing agency, and after notice and an opportunity to comment is afforded to the affected residents, the Secretary may waive (for both the resident management corporation and the public housing agency) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to unnecessarily increase the costs or restrict the income of a public housing development.

(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such development to volunteer a portion of their labor.

(3) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 1222, family rental payments under section 1225, tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

(e) OPERATING ASSISTANCE AND DEVELOPMENT INCOME.—

(1) CALCULATION OF OPERATING SUBSIDY.—The grant amounts received under this title by a public housing agency used for operating fund activities under section 1203(a)(2) that are allocated to a public housing development managed by a resident management corporation shall not be less than per unit monthly amount of such assistance used by the public housing agency in the previous year, as determined on an individual development basis.

(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing development entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the development itself (from sources such as rents and charges) and the amount of income funds to be provided to the development from the other sources of income of the agency (such as assistance for operating activities under section 1203(a)(2), interest income, administrative fees, and rents).

(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available under this title, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing developments, and the securing of such support. In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize public housing agencies or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing development may not exceed $100,000.

(3) PROHIBITION.—A resident management corporation or resident council may not, before the award to the corporation or council of a grant amount under this subsection, enter into any contract or other agreement with any entity to provide such entity with amounts from the grant for providing technical assistance or carrying out other activities eligible for assistance with amounts under this subsection. Any such agreement entered into in violation of this paragraph shall be void and unenforceable.

(4) FUNDING.—Of any amounts made available under section 1282(1) for use under the capital fund, the Secretary may use to carry out this subsection $15,000,000 for fiscal year 1998.

(5) LIMITATION REGARDING ASSISTANCE UNDER HOPE GRANT PROGRAM.—The Secretary may not provide financial assistance under this subsection to any resident management corporation or resident council with respect to which assistance for the development or formation of such entity is provided under title III of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

(g) ASSESSMENT AND REPORT BY SECRETARY.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall—

(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.

(h) APPLICABILITY.—Any management contract between a public housing agency and a resident management corporation that is entered into after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 shall be subject to this section and any regulations issued to carry out this section.

Subtitle D—Homeownership

SEC. 1251. RESIDENT HOMEOWNERSHIP PROGRAMS.

(a) IN GENERAL.—A public housing agency may carry out a homeownership program in accordance with this section and the local housing management plan of the agency to make public housing dwelling units, public housing developments, and other housing projects available for purchase by low-income families. An agency may transfer a unit only pursuant to a homeownership program approved by the Secretary. Notwithstanding section 1107, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section. In the case of the portion of a plan regarding the homeownership program that is submitted separately pursuant to the preceding sentence, the Secretary shall approve or disapprove such portion not later than 60 days after the submission of such portion.

(b) PARTICIPATING UNITS.—A program under this section may cover any existing public housing dwelling units or projects, and may include other dwelling units and housing owned, operated, or assisted, or otherwise acquired for use under such program, by the public housing agency.

(c) ELIGIBLE PURCHASERS.—

(1) LOW-INCOME REQUIREMENT.—Only low-income families assisted by a public housing agency, other low-income families, and entities formed to facilitate such sales by purchasing units for resale to low-income families shall be eligible to purchase housing under a homeownership program under this section.

(2) OTHER REQUIREMENTS.—A public housing agency may establish other requirements or limitations for families to purchase housing under a homeownership program under this section, including requirements or limitations regarding employment or participation in employment counseling or training activities, criminal activity, participation in homeownership counseling programs, evidence of regular income, and other requirements. In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.

(d) FINANCING AND ASSISTANCE.—A homeownership program under this section may provide financing for acquisition of housing by families purchasing under the program or by the public housing agency for sale under this program in any manner considered appropriate by the agency (including sale to a resident management corporation).

(e) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—Each family purchasing housing under a homeownership program under this section shall be required to provide from its own resources a downpayment in connection with any loan for acquisition of the housing, in an amount determined by the public housing agency. Except as provided in paragraph (2), the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase,

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(f) OWNERSHIP INTERESTS.—A homeownership program under this section may provide for sale to the purchasing family of any ownership interest that the public housing agency considers appropriate under the program, including ownership in fee simple, a condominium interest, an interest in a limited dividend cooperative, a shared appreciation interest with a public housing agency providing financing.

(g) RESALE.—

(1) AUTHORITY AND LIMITATION.—A homeownership program under this section shall permit the resale of a dwelling unit purchased under the program by an eligible family, but shall provide such limitations on resale as the agency considers appropriate (whether the family purchases directly from the agency or from another entity) for the agency to recapture—

(A) from any economic gain derived from any such resale occurring during the 5-year period beginning upon purchase of the dwelling unit by the eligible family, a portion of the amount of any financial assistance provided under the program by the agency to the eligible family; and

(B) after the expiration of such 5-year period, only such amounts as are equivalent to the assistance provided under this section by the agency to the purchaser.

(2) CONSIDERATIONS.—The limitations referred to in paragraph (1) may provide for consideration of the aggregate amount of assistance provided under the program to the family, the contribution to equity provided by the purchasing eligible family, the period of time elapsed between purchase under the homeownership program and resale, the reason for resale, any improvements to the property made by the eligible family, any appreciation in the value of the property, and any other factors that the agency considers appropriate.

(h) SALE OF CERTAIN SCATTERED-SITE HOUSING.—A public housing agency that the Secretary has determined to be a high-performing agency may use the proceeds from the disposition of scattered-site public housing under a homeownership program under this section to purchase replacement scattered-site dwelling units, to the extent such use is provided for in the local housing management plan for the agency approved under section 1107. Any such replacement dwelling units shall be considered public housing for purposes of this division.

(i) INAPPLICABILITY OF DISPOSITION REQUIREMENTS.—The provisions of section 1261 shall not apply to disposition of public housing dwelling units under a homeownership program under this section, except that any dwelling units sold under such a program shall be treated as public housing dwelling units for purposes of subsections (e) and (f) of section 1261.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

SEC. 1261. REQUIREMENTS FOR DEMOLITION AND DISPOSITION OF DEVELOPMENTS.

(a) AUTHORITY AND FLEXIBILITY.—A public housing agency may demolish, dispose of, or demolish and dispose of nonviable or nonmarketable public housing developments of the agency in accordance with this section.

(b) LOCAL HOUSING MANAGEMENT PLAN REQUIREMENT.—A public housing agency may take any action to demolish or dispose of a public housing development (or a portion of a development) only if such demolition or disposition complies with the provisions of this section and is in accordance with the local housing management plan for the agency. Notwithstanding section 1107, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

(c) PURPOSE OF DEMOLITION OR DISPOSITION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides sufficient evidence to the Secretary that—

(1) the development (or portion thereof) is severely distressed or obsolete;

(2) the development (or portion thereof) is in a location making it unsuitable for housing purposes;

(3) the development (or portion thereof) has design or construction deficiencies that make cost-effective rehabilitation infeasible;

(4) assuming that reasonable rehabilitation and management intervention for the development has been completed and paid for, the anticipated revenue that would be derived from charging market-based rents for units in the development (or portion thereof) would not cover the anticipated operating costs and replacement reserves of the development (or portion) at full occupancy and the development (or portion) would constitute a substantial burden on the resources of the public housing agency;

(5) retention of the development (or portion thereof) is not in the best interests of the residents of the public housing agency because—

(A) developmental changes in the area surrounding the development adversely affect the health or safety of the residents or the feasible operation of the development by the public housing agency;

(B) demolition or disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as low-income housing; or

(C) other factors exist that the agency determines are consistent with the best interests of the residents and the agency and not inconsistent with other provisions of this division;

(6) in the case only of demolition or disposition of a portion of a development, the demolition or disposition will help to ensure the remaining useful life of the remainder of the development; or

(7) in the case only of property other than dwelling units—

(A) the property is excess to the needs of a development; or

(B) the demolition or disposition is incidental to, or does not interfere with, continued operation of a development.

The evidence required under this subsection shall include, as a condition of demolishing or disposing of a public housing development (or portion of a development) estimated to have a value of $100,000 or more, a statement of the market value of the development (or portion), which has been determined by a party not having any interest in the housing or the public housing agency and pursuant to not less than 2 professional, independent appraisals of the development (or portion).

(d) CONSULTATION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency notifies and confers regarding the demolition or disposition with—

(1) the residents of the development (or portion); and

(2) appropriate local government officials.

(e) COUNSELING.—A public housing agency may demolish or dispose of a public housing development (or a portion of a development) only if the agency provides any necessary counseling for families displaced by such action to facilitate relocation.

(f) USE OF PROCEEDS.—Any net proceeds from the disposition of a public housing development (or portion of a development) shall be used for—

(1) housing assistance for low-income families that is consistent with the low-income housing needs of the community, through acquisition, development, or rehabilitation of, or homeownership programs for, other low-income housing or the provision of choice-based assistance under title XIII for such families;

(2) supportive services relating to job training or child care for residents of a development or developments; or

(3) leveraging amounts for securing commercial enterprises, on-site in public housing developments of the public housing agency, appropriate to serve the needs of the residents.

(g) RELOCATION.—A public housing agency that demolishes or disposes of a public housing development (or portion of a development thereof) shall ensure that—

(1) each family that is a resident of the development (or portion) that is demolished or disposed of is relocated to other safe, clean, healthy, and affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title XIII (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of the such family into such housing);

(2) the public housing agency does not take any action to dispose of any unit until any resident to be displaced is relocated in accordance with paragraph (1); and

(3) each resident family to be displaced is paid relocation expenses, and the rent to be paid initially by the resident following relocation does not exceed the amount permitted under section 1225(a).

(h) RIGHT OF FIRST REFUSAL FOR RESIDENT ORGANIZATIONS AND RESIDENT MANAGEMENT CORPORATIONS.—

(1) IN GENERAL.—A public housing agency may not dispose of a public housing development (or portion of a development) unless the agency has, before such disposition, offered to sell the property, as provided in this subsection, to each resident organization and resident management corporation operating at the development for continued use as low-income housing, and no such organization or corporation purchases the property pursuant to such offer. A resident organization may act, for purposes of this subsection, through an entity formed to facilitate homeownership under subtitle D.

(2) TIMING.—Disposition of a development (or portion thereof) under this section may not take place—

(A) before the expiration of the period during which any such organization or corporation may notify the agency of interest in purchasing the property, which shall be the 30-day period beginning on the date that the agency first provides notice of the proposed disposition of the property to such resident organizations and resident management corporations;

(B) if an organization or corporation submits notice of interest in accordance with subparagraph (A), before the expiration of the period during which such organization or corporation may obtain a commitment for financing to purchase the property, which shall be the 60-day period beginning upon the submission to the agency of the notice of interest; or

(C) if, during the period under subparagraph (B), an organization or corporation obtains such financing commitment and makes a bona fide offer to the agency to purchase the property for a price equal to or exceeding the applicable offer price under paragraph (3).

The agency shall sell the property pursuant to any purchase offer described in subparagraph (C).

(3) TERMS OF OFFER.—An offer by a public housing agency to sell a property in accordance with this subsection shall involve a purchase price that reflects the market value of the property, the reason for the sale, the impact of the sale on the surrounding community, and any other factors that the agency considers appropriate.

(i) INFORMATION FOR LOCAL HOUSING MANAGEMENT PLAN.—A public housing agency may demolish or dispose of a public housing development (or portion thereof) only if it includes in the applicable local housing management plan information sufficient to describe—

(1) the housing to be demolished or disposed of;

(2) the purpose of the demolition or disposition under subsection (c) and why the demolition or disposition complies with the

requirements under subsection (c), and includes evidence of the market value of the development (or portion) required under subsection (c);

(3) how the consultations required under subsection (d) will be made;

(4) how the net proceeds of the disposition will be used in accordance with subsection (f);

(5) how the agency will relocate residents, if necessary, as required under subsection (g); and

(6) that the agency has offered the property for acquisition by resident organizations and resident management corporations in accordance with subsection (h).

(j) SITE AND NEIGHBORHOOD STANDARDS EXEMPTION.—Notwithstanding any other provision of law, a public housing agency may provide for development of public housing dwelling units on the same site or in the same neighborhood as any dwelling units demolished, pursuant to a plan under this section, but only if such development provides for significantly fewer dwelling units.

(k) TREATMENT OF REPLACEMENT UNITS.—

(1) PROVISION OF OTHER HOUSING ASSISTANCE.—In connection with any demolition or disposition of public housing under this section, a public housing agency may provide for other housing assistance for low-income families that is consistent with the low-income housing needs of the community, including—

(A) the provision of choice-based assistance under title XIII; and

(B) the development, acquisition, or lease by the agency of dwelling units, which dwelling units shall—

(i) be eligible to receive assistance with grant amounts provided under this title; and

(ii) be made available for occupancy, operated, and managed in the manner required for public housing, and subject to the other requirements applicable to public housing dwelling units.

(2) TREATMENT OF INDIVIDUALS.—For purposes of this subsection, an individual between the ages of 18 and 21, inclusive, shall, at the discretion of the individual, be considered a family.

(l) USE OF NEW DWELLING UNITS.—A public housing agency demolishing or disposing of a public housing development (or portion thereof) under this section shall seek, where practical, to ensure that, if housing units are provided on any property that was previously used for the public housing demolished or disposed of, not less than 25 percent of such dwelling units shall be dwelling units reserved for occupancy during the remaining useful life of the housing by low-income families.

(m) PERMISSIBLE RELOCATION WITHOUT PLAN.—If a public housing agency determines that because of an emergency situation public housing dwelling units are severely uninhabitable, the public housing agency may relocate residents of such dwelling units before the submission of a local housing management plan providing for demolition or disposition of such units.

(n) CONSOLIDATION OF OCCUPANCY WITHIN OR AMONG BUILDINGS.—Nothing in this section may be construed to prevent a public housing agency from consolidating occupancy within or among buildings of a public housing development, or among developments, or with other housing for the purpose of improving living conditions of, or providing more efficient services to, residents.

(o) DE MINIMIS EXCEPTION TO DEMOLITION REQUIREMENTS.—Notwithstanding any other provision of this section, in any 5-year period a public housing agency may demolish not more than the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the public housing agency, without providing for such demolition in a local housing management plan, but only if the space occupied by the demolished unit is used for meeting the service or other needs of public housing residents or the demolished unit was beyond repair.

SEC. 1262. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND CHOICE-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

(a) PURPOSES.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing developments through the demolition of obsolete public housing developments (or portions thereof);

(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood;

(3) providing housing that will avoid or decrease the concentration of very low-income families; and

(4) providing choice-based assistance in accordance with title XIII for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

(b) GRANT AUTHORITY.—The Secretary may make grants available to public housing agencies as provided in this section.

(c) CONTRIBUTION REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant certifies to the Secretary that the applicant will supplement the amount of assistance provided under this section with an amount of funds from sources other than this section equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.

(d) ELIGIBLE ACTIVITIES.—Grants under this section may be used for activities to carry out revitalization programs for severely distressed public housing, including—

(1) architectural and engineering work, including the redesign, reconstruction, or redevelopment of a severely distressed public housing development, including the site on which the development is located;

(2) the demolition, sale, or lease of the site, in whole or in part;

(3) covering the administrative costs of the applicant, which may not exceed such portion of the assistance provided under this section as the Secretary may prescribe;

(4) payment of reasonable legal fees;

(5) providing reasonable moving expenses for residents displaced as a result of the revitalization of the development;

(6) economic development activities that promote the economic self-sufficiency of residents under the revitalization program;

(7) necessary management improvements;

(8) leveraging other resources, including additional housing resources, retail supportive services, jobs, and other economic development uses on or near the development that will benefit future residents of the site;

(9) replacement housing and housing assistance under title XIII;

(10) transitional security activities; and

(11) necessary supportive services, except that not more than 10 percent of the amount of any grant may be used for activities under this paragraph.

(e) APPLICATION AND SELECTION.—

(1) APPLICATION.—An application for a grant under this section shall contain such information and shall be submitted at such time and in accordance with such procedures, as the Secretary shall prescribe.

(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for the award of grants under this section, which shall include—

(A) the relationship of the grant to the local housing management plan for the public housing agency and how the grant will result in a revitalized site that will enhance the neighborhood in which the development is located;

(B) the capability and record of the applicant public housing agency, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

(C) the extent to which the public housing agency could undertake such activities without a grant under this section;

(D) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development; and

(E) the amount of funds and other resources to be leveraged by the grant.

The Secretary shall give preference in selection to any public housing agency that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(f) COST LIMITS.—Subject to the provisions of this section, the Secretary—

(1) shall establish cost limits on eligible activities under this section sufficient to provide for effective revitalization programs; and

(2) may establish other cost limits on eligible activities under this section.

(g) DEMOLITION AND REPLACEMENT.—Any severely distressed public housing demolished or disposed of pursuant to a revitalization plan and any public housing produced in lieu of such severely distressed housing, shall be subject to the provisions of section 1261.

(h) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

(i) WITHDRAWAL OF FUNDING.—If a grantee under this section does not proceed expeditiously, in the determination of the Secretary, the Secretary shall withdraw any grant amounts under this section that have not been obligated by the public housing agency. The Secretary shall redistribute any withdrawn amounts to one or more public housing agencies eligible for assistance under this section or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee.

(j) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) any public housing agency that is not designated as troubled pursuant to section 1533(a);

(B) any public housing agency or private housing management agent selected, or receiver appointed pursuant, to section 1545; and

(C) any public housing agency that is designated as troubled pursuant to section 1533(a) that—

(i) is so designated principally for reasons that will not affect the capacity of the agency to carry out a revitalization program;

(ii) is making substantial progress toward eliminating the deficiencies of the agency; or

(iii) is otherwise determined by the Secretary to be capable of carrying out a revitalization program.

(2) PRIVATE NONPROFIT CORPORATION.—The term ''private nonprofit organization'' means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

(A) is incorporated under State or local law;

(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income families.

(3) SEVERELY DISTRESSED PUBLIC HOUSING.—The term ''severely distressed public housing'' means a public housing development (or building in a development) that—

(A) requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the development;

(B) is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(C)(i) is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; and

(ii) has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(D) cannot be revitalized through assistance under other programs, such as the public housing block grant program under this title, or the programs under sections 9 and 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), because of cost constraints and inadequacy of available amounts; and

(E) in the case of individual buildings, is, in the Secretary's determination, sufficiently separable from the remainder of the development of which the building is part to make use of the building feasible for purposes of this section.

(4) SUPPORTIVE SERVICES.—The term ''supportive services'' includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities.

(k) ANNUAL REPORT.—The Secretary shall submit to the Congress an annual report setting forth—

(1) the number, type, and cost of public housing units revitalized pursuant to this section;

(2) the status of developments identified as severely distressed public housing;

(3) the amount and type of financial assistance provided under and in conjunction with this section; and

(4) the recommendations of the Secretary for statutory and regulatory improvements to the program established by this section.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $500,000,000 for each of fiscal years 1998, 1999, and 2000.

(2) TECHNICAL ASSISTANCE.—Of the amount appropriated pursuant to paragraph (1) for any fiscal year, the Secretary may use not more than 0.50 percent for technical assistance. Such assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and shall include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents.

(m) SUNSET.—No assistance may be provided under this section after September 30, 2000.

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading ''PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

SEC. 1263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A public housing agency may convert any public housing development (or portion thereof) owned and operated by the agency to a system of choice-based rental housing assistance under title XIII, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the public housing agency shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the agency;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title XIII for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development;

(4) identify the actions, if any, that the public housing agency will take with regard to converting any public housing development or developments (or portions thereof) of the agency to a system of choice-based rental housing assistance under title XIII;

(5) require the public housing agency to—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance;

(B) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(C) provide any reasonable relocation expenses for families displaced by such action; and

(6) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title XIII (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing).

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will not be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the public housing agency, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the public housing agency to provide choice-based rental housing assistance under title XIII shall be added to the housing assistance payment contract administered by the public housing agency or any entity administering the contract on behalf of the public housing agency.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed before the effective date of the repeal under section 1601(b) of this Act).

Subtitle F—Mixed-Finance Public Housing

SEC. 1271. AUTHORITY.

Notwithstanding sections 1203 and 1262, the Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of grant amounts allocated and provided from the capital fund or from a grant under section 1262, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to section 1273 by the Secretary.

SEC. 1272. MIXED-FINANCE HOUSING DEVELOPMENTS.

(a) IN GENERAL.—For purposes of this subtitle, the term ''mixed-finance housing''

means low-income housing or mixed-income housing (as described in section 1221(c)(2)) for which the financing for production or revitalization is provided, in part, from entities other than the public housing agency.

(b) PRODUCTION.—A mixed-finance housing development shall be produced or revitalized, and owned—

(1) by a public housing agency or by an entity affiliated with a public housing agency;

(2) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

(3) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

(4) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This subsection may not be construed to require production or revitalization, and ownership, by the same entity.

SEC. 1273. MIXED-FINANCE HOUSING PLAN.

The Secretary may approve a plan for production or revitalization of mixed-finance housing under this subtitle only if the Secretary determines that—

(1) the public housing agency has the ability, or has provided for an entity under section 1272(b) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

(2) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

(3) the plan provides for use of amounts provided under section 1271 by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for production or revitalization of the development; and

(4) the plan complies with any other criteria that the Secretary may establish.

SEC. 1274. RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

SEC. 1275. CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.

In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of assistance received from the capital fund and the operating fund by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

(1) upon the expiration of the 18-month period beginning upon the approval of the plan under section 1273 for the mixed-finance housing development, the agency does not have binding commitments for production or revitalization, or a construction contract, for such development;

(2) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the block grant contract for the agency under section 1201; or

(3) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under paragraph (1) or (2) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such paragraph.

Subtitle G—General Provisions

SEC. 1281. PAYMENT OF NON-FEDERAL SHARE.

Rental or use-value of buildings or facilities paid for, in whole or in part, from production, modernization, or operation costs financed under this title may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the residents in a project assisted under this title.

SEC. 1282. AUTHORIZATION OF APPROPRIATIONS FOR BLOCK GRANTS.

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,900,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

SEC. 1283. FUNDING FOR OPERATION SAFE HOME.

Of any amounts made available for fiscal years 1998 and 1999 for carrying out the Community Partnerships Against Crime Act of 1997 (as so designated pursuant to section 1624(a) of this Act), not more than $20,000,000 shall be available in each such fiscal year, for use under the Operation Safe Home program administered by the Office of the Inspector General of the Department of Housing and Urban Development, for law enforcement efforts to combat violent crime on or near the premises of public and federally assisted housing.

SEC. 1284. FUNDING FOR RELOCATION OF VICTIMS OF DOMESTIC VIOLENCE.

Of any amounts made available for fiscal years 1998, 1999, 2000, 2001, and 2002 for choice-based housing assistance under title XIII of this Act, not more than $700,000 shall be available in each such fiscal year for relocating residents of public housing (including providing assistance for costs of relocation and housing assistance under title XIII of this Act) who are residing in public housing, who have been subject to domestic violence, and for whom provision of assistance is likely to reduce or eliminate the threat of subsequent violence to the members of the family. The Secretary shall establish procedures for eligibility and administration of assistance under this section.

TITLE XIII—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

Subtitle A—Allocation

SEC. 1301. AUTHORITY TO PROVIDE HOUSING ASSISTANCE AMOUNTS.

To the extent that amounts to carry out this title are made available, the Secretary may enter into contracts with public housing agencies for each fiscal year to provide housing assistance under this title.

SEC. 1302. CONTRACTS WITH PHA'S.

(a) CONDITION OF ASSISTANCE.—The Secretary may provide amounts under this title to a public housing agency for a fiscal year only if the Secretary has entered into a contract under this section with the public housing agency, under which the Secretary shall provide such agency with amounts (in the amount of the allocation for the agency determined pursuant to section 1304) for housing assistance under this title for low-income families.

(b) USE FOR HOUSING ASSISTANCE.—A contract under this section shall require a public housing agency to use amounts provided under this title to provide housing assistance in any manner authorized under this title.

(c) ANNUAL OBLIGATION OF AUTHORITY.—A contract under this title shall provide amounts for housing assistance for 1 fiscal year covered by the contract.

(d) ENFORCEMENT OF HOUSING QUALITY REQUIREMENTS.—Each contract under this section shall require the public housing agency administering assistance provided under the contract—

(1) to ensure compliance, under each housing assistance payments contract entered into pursuant to the contract under this section, with the provisions of the housing assistance payments contract included pursuant to section 1351(c)(4); and

(2) to establish procedures for assisted families to notify the agency of any noncompliance with such provisions.

SEC. 1303. ELIGIBILITY OF PHA'S FOR ASSISTANCE AMOUNTS.

The Secretary may provide amounts available for housing assistance under this title pursuant to the formula established under section 1304(a) to a public housing agency only if—

(1) the agency has submitted a local housing management plan to the Secretary for such fiscal year and applied to the Secretary for such assistance;

(2) the plan has been determined to comply with the requirements under section 1106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(3) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony; and

(4) the agency has not been disqualified for assistance pursuant to title XV.

SEC. 1304. ALLOCATION OF AMOUNTS.

(a) FORMULA ALLOCATION.—

(1) IN GENERAL.—When amounts for assistance under this title are first made available for reservation, after reserving amounts in accordance with subsections (b)(3) and (c), the Secretary shall allocate such amounts, only among public housing agencies meeting the requirements under this title to receive such assistance, on the basis of a formula that is established in accordance with paragraph (2) and based upon appropriate criteria to reflect the needs of different States, areas, and communities, using the most recent data available from the Bureau of the Census of the Department of Commerce and the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any

consolidated plan incorporating such strategy) for the applicable jurisdiction. The Secretary may establish a minimum allocation amount, in which case only the public housing agencies that, pursuant to the formula, are provided an amount equal to or greater than the minimum allocation amount, shall receive an allocation.

(2) REGULATIONS.—The formula under this subsection shall be established by regulation issued by the Secretary. Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, any proposed regulation containing such formula shall be issued pursuant to a negotiated rulemaking procedure under subchapter III of chapter 5 of such title and the Secretary shall establish a negotiated rulemaking committee for development of any such proposed regulations.

(b) ALLOCATION CONSIDERATIONS.—

(1) LIMITATION ON REALLOCATION FOR ANOTHER STATE.—Any amounts allocated for a State or areas or communities within a State that are not likely to be used within the fiscal year for which the amounts are provided shall not be reallocated for use in another State, unless the Secretary determines that other areas or communities within the same State (that are eligible for amounts under this title) cannot use the amounts within the same fiscal year.

(2) EFFECT OF RECEIPT OF TENANT-BASED ASSISTANCE FOR DISABLED FAMILIES.—The Secretary may not consider the receipt by a public housing agency of assistance under section 811(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, or the amount received, in approving amounts under this title for the agency or in determining the amount of such assistance to be provided to the agency.

(3) EXEMPTION FROM FORMULA ALLOCATION.—The formula allocation requirements of subsection (a) shall not apply to any assistance under this title that is approved in appropriation Acts for uses that the Secretary determines are incapable of geographic allocation, including amendments of existing housing assistance payments contracts, renewal of such contracts, assistance to families that would otherwise lose assistance due to the decision of the project owner to prepay the project mortgage or not to renew the housing assistance payments contract, assistance to prevent displacement from public or assisted housing or to provide replacement housing in connection with the demolition or disposition of public housing, assistance for relocation from public housing, assistance in connection with protection of crime witnesses, assistance for conversion from leased housing contracts under section 23 of the United States Housing Act of 1937 (as in effect before the enactment of the Housing and Community Development Act of 1974), and assistance in support of the property disposition and portfolio management functions of the Secretary.

(c) RECAPTURE OF AMOUNTS.—

(1) AUTHORITY.—In each fiscal year, from any budget authority made available for assistance under this title or section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) that is obligated to a public housing agency but remains unobligated by the agency upon the expiration of the 8-month period beginning upon the initial availability of such amounts for obligation by the agency, the Secretary may deobligate an amount, as determined by the Secretary, not exceeding 50 percent of such unobligated amount.

(2) USE.—The Secretary may reallocate and transfer any amounts deobligated under paragraph (1) only to public housing agencies in areas that the Secretary determines have received less funding than other areas, based on the relative needs of all areas.

SEC. 1305. ADMINISTRATIVE FEES.

(a) FEE FOR ONGOING COSTS OF ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall establish fees for the costs of administering the choice-based housing assistance program under this title.

(2) FISCAL YEAR 1998.—

(A) CALCULATION.—For fiscal year 1998, the fee for each month for which a dwelling unit is covered by a contract for assistance under this title shall be—

(i) in the case of a public housing agency that, on an annual basis, is administering a program for not more than 600 dwelling units, 7.65 percent of the base amount; and

(ii) in the case of an agency that, on an annual basis, is administering a program for more than 600 dwelling units—

(I) for the first 600 units, 7.65 percent of the base amount; and

(II) for any additional dwelling units under the program, 7.0 percent of the base amount.

(B) BASE AMOUNT.—For purposes of this paragraph, the base amount shall be the higher of—

(i) the fair market rental established under section 8(c) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) for fiscal year 1993 for a 2-bedroom existing rental dwelling unit in the market area of the agency, and

(ii) the amount that is the lesser of (I) such fair market rental for fiscal year 1994 or (II) 103.5 percent of the amount determined under clause (i),

adjusted based on changes in wage data or other objectively measurable data that reflect the costs of administering the program, as determined by the Secretary. The Secretary may require that the base amount be not less than a minimum amount and not more than a maximum amount.

(3) SUBSEQUENT FISCAL YEARS.—For subsequent fiscal years, the Secretary shall publish a notice in the Federal Register, for each geographic area, establishing the amount of the fee that would apply for public housing agencies administering the program, based on changes in wage data or other objectively measurable data that reflect the costs of administering the program, as determined by the Secretary.

(4) INCREASE.—The Secretary may increase the fee if necessary to reflect the higher costs of administering small programs and programs operating over large geographic areas.

(b) FEE FOR PRELIMINARY EXPENSES.—The Secretary shall also establish reasonable fees (as determined by the Secretary) for—

(1) the costs of preliminary expenses, in the amount of $500, for a public housing agency, but only in the first year that the agency administers a choice-based housing assistance program under this title, and only if, immediately before the effective date of this division, the agency was not administering a tenant-based rental assistance program under the United States Housing Act of 1937 (as in effect immediately before such effective date), in connection with its initial increment of assistance received;

(2) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the programs; and

(3) extraordinary costs approved by the Secretary.

(c) TRANSFER OF FEES IN CASES OF CONCURRENT GEOGRAPHICAL JURISDICTION.—In each fiscal year, if any public housing agency provides tenant-based rental assistance under section 8 of the United States Housing Act of 1937 or housing assistance under this title on behalf of a family who uses such assistance for a dwelling unit that is located within the jurisdiction of such agency but is also within the jurisdiction of another public housing agency, the Secretary shall take such steps as may be necessary to ensure that the public housing agency that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).

SEC. 1306. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title, such sums as may be necessary for each of fiscal years 1998, 1999, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 1302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), and for replacement needs for public housing under title XII.

(b) ASSISTANCE FOR DISABLED FAMILIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for choice-based housing assistance under this title to be used in accordance with paragraph (2), $50,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

(2) USE.—The Secretary shall provide amounts made available under paragraph (1) to public housing agencies only for use to provide housing assistance under this title for nonelderly disabled families (including such families relocating pursuant to designation of a public housing development under section 1227 or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992 and other nonelderly disabled families who have applied to the agency for housing assistance under this title).

(3) ALLOCATION OF AMOUNTS.—The Secretary shall allocate and provide amounts made available under paragraph (1) to public housing agencies as the Secretary determines appropriate based on the relative levels of need among the authorities for assistance for families described in paragraph (1).

(c) ASSISTANCE FOR WITNESS RELOCATION.—Of the amounts made available for choice-based housing assistance under this title for each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for such housing assistance for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement and prosecutive agencies.

SEC. 1307. CONVERSION OF SECTION 8 ASSISTANCE.

(a) IN GENERAL.—Any amounts made available to a public housing agency under a contract for annual contributions for assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) that have not been obligated for such assistance by such agency before such effective date shall be used to provide assistance under this title, except to the extent the Secretary determines such use is inconsistent with existing commitments.

(b) EXCEPTION.—Subsection (a) shall not apply to any amounts made available under a contract for housing constructed or substantially rehabilitated pursuant to section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983.

SEC. 1308. RECAPTURE AND REUSE OF ANNUAL CONTRACT PROJECT RESERVES UNDER CHOICE-BASED HOUSING ASSISTANCE AND SECTION 8 TENANT-BASED ASSISTANCE PROGRAMS.

To the extent that the Secretary determines that the amount in the reserve account for annual contributions contracts (for housing assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937) that is under contract with a public housing agency for such assistance is in excess of the amounts needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to enter into, amend, or renew contracts under this title or to amend or renew contracts under section 8 of such Act for tenant-based assistance with any agency.

Subtitle B—Choice-Based Housing Assistance for Eligible Families

SEC. 1321. ELIGIBLE FAMILIES AND PREFERENCES FOR ASSISTANCE.

(a) LOW-INCOME REQUIREMENT.—Housing assistance under this title may be provided only on behalf of a family that—

(1) at the time that such assistance is initially provided on behalf of the family, is determined by the public housing agency to be a low-income family; or

(2) qualifies to receive such assistance under any other provision of Federal law.

(b) INCOME TARGETING.—Of the families initially assisted under this title by a public housing agency in any year, not less than 40 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

(c) REVIEWS OF FAMILY INCOMES.—

(1) IN GENERAL.—Reviews of family incomes for purposes of this title shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually.

(2) PROCEDURES.—Each public housing agency administering housing assistance under this title shall establish procedures that are appropriate and necessary to ensure that income data provided to the agency and owners by families applying for or receiving housing assistance from the agency is complete and accurate.

(d) PREFERENCES FOR ASSISTANCE.—

(1) AUTHORITY TO ESTABLISH.—Any public housing agency that receives amounts under this title may establish a system for making housing assistance available on behalf of eligible families that provides preference for such assistance to eligible families having certain characteristics.

(2) CONTENT.—Each system of preferences established pursuant to this subsection shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 1106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

(e) PORTABILITY OF HOUSING ASSISTANCE.—

(1) NATIONAL PORTABILITY.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a public housing agency may require that any family not living within the jurisdiction of the public housing agency at the time the family applies for assistance from the agency shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from such agency, lease and occupy an eligible dwelling unit located within the jurisdiction served by the agency. The agency for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) SOURCE OF FUNDING FOR A FAMILY THAT MOVES.—For a family that has moved into the jurisdiction of a public housing agency and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another agency, the agency for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other agency under that agency's contract.

(3) AUTHORITY TO DENY ASSISTANCE TO CERTAIN FAMILIES WHO MOVE.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) FUNDING ALLOCATIONS.—In providing assistance amounts under this title for public housing agencies for any fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an agency in the preceding fiscal year as a result of this subsection.

(f) CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family receiving housing assistance who was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

SEC. 1322. RESIDENT CONTRIBUTION.

(a) AMOUNT.—

(1) MONTHLY RENT CONTRIBUTION.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the public housing agency determines is appropriate with respect to the family and the unit, but which—

(A) shall not be less than the minimum monthly rental contribution determined under subsection (b); and

(B) shall not exceed the greatest of—

(i) 30 percent of the monthly adjusted income of the family;

(ii) 10 percent of the monthly income of the family; and

(iii) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(2) EXCESS RENTAL AMOUNT.—In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 1353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) for such family) such entire excess rental amount.

(b) MINIMUM MONTHLY RENTAL CONTRIBUTION.—

(1) IN GENERAL.—The public housing agency shall determine the amount of the minimum monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the agency considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the agency, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) HARDSHIP PROVISIONS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a public housing agency shall grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; (ii) the family would be evicted as a result of imposition of the minimum rent; (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) WAITING PERIOD.—If an assisted family requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. An assisted family may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the assisted family thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the family from the applicability of the minimum rent requirement for such 90-day period.

(c) TREATMENT OF CHANGES IN RENTAL CONTRIBUTION.—

(1) NOTIFICATION OF CHANGES.—A public housing agency shall promptly notify the owner of an assisted dwelling unit of any change in the resident contribution by the assisted family residing in the unit that takes effect immediately or at a later date.

(2) COLLECTION OF RETROACTIVE CHANGES.—In the case of any change in the rental contribution of an assisted family that affects rental payments previously made, the public housing agency shall collect any additional amounts required to be paid by the family under such change directly from the family and shall refund any excess rental contribution paid by the family directly to the family.

(d) PHASE-IN OF RENT CONTRIBUTION INCREASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for any family that is receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 upon the initial applicability of the provisions of this title to such family, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon such initial applicability is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) EXCEPTION.—The minimum rent contribution requirement under subsection (b)(1) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 1323. RENTAL INDICATORS.

(a) IN GENERAL.—The Secretary shall establish and issue rental indicators under this section periodically, but not less than annually, for existing rental dwelling units that are eligible dwelling units. The Secretary shall establish and issue the rental indicators by housing market area (as the Secretary shall establish) for various sizes and types of dwelling units.

(b) AMOUNT.—For a market area, the rental indicator established under subsection (a) for a dwelling unit of a particular size and type in the market area shall be a dollar amount that reflects the rental amount for a standard quality rental unit of such size and type in the market area that is an eligible dwelling unit.

(c) EFFECTIVE DATE.—The Secretary shall cause the proposed rental indicators established under subsection (a) for each market area to be published in the Federal Register with reasonable time for public comment, and such rental indicators shall become effective upon the date of publication in final form in the Federal Register.

(d) ANNUAL ADJUSTMENT.—Each rental indicator in effect under this section shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so that the indicators will be current for the year to which they apply, in rents for existing rental dwelling units of various sizes and types in the market area suitable for occupancy by families assisted under this title.

SEC. 1324. LEASE TERMS.

Rental assistance may be provided for an eligible dwelling unit only if the assisted family and the owner of the dwelling unit enter into a lease for the unit that—

(1) provides for a single lease term of 12 months and continued tenancy after such term under a periodic tenancy on a month-to-month basis;

(2) contains terms and conditions specifying that termination of tenancy during the term of a lease shall be subject to the provisions set forth in sections 1642 and 1643; and

(3) is set forth in the standard form, which is used in the local housing market area by the owner and applies generally to any other tenants in the property who are not assisted families, together with any addendum necessary to include the many terms required under this section.

A lease may include any addenda appropriate to set forth the provisions under this title.

SEC. 1325. TERMINATION OF TENANCY.

Each housing assistance payments contract shall provide that the owner shall conduct the termination of tenancy of any tenant of an assisted dwelling unit under the contract in accordance with applicable State or local laws, including providing any notice of termination required under such laws.

SEC. 1326. ELIGIBLE OWNERS.

(a) OWNERSHIP ENTITY.—Rental assistance under this title may be provided for any eligible dwelling unit for which the owner is any public agency, private person or entity (including a cooperative), nonprofit organization, agency of the Federal Government, or public housing agency.

(b) INELIGIBLE OWNERS.—

(1) IN GENERAL.—Notwithstanding subsection (a), a public housing agency—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial of participation takes effect.

If the public housing agency takes action under subparagraph (B), the agency shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

(2) PROHIBITION OF SALE OR RENTAL TO RELATED PARTIES.—The Secretary shall establish guidelines to prevent housing assistance payments for a dwelling unit that is owned by any spouse, child, or other party who allows an owner described in paragraph (1) to maintain control of the unit.

SEC. 1327. SELECTION OF DWELLING UNITS.

(a) FAMILY CHOICE.—The determination of the dwelling unit in which an assisted family resides and for which housing assistance is provided under this title shall be made solely by the assisted family, subject to the provisions of this title and any applicable law.

(b) DEED RESTRICTIONS.—Housing assistance may not be used in any manner that abrogates any local deed restriction that applies to any housing consisting of 1 to 4 dwelling units. Nothing in this section may be construed to affect the provisions or applicability of the Fair Housing Act.

SEC. 1328. ELIGIBLE DWELLING UNITS.

(a) IN GENERAL.—A dwelling unit shall be an eligible dwelling unit for purposes of this title only if the public housing agency to provide housing assistance for the dwelling unit determines that the dwelling unit—

(1) is an existing dwelling unit that is not located within a nursing home or the grounds of any penal, reformatory, medical, mental, or similar public or private institution; and

(2) complies—

(A) in the case of a dwelling unit located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of a dwelling unit located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in subparagraph (A), with the housing quality standards established under subsection (c).

Each public housing agency providing housing assistance shall identify, in the local housing management plan for the agency, whether the agency is utilizing the standard under subparagraph (A) or (B) of paragraph (2).

(b) DETERMINATIONS.—

(1) IN GENERAL.—A public housing agency shall make the determinations required under subsection (a) pursuant to an inspection of the dwelling unit conducted before any assistance payment is made for the unit.

(2) EXPEDITIOUS INSPECTION.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the public housing agency. The performance of the agency in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the agency.

(c) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that assisted dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 1232(b). The Secretary shall differentiate between major and minor violations of such standards.

(d) ANNUAL INSPECTIONS.—Each public housing agency providing housing assistance shall make an annual inspection of each assisted dwelling unit during the term of the housing assistance payments contracts for the unit to determine whether the unit is maintained in accordance with the requirements under subsection (a)(2). The agency shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 1541.

(e) INSPECTION GUIDELINES.—The Secretary shall establish procedural guidelines and performance standards to facilitate inspections of dwelling units and conform such inspections with practices utilized in the private housing market. Such guidelines and standards shall take into consideration variations in local laws and practices of public housing agencies and shall provide flexibility to authorities appropriate to facilitate efficient provision of assistance under this title.

(f) RULE OF CONSTRUCTION.—This section may not be construed to prevent the provision of housing assistance in connection with supportive services for elderly or disabled families.

SEC. 1329. HOMEOWNERSHIP OPTION.

(a) IN GENERAL.—A public housing agency providing housing assistance under this title may provide homeownership assistance to assist eligible families to purchase a dwelling unit (including purchase under lease-purchase homeownership plans).

(b) REQUIREMENTS.—A public housing agency providing homeownership assistance under this section shall, as a condition of an eligible family receiving such assistance, require the family to—

(1) demonstrate that the family has sufficient income from employment or other sources (other than public assistance), as determined in accordance with requirements established by the agency; and

(2) meet any other initial or continuing requirements established by the public housing agency.

(c) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—A public housing agency may establish minimum downpayment requirements, if appropriate, in connection with loans made for the purchase of dwelling

units for which homeownership assistance is provided under this section. If the agency establishes a minimum downpayment requirement, the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase, subject to the requirements of paragraph (2).

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section subject to a downpayment requirement, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(d) INELIGIBILITY UNDER OTHER PROGRAMS.—A family may not receive homeownership assistance pursuant to this section during any period when assistance is being provided for the family under other Federal homeownership assistance programs, as determined by the Secretary, including assistance under the HOME Investment Partnerships Act, the Homeownership and Opportunity Through HOPE Act, title II of the Housing and Community Development Act of 1987, and section 502 of the Housing Act of 1949.

SEC. 1330. ASSISTANCE FOR RENTAL OF MANUFACTURED HOMES.

(a) AUTHORITY.—Nothing in this title may be construed to prevent a public housing agency from providing housing assistance under this title on behalf of a low-income family for the rental of—

(1) a manufactured home that is the principal residence of the family and the real property on which the home is located; or

(2) the real property on which is located a manufactured home, which is owned by the family and is the principal residence of the family.

(b) ASSISTANCE FOR CERTAIN FAMILIES OWNING MANUFACTURED HOMES.—

(1) AUTHORITY.—Notwithstanding section 1351 or any other provision of this title, a public housing agency that receives amounts under a contract under section 1302 may enter into a housing assistance payment contract to make assistance payments under this title to a family that owns a manufactured home, but only as provided in paragraph (2).

(2) LIMITATIONS.—In the case only of a low-income family that owns a manufactured home, rents the real property on which it is located, and to whom housing assistance under this title has been made available for the rental of such property, the public housing agency making such assistance available shall enter into a contract to make housing assistance payments under this title directly to the family (rather than to the owner of such real property) if—

(A) the owner of the real property refuses to enter into a contract to receive housing assistance payments pursuant to section 1351(a);

(B) the family was residing in such manufactured home on such real property at the time such housing assistance was initially made available on behalf of the family;

(C) the family provides such assurances to the agency, as the Secretary may require, to ensure that amounts from the housing assistance payments are used for rental of the real property; and

(D) the rental of the real property otherwise complies with the requirements for assistance under this title.

A contract pursuant to this subsection shall be subject to the provisions of section 1351 and any other provisions applicable to housing assistance payments contracts under this title, except that the Secretary may provide such exceptions as the Secretary considers appropriate to facilitate the provision of assistance under this subsection.

Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families

SEC. 1351. HOUSING ASSISTANCE PAYMENTS CONTRACTS.

(a) IN GENERAL.—Each public housing agency that receives amounts under a contract under section 1302 may enter into housing assistance payments contracts with owners of existing dwelling units to make housing assistance payments to such owners in accordance with this title.

(b) PHA ACTING AS OWNER.—A public housing agency may enter into a housing assistance payments contract to make housing assistance payments under this title to itself (or any agency or instrumentality thereof) as the owner of dwelling units (other than public housing), and the agency shall be subject to the same requirements that are applicable to other owners, except that the determinations under sections 1328(a) and 1354(b) shall be made by a competent party not affiliated with the agency, and the agency shall be responsible for any expenses of such determinations.

(c) PROVISIONS.—Each housing assistance payments contract shall—

(1) have a term of not more than 12 months;

(2) require that the assisted dwelling unit may be rented only pursuant to a lease that complies with the requirements of section 1324;

(3) comply with the requirements of sections 1325, 1642, and 1643 (relating to termination of tenancy);

(4) require the owner to maintain the dwelling unit in accordance with the applicable standards under section 1328(a)(2); and

(5) provide that the screening and selection of eligible families for assisted dwelling units shall be the function of the owner.

SEC. 1352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 1353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 1322(a)(1).

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 1353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the public housing agency. Amounts in the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The public housing agency making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the agency for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by public housing agencies and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 1329, the term ''gross rent'' shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

SEC. 1353. PAYMENT STANDARDS.

(a) ESTABLISHMENT.—Each public housing agency providing housing assistance under this title shall establish payment standards under this section for various areas, and sizes and types of dwelling units, for use in determining the amount of monthly housing assistance payment to be provided on behalf of assisted families.

(b) USE OF RENTAL INDICATORS.—The payment standard for each size and type of housing for each market area shall be an amount that is not less than 80 percent, and not greater than 120 percent, of the rental indicator established under section 1323 for such size and type for such area.

(c) REVIEW.—If the Secretary determines, at any time, that a significant percentage of the assisted families who are assisted by a public housing agency and are occupying dwelling units of a particular size are paying more than 30 percent of their adjusted incomes for rent, the Secretary shall review the payment standard established by the agency for such size dwellings. If, pursuant to the review, the Secretary determines that such payment standard is not appropriate to serve the needs of the low-income population of the jurisdiction served by the agency (taking into consideration rental costs in the area), as identified in the approved community improvement plan of the agency, the Secretary may require the public housing agency to modify the payment standard.

SEC. 1354. REASONABLE RENTS.

(a) ESTABLISHMENT.—The rent charged for a dwelling unit for which rental assistance is provided under this title shall be established pursuant to negotiation and agreement between the assisted family and the owner of the dwelling unit.

(b) REASONABLENESS.—

(1) DETERMINATION.—A public housing agency providing rental assistance under this title for a dwelling unit shall, before commencing assistance payments for a unit (with respect to initial contract rents and any rent revisions), determine whether the rent charged for the unit exceeds the rents charged for comparable units in the applicable private unassisted market.

(2) UNREASONABLE RENTS.—If the agency determines that the rent charged for a dwelling unit exceeds such comparable rents, the agency shall—

(A) inform the assisted family renting the unit that such rent exceeds the rents for comparable unassisted units in the market; and

(B) refuse to provide housing assistance payments for such unit.

SEC. 1355. PROHIBITION OF ASSISTANCE FOR VACANT RENTAL UNITS.

If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance payments contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

Subtitle D—General and Miscellaneous Provisions

SEC. 1371. DEFINITIONS.

For purposes of this title:

(1) ASSISTED DWELLING UNIT.—The term ''assisted dwelling unit'' means a dwelling unit in which an assisted family resides and for which housing assistance payments are made under this title.

(2) ASSISTED FAMILY.—The term ''assisted family'' means an eligible family on whose behalf housing assistance payments are made under this title or who has been selected and approved for housing assistance.

(3) CHOICE-BASED.—The term ''choice-based'' means, with respect to housing assistance, that the assistance is not attached to a dwelling unit but can be used for any eligible dwelling unit selected by the eligible family.

(4) ELIGIBLE DWELLING UNIT.—The term ''eligible dwelling unit'' means a dwelling unit that complies with the requirements under section 1328 for consideration as an eligible dwelling unit.

(5) ELIGIBLE FAMILY.—The term ''eligible family'' means a family that meets the requirements under section 1321(a) for assistance under this title.

(6) HOMEOWNERSHIP ASSISTANCE.—The term ''homeownership assistance'' means housing assistance provided under section 1329 for the ownership of a dwelling unit.

(7) HOUSING ASSISTANCE.—The term ''housing assistance'' means choice-based assistance provided under this title on behalf of low-income families for the rental or ownership of an eligible dwelling unit.

(8) HOUSING ASSISTANCE PAYMENTS CONTRACT.—The term ''housing assistance payments contract'' means a contract under section 1351 between a public housing agency (or the Secretary) and an owner to make housing assistance payments under this title to the owner on behalf of an assisted family.

(9) PUBLIC HOUSING AGENCY.—The terms ''public housing agency'' and ''agency'' have the meaning given such terms in section 1103, except that the terms include—

(A) a consortia of public housing agencies that the Secretary determines has the capacity and capability to administer a program for housing assistance under this title in an efficient manner;

(B) any other entity that, upon the effective date of this division, was administering any program for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), pursuant to a contract with the Secretary or a public housing agency; and

(C) with respect to any area in which no public housing agency has been organized or where the Secretary determines that a public housing agency is unwilling or unable to implement this title, or is not performing effectively—

(i) the Secretary or another entity that by contract agrees to receive assistance amounts under this title and enter into housing assistance payments contracts with owners and perform the other functions of public housing agency under this title; or

(ii) notwithstanding any provision of State or local law, a public housing agency for another area that contracts with the Secretary to administer a program for housing assistance under this title, without regard to any otherwise applicable limitations on its area of operation.

(10) OWNER.—The term ''owner'' means the person or entity having the legal right to lease or sublease dwelling units. Such term includes any principals, general partners, primary shareholders, and other similar participants in any entity owning a multifamily housing project, as well as the entity itself.

(11) RENT.—The terms ''rent'' and ''rental'' include, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(12) RENTAL ASSISTANCE.—The term ''rental assistance'' means housing assistance provided under this title for the rental of a dwelling unit.

SEC. 1372. RENTAL ASSISTANCE FRAUD RECOVERIES.

(a) AUTHORITY TO RETAIN RECOVERED AMOUNTS.—The Secretary shall permit public housing agencies administering housing assistance under this title to retain, out of amounts obtained by the authorities from tenants that are due as a result of fraud and abuse, an amount (determined in accordance with regulations issued by the Secretary) equal to the greater of—

(1) 50 percent of the amount actually collected; or

(2) the actual, reasonable, and necessary expenses related to the collection, including costs of investigation, legal fees, and collection agency fees.

(b) USE.—Amounts retained by an agency shall be made available for use in support of the affected program or project, in accordance with regulations issued by the Secretary. If the Secretary is the principal party initiating or sustaining an action to recover amounts from families or owners, the provisions of this section shall not apply.

(c) RECOVERY.—Amounts may be recovered under this section—

(1) by an agency through a lawsuit (including settlement of the lawsuit) brought by the agency or through court-ordered restitution pursuant to a criminal proceeding resulting from an agency's investigation where the agency seeks prosecution of a family or where an agency seeks prosecution of an owner;

(2) through administrative repayment agreements with a family or owner entered into as a result of an administrative grievance procedure conducted by an impartial decisionmaker in accordance with section 1110; or

(3) through an agreement between the parties.

SEC. 1373. STUDY REGARDING GEOGRAPHIC CONCENTRATION OF ASSISTED FAMILIES.

(a) IN GENERAL.—The Secretary shall conduct a study of the geographic areas in the State of Illinois served by the Housing Authority of Cook County and the Chicago Housing Authority and submit to the Congress a report and a specific proposal, which addresses and resolves the issues of—

(1) the adverse impact on local communities due to geographic concentration of assisted households under the tenant-based housing programs under section 8 of the United States Housing Act of 1937 (as in effect upon the enactment of this Act) and under this title; and

(2) facilitating the deconcentration of such assisted households by providing broader housing choices to such households.

The study shall be completed, and the report shall be submitted, not later than 90 days after the date of the enactment of this Act.

(b) CONCENTRATION.—For purposes of this section, the term ''concentration'' means, with respect to any area within a census tract, that—

(1) 15 percent or more of the households residing within such area have incomes which do not exceed the poverty level; or

(2) 15 percent or more of the total affordable housing stock located within such area is assisted housing.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1374. STUDY REGARDING RENTAL ASSISTANCE.

The Secretary shall conduct a nationwide study of the choice-based housing assistance program under this title and the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to sections 1601(c) and 1602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such programs reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance programs in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

TITLE XIV—HOME RULE FLEXIBLE GRANT OPTION

SEC. 1401. PURPOSE.

The purpose of this title is to give local governments and municipalities the flexibility to design creative approaches for providing and administering Federal housing assistance based on the particular needs of the communities that—

(1) give incentives to low-income families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient;

(2) reduce cost and achieve greater cost-effectiveness in Federal housing assistance expenditures;

(3) increase housing choices for low-income families; and

(4) reduce excessive geographic concentration of assisted families.

SEC. 1402. FLEXIBLE GRANT PROGRAM.

(a) AUTHORITY AND USE.—The Secretary shall carry out a program under which a jurisdiction may, upon the application of the jurisdiction and the review and approval of the Secretary, receive, combine, and enter into performance-based contracts for the use of amounts of covered housing assistance in a period consisting of not less than 1 nor more than 5 fiscal years in the manner determined appropriate by the participating jurisdiction—

(1) to provide housing assistance and services for low-income families in a manner that facilitates the transition of such families to work;

(2) to reduce homelessness;

(3) to increase homeownership among low-income families; and

(4) for other housing purposes for low-income families determined by the participating jurisdiction.

(b) INAPPLICABILITY OF CATEGORICAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 1405, the provisions of this division regarding use of amounts made available under each of the programs included as covered housing assistance and the program requirements applicable to each such program shall not apply to amounts received by a jurisdiction pursuant to this title.

(2) APPLICABILITY OF CERTAIN LAWS.—This title may not be construed to exempt assistance under this division from, or make inapplicable any provision of this division or of any other law that requires that assistance under this division be provided in compliance with—

(A) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(B) the Fair Housing Act (42 U.S.C. 3601 et seq.);

(C) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(D) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(F) the Americans with Disabilities Act of 1990; or

(G) the National Environmental Policy Act of 1969 and other provisions of law that further protection of the environment (as specified in regulations that shall be issued by the Secretary).

(c) EFFECT ON PROGRAM ALLOCATIONS FOR COVERED HOUSING ASSISTANCE.—The amount of assistance received pursuant to this title by a participating jurisdiction shall not be decreased, because of participation in the program under this title, from the sum of the amounts that otherwise would be made available for or within the participating jurisdiction under the programs included as covered housing assistance.

SEC. 1403. COVERED HOUSING ASSISTANCE.

For purposes of this title, the term ''covered housing assistance'' means—

(1) operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act);

(2) modernization assistance provided under section 14 of such Act;

(3) assistance provided under section 8 of such Act for the certificate and voucher programs;

(4) assistance for public housing provided under title XII of this Act; and

(5) choice-based rental assistance provided under title XIII of this Act.

Such term does not include any amounts obligated for assistance under existing contracts for project-based assistance under section 8 of the United States Housing Act of 1937 or section 1601(f) of this Act.

SEC. 1404. PROGRAM REQUIREMENTS.

(a) ELIGIBLE FAMILIES.—Each family on behalf of whom assistance is provided for rental or homeownership of a dwelling unit using amounts made available pursuant to this title shall be a low-income family. Each dwelling unit assisted using amounts made available pursuant to this title shall be available for occupancy only by families that are low-income families at the time of their initial occupancy of the unit.

(b) COMPLIANCE WITH ASSISTANCE PLAN.—A participating jurisdiction shall provide assistance using amounts received pursuant to this title in the manner set forth in the plan of the jurisdiction approved by the Secretary under section 1406(a)(2).

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title XII to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 1406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

(d) HOUSING QUALITY STANDARDS.—

(1) COMPLIANCE.—A participating jurisdiction shall ensure that housing assisted with amounts received pursuant to this title is maintained in a condition that complies—

(A) in the case of housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with the housing quality standards established under paragraph (2).

(2) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this paragraph that ensure that dwelling units assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under sections 1232(b) and 1328(c). The Secretary shall differentiate between major and minor violations of such standards.

(e) NUMBER OF FAMILIES ASSISTED.—A participating jurisdiction shall ensure that, in providing assistance with amounts received pursuant to this title in each fiscal year, not less than substantially the same total number of eligible low-income families are assisted as would have been assisted had the amounts of covered housing assistance not been combined for use under this title.

(f) CONSISTENCY WITH WELFARE PROGRAM.—A participating jurisdiction shall ensure that assistance provided with amounts received pursuant to this title is provided in a manner that is consistent with the welfare, public assistance, or other economic self-sufficiency programs operating in the jurisdiction by facilitating the transition of assisted families to work, which may include requiring compliance with the requirements under such welfare, public assistance, or self-sufficiency programs as a condition of receiving housing assistance with amounts provided under this title.

(g) TREATMENT OF CURRENTLY ASSISTED FAMILIES.—

(1) CONTINUATION OF ASSISTANCE.—A participating jurisdiction shall ensure that each family that was receiving housing assistance or residing in an assisted dwelling unit pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title shall be offered assistance or an assisted dwelling unit under the program of the jurisdiction under this title.

(2) PHASE-IN OF RENT CONTRIBUTION INCREASES.—For any family that was receiving housing assistance pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title, if the monthly contribution for rental of a dwelling unit assisted under this title to be paid by the family upon initial applicability of this title is greater than the amount paid by the family immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(h) AMOUNT OF ASSISTANCE.—In providing housing assistance using amounts received pursuant to this title, the amount of assistance provided by a participating jurisdiction on behalf of each assisted low-income family shall be sufficient so that if the family used such assistance to rent a dwelling unit having a rent equal to the 40th percentile of rents for standard quality rental units of the same size and type in the same market area, the contribution toward rental paid by the family would be affordable (as such term is defined by the jurisdiction) to the family.

(i) PORTABILITY.—A participating jurisdiction shall ensure that financial assistance for housing provided with amounts received pursuant to this title may be used by a family moving from an assisted dwelling unit located within the jurisdiction to obtain a dwelling unit located outside of the jurisdiction.

(j) PREFERENCES.—In providing housing assistance using amounts received pursuant to this title, a participating jurisdiction may establish a system for making housing assistance available that provides preference for assistance to families having certain characteristics. A system of preferences established pursuant to this subsection shall be based on local housing needs and priorities, as determined by the jurisdiction using generally accepted data sources.

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 1105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title XIII, and public housing dwelling units and dwelling units assisted under title XIII.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 1406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles XII and XIII pursuant to sections 1222(c) and 1321(b)).

SEC. 1405. APPLICABILITY OF CERTAIN PROVISIONS.

(a) PUBLIC HOUSING DEMOLITION AND DISPOSITION REQUIREMENTS.—section 1261 shall continue to apply to public housing notwithstanding any use of the housing under this title.

(b) LABOR STANDARDS.—section 1112 shall apply to housing assisted with amounts provided pursuant to this title, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

SEC. 1406. APPLICATION.

(a) IN GENERAL.—The Secretary shall provide for jurisdictions to submit applications to receive and use covered housing assistance amounts as authorized in this title for periods of not less than 1 and not more than 5 fiscal years. An application—

(1) shall be submitted only after the jurisdiction provides for citizen participation through a public hearing and, if appropriate, other means;

(2) shall include a plan developed by the jurisdiction for the provision of housing assistance with amounts received pursuant to this title that takes into consideration comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for meeting each of the requirements under section 1404 and this title;

(3) shall describe how the plan for use of amounts will assist in meeting the goals set forth in section 1401;

(4) shall propose standards for measuring performance in using assistance provided pursuant to this title based on the performance standards under subsection (b)(2);

(5) shall propose the length of the period for which the jurisdiction is applying for assistance under this title;

(6) may include a request assistance for training and technical assistance to assist with design of the program and to participate in a detailed evaluation;

(7) shall—

(A) in the case of the application of any jurisdiction within whose boundaries are areas subject to any other unit of general local government, include the signed consent of the appropriate executive official of such unit to the application; and

(B) in the case of the application of a consortia of units of general local government (as provided under section 1409(1)(B)), include the signed consent of the appropriate executive officials of each unit included in the consortia;

(8) shall include information sufficient, in the determination of the Secretary—

(A) to demonstrate that the jurisdiction has or will have management and administrative capacity sufficient to carry out the plan under paragraph (2);

(B) to demonstrate that carrying out the plan will not result in excessive duplication of administrative efforts and costs, particularly with respect to activities performed by public housing agencies operating within the boundaries of the jurisdiction;

(C) to describe the function and activities to be carried out by such public housing agencies affected by the plan; and

(D) to demonstrate that the amounts received by the jurisdiction will be maintained separate from other funds available to the jurisdiction and will be used only to carry out the plan; and

(9) shall include information describing how the jurisdiction will make decisions regarding asset management of housing for low-income families under programs for covered housing assistance or assisted with grant amounts under this title.

A plan required under paragraph (2) to be included in the application may be contained in a memorandum of agreement or other document executed by a jurisdiction and public housing agency, if such document is submitted together with the application.

(b) REVIEW, APPROVAL, AND PERFORMANCE STANDARDS.—

(1) REVIEW.—The Secretary shall review applications for assistance pursuant to this title and shall approve or disapprove such applications within 60 days after their submission. The Secretary shall provide affected public housing agencies an opportunity to review an application submitted under this subsection and to provide written comments on the application, which shall be a period of not less than 30 days ending before the Secretary approves or disapproves the application. If the Secretary determines that the application complies with the requirements of this title, the Secretary shall offer to enter into an agreement with jurisdiction providing for assistance pursuant to this title and incorporating a requirement that the jurisdiction achieve a particular level of performance in each of the areas for which performance standards are established under paragraph (2). If the Secretary determines that an application does not comply with the requirements of this title, the Secretary shall notify the jurisdiction submitting the application of the reasons for such disapproval and actions that may be taken to make the application approvable. Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.

(2) PERFORMANCE STANDARDS.—The Secretary shall establish standards for measuring performance of jurisdictions in the following areas:

(A) Success in moving dependent low-income families to economic self-sufficiency.

(B) Success in reducing the numbers of long-term homeless families.

(C) Decrease in the per-family cost of providing assistance.

(D) Reduction of excessive geographic concentration of assisted families.

(E) Any other performance goals that the Secretary may prescribe.

(3) APPROVAL.—If the Secretary and a jurisdiction that the Secretary determines has submitted an application meeting the requirements of this title enter into an agreement referred to in paragraph (1), the Secretary shall approve the application and provide covered housing assistance for the jurisdiction in the manner authorized under this title. The Secretary may not approve any application for assistance pursuant to this title unless the Secretary and jurisdiction enter into an agreement referred to in paragraph (1). The Secretary shall establish requirements for the approval of applications under this section submitted by public housing agencies designated under section 1533(a) as troubled, which may include additional or different criteria determined by the Secretary to be more appropriate for such agencies.

(c) STATUS OF PHA'S.—Nothing in this section or title may be construed to require any change in the legal status of any public housing agency or in any legal relationship between a jurisdiction and a public housing agency as a condition of participation in the program under this title.

SEC. 1407. TRAINING.

The Secretary, in consultation with representatives of public and assisted housing interests, shall provide training and technical assistance relating to providing assistance under this title and conduct detailed evaluations of up to 30 jurisdictions for the purpose of identifying replicable program models that are successful at carrying out the purposes of this title.

SEC. 1408. ACCOUNTABILITY.

(a) PERFORMANCE GOALS.—The Secretary shall monitor the performance of participating jurisdictions in providing assistance pursuant to this title based on the performance standards contained in the agreements entered into pursuant to section 1406(b)(1).

(b) KEEPING RECORDS.—Each participating jurisdiction shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts provided pursuant to this title, to ensure compliance with the requirements of this title and to measure performance against the performance goals under subsection (a).

(c) REPORTS.—Each participating jurisdiction agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. The reports shall—

(1) document the use of funds made available under this title;

(2) provide such information as the Secretary may request to assist the Secretary in assessing the program under this title; and

(3) describe and analyze the effect of assisted activities in addressing the purposes of this title.

(d) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

(e) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

SEC. 1409. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) JURISDICTION.—The term ''jurisdiction'' means—

(A) a unit of general local government (as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act) that has boundaries, for purposes of carrying out this title, that—

(i) wholly contain the area within which a public housing agency is authorized to operate; and

(ii) do not contain any areas contained within the boundaries of any other participating jurisdiction; and

(B) a consortia of such units of general local government, organized for purposes of this title.

(2) PARTICIPATING JURISDICTION.—The term ''participating jurisdiction'' means, with respect to a period for which such approval is made, a jurisdiction that has been approved under section 1406(b)(3) to receive assistance pursuant to this title for such fiscal year.

TITLE XV—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

SEC. 1501. IN GENERAL.

The Secretary of Housing and Urban Development shall provide under section 1505 for a study to be conducted to determine the effectiveness of various alternative methods of evaluating the performance of public housing agencies and other providers of federally assisted housing.

SEC. 1502. PURPOSES.

The purposes of the study under this subtitle shall be—

(1) to identify and examine various methods of evaluating and improving the performance of public housing agencies in administering public housing and tenant-based rental assistance programs and of other providers of federally assisted housing, which

are alternatives to oversight by the Department of Housing and Urban Development; and

(2) to identify specific monitoring and oversight activities currently conducted by the Department of Housing and Urban Development that are insufficient or ineffective in accurately and efficiently assessing the performance of public housing agencies and other providers of federally assisted housing, and to evaluate whether such activities should be eliminated, modified, or transferred to other entities (including government and private entities) to increase accuracy and effectiveness and improve monitoring.

SEC. 1503. EVALUATION OF VARIOUS PERFORMANCE EVALUATION SYSTEMS.

To carry out the purpose under section 1502(1), the study under this subtitle shall identify, and analyze and assess the costs and benefits of, the following methods of regulating and evaluating the performance of public housing agencies and other providers of federally assisted housing:

(1) CURRENT SYSTEM.—The system pursuant to the United States Housing Act of 1937 (as in effect upon the enactment of this Act), including the methods and requirements under such system for reporting, auditing, reviewing, sanctioning, and monitoring of such agencies and housing providers and the public housing management assessment program pursuant to subtitle C of this title (and section 6(j) of the United States Housing Act of 1937 (as in effect upon the enactment of this Act)).

(2) ACCREDITATION MODELS.—Various models that are based upon accreditation of such agencies and housing providers, subject to the following requirements:

(A) The study shall identify and analyze various models used in other industries and professions for accreditation and determine the extent of their applicability to the programs for public housing and federally assisted housing.

(B) If any accreditation models are determined to be applicable to the public and federally assisted housing programs, the study shall identify appropriate goals, objectives, and procedures for an accreditation program for such agencies housing providers.

(C) The study shall evaluate the effectiveness of establishing an independent accreditation and evaluation entity to assist, supplement, or replace the role of the Department of Housing and Urban Development in assessing and monitoring the performance of such agencies and housing providers.

(D) The study shall identify the necessary and appropriate roles and responsibilities of various entities that would be involved in an accreditation program, including the Department of Housing and Urban Development, the Inspector General of the Department, an accreditation entity, independent auditors and examiners, local entities, and public housing agencies.

(E) The study shall determine the costs involved in developing and maintaining such an independent accreditation program.

(F) The study shall analyze the need for technical assistance to assist public housing agencies in improving performance and identify the most effective methods to provide such assistance.

(3) PERFORMANCE BASED MODELS.—Various performance-based models, including systems that establish performance goals or targets, assess the compliance with such goals or targets, and provide for incentives or sanctions based on performance relative to such goals or targets.

(4) LOCAL REVIEW AND MONITORING MODELS.—Various models providing for local, resident, and community review and monitoring of such agencies and housing providers, including systems for review and monitoring by local and State governmental bodies and agencies.

(5) PRIVATE MODELS.—Various models using private contractors for review and monitoring of such agencies and housing providers.

(6) OTHER MODELS.—Various models of any other systems that may be more effective and efficient in regulating and evaluating such agencies and housing providers.

SEC. 1504. CONSULTATION.

The entity that, pursuant to section 1505, carries out the study under this subtitle shall, in carrying out the study, consult with individuals and organization experienced in managing public housing, private real estate managers, representatives from State and local governments, residents of public housing, families and individuals receiving choice- or tenant-based assistance, the Secretary of Housing and Urban Development, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States.

SEC. 1505. CONTRACT TO CONDUCT STUDY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall enter into a contract with a public or nonprofit private entity to conduct the study under this subtitle, using amounts made available pursuant to section 1507.

(b) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—The Secretary shall request the National Academy of Public Administration to enter into the contract under subsection (a) to conduct the study under this subtitle. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through other public or nonprofit private entities.

SEC. 1506. REPORT.

(a) INTERIM REPORT.—The Secretary shall ensure that not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the entity conducting the study under this subtitle submits to the Congress an interim report describing the actions taken to carry out the study, the actions to be taken to complete the study, and any findings and recommendations available at the time.

(b) FINAL REPORT.—The Secretary shall ensure that—

(1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the study required under this subtitle is completed and a report describing the findings and recommendations as a result of the study is submitted to the Congress; and

(2) before submitting the report under this subsection to the Congress, the report is submitted to the Secretary and national organizations for public housing agencies at such time to provide the Secretary and such agencies an opportunity to review the report and provide written comments on the report, which shall be included together with the report upon submission to the Congress under paragraph (1).

SEC. 1507. FUNDING.

Of any amounts made available under title V of the Housing and Urban Development Act of 1970 for policy development and research for fiscal year 1998, $500,000 shall be available to carry out this subtitle.

SEC. 1508. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act.

Subtitle B—Housing Evaluation and Accreditation Board

SEC. 1521. ESTABLISHMENT.

(a) IN GENERAL.—There is established an independent agency in the executive branch of the Government to be known as the Housing Foundation and Accreditation Board (in this title referred to as the ''Board'').

(b) REQUIREMENT FOR CONGRESSIONAL REVIEW OF STUDY.—Notwithstanding any other provision of this division, sections 1523, 1524, and 1525 shall not take effect and the Board shall not have any authority to take any action under such sections (or otherwise) unless there is enacted a law specifically providing for the repeal of this subsection. This subsection may not be construed to prevent the appointment of the Board under section 1522.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1522. MEMBERSHIP.

(a) IN GENERAL.—The Board shall be composed of 12 members appointed by the President not later than 180 days after the date of the final report regarding the study required under subtitle A is submitted to the Congress pursuant to section 1506(b), as follows:

(1) 4 members shall be appointed from among 10 individuals recommended by the Secretary of Housing and Urban Development.

(2) 4 members shall be appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) 4 members appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(b) QUALIFICATIONS.—

(1) REQUIRED REPRESENTATION.—The Board shall at all times have the following members:

(A) 2 members who are residents of public housing or dwelling units assisted under title XIII of this Act or the provisions of section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(B) At least 2, but not more than 4 members who are executive directors of public housing agencies.

(C) 1 member who is a member of the Institute of Real Estate Managers.

(D) 1 member who is the owner of a multifamily housing project assisted under a program administered by the Secretary of Housing and Urban Development.

(2) REQUIRED EXPERIENCE.—The Board shall at all times have as members individuals with the following experience:

(A) At least 1 individual who has extensive experience in the residential real estate finance business.

(B) At least 1 individual who has extensive experience in operating a nonprofit organization that provides affordable housing.

(C) At least 1 individual who has extensive experience in construction of multifamily housing.

(D) At least 1 individual who has extensive experience in the management of a community development corporation.

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

A single member of the board with the appropriate experience may satisfy the requirements of more than 1 subparagraph of this paragraph. A single member of the board with the appropriate qualifications and experience may satisfy the requirements of a subparagraph of paragraph (1) and a subparagraph of this paragraph.

(c) POLITICAL AFFILIATION.—Not more than 6 members of the Board may be of the same political party.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 4 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 3 shall be appointed for terms of 2 years;

(C) 3 shall be appointed for terms of 3 years; and

(D) 3 shall be appointed for terms of 4 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Board shall elect a chairperson from among members of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(g) VOTING.—Each member of the Board shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Board.

(h) PROHIBITION ON ADDITIONAL PAY.—Members of the Board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 1523. FUNCTIONS.

The purpose of this subtitle is to establish the Board as a nonpolitical entity to carry out, not later than the expiration of the 12-month period beginning upon the appointment under section 1522 of all of the initial members of the Board (or such other date as may be provided by law), the following functions:

(1) ESTABLISHMENT OF PERFORMANCE BENCHMARKS.—The Board shall establish standards and guidelines for use by the Board in measuring the performance and efficiency of public housing agencies and other owners and providers of federally assisted housing in carrying out operational and financial functions. The standards and guidelines shall be designed to replace the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the enactment of this Act) and improve the evaluation of the performance of housing providers relative to such program. In establishing such standards and guidelines, the Board shall consult with the Secretary, the Inspector General of the Department of Housing and Urban Development, and such other persons and entities as the Board considers appropriate.

(2) ESTABLISHMENT OF ACCREDITATION PROCEDURE AND ACCREDITATION.—The Board shall—

(A) establish a procedure for the Board to accredit public housing agencies to receive block grants under title XII for the operation, maintenance, and production of public housing and amounts for housing assistance under title XIII, based on the performance of agencies, as measured by the performance benchmarks established under paragraph (1) and any audits and reviews of agencies; and

(B) commence the review and accreditation of public housing agencies under the procedures established under subparagraph (A).

In carrying out the functions under this section, the Board shall take into consideration the findings and recommendations contained in the report issued under section 1506(b).

SEC. 1524. POWERS.

(a) HEARINGS.—The Board may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places as the Board determines appropriate.

(b) RULES AND REGULATIONS.—The Board may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any department or agency of the Federal Government such information as the Board may require for carrying out its functions, including public housing agency plans submitted to the Secretary by public housing agencies under title XI. Upon request of the Board, any such department or agency shall furnish such information.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board, on a reimbursable basis, such administrative support services as the Board may request.

(3) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Upon the request of the chairperson of the Board, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Board in carrying out its functions under this subtitle.

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of audits of public housing agencies. The Inspector General may advise the Board with respect to other activities and functions of the Board.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Board may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting evaluations of public housing agencies, audits of public housing agencies, and research and surveys necessary to enable the Board to discharge its functions under this subtitle.

(f) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Board, who shall be compensated at a rate fixed by the Board, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) OTHER PERSONNEL.—In addition to the executive director, the Board may appoint and fix the compensation of such personnel as the Board considers necessary, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) ACCESS TO DOCUMENTS.—The Board shall have access for the purposes of carrying out its functions under this subtitle to any books, documents, papers, and records of a public housing agency to which the Secretary has access under this division.

SEC. 1525. FEES.

(a) ACCREDITATION FEES.—The Board may establish and charge reasonable fees for the accreditation of public housing agencies as the Board considers necessary to cover the costs of the operations of the Board relating to its functions under section 1523.

(b) FUND.—Any fees collected under this section shall be deposited in an operations fund for the Board, which is hereby established in the Treasury of the United States. Amounts in such fund shall be available, to the extent provided in appropriation Acts, for the expenses of the Board in carrying out its functions under this subtitle.

SEC. 1526. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

SEC. 1531. INTERIM APPLICABILITY.

This subtitle shall be effective only during the period that begins on the effective date of this division and ends upon the date of the effectiveness of the standards and procedures required under section 1523.

SEC. 1532. MANAGEMENT ASSESSMENT INDICATORS.

(a) ESTABLISHMENT.—The Secretary shall develop and publish in the Federal Register indicators to assess the management performance of public housing agencies and other entities managing public housing (including resident management corporations, independent managers pursuant to section 1236, and management entities pursuant to subtitle D). The indicators shall be established by rule under section 553 of title 5, United States Code. Such indicators shall enable the Secretary to evaluate the performance of public housing agencies and such other managers of public housing in all major areas of management operations.

(b) CONTENT.—The management assessment indicators shall include the following indicators:

(1) The number and percentage of vacancies within an agency's or manager's inventory, including the progress that an agency or manager has made within the previous 3 years to reduce such vacancies.

(2) The amount and percentage of funds obligated to the public housing agency or manager from the capital fund or under section 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), which remain unexpended after 3 years.

(3) The percentage of rents uncollected.

(4) The energy consumption (with appropriate adjustments to reflect different regions and unit sizes).

(5) The average period of time that an agency or manager requires to repair and turn-around vacant dwelling units.

(6) The proportion of maintenance work orders outstanding, including any progress that an agency or manager has made during the preceding 3 years to reduce the period of time required to complete maintenance work orders.

(7) The percentage of dwelling units that an agency or manager fails to inspect to ascertain maintenance or modernization needs within such period of time as the Secretary deems appropriate (with appropriate adjustments, if any, for large and small agencies or managers).

(8) The extent to which the rent policies of any public housing agency establishing rental amounts in accordance with section 1225(b) comply with the requirement under section 1225(c).

(9) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.

(10) Whether the agency has conducted and regularly updated an assessment to identify any pest control problems in the public housing owned or operated by the agency and the

extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 1106.

(11) Any other factors as the Secretary deems appropriate.

(c) CONSIDERATIONS IN EVALUATION.—The Secretary shall—

(1) administer the system of evaluating public housing agencies and managers flexibly to ensure that agencies and managers are not penalized as result of circumstances beyond their control;

(2) reflect in the weights assigned to the various management assessment indicators the differences in the difficulty of managing individual developments that result from their physical condition and their neighborhood environment; and

(3) determine a public housing agency's or manager's status as ''troubled with respect to modernization'' under section 1533(b) based upon factors solely related to its ability to carry out modernization activities.

SEC. 1533. DESIGNATION OF PHA'S.

(a) TROUBLED PHA'S.—The Secretary shall, under the rulemaking procedures under section 553 of title 5, United States Code, establish procedures for designating troubled public housing agencies and managers, which procedures shall include identification of serious and substantial failure to perform as measured by (1) the performance indicators specified under section 1532 and such other factors as the Secretary may deem to be appropriate; or (2) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or other entity managing public housing, which system may be in addition to or in lieu of the performance indicators established under section 1532. Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.

(b) AGENCIES TROUBLED WITH RESPECT TO CAPITAL ACTIVITIES.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are troubled with respect to capital activities.

(c) AGENCIES AT RISK OF BECOMING TROUBLED.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are at risk of becoming troubled.

(d) EXEMPLARY AGENCIES.—The Secretary may also, in consultation with national organizations representing public housing agencies and managers and public officials (as the Secretary determines appropriate), identify and commend public housing agencies and managers that meet the performance standards established under section 1532 in an exemplary manner.

(e) APPEAL OF DESIGNATION.—The Secretary shall establish procedures for public housing agencies and managers to appeal designation as a troubled agency or manager (including designation as a troubled agency or manager for purposes of capital activities), to petition for removal of such designation, and to appeal any refusal to remove such designation.

SEC. 1534. ON-SITE INSPECTION OF TROUBLED PHA'S.

(a) IN GENERAL.—Upon designating a public housing agency or manager as troubled pursuant to section 1533 and determining that an assessment under this section will not duplicate any other review previously conducted or required to be conducted of the agency or manager, the Secretary shall provide for an on-site, independent assessment of the management of the agency or manager.

(b) CONTENT.—To the extent the Secretary deems appropriate (taking into consideration an agency's or manager's performance under the indicators specified under section 1532, the assessment team shall also consider issues relating to the agency's or manager's resident population and physical inventory, including the extent to which—

(1) the public housing agency plan for the agency or manager adequately and appropriately addresses the rehabilitation needs of the public housing inventory;

(2) residents of the agency or manager are involved in and informed of significant management decisions; and

(3) any developments in the agency's or manager's inventory are severely distressed (as such term is defined under section 1262.

(c) INDEPENDENT ASSESSMENT TEAM.—An independent assessment under this section shall be carried out by a team of knowledgeable individuals selected by the Secretary (referred to in this title as the ''assessment team'') with expertise in public housing and real estate management. In conducting an assessment, the assessment team shall consult with the residents and with public and private entities in the jurisdiction in which the public housing is located. The assessment team shall provide to the Secretary and the public housing agency or manager a written report, which shall contain, at a minimum, recommendations for such management improvements as are necessary to eliminate or substantially remedy existing deficiencies.

SEC. 1535. ADMINISTRATION.

(a) PHA'S.—The Secretary shall carry out this subtitle with respect to public housing agencies substantially in the same manner as the public housing management assessment system under section 6(j) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) was required to be carried out with respect to public housing agencies. The Secretary may comply with the requirements under this subtitle by using any regulations issued to carry out such system and issuing any additional regulations necessary to make such system comply with the requirements under this subtitle.

(b) OTHER MANAGERS.—The Secretary shall establish specific standards and procedures for carrying out this subtitle with respect to managers of public housing that are not public housing agencies. Such standards and procedures shall take in consideration special circumstances relating to entities hired, directed, or appointed to manage public housing.

Subtitle D—Accountability and Oversight Standards and Procedures

SEC. 1541. AUDITS.

(a) BY SECRETARY AND COMPTROLLER GENERAL.—Each block grant contract under section 1201 and each contract for housing assistance amounts under section 1302 shall provide that the Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the public housing agency (or other entity) entering into such contract that are pertinent to this division and to its operations with respect to financial assistance under this division.

(b) BY PHA.—

(1) REQUIREMENT.—Each public housing agency that owns or operates 250 or more public housing dwelling units and receives assistance under this division shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this division in order to make audit examinations, excerpts, and transcripts.

(2) WITHHOLDING OF AMOUNTS.—The Secretary may, in the sole discretion of the Secretary, arrange for, and pay the costs of, an audit required under paragraph (1). In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this division, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.

SEC. 1542. PERFORMANCE AGREEMENTS FOR AUTHORITIES AT RISK OF BECOMING TROUBLED.

(a) IN GENERAL.—Upon designation of a public housing agency as at risk of becoming troubled under section 1533(c), the Secretary shall seek to enter into an agreement with the agency providing for improvement of the elements of the agency that have been identified. An agreement under this section shall contain such terms and conditions as the Secretary determines are appropriate for addressing the elements identified, which may include an on-site, independent assessment of the management of the agency.

(b) POWERS OF SECRETARY.—If the Secretary determines that such action is necessary to prevent the public housing agency from becoming a troubled agency, the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which may be selected by existing tenants through administrative procedures established by the Secretary), for any case in which such agents may be needed for managing all, or part, of the housing or functions administered by the agency; or

(2) solicit competitive proposals from other public housing agencies and private entities with experience in construction management, for any case in which such authorities or firms may be needed to oversee implementation of assistance made available for capital improvement for public housing of the agency.

SEC. 1543. PERFORMANCE AGREEMENTS AND CDBG SANCTIONS FOR TROUBLED PHA'S.

(a) IN GENERAL.—Upon designation of a public housing agency as a troubled agency under section 1533(a) and after reviewing the report submitted pursuant to section 1534(c) and consulting with the assessment team for the agency under section 1534, the Secretary shall seek to enter into an agreement with the agency providing for improving the management performance of the agency.

(b) CONTENTS.—An agreement under this section between the Secretary and a public housing agency shall set forth—

(1) targets for improving performance, as measured by the guidelines and standards established under section 1532 and other requirements within a specified period of time, which shall include targets to be met upon the expiration of the 12-month period beginning upon entering into the agreement;

(2) strategies for meeting such targets;

(3) sanctions for failure to implement such strategies; and

(4) to the extent the Secretary deems appropriate, a plan for enhancing resident involvement in the management of the public housing agency.

(c) LOCAL ASSISTANCE IN IMPLEMENTATION.—The Secretary and the public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out an agreement under this section.

(d) DEFAULT UNDER PERFORMANCE AGREEMENT.—Upon the expiration of the 12-month period beginning upon entering into an agreement under this section with a public housing agency, the Secretary shall review the performance of the agency in relation to the performance targets and strategies under the agreement. If the Secretary determines that the agency has failed to comply with the performance targets established for such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 1545.

(e) CDBG SANCTION AGAINST LOCAL GOVERNMENT CONTRIBUTING TO TROUBLED STATUS OF PHA.—If the Secretary determines that the actions or inaction of any unit of general local government within which any portion of the jurisdiction of a public housing agency is located has substantially contributed to the conditions resulting in the agency being designated under section 1533(a) as a troubled agency, the Secretary may redirect or withhold, from such unit of general local government any amounts allocated for such unit under section 106 of the Housing and Community Development Act of 1974.

SEC. 1544. OPTION TO DEMAND CONVEYANCE OF TITLE TO OR POSSESSION OF PUBLIC HOUSING.

(a) AUTHORITY FOR CONVEYANCE.—A contract under section 1201 for block grants under title XII (including contracts which amend or supersede contracts previously made (including contracts for contributions)) may provide that upon the occurrence of a substantial default with respect to the covenants or conditions to which the public housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated, at the option of the Secretary, to—

(1) convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this division; or

(2) deliver to the Secretary possession of the development, as then constituted, to which such contract relates.

(b) OBLIGATION TO RECONVEY.—Any block grant contract under title XII containing the provisions authorized in subsection (a) shall also provide that the Secretary shall be obligated to reconvey or redeliver possession of the development, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract, and as soon as practicable after—

(1) the Secretary is satisfied that all defaults with respect to the development have been cured, and that the development will, in order to fulfill the purposes of this division, thereafter be operated in accordance with the terms of such contract; or

(2) the termination of the obligation to make annual block grants to the agency, unless there are any obligations or covenants of the agency to the Secretary which are then in default.

Any prior conveyances and reconveyances or deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the development to the Secretary pursuant to subsection (a) upon the subsequent occurrence of a substantial default.

(c) CONTINUED GRANTS FOR REPAYMENT OF BONDS AND NOTES UNDER 1937 ACT.—If—

(1) a contract for block grants under title XII for an agency includes provisions that expressly state that the provisions are included pursuant to this subsection, and

(2) the portion of the block grant payable for debt service requirements pursuant to the contract has been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, then—

(A) the Secretary shall (notwithstanding any other provisions of this division), continue to make the block grant payments for the agency so long as any of such obligations remain outstanding; and

(B) the Secretary may covenant in such a contract that in any event such block grant amounts shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the development for the purpose at the time such block grant payments are made, will suffice for the payment of all installments of principal and interest on the obligations for which the amounts provided for in the contract shall have been pledged as security that fall due within the next succeeding 12 months.

In no case shall such block grant amounts be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

SEC. 1545. REMOVAL OF INEFFECTIVE PHA'S.

(a) CONDITIONS OF REMOVAL.—The actions specified in subsection (b) may be taken only upon—

(1) the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to (A) the covenants or conditions to which the public housing agency is subject, or (B) an agreement entered into under section 1543; or

(2) submission to the Secretary of a petition by the residents of the public housing owned or operated by a public housing agency that is designated as troubled pursuant to section 1533(a).

(b) REMOVAL ACTIONS.—Notwithstanding any other provision of law or of any block grant contract under title XII or any grant agreement under title XIII, in accordance with subsection (a), the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary) and, if appropriate, provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other functions of the agency;

(2) take possession of the public housing agency, including any developments or functions of the agency under any section of this division;

(3) solicit competitive proposals from other public housing agencies and private entities with experience in construction management and, if appropriate, provide for such authorities or firms to oversee implementation of assistance made available for capital improvements for public housing;

(4) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and assisted families under title XIII for managing all, or part of, the public housing administered by the agency or the functions of the agency; or

(5) petition for the appointment of a receiver for the public housing agency to any district court of the United States or to any court of the State in which any portion of the jurisdiction of the public housing agency is located, that is authorized to appoint a receiver for the purposes and having the powers prescribed in this section.

(c) EMERGENCY ASSISTANCE.—The Secretary may make available to receivers and other entities selected or appointed pursuant to this section such assistance as is fair and reasonable to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety and welfare of public housing residents or assisted families under title XIII.

(d) POWERS OF SECRETARY.—If the Secretary takes possession of an agency, or any developments or functions of an agency, pursuant to subsection (b)(2), the Secretary—

(1) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after efforts to renegotiate such contracts have failed and the Secretary has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(2) may demolish and dispose of assets of the agency in accordance with section 1261;

(3) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies;

(4) may consolidate the agency into other well-managed public housing agencies with the consent of such well-managed authorities;

(5) shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the Secretary, substantially impede correction of the substantial default or improvement of the classification, but only if the Secretary has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction; and

(6) shall have such additional authority as a district court of the United States has the authority to confer under like circumstances upon a receiver to achieve the purposes of the receivership.

The Secretary may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the Secretary's responsibility under this paragraph for the administration of a public housing agency. The Secretary may delegate to the administrative receiver any or all of the powers of the Secretary under this subsection. Regardless of any delegation under this subsection, an administrative receiver may not require the establishment of one or more new public housing agencies pursuant to paragraph (3) unless the Secretary first approves such establishment. For purposes of this subsection, the term ''public housing agency'' includes any developments or functions of a public housing agency under any section of this title.

(e) RECEIVERSHIP.—

(1) REQUIRED APPOINTMENT.—In any proceeding under subsection (b)(5), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this division and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, the Secretary, or any other appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

(2) POWERS OF RECEIVER.—If a receiver is appointed for a public housing agency pursuant to subsection (b)(5), in addition to the powers accorded by the court appointing the receiver, the receiver—

(A) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after bona fide efforts to renegotiate such contracts have failed and the receiver has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(B) may demolish and dispose of assets of the agency in accordance with section 1261;

(C) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies, to the extent permitted by State and local law; and

(D) except as provided in subparagraph (C), shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the receiver, substantially impede correction of the substantial default or improvement of the classification, but only if the receiver has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction.

For purposes of this paragraph, the term ''public housing agency'' includes any developments or functions of a public housing agency under any section of this title.

(3) TERMINATION.—The appointment of a receiver pursuant to this subsection may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency will be able to make the same amount of progress in correcting the management of the housing as the receiver.

(f) LIABILITY.—If the Secretary takes possession of an agency pursuant to subsection (b)(2) or a receiver is appointed pursuant to subsection (b)(5) for a public housing agency, the Secretary or the receiver shall be deemed to be acting in the capacity of the public housing agency (and not in the official capacity as Secretary or other official) and any liability incurred shall be a liability of the public housing agency.

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this division and shall apply to any receivers appointed for a public housing agency before the effective date of this division.

SEC. 1546. MANDATORY TAKEOVER OF CHRONICALLY TROUBLED PHA'S.

(a) REMOVAL OF AGENCY.—Notwithstanding any other provision of this division, not later than the expiration of the 180-day period beginning on the effective date of this division, the Secretary shall take one of the following actions with respect to each chronically troubled public housing agency:

(1) CONTRACTING FOR MANAGEMENT.—Solicit competitive proposals for the management of the agency pursuant to section 1545(b)(1) and replace the management of the agency pursuant to selection of such a proposal.

(2) TAKEOVER.—Take possession of the agency pursuant to section 1545(b)(2).

(3) PETITION FOR RECEIVER.—Petition for the appointment of a receiver for the agency pursuant to section 1545(b)(5).

(b) DEFINITION.—For purposes of this section, the term ''chronically troubled public housing agency'' means a public housing agency that, as of the effective date of this division, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) as a troubled public housing agency and has been so designated continuously for the 3-year period ending upon the effective date of this division; except that such term does not include any agency that owns or operates less than 1250 public housing dwelling units and that the Secretary determines can, with a reasonable amount of effort, make such improvements or remedies as may be necessary to remove its designation as troubled within 12 months.

SEC. 1547. TREATMENT OF TROUBLED PHA'S.

(a) EFFECT OF TROUBLED STATUS ON CHAS.—The comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the State or unit of general local government in which any troubled public housing agency is located shall not be considered to comply with the requirements under section 105 of the Cranston-Gonzalez National Affordable Housing Act unless such plan includes a description of the manner in which the State or unit will assist such troubled agency in improving its operations to remove such designation.

(b) DEFINITION.—For purposes of this section, the term ''troubled public housing agency'' means a public housing agency that—

(1) upon the effective date of this division, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) as a troubled public housing agency; and

(2) is not a chronically troubled public housing agency, as such term is defined in section 1546(b) of this Act.

SEC. 1548. MAINTENANCE OF RECORDS.

Each public housing agency shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the agency of the proceeds of assistance received pursuant to this division and to ensure compliance with the requirements of this division.

SEC. 1549. ANNUAL REPORTS REGARDING TROUBLED PHA'S.

The Secretary shall submit a report to the Congress annually, as a part of the report of the Secretary under section 8 of the Department of Housing and Urban Development Act, that—

(1) identifies the public housing agencies that are designated under section 1533 as troubled or at-risk of becoming troubled and the reasons for such designation; and

(2) describes any actions that have been taken in accordance with sections 1542, 1543, 1544, and 1545.

SEC. 1550. APPLICABILITY TO RESIDENT MANAGEMENT CORPORATIONS.

The Secretary shall apply the provisions of this subtitle to resident management corporations in the same manner as applied to public housing agencies.

SEC. 1551. ADVISORY COUNCIL FOR HOUSING AUTHORITY OF NEW ORLEANS.

(a) ESTABLISHMENT.—The Secretary and the Housing Authority of New Orleans (in this section referred to as the ''Housing Authority'') shall, pursuant to the cooperative endeavor agreement in effect between the Secretary and the Housing Authority, establish an advisory council for the Housing Authority of New Orleans (in this section referred to as the ''advisory council'') that complies with the requirements of this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall be appointed by the Secretary, not later than 90 days after the date of the enactment of this Act, and shall be composed of the following members:

(A) The Inspector General of the Department of Housing and Urban Development (or the Inspector General's designee).

(B) Not more than 7 other members, who shall be selected for appointment based on their experience in successfully reforming troubled public housing agencies or in providing affordable housing in coordination with State and local governments, the private sector, affordable housing residents, or local nonprofit organizations.

(2) PROHIBITION ON ADDITIONAL PAY.—Members of the advisory council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board using amounts from the Headquarters Reserve fund pursuant to section 1111(b)(4).

(c) FUNCTIONS.—The advisory council shall—

(1) establish standards and guidelines for assessing the performance of the Housing Authority in carrying out operational, asset management, and financial functions for purposes of the reports and finding under subsections (d) and (e), respectively;

(2) provide advice, expertise, and recommendations to the Housing Authority regarding the management, operation, repair, redevelopment, revitalization, demolition, and disposition of public housing developments of the Housing Authority;

(3) report to the Congress under subsection (d) regarding any progress of the Housing Authority in improving the performance of its functions; and

(4) make a final finding to the Congress under subsection (e) regarding the future of the Housing Authority.

(d) QUARTERLY REPORTS.—The advisory council shall report to the Congress and the Secretary not less than every 3 months regarding the performance of the Housing Authority and any progress of the authority in improving its performance and carrying out its functions.

(e) FINAL FINDING.—Upon the expiration of the 18-month period that begins upon the appointment under subsection (b)(1) of all members of the advisory council, the council shall make and submit to the Congress and the Secretary a finding of whether the Housing Authority has substantially improved its performance, the performance of its functions, and the overall condition of the Authority such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority. In making the finding under this subsection, the advisory council shall consider whether the Housing Authority has made sufficient progress in the demolition and revitalization of the Desire Homes development, the revitalization of the St. Thomas Homes development, the appropriate allocation of operating subsidy amounts, and the appropriate expending of modernization amounts.

(f) RECEIVERSHIP.—If the advisory council finds under subsection (e) that the Housing Authority has not substantially improved its performance such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority, the Secretary shall (notwithstanding section 1545(a)) petition under section 1545(b) for the appointment of a receiver for the Housing Authority, which receivership shall be subject to the provisions of section 1545.

(g) EXEMPTION.—The provisions of section 1546 shall not apply to the Housing Authority.

TITLE XVI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

SEC. 1601. EFFECTIVE DATE AND REPEAL OF UNITED STATES HOUSING ACT OF 1937.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This division and the amendments made by this division shall take effect on October 1, 1999, except as otherwise provided in this section.

(2) SPECIFIC EFFECTIVE DATES.—Any provision of this division that specifically provides for the effective date of such provision shall take effect in accordance with the terms of the provision.

(b) REPEAL OF UNITED STATES HOUSING ACT OF 1937.—Effective upon the effective date under subsection (a)(1), the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is repealed, subject to the conditions under subsection (c).

(c) SAVINGS PROVISIONS.—

(1) OBLIGATIONS UNDER 1937 ACT.—Any obligation of the Secretary made under authority of the United States Housing Act of 1937 shall continue to be governed by the provisions of such Act, except that—

(A) notwithstanding the repeal of such Act, the Secretary may make a new obligation under such Act upon finding that such obligation is required—

(i) to protect the financial interests of the United States or the Department of Housing and Urban Development; or

(ii) for the amendment, extension, or renewal of existing obligations; and

(B) notwithstanding the repeal of such Act, the Secretary may, in accordance with subsection (d), issue regulations and other guidance and directives as if such Act were in effect if the Secretary finds that such action is necessary to facilitate the administration of obligations under such Act.

(2) TRANSITION OF FUNDING.—Amounts appropriated under the United States Housing Act of 1937 shall, upon repeal of such Act, remain available for obligation under such Act in accordance with the terms under which amounts were made available.

(3) CROSS REFERENCES.—The provisions of the United States Housing Act of 1937 shall remain in effect for purposes of the validity of any reference to a provision of such Act in any statute (other than such Act) until such reference is modified by law or repealed.

(d) PUBLICATION AND EFFECTIVE DATE OF SAVINGS PROVISIONS.—

(1) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of any proposed regulation, guidance, or directive under subsection (c)(1)(B).

(2) OPPORTUNITY TO REVIEW.—Such a regulation, guidance, or directive may not be published for comment or for final effectiveness before or during the 15-calendar day period beginning on the day after the date on which such regulation, guidance, or directive was submitted to the Congress.

(3) EFFECTIVE DATE.—No regulation, guideline, or directive may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final.

(4) WAIVER.—The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of both Committees.

(e) MODIFICATIONS.—Notwithstanding any provision of this division or any annual contributions contract or other agreement entered into by the Secretary and a public housing agency pursuant to the provisions of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), the Secretary and the agency may by mutual consent amend, supersede, or modify any such agreement as appropriate to provide for assistance under this division, except that the Secretary and the agency may not consent to any such amendment, supersession, or modification that substantially alters any outstanding obligations requiring continued maintenance of the low-income character of any public housing development and any such amendment, supersession, or modification shall not be given effect.

(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

(1) IN GENERAL.—The provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall remain in effect after the effectiveness of the repeal under subsection (b) with respect to all section 8 project-based assistance, pursuant to existing and future contracts, except as otherwise provided by this section.

(2) TENANT SELECTION PREFERENCES.—An owner of housing assisted with section 8 project-based assistance shall give preference, in the selection of tenants for units of such projects that become available, according to any system of local preferences established pursuant to section 1223 by the public housing agency having jurisdiction for the area in which such projects are located.

(3) 1-YEAR NOTIFICATION.—Paragraphs (9) and (10) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) shall not be applicable to section 8 project-based assistance.

(4) LEASE TERMS.—Leases for dwelling units assisted with section 8 project-based assistance shall comply with the provisions of paragraphs (1) and (3) of section 1324 of this Act and shall not be subject to the provisions of 8(d)(1)(B) of the United States Housing Act of 1937.

(5) TERMINATION OF TENANCY.—Any termination of tenancy of a resident of a dwelling unit assisted with section 8 project-based assistance shall comply with the provisions of section 1324(2) and section 1325 of this Act and shall not be subject to the provisions of section 8(d)(1)(B) of the United States Housing Act of 1937.

(6) TREATMENT OF COMMON AREAS.—The Secretary may not provide any assistance amounts pursuant to an existing contract for section 8 project-based assistance for a housing project and may not enter into a new or renewal contract for such assistance for a project unless the owner of the project provides consent, to such local law enforcement agencies as the Secretary determines appropriate, for law enforcement officers of such agencies to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

(7) DEFINITION.—For purposes of this subsection, the term ''section 8 project-based assistance'' means assistance under any of the following programs:

(A) The new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983).

(B) The property disposition program under section 8(b) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(C) The loan management set-aside program under subsections (b) and (v) of section 8 of such Act.

(D) The project-based certificate program under section 8(d)(2) of such Act.

(E) The moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991).

(F) The low-income housing preservation program under Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987 (as in effect before November 28, 1990).

(G) Section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1602. OTHER REPEALS.

(a) IN GENERAL.—The following provisions of law are hereby repealed:

(1) ASSISTED HOUSING ALLOCATION.—Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439).

(2) PUBLIC HOUSING RENT WAIVERS FOR POLICE.—Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1).

(3) TREATMENT OF CERTIFICATE AND VOUCHER HOLDERS.—Subsection (c) of section 183 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(4) EXCESSIVE RENT BURDEN DATA.—Subsection (b) of section 550 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(5) MOVING TO OPPORTUNITY FOR FAIR HOUSING.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(6) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(7) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(8) ACCESS TO PHA BOOKS.—Section 816 of the Housing Act of 1954 (42 U.S.C. 1435).

(9) MISCELLANEOUS PROVISIONS.—Subsections (b)(1) and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97–35, 95 Stat. 406; 42 U.S.C. 1437f note).

(10) PAYMENT FOR DEVELOPMENT MANAGERS.—Section 329A of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437j–1).

(11) PROCUREMENT OF INSURANCE BY PHA'S.—In the item relating to ''ADMINISTRATIVE PROVISIONS'' under the heading ''MANAGEMENT AND ADMINISTRATION'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, the penultimate undesignated paragraph of such item (Public Law 101–507; 104 Stat. 1369).

(12) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).

(13) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).

(14) PUBLIC HOUSING COMPREHENSIVE TRANSITION DEMONSTRATION.—Section 126 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(15) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(16) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(17) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(18) OMAHA HOMEOWNERSHIP DEMONSTRATION.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3712).

(19) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

(20) FROST-LELAND PROVISIONS.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213); except that, notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of such appropriations Act (as such section existed immediately before the date of enactment of this Act) shall be eligible for demolition—

(A) under section 14 of the United States Housing Act of 1937 (as such section existed upon the enactment of this Act); and

(B) under section 9 of the United States Housing Act of 1937.

(21) MULTIFAMILY FINANCING.—The penultimate sentence of section 302(b)(2) of the National Housing Act (12 U.S.C. 1717(b)(2)) and the penultimate sentence of section 305(a)(2) of the Emergency Home Finance Act of 1970 (12 U.S.C. 1454(a)(2)).

(22) CONFLICTS OF INTEREST.—Subsection (c) of section 326 of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note).

(23) CONVERSION OF PUBLIC HOUSING.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) (enacted as section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)).

(b) SAVINGS PROVISION.—Except to the extent otherwise provided in this division—

(1) the repeals made by subsection (a) shall not affect any legally binding obligations entered into before the effective date of this division; and

(2) any funds or activities subject to a provision of law repealed by subsection (a) shall continue to be governed by the provision as in effect immediately before such repeal.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

SEC. 1621. ALLOCATION OF ELDERLY HOUSING AMOUNTS.

Section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)) is amended by adding at the end the following new paragraph:

''(4) CONSIDERATION IN ALLOCATING ASSISTANCE.—Assistance under this section shall be allocated in a manner that ensures that the awards of the assistance are made for projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of frail elderly residents.''.

SEC. 1622. PET OWNERSHIP.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

''SEC. 227. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

''(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payment of a nominal fee and pet deposit by residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 1225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

''(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

''(A) public housing (as such term is defined in section 1103 of the Housing Opportunity and Responsibility Act of 1997);

''(B) assisted with project-based assistance pursuant to section 1601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of the Housing Opportunity and Responsibility Act of 1997);

''(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

''(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

''(E) assisted under title V of the Housing Act of 1949; or

''(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

''(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

''(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).''.

SEC. 1623. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary of Housing and Urban Development shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to the Congress regarding the findings under the investigation. With respect to each such contract, the report shall (1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations, and (2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary of Housing and Urban Development.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary of Housing and Urban Development shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1624. AMENDMENTS TO PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

''CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

''SEC. 5121. SHORT TITLE.

''This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

''SEC. 5122. PURPOSES.

''The purposes of this chapter are to—

''(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

''(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

''(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

''SEC. 5123. AUTHORITY TO MAKE GRANTS.

''The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.''.

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''and around'' after ''used in'';

(B) in paragraph (3), by inserting before the semicolon the following: '', including fencing, lighting, locking, and surveillance systems'';

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to investigate crime; and'';

(D) in paragraph (6)—

(i) by striking ''in and around public or other federally assisted low-income housing projects''; and

(ii) by striking ''and'' after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

''(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

''(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

''(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

''(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.''.

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''drug-related crime in'' and inserting ''crime in and around''; and

(ii) by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (10)''; and

(B) in paragraph (2), by striking ''drug-related'' and inserting ''criminal''.

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

''SEC. 5125. GRANT PROCEDURES.

''(a) PHA'S WITH 250 OR MORE UNITS.—

''(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

''(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

''(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

''(ii) had such application and plan approved by the Secretary.

''(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

''(i) a grant was made under this chapter for the preceding Federal fiscal year;

''(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

''(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

''(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

''(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

''(B) the building or buildings of the public housing agency affected by the crime problem;

''(C) the impact of the crime problem on residents of such building or buildings; and

''(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

''(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

''(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

''(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

''(B) has a continuing capacity to carry out such plan in a timely manner.

''(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

''(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

''(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

''(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

''(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

''(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

''(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

''(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

''(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

''(A) the extent of the crime problem in and around the housing for which the application is made;

''(B) the quality of the plan to address the crime problem in the housing for which the application is made;

''(C) the capability of the applicant to carry out the plan; and

''(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who

received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

''(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

''(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

''(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.''.

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking ''section'' before ''221(d)(4)'';

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

''(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 1103 of the Housing Opportunity and Responsibility Act of 1997.''.

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking ''Cranston-Gonzalez National Affordable Housing Act'' and inserting ''Housing Opportunity and Responsibility Act of 1997''.

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking ''drug-related crime in'' and inserting ''crime in and around''; and

(2) by striking ''described in section 5125(a)'' and inserting ''for the grantee submitted under subsection (a) or (b) of section 5125, as applicable''.

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

''SEC. 5130. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

''(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

''(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

''(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

''(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

''(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.''.

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

''CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME'';

(2) by striking the item relating to section 5122 and inserting the following new item:

''Sec. 5122. Purposes.'';

(3) by striking the item relating to section 5125 and inserting the following new item:

''Sec. 5125. Grant procedures.'';

and

(4) by striking the item relating to section 5130 and inserting the following new item:

''Sec. 5130. Funding.''.

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

SEC. 1641. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF EVICTION.—Any household or member of a household evicted from federally assisted housing (as such term is defined in section 1645) shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years that begins on the date of such eviction, unless the evicted member of the household successfully completes a rehabilitation program; and

(2) in the case of an eviction for other serious violations of the terms or conditions of the lease, for a reasonable period of time, as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL USERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency or owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(A) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public housing for any household that includes any individual who is a sexually violent predator.

(2) SEXUALLY VIOLENT PREDATOR.—For purposes of this subsection, the term ''sexually violent predator'' means an individual who—

(A) is a sexually violent predator (as such term is defined in section 170101(a)(3) of such Act); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of such Act.

(d) AUTHORITY TO DENY ADMISSION TO CRIMINAL OFFENDERS.—Except as provided in subsections (a), (b), and (c) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing (as applicable) determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any criminal activity (including drug-related criminal activity), the public housing agency or owner may—

(1) deny such applicant admission to the program or to federally assisted housing;

(2) consider the applicant (for purposes of any waiting list) as not having applied for the program or such housing; and

(3) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency and an owner of federally assisted housing may require, as a condition of providing admission to the program or admission to or occupancy in federally assisted housing, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain the records described in section 1644(a) regarding such member of the household from the National

Crime Information Center, police departments, other law enforcement agencies, and State registration agencies referred to in such section. In the case of an owner of federally assisted housing that is not a public housing agency, the owner shall request the public housing agency having jurisdiction over the area within which the housing is located to obtain the records pursuant to section 1644.

(f) ADMISSION BASED ON DISABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining eligibility for admission to federally assisted housing, a person shall not be considered to have a disability or a handicap solely because of the prior or current illegal use of a controlled substance (as defined in section 102 of the Controlled Substances Act) or solely by reason of the prior or current use of alcohol.

(2) CONTINUED OCCUPANCY.—This subsection may not be construed to prohibit the continued occupancy of any person who is a resident in assisted housing on the effective date of this division.

SEC. 1642. TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.

Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing (as applicable), shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow the agency or owner (as applicable) to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

SEC. 1643. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

(2) grounds for termination of tenancy shall include any criminal or other activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenant or employees of the owner or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

SEC. 1644. AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) CRIMINAL CONVICTION INFORMATION.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(2) INFORMATION REGARDING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT PREDATORS.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the Federal Bureau of Investigation, a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and any local law enforcement agency authorized by the State agency shall provide to a public housing agency the information collected under the national database established pursuant to section 170102 of such Act or such State registration program, as applicable, regarding an adult applicant for, or tenant of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such State registration agency or other local law enforcement agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(3) DELAYED EFFECTIVE DATE FOR OWNERS OTHER THAN PHA'S.—The provisions of paragraphs (1) and (2) authorizing obtaining information for owners of federally assisted housing other than public housing agencies shall not take effect before—

(A) the expiration of the 1-year period beginning on the date of enactment of this Act; and

(B) the Secretary and the Attorney General of the United States have determined that access to such information is feasible for such owners and have provided for the terms of release of such information to owners.

(4) EXCEPTION.—The information provided under paragraphs (1), (2), and (3) shall include information regarding any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency or owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency or owner and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to a public housing agency or owner is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for federally assisted housing on the basis of a criminal record (including on the basis that an individual is a sexually violent predator, pursuant to section 1641(c)), the public housing agency or owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a). A public housing agency may require an owner of federally assisted housing (that is not a public housing agency) to pay such fee for any information that the agency acquires for the owner pursuant to section 1641(e) and subsection (a) of this section.

(e) RECORDS MANAGEMENT.—Each public housing agency and owner of federally assisted housing that receives criminal record information pursuant to this section shall establish and implement a system of records management that ensures that any criminal record received by the agency or owner is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term ''person'' as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency or owner.

(g) CIVIL ACTION.—Any applicant for, or tenant of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer, employee, or authorized representative of any public housing agency or owner of federally assisted housing, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency or owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or tenant resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION.—For purposes of this section, the term ''adult'' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 1645. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term ''federally assisted housing'' means a dwelling unit—

(A) in public housing (as such term is defined in section 1102);

(B) assisted with choice-based housing assistance under title XIII;

(C) in housing that is provided project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) or pursuant to section 1601(f) of this Act, including new construction and substantial rehabilitation projects;

(D) in housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(E) in housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(F) in housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(G) in housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(H) in housing insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

(I) in housing assisted under section 515 of the Housing Act of 1949.

(2) OWNER.—The term ''owner'' means, with respect to federally assisted housing, the entity or private person (including a cooperative or public housing agency) that has the legal right to lease or sublease dwelling units in such housing.

TITLE XVII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

SEC. 1701. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: '', and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000''.

SEC. 1702. TREATMENT OF OCCUPANCY STANDARDS.

The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

SEC. 1703. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law.

(2) WAIVERS.—In carrying out paragraph (1), the Secretary shall consider and make any waivers to existing regulations and other requirements consistent with the plan described in paragraph (1) to enable timely implementation of such plan, except that generally applicable regulations and other requirements governing the award of funding under programs for which assistance is applied for in connection with such plan shall apply.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000, the city described in subsection (a)(1) shall submit a report to the Secretary on progress in implementing the plan described in that subsection.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the consolidated plan of the city;

(B) identification of regulatory and statutory obstacles that—

(i) have caused or are causing unnecessary delays in the successful implementation of the consolidated plan; or

(ii) are contributing to unnecessary costs associated with the revitalization; and

(C) any other information that the Secretary considers to be appropriate.

SEC. 1704. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) The Secretary may—

''(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

''(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.''.

SEC. 1705. PROHIBITION OF USE OF CDBG GRANTS FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

''(h) PROHIBITION OF USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used for any activity (including any infrastructure improvement) that is intended, or is likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.''.

SEC. 1706. REGIONAL COOPERATION UNDER CDBG ECONOMIC DEVELOPMENT INITIATIVE.

Section 108(q)(4) (42 U.S.C. 5308(q)(4)) of the Housing and Community Development Act of 1974 is amended—

(1) by striking ''and'' after the semicolon in subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and''.

SEC. 1707. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this division should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this division, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 1708. CONSULTATION WITH AFFECTED AREAS IN SETTLEMENT OF LITIGATION.

In negotiating any settlement of, or consent decree for, any litigation regarding public housing or rental assistance (under title XIII of this Act or the United States Housing Act of 1937, as in effect before the effective date of the repeal under section 1601(b) of this Act) that involves the Secretary and any public housing agency or any unit of general local government, the Secretary shall consult with any units of general local government and public housing agencies having jurisdictions that are adjacent to the jurisdiction of the public housing agency involved.

SEC. 1709. TREATMENT OF PHA REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

SEC. 1710. USE OF ASSISTED HOUSING BY ALIENS.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (b)(2), by striking ''Secretary of Housing and Urban Development'' and inserting ''applicable Secretary'';

(2) in subsection (c)(1)(B), by moving clauses (ii) and (iii) 2 ems to the left;

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by striking ''Secretary of Housing and Urban Development'' and inserting ''applicable Secretary''; and

(ii) by striking ''the Secretary'' and inserting ''the applicable Secretary'';

(B) in paragraph (2), in the matter following subparagraph (B)—

(i) by inserting ''applicable'' before ''Secretary''; and

(ii) by moving such matter (as so amended by clause (i)) 2 ems to the right;

(C) in paragraph (4)(B)(ii), by inserting ''applicable'' before ''Secretary'';

(D) in paragraph (5), by striking ''the Secretary'' and inserting ''the applicable Secretary''; and

(E) in paragraph (6), by inserting ''applicable'' before ''Secretary'';

(4) in subsection (h) (as added by section 576 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208))—

(A) in paragraph (1)—

(i) by striking ''Except in the case of an election under paragraph (2)(A), no'' and inserting ''No'';

(ii) by striking ''this section'' and inserting ''subsection (d)''; and

(iii) by inserting ''applicable'' before ''Secretary''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) may, notwithstanding paragraph (1) of this subsection, elect not to affirmatively establish and verify eligibility before providing financial assistance''; and

(ii) in subparagraph (B), by striking ''in complying with this section'' and inserting ''in carrying out subsection (d)''; and

(5) by redesignating subsection (h) (as amended by paragraph (4)) as subsection (i).

SEC. 1711. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and'';

(2) in paragraph (9)(F), by striking ''and'';

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.''.

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

SEC. 1712. CONVERSION OF SECTION 8 TENANT-BASED ASSISTANCE TO PROJECT-BASED ASSISTANCE IN THE BOROUGH OF TAMAQUA.

For the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, the Secretary of Housing and Urban Development may require the public housing agency to convert the tenant-based assistance under section 8 of the United States Housing Act of 1937 to project-based rental assistance under section 8(d)(2) of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2). The tenant-based assistance covered by the preceding sentance shall be the assistance for families who are residing in the project on the date of enactment of this Act and who initially received their assistance in connection with the conversion of the section 23 leased housing contract for the project to tenant-based assistance under section 8 of such Act. The Secretary may not take action under this section before the expiration of the 30-day period beginning upon the submission of a report to the Congress regarding the proposed action under this section.

SEC. 1713. HOUSING COUNSELING.

(a) EXTENSION OF EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking ''September 30, 1994'' and inserting ''September 30, 1999''.

(b) EXTENSION OF PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended by striking ''fiscal year 1994'' and inserting ''fiscal year 1999''.

(c) NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.—

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

''(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).''.

SEC. 1714. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed in its existing condition under a public benefit discount to a non-profit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the Government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such non-profit organization to provide housing for low- and moderate-income families or individuals.

(b)(1) PUBLIC BENEFIT DISCOUNT.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) REVERTER.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) DEPOSIT OF PROCEEDS.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

SEC. 1715. EFFECTIVE DATE.

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

H.R. 4194

OFFERED BY: MR. GREENWOOD

AMENDMENT NO. 13. Page 58, line 25, insert before the colon the following: '', except that this proviso shall not apply to any action authorized by law''.

H.R. 4194

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 14. Page 17, line 25, insert ''(increased by $183,000,000)'' after ''$10,240,542,030''.

Page 20, line 22, insert ''(increased by $183,000,000)'' after ''$100,000,000''.

Page 24, line 2, insert ''(decreased by $183,000,000)'' after ''$3,000,000,000''.

H.R. 4194

OFFERED BY: MR. RIGGS

AMENDMENT NO. 15. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated by this Act may be provided to the City of San Francisco because the City requires, as a condition for an organization to contract with, or receive a grant from, the City, that the organization provide health care benefits for unmarried, domestic partners of individuals who are provided such benefits on the basis of their employment by or other relationship with the organization.

H.R. 4194

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 16. Page 52, after line 2, insert the following new section:

SECTION 8 CONTRACT RENEWALS FOR MODERATE REHABILITATION PROJECTS

SEC. 210. Section 524(a)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended, in clause (iii) of the matter that precedes subparagraph (A), by striking ''the base rent'' and all that follows through ''Secretary'' and inserting the following: ''the aggregate current contract rents, adjusted by an annual operating cost adjustment factor established by the Secretary, not to exceed the aggregate published fair market rent for the market area for the unit mix in the project''.

H.R. 4194

OFFERED BY: MR. SANFORD

AMENDMENT NO. 17: Page 76, line 24, strike ''2,745,000,000'' and insert ''2,545,700,000.''

Page 90, line 18 strike ‘‘, and $70,000,000 is appropriated to the National Science Foundation, ‘Research and related activities’.’’ and insert ‘‘.’’

H.R. 4194

OFFERED BY: MR. STOKES

AMENDMENT NO. 18: Page 18, line 14, after the dollar amount, insert the following: ‘‘(reduced by $97,000,000)’’.

Page 20, line 22, after the dollar amount, insert the following: ‘‘(increased by $97,000,000)’’.

H.R. 4194

OFFERED BY: MR. STOKES

AMENDMENT NO. 19: Page 61, line 13, strike the colon and all that follows through ‘‘expenses’’ on line 20.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed God, we are inspired by Daniel Webster's statement that the greatest conviction of his life was his accountability to You. We ponder that. How would we live today if our dominant thought throughout the day were to be our accountability to You. Help us to play our lives to an audience of One, to You, dear God, seeking first and foremost to please You. We've discovered that real freedom comes when we seek to glorify You and not ourselves, when we are more concerned about what You think of us than what others say about us, and when we are guided by Your truth more than the shifting opinions of others. May this be a day to press forward with resoluteness and resiliency. Through our Lord and Savior. Amen.

The PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

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 PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MCCAIN. Mr. President, this morning the Senate will be in a period of morning business until 9:20 a.m. Following morning business, the Senate will recess until 11 a.m. to allow the Senate to proceed as a body to the House Chamber for a joint meeting to receive an address by the President of Romania.

When the Senate reconvenes at 11 a.m., under the previous order there will be 3 hours for debate equally divided on a Daschle amendment regarding marketing assistance loans. It is expected that some debate time will be yielded back, and therefore the first rollcall vote of today's session is expected to occur prior to 2 p.m. It is expected that the Senate will work late into the evening, with votes, in an effort to complete action on the agricultural appropriations bill.

As always, the Senate may also turn to the consideration of any other legislative or executive items cleared for action.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

Mr. MCCAIN. Mr. President, as under the previous order, I would like to take my 5 minutes.

The PRESIDENT pro tempore. The Senator is recognized.

THANKING THE SENATOR FROM SOUTH CAROLINA

Mr. MCCAIN. Mr. President, first of all, I would like to extend my deep appreciation to the President pro tempore, the Senator from South Carolina, for coming in earlier than the usual hour this morning. I am grateful to him. And I am also very pleased to have the opportunity to be working with the Senator from South Carolina as we move forward on completion of the very important Strom Thurmond defense authorization bill. I am eternally grateful to him for the many kindnesses he has extended to me, now for more years than he and I would like to recount.

INTERNET SCHOOL FILTERING ACT

Mr. MCCAIN. Mr. President, in today's USA Today there is an article which states there is a possibility that on a live site, a web site—and I emphasize ''possibility''; that is being advertised—that two 18-year-olds will have sex live on the Internet on August 4.

It also noted that there is considerable doubt about the validity of this web site and, in fact, the entire site may be a hoax. For the sake of this Nation, I hope it is nothing but a hoax. If it is, it is neither clever nor humorous, and if it is not, then something has to be done, I think, to protect our children from witnessing this event.

Again, I want to emphasize, I hope that this is a hoax and nothing more. But what it does is highlight the problem that exists concerning the proliferation of pornography on the Internet, some of that pornography being child pornography and some of it being the kind of obscenity that the U.S. Supreme Court has stated is beyond constitutional protections.

Mr. President, I ask unanimous consent that the article in this morning's USA Today be printed in the RECORD. It is entitled ''Net to break ground in virgin territory; But many suspect site is hoax.''

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, July 15, 1998]

NET TO BREAK GROUND IN VIRGIN TERRITORY—BUT MANY SUSPECT SITE IS HOAX

(By Karen Thomas)

Thought a woman giving birth on the Internet was outrageous?

Now a Web site is saying it will broadcast a couple, purported to be 18-year-old virgins named Mike and Diane, having sex for the first time Aug. 4.

But many posting messages on the site were skeptical. ''This page is a money-making hoax,'' wrote one visitor. ''Mike and Diane are 36-year-old porn stars.''

Visitors also noted that the couple, pictured in bathing suits with faces obscured, looked too perfect and well-developed to be average 18-year-olds. Other details sounded like a soap opera script: They haven't told their parents their plans; one father is a minister; the teens are both honor students

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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and ''All-American'' kids; they're both active in school and church. Neither was available to talk to reporters Tuesday.

The idea for the stunt was Diane's, says Oscar Wells, a California Web page designer who says he met Diane in an on-line chat room during the Internet birth last month. ''She thought (the birth) was educational but said if they showed someone making love, it would be considered obscene. She made the offhand remark, 'If I could, I'd lose my virginity on line to make the point.' I said, 'If you're serious, I can facilitate that.'''

The ''Our First Time'' site is hosted by Wisconsin-based The Enchanted Web. Owner Craig Brittan says most of his customers are adult Web sites.

Among those expressing outrage Tuesday was Sen. John McCain, R–Ariz., who called the announcement ''disgraceful . . . garbage.'' He is the sponsor of a bill that would require libraries and schools receiving federal funds to install filtering software on public computers. ''This will provide the impetus to get legislation done.''

Mr. MCCAIN. Mr. President, we are not talking about censorship here. I want to emphasize, I do not support censorship in any form, and we are not talking about that. What we are talking about is legislation that would require schools and libraries to have some kind of filtering device on their computers. Children are not allowed into ''Adult Only'' stores that sell and make available adult material. Children are not allowed to purchase ''Adult Only'' magazines. And our society has decided, in its collective wisdom, that we should let children be children as long as possible and not expose them to certain activities and events.

If individual parents want to make such information available to children, that is their choice. I do not begrudge them that. But children should not be allowed to enter school or a public library and gain access to material that their parents would never allow them to see and that most in society believe is inappropriate for those who are yet to be adults. It is for that reason I urge my colleagues to support and pass soon S. 1619, the Internet School Filtering Act. Senator HOLLINGS, the ranking member of the committee, along with Senators COATS and MURRAY, has joined me in introducing this legislation. I thank them for their support.

A Government program known as the e-rate provides Federal subsidies to schools and libraries so that they can receive discounted Internet access. This legislation would require these institutions benefiting from this program to restrict children's access to harmful Internet content through the use of a filtering device on their computers.

These institutions would be free to choose from a myriad of filtering tools that are now available, and they alone would determine what materials are inappropriate for children based on local community standards.

The Commerce Department recently found that more than 100 million people are now using the Internet and Internet usage is doubling every 100 days. We can expect children to comprise a large portion of these new users as the e-rate and other Government and private programs help make Internet access possible for schools and libraries across the country.

What troubles me is that schools and libraries are availing themselves of enormous Government subsidies to make the Internet more accessible to children, and at the same time they are attempting to undermine our effort to protect our children from harmful on-line material.

From the outset, these groups have opposed the legislation and have argued in favor of an ''acceptable use policy.''

I don't agree that would be an adequate means of protecting children from the thousands of pornographic sites available on the World Wide Web. I believe implementing a use policy alone would be completely ineffective.

Mr. President, we must act now to require the use of filters. We must take immediate steps to prevent the Internet from doing more harm than good by bringing such offensive materials into our Nation's schools and libraries.

Again, I submit for the RECORD material off a web site called ''Our First Time,'' which is entitled, ''Tuesday, August 4, 1998, World and Internet History Will Be Made,'' and it begins, ''Come and meet Diane and Mike, two 18-year-old honor students.''

I ask unanimous consent that this web site material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUR FIRST TIME

ON TUESDAY, AUGUST 4, 1998 AT 6 P.M. PACIFIC TIME, WORLD AND INTERNET HISTORY WILL BE MADE!

Come and meet Diane and Mike, two 18 year old ''Honor'' students who have recently graduated from high school, and are looking forward to starting college in the fall. They are as close to being ''typical All-American'' kids as you can get. Active in school and church. Well liked by family, friends, and their community—but sexually, they are both virgins. Their lives are going to change in a unique and dramatic way. They are about to leave the safety of youth, accept the challenges of adulthood, and take that frigthening . . . but wonderful, step into adult sexuality. There's one big difference . . . they are going to let the world come along and witness their lives over a 18 day period as this adventure unfolds, when they lose their virginity together. . . .

WHY ARE THEY DOING THIS?

Recently, Diane & Mike witnessed the live birth of a child on the Internet. They then decided to make this point—

''The live birth of a child on the Internet was a beautiful event. We want to show that the act of making love, which is the first step that brought that live birth about, is just as beautiful—and nothing to be ashamed of.''

The ''Our First Time'' website will open on July 18, 1998—and will follow the daily adventures of Diane & Mike for 18 days, as they meet the challenges of making their ''statement of love'' on August 4.

Mr. MCCAIN. Mr. President, I hope this is a hoax. I hope it is not true. If it is true, then I can't tell you how disturbed all of us should be and will be, but it is also indicative that if even a hoax like this, if it is a hoax, should be proposed, it shows there is a significant problem in America today.

Mr. President, I hope we will do something about it. I thank the Chair.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this morning to join my colleague from Arizona, Senator MCCAIN, in urging the Senate to adopt S. 1619, the child-safe Internet bill.

Since I have been here for the last 6 years, I have worked long and hard to get computers and technology into our schools. I have sponsored legislation to allow surplus Government computers to be put into schools. I have worked hard to have the e-rate established so that many of our schools can be connected to the Internet. I have been out in schools, and I know personally what a great educational tool the technology and Internet system is that we have available today.

I want our students and I want our teachers to have access to this information. But Senator MCCAIN is absolutely correct. There is a small amount of information on the Internet that should not be there to which our young children have unfettered access.

S. 1619, the child-safe Internet bill, simply requires any school or library that uses the e-rate, uses taxpayer money to put technology in, be required to have a filtering device so that inappropriate material is not seen by young children.

The filtering device is a local control device. The school district—the schools—will determine which filtering device and how to use it at their own school. The same with the libraries.

This is an issue on which I have worked long and hard. I care deeply about the fact that many of our young children today and, frankly, many of our parents want to use the Internet but they don't know how to without getting into information or having their children have access to information that is simply inappropriate.

I talked with a seventh grade teacher several weeks ago who turned off the Internet in her classroom because she said it is simply impossible to watch 30 young students at their computers all of the time. She did not want a situation where a child got into a pornographic or inappropriate site, went home, complained to their parent, have a parent come screaming back to her classroom, and she would be responsible for that. She turned off the Internet.

This is going to cause concern among all of our educational facilities across our country if teachers don't have the kind of information available without a filtering device.

The bill is simple. It is common sense. It is the right way to go, and I

urge all of our colleagues to push to have this bill come to the floor and to pass it. It is the right way to go.

I did oppose the CDA Act from several years ago. I knew it was unconstitutional. I knew it would be thrown out. We cannot afford to go through that kind of debate again. This is a problem that needs to be answered today, and the child-safe Internet bill does it in a commonsense, safe way. Most parents would not send a child to a playground in their local community unsupervised. We cannot allow our young children to be in the Internet unsupervised. The child-safe Internet bill is the right way to go. It is a local control way to make our technology work for all students, and I urge all of my colleagues to be supportive of this approach. I urge our leadership to bring it to the floor as soon as possible.

Thank you, and I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am proud to stand and join my colleagues from Arizona and Washington in voicing concerns about the spread of pornography on the Internet and the general direction in which the information superhighway is moving.

Like my colleagues, I am very troubled by the story that USA Today carried this morning about a particular web site—www.ourfirsttime.com—that is promising to broadcast a video feed of two 18-year-old high school graduates having sexual intercourse for the first time as it happens next month.

As Senator MCCAIN indicated, it may be that this site is a hoax, but it makes a statement about the Internet and the values in cyberspace which is all too real, because it shows that there are practically no stop signs on the information superhighway.

The important point here is that two teenagers could quite easily decide to do this and invite every wired American child effectively to a live sex show, regardless of their age, which tells us that there are no recognizable boundaries in cyberspace, no common standards of decency or taste, or any shared sense of accountability. Anyone can do just about anything, and they often do.

This is no revelation to experienced ''netizens'' who are well aware of the wide array of sites concerning bomb-making, bestiality, and many other expressions of antisocial behavior and deviancy. They know that the net, while offering incredible riches of information, education, and communication, has also managed to catch just about every form of depravity and antisocial behavior and put it on display for all the world and our children to see.

Yet, for many nonwired Americans, the extremes of online perversity may be news, and these citizens, particularly the parents, have every right to be fearful about what is lurking around the net's next corner.

What they will find, I am afraid, is not just more and more pornography for kids to latch on to, but less and less moral certainty, fewer bright lines of right and wrong, the kind that are critical to living in a free, decent, civil society. One of those bright lines we never used to question was our responsibility as adults to protect our children from harm, both physical and moral, which meant shielding them from violence and carefully setting sexual boundaries for them as they grow.

In recent years, our commitment to this common value seems to have weakened, giving rise to a popular culture that is replete with gunplay and foreplay, with violence and public displays and comments on all forms of sexual behavior, and it teaches children the worst kind of lessons about what is acceptable. Today, unfortunately, this extraordinary development in our lives, the Internet, which has so enriched our lives in so many ways, has also become the highest tech distillation of this anything-goes mentality.

Senator MCCAIN and Senator MURRAY have been forceful advocates for drawing basic lines of online decency and setting basic standards of online behavior. I applaud their leadership on this front. In particular, I appreciate their efforts to promote responsible use of the Internet at schools and libraries. I hope we have a chance to consider their legislation on the floor soon.

Mr. President, in the best of all worlds, which is to say what we hope this online world might be, the responsibility for drawing lines and setting standards really should fall to the leaders of the Internet community.

I have said over and over again in my comments about television and video games and records, for instance, that I am extremely reluctant to resort to governmental restrictions on speech or any forms of expression and much prefer self-regulation. Also, given the sophistication of the net's underlying technology, I doubt that a legally mandated solution to the pornography problem will be as effective as we would want it to be in reaching our common goal of protecting children.

It was for these reasons that I voted against the Communications Decency Act, and it was for those reasons that I recently began working with Representative RICK WHITE of Washington State to push the Internet community to get moving on this issue. Nine days ago, we sent a letter to the major participants in last December's Online Summit expressing our concern about the industry's lack of action and calling on them to collaborate on a comprehensive plan to help parents keep their kids safe online. We made it clear that we did not want to pursue legislation but that we, along with a host of other Members of Congress from both parties, would have no choice but to vote for Government standards if the industry did not respond with an effective solution.

So, in sum, Mr. President, we are still waiting for a response to our letter. My hope is that the news about the ''our first time,'' and the forcefulness of the statements we are making today, will help to focus the Internet community's attention on the seriousness of this problem and prod them to produce some tangible results. In the meantime, I hope our comments will raise the awareness of America's parents about the threat that the Internet can pose to children and encourage them to pay closer attention to their children's online activities.

I thank the Chair, and I yield the floor.

Mr. MCCAIN. Mr. President, I believe there is no further business before the Senate. I move we——

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I just want to join my colleagues here in urging our leaders and urging the Senate to move forward on legislation that has been debated and discussed and passed by the Senate that needs to be revisited. The Supreme Court struck down language I offered more than a year ago that was passed by this body by a 84–16 margin, passed by the House of Representatives, and signed by the President of the United States.

That legislation attempts to address the commercial purveyors of pornography over the Internet—as invasive a practice as anything that we have seen. It makes the corner pornography shop pale in comparison in terms of access to some of the rawest, most explicit material that is available today, and it makes it available to children through the click of a mouse—in their room, in their home room, in their library, wherever a computer terminal is placed. It is easy access.

In fact, it is an invasive practice that even the most innocent of typed-in requests can bring a flood of material that should never be accessible to children. It is even questionable whether it should be accessible to adults. The first amendment puts some pretty severe restrictions on us in terms of what we can do.

We carefully drafted and designed our Internet pornography bill to address first amendment concerns. For some reason, the Court chose to distinguish the Internet from other forms of communication, and the very standard which the Court approved for telephone dial-a-porn messages was rejected for computer messages, saying that the Internet is a completely different mode of communication, not as invasive as the telephone.

I think the Court is behind the times in terms of understanding how the computer works. I understand that. I am of the generation that is not quite sure even how to turn the thing on. For the younger generation, it is as easy and accessible and as comfortable for them to operate as for those of us who learned to drive a car when we were

young or the technology that we adapted to in our generation.

Nevertheless, the Court has ruled. We took that ruling. We modified the language to comply with the Court's restrictions. I have been attempting to bring this bill to the floor for several months. We have been blocked in doing so, not because it does not enjoy a majority of the vote but because the computer industry and the Internet industry do not want any restraint whatsoever.

We are trying to protect the innocence of children. We are trying to give parents a tool by which they can protect their children. We are trying to put penalties in place which will allow us to enforce restrictions against commercial purveyors of pornography that is harmful to minors. We have revised the standard to comply with the Supreme Court dictates, and we trust that this new legislation will pass Court muster. But in order to do so, it has to pass this body first. I think we are at the point of resolving the holds and the differences of opinion on how to proceed with this legislation.

Senator MCCAIN has legislation which provides access to software packages that are a help, but an imperfect help, in terms of dealing with the problem. I have legislation which I guess would be described as a stick to go along with the McCain carrot, the hammer to lay down the enforcement and put the penalties in place, put the restrictions in place. I think the two are very necessary for us to try to get a handle on this problem. It will not fully solve the problem.

The first line of defense has to be the family. It has to be the parents, has to be their oversight of what their children have access to—not only in the home but in the school, in the library. It is disappointing that schools and libraries—in particular, library associations—have opposed what we are trying to do. We think we have a consensus now on how to move forward. I am pleased that we are closing in on that and urge our colleagues to support the efforts that will take place shortly.

Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 11 a.m.

Thereupon, at 9:26 a.m., the Senate recessed until 11:00; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUTCHINSON).

The PRESIDING OFFICER. In my capacity as a Senator from the state of Arkansas, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2159, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2159) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3146, to provide a safety net for farmers and consumers regarding marketing assistance loans.

AMENDMENT NO. 3146

The PRESIDING OFFICER. Under the previous order, there will now be 3 hours' debate on the Daschle amendment numbered 3146.

Under the previous order the Senator from Mississippi, Mr. COCHRAN, is recognized.

Mr. COCHRAN. Mr. President, as I understand it, the time is equally divided. In view of the fact that this is an amendment offered by the Senator from South Dakota, I presume he or some other person who supports his amendment will come to discuss the provisions of the amendment for the benefit of the Senate.

Until that time arrives, if I suggest the absence of a quorum, I believe time would run equally against the proponents and the opponents of the amendment, is that correct?

The PRESIDING OFFICER. That would require unanimous consent.

Mr. COCHRAN. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MAX FISHER, OF MICHIGAN

Mr. ABRAHAM. Mr. President, I rise today to actually announce to the Senate and to, at least from a distance, celebrate the 90th birthday of one of the great citizens of my State of Michigan, and also one of the truly great citizens of America, Max Fisher.

Mr. Fisher is a friend of many of us who have served in public office—certainly in Michigan, and even here at the national level—because of his longstanding involvement in the political process. But he is much more than a political activist, he is a business leader of great renown, having built very successful companies in our State and around the country. He has grown those companies and employed many, many Americans in a variety of different functions.

After establishing his business success, he then turned his attention to our State of Michigan and, most particularly, to his hometown of Detroit. There, for the last several decades, he has been one of the community's great leaders, very much involved in the development of Detroit, the rebirth of Detroit after the riots in that city in the sixties. He has been very active in the governance of southeastern Michigan in a variety of ways, investing his own time and resources in many worthwhile causes aimed at making certain that the Detroit metropolitan area remained a strong, economically vibrant, compassionate community, which it is today.

Mr. Fisher's involvements go beyond, however, his own hometown. He became active in the political process in the early 1960s. He became very involved in the activities of the then Governor George Romney, and then through that he began an involvement with the Republican Party on a national level. His interests, however, transcended his party. It clearly is an interest born of a love of this country and of the issues we confront. As a consequence, he has served as an advisor to many who have held office, both in the U.S. Senate and in the House of Representatives, and even the Presidency itself. He has been a close advisor and a close friend to Presidents Nixon, Ford, Reagan, and Bush, and I believe also some on the other side of the aisle as well. Indeed, tonight, at a celebration of his 90th birthday, several of our former Presidents will be in attendance to demonstrate their friendship and admiration for him.

Max Fisher's interests have gone beyond the shores of the United States as well. He is a great champion of the nation of Israel. He has played a very active role in the American Jewish community, various organizations and foundations; and, through several of those, he has provided a great deal of support and assistance to the development of the nation of Israel. I know that he is held in great esteem there as he is here in the United States.

His interest in others transcends just one particular cause. It basically applies to virtually every cause I am familiar with. His name is inevitably linked to charitable organizations, to

foundations, and various other community service entities in our State, as well as across this country, that try to make America and Michigan better places to live and better places to raise families.

In any event, Mr. President, Max Fisher has led a great life, and he has contributed much during that life to all of us, and to his nation in particular. So I wish to pay tribute to him on the event of his 90th birthday and also to pay tribute to him for the many things he has done to advance us, whether it is in the political arena, the business arena, the charitable arena, or a variety of others. Unfortunately, because of our schedule, I will not be able to participate in the events this evening that will commemorate his birthday. I know that I speak for a number of our colleagues, who have friendships with Max, in sending him, on all of our behalf, warm congratulations on this important event.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Under whose time is the quorum call?

Mr. ABRAHAM. Mr. President, I yield it on the basis of the time that has been yielded under the previous quorum call.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Parliamentary inquiry: Does the order provide for a quorum call?

The PRESIDING OFFICER. The unanimous consent agreement called for the time to be counted equally against each side.

Mr. BUMPERS. I ask unanimous consent, with the permission of the Senator from Michigan, to divide the time of the quorum call between the two parties, the proponents and the opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I thank the Chair.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that Dan Weiner, who is an intern in my office, be allowed to be in the Chamber during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 3146

Mr. President, I ask unanimous consent that a letter from Wally Sparby, who is the State executive director of the Minnesota Farm Service Agency be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE, FARM SERVICE AGENCY, MINNESOTA STATE OFFICE,
St. Paul, MN, June 30, 1998.

DAN GLICKMAN,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: Please find attached copies of letters received from several County Committees requesting that CCC commodity loans be extended. The Minnesota State FSA Committee is also requesting your assistance and support. Minnesota producers are facing an economic crisis and conditions will continue to deteriorate without assistance.

Market rates have dropped drastically. The last week of June 1995 producers were receiving an average market price of $2.50 for corn. In the last week of June 1996 corn markets were averaging $4.50 and in 1998 the corn price has dropped to an average $1.92 per bushel. The same is true of wheat. The last week of June 1995 the average market price was $4.50 per bushel; in 1996 the average was $5.60 per bushel and in 1998 the price has dropped to an average of $3.25 per bushel. Producers have no control over market prices and the Federal Agriculture Improvement and Reform Act of 1996 and limited the marketing tool provided by the CCC commodity loan program.

Due in part to Minnesota's geographic location, transportation can be a major problem. Elevators are indicating there will be a shortage of transportation and storage this fall. As of June 29 there were 13.4 million bushels of wheat, 153.9 million bushels of corn, 31.3 million bushels of soybeans, and 3 million bushels of barely under CCC loan. There are also oats, flaxeed, sunflowers and canola under CCC loan in Minnesota. Of that total 191.2 million bushels and cwt. will mature between July 31, 1998 and December 31, 1998. CCC is already taking delivery of barley and we believe other grains will follow when loans mature. Elevators have indicated that they will be unable to take delivery of grain when the 1998 harvest begins. Harvest will coincide with loan maturity dates creating a major storage problem.

The CCC Commodity Loan Program is a marketing tool. Historically CCC commodity loans have provided producers with a chance to market their grain while obtaining capital at a reasonable interest rate. Prior to two years ago loans could be extended during periods of market downturns thus providing producers the flexibility to store their grain until the markets improve. Programs also provided for interest forgiveness and storage payments during market downturns.

Extension of CCC loans will only help producers if storage is available, if interest does not continue to accrue of the loans and if there is some type of income to sustain producers until the markets improve. We are proposing and asking for support of a farm storage facility loan program and the extension of CCC commodity loans. To provide a safety net we propose that when market rates reach a certain low that producers be paid storage and that interest stop accruing on CCC commodity loans. A summary of our proposal is attached.

We are also asking for full support of the proposal to remove the ''cap'' on corn and wheat loans. The Federal Agriculture Improvement and Reform Act of 1996 which ''capped'' the loan rate has resulted in loan rates below the five year average (dropping the high and low years). Historically local market have followed the CCC loan rate. It has only been in the past couple of years that has not been true. Higher loan rates would influence an improved market price for commodities.

We believe that in many cases these changes could mean the difference between the continuation of the family farm and liquidation.

We appreciate your consideration.

Sincerely,

WALLY SPARBY,
State Executive Director,
Minnesota Farm Service Agency.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I speak in favor of this amendment introduced by Senator HARKIN and ask unanimous consent that if I am not already, I be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. This amendment will lift the cap on the farmer's marketing loan rate and extend the loan repayment period from 9 months to 15 months. That sounds very impersonal, to lift the cap on the loan rate and extend the repayment period, but I say to my colleagues—and I know my colleague from North Dakota, Senator DORGAN, will speak about this as well—this proposal goes to the heart of what we must do this week if we are to respond to the economic pain, and for that matter, the personal pain, of many farm families in our country.

I will be going to another farm crisis meeting in Granite Falls, MN, in western Minnesota, this Saturday. I am hoping and praying I can come back with a report that we have been able to take some action that will give farmers some hope—it is really a desperate situation.

Wally Sparby, who is the director of the Farm Service Agency in Minnesota, is predicting that on the current course—and we have to change the course—we could see about 20 percent of the farmers in serious trouble. That is a lot of farmers in the State of Minnesota. Agriculture is very important to my State. From 1996 to 1997, we saw about a 38-percent drop in farm income.

When I talk to farmers at gatherings, or when I am in cafes in Minnesota, I think the one thing they talk about more than anything else—and I imagine you hear the same thing in Arkansas—is price. That is really the key thing—a fair price in the marketplace. That is what farmers are asking for. They are saying, give us a fair shake.

Now, unfortunately, that is not what is happening, and I believe that one of the mistakes that was made in the 1996 Freedom to Farm Act, which I called then the ''Freedom to Fail Act''—and I wish I could be proven wrong, but unfortunately I think the evidence which is staring us in the face proves me right—while we gave farmers the flexibility in planting, which I am all for,

the problem is that the loan rate which sets the floor price is set at such a low level. Right now, the 1996 farm bill caps the price at an extremely low level artificially. The rate is $1.89 per bushel of corn and $2.58 for wheat. No one can cash-flow or stay in business at these prices.

Since market prices are now, in fact, nearly down to those levels for corn and for wheat, that is exactly why we have this crisis which we are calling an emergency. So far in Minnesota this year the average price for corn has been under $2 a bushel and it has been about $3.25 for wheat. In the wheat-producing parts of Minnesota, those low prices have combined with the bad weather and scab disease to create truly dire economic conditions.

What I want to say to colleagues, and what I want to say to people in our country is that right now $2 a bushel for corn and $3.25 for a bushel of wheat is way below the cost of production. Farmers cannot make it—nobody can make it—at these prices, unless you are a huge conglomerate that can weather low prices while family-sized farms get driven out, and then you can buy up that land. But for the Midwest and for other parts of the country as well—this is not just a regional issue—for all of us who value the family farm structure of agriculture where the people who farm the land live there and live in the community, this is a crisis all to be spelled out in capital letters.

What our farm policy used to be was that when the prices were good, you let the market pay the farmers. When the market wasn't so good, you would help stabilize income by holding the market price up. Freedom to Farm changed that. In other words, the loan rates gave the farmers some leverage vis-a-vis the huge grain companies because, if the prices were down, farmers just held on because they knew at least they would get this loan at this price. But, of course, the grain companies needed the grain so they would have to pay more. That set the price for the farmers.

Now, what we have done with this cap is we have set the loan rate at such a low level, the prices are plummeting, people cannot make it at these prices and therefore they are going under. This is a matter of elementary justice.

This amendment that I speak in behalf of lifts the cap on the loan rate. That means that the loan rate would rise to $2.25 for corn and $3.22 for wheat. This is still too low a price.

I see my colleague from North Dakota in the Chamber. If we at least do that, combined with extending the period that the farmers can hold on for another 6 months, extend the loan rate period, then I think we can begin to lift the market prices.

Now, I would like to raise the loan rate further, and Senator DORGAN and I may be back in the Chamber to talk about this later or to take action on this later. I think it should be something like at least $3 for corn and $4 for wheat, at least for a targeted level of production, which would be a family farm level of production.

But I want to make it crystal clear that at the very minimum what we have to do this week—this is very reasonable; this is a 1-year emergency—is take the cap off the loan rate to begin to get the prices going up, extending the period for the loan rate, making sure that there is some indemnity payment, some disaster relief for farmers that have been hit by this disaster of low prices, bad weather, scab disease. This is all targeted, all focused on a disaster in rural America, in agricultural America, and this for us, for those of us who come from the farm States, is a matter of huge importance. There is no more important amendment that we could be speaking for than this amendment.

Mr. President, I just want to speak to one argument that has been made on the floor, and that is the argument that trade is the answer. I am for trade. In fact, I wish we had fairer trade for agriculture. But I find it surprising that some so-called advocates for farmers are in a big hurry to grant fast track negotiating authority.

My question is, For what? If we export more bushels of corn, or more bushels of wheat, at a loss, how does that do the farmer any good? I say to my colleague from North Dakota, it is sort of confusing to me. If, in fact, the prices are so low that the farmers in our States are losing on every bushel of corn or every bushel of wheat they produce, how does it help them to produce more bushels of corn or more bushels of wheat? It makes no sense at all.

Mr. DORGAN. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. DORGAN. I wonder if the Senator from Minnesota remembers a couple of years ago this Congress—or a Congress passed a new farm bill, one that I voted against and one he voted against. Do you remember, following the passage of the new farm bill, some of the large corporate agricultural interests were celebrating? They said, ''We won.'' The big corporate agricultural interests said they won. So they were having a big celebration.

It is not surprising, then, back when they were trying to push this kind of farm bill through, that those of us who voted against this farm bill said, ''You are pulling the safety net out from under family farmers.''

You have minimum wages for folks who work at the bottom of the economic scale in town. What they were trying to do 2 years ago, with the farm bill, is the same as saying to the minimum wage earners: Let's cut the minimum wage to a buck an hour and call it ''freedom to work.'' It would be the same thing on minimum wage: Let's cut it to a dollar an hour and call it ''freedom to work.''

What they said to farmers was: Let's pull your safety net out from under you and call it Freedom to Farm. What a bunch of baloney. Then prices collapsed, we have crop disease, we have disaster, we have family farmers going broke in record numbers, so many that we don't have enough auctioneers to handle the sales in North Dakota, and now we are back here a couple of years later and folks say, ''Gee, the farm bill is working just fine.'' It is not working just fine. This is not an accident. We don't have price supports that are sufficient.

I would say the amendment before us, offered by the minority leader, is the most modest of amendments. We ought to go, at a minimum, to $3.75 or $4 on a marketing loan, triggered to the first 20,000 bushels of wheat produced, so that you target some reasonable support to family farms and say, with that, that family farms matter, they have merit and worth and value in our society.

Does the Senator recall, a couple of years ago, the celebration by the corporate interests in agriculture over the passage of that farm bill?

Mr. WELLSTONE. Mr. President, in reply to my colleague from North Dakota, I also want to ask my colleague to focus his attention for a moment on the original United States-Canadian trade agreement superseded by NAFTA and ask him how well our wheat growers have fared by that agreement.

Those who are talking fast track without a fair trade agreement for farmers—I want to raise a question about that in a moment. But let me say to my colleague, the thing I find maddening right now—and I hope I am wrong—is that, yes, obviously, if the farmers don't have the leverage and they can't get the price, it is great for the grain companies; they get to buy from the farmers at record low prices. The problem is that I think a lot of colleagues are not willing to revisit this question. In other words, we voted for what was called Freedom to Farm. We set the loan rate at such a low level, the prices have plummeted, and what I worry about is that somehow this amendment becomes a referendum on Freedom to Farm. It is not.

For those colleagues, Democrats and Republicans alike, who supported the Freedom to Farm bill—fine; we can continue to agree or disagree. But for right now, given the fact that prices are way down, all we are saying in this amendment is, for 1 year, as an emergency measure, take the cap off so we can get the loan rate up, so we can get prices up. Combine that with indemnity payments and a couple of other measures, but in particular these two measures, and we can help get farm income up and enable people to stay on the land and not be driven off their land. That is what it is all about. In other words, time is not neutral. We are confronted with the fierce urgency of now.

I would say to colleagues, I am willing to debate trade policy. Personally, I don't think the United States-Canadian agreement has worked well at all

for our wheat farmers. Nor has NAFTA—it has been a terrible agreement, a terrible agreement. You can ask the farmers about that.

But above and beyond any debate about trade policy today, above and beyond the overall debate about the Freedom to Farm bill, let me just simply make this appeal to everybody who is out here. For right now, can't we at least reach some common agreement on some emergency measures that we can take? The fact of the matter is, you can export more bushels of corn and more bushels of wheat, but if the price is so low it is costing the farmers more to produce that bushel of corn than the farmer is getting for that bushel of corn or bushel of wheat, they go further and further in debt.

At least let's get the floor up. At least let's get the price up. At least let's get the disaster payments out there. If we do that, then we will have taken some action that will be concrete, will be real, and can make a difference. There is a lot more I would like to say about what I call the ''freedom to fail'' bill. I am a critic of it. I think it is a terrible piece of legislation. I said it then; I will say it now. It was great for the grain companies; it was terrible for the family farmers. It looked great when prices were up and transition payments were out there, but what goes up goes down, and now we have no way of stabilizing the situation for family farmers in this country.

This amendment goes a significant way toward stabilizing the situation, getting the prices up, enabling our farmers to get back on their feet to be able to cash-flow. Combine it with the disaster relief payments and we will have done something good.

I hope we will have support for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the thoughts expressed by the Senator from Minnesota. I want to follow on, just briefly, on the question of trade. It relates to this entire issue of how farmers are doing, because farmers are told by some: You go ahead and compete in the free marketplace. We will set you loose. Go ahead and compete in the free market.

Then farmers discover there is no free market. When they market up, the large grain trade firms have their fists around the neck of the body of a few firms that control all that. Four firms control most of the flour milling; four firms control most of the meat packing—you name it. I have shown the list out here. In every area where farmers market, there are four firms that control the majority of the processing.

With respect to trade—the Senator from Minnesota mentioned trade—farmers are told: You compete in the free market system.

Let me tell you just about the United States-Canadian situation. The vote on the United States-Canada Free Trade Agreement, when I was in the House of Representatives and on the Ways and Means Committee, was 34 to 1; 34 to 1. Guess who the ''1 '' was. Yes, that's me. It probably says one of a couple of things. It probably says I have no influence at all with the other 34 members. It may say that. They said to me, ''You are going to be the only one who votes against this. Gee, this must be a unanimous vote. We must have your vote. Everybody else in this committee is going to vote for this.''

I said, ''This is a terrible piece of legislation for this country. You are selling out American farmers with this trade agreement, and you know it. And I wouldn't vote for this in 100 years.'' And I didn't.

Let me tell you what has happened. We have a woman from North Dakota who marries a Canadian, and they go back to southwestern North Dakota for Thanksgiving. She decides, ''I am going to take some of that good hard red spring wheat that they produce in North Dakota—we produce in North Dakota, back to Canada, because I am going to crush it a little bit back there and bake some whole wheat bread.'' She loves to bake bread.

So they go back to Canada after their Thanksgiving break. She has a couple of grocery bags full of hard red spring wheat from North Dakota, so that when she gets back home she can bake a little bread. She gets to the Canadian border and she is told, ''Oh, we are sorry, you can't take that wheat into Canada. You can't take a couple of grocery sacks full of wheat into Canada.'' All the way to the border she meets semi-truckload after semi-truckload after semi-truckload of Canadian wheat coming south.

Or a man with a pickup truck, and just kernels of wheat in the back, is told you must sweep out the back of the pickup truck before you can enter Canada with kernels of wheat. So he sweeps the pickup truck box out. All the time he is sweeping, Canadian 18-wheel semi-truckloads of wheat are coming into this country. In fact, we even had an agreement with Canada at one point to provide some sort of reasonable limit, and they exceeded the limit last year by 25,000 semi-truckloads—25,000 semi-truckloads.

I went up to the border—I told my colleagues this many times before—with Earl Jensen, and we had a 10-year-old, orange, 2-ton truck with a few bushels of wheat on it. We almost had to use our windshield wipers to wipe away the grain splattering against our windshield on a windy day from Canadian 18-wheelers hauling all that flood of Canadian grain into our country.

Guess what? When Earl and I pulled up to the border, we were told, ''We're sorry, you can't get that American grain into Canada.''

Free trade? Who negotiated that kind of soft-headed, weak-kneed trade agreement do we have that refuse to stand up for this country's interest, that say to other countries, ''Yeah, you can close your borders to us and we will open our borders to you, and we will call it fair, and we will call it square''—what kind of a deal is that?

In this town, everybody talks about free trade, never wanting to talk about the details. The fact is, every one of our farmers in North Dakota and every one of the farmers in Minnesota, represented by Senator WELLSTONE, confront that problem every day, and it is unfair.

That grain comes flooding across our border, I am convinced unfairly subsidized, and we sent the Government Accounting Office up to the Canadian Wheat Board to audit their books and records, because we think they are dumping illegally in this country. Guess what they said? ''We are sorry, we have no intention of opening our books and records to you; scram, get out of here.'' So here we are.

Prices collapsed because of unfair trade and, yes, Canada is a major part of that. Prices collapsed for a dozen other reasons. Rampant crop disease devastates the quality of the crop, and then we have farm families who for 30 years have been turning that yard light off and on every morning as they get up to do chores, gas their tractor, go out and plant their seeds and hope they can raise a crop. And now they are told, ''Well, gee, we are sorry; we have free trade and a free market and if you can't make it in either, tough luck.''

The plain fact is, there is no free trade and there is no free market, and anybody who thinks about the details and the specifics knows it. We owe it to the farmers of this country in a range of areas, whether it is international trade or price supports or other areas to say we want to stand for the interest of family farmers.

Let me also say the Freedom to Farm bill was a bill that had a couple of propositions, one of which makes eminent good sense, and I support it, and that is, farmers ought to be able to choose to plant what they want to plant when they want to plant it. That makes sense to me, and I support that. But the other is to say we will now essentially withdraw price supports and tell farmers you operate in the free market, despite the fact the free market doesn't exist. That doesn't make any sense. If ever an example of throwing the baby out with the bathwater is appropriate, it is here.

We didn't need, in order to give farmers planning flexibility, to decide that price supports don't matter. Eighteen years ago, the target price for wheat was $4.38 a bushel, and the loan rate was $3.65 a bushel. In every other area, prices have gone up for input costs; in every other area dealing with other earners, minimum wages have been increased some. But the compensation for farmers has been substantially diminished in terms of support prices. It is as if to say the economic all-stars in this country don't matter. They work hard, they produce well, they produce the best quality food for the lowest

percent of disposable income anywhere on the face of the Earth, and they are told, ''By the way, the value of what you produce does not have worth.''

I said yesterday, and I say it again, because at least to me personally it is so perplexing and seems so Byzantine, this morning, as I speak, halfway around the globe, we are told there are old women climbing trees in Sudan to forage for leaves to eat because they are near starvation. A million, a million and a quarter people are on the abyss of starvation. And then halfway around the globe, again, we are told those family farmers, who raise food in such abundant quantity and such good food, that what they produce doesn't have value and doesn't have worth.

The marketplace says to them—whatever this marketplace is—choked down on the top, choked from the bottom, choked on the sides by unfair trade by monopolies from railroads, to grain processors, to millers, you name it; they are telling the farmer in this distorted marketplace that what you produce doesn't have value. It costs you 5 bucks per bushel to produce; we will give you $3 for it. Want to lose $2 a bushel? That is fine. Lose your heritage, lose what your dad produced, lose what your grandad produced. And you go to these meetings and you find these folks who stand up at a meeting, as they have for me, and one sticks out in my mind—I have had many of them in recent weeks—a big, burly, husky kind of guy with a beard and with friendly eyes who said, ''You know, I have been a farmer all my life. I love farming. My grandad farmed. My dad farmed, and I have farmed for 23 years.'' He got tears in his eyes and his chin began to quiver as he said, ''But I have to quit. I can't make it. I can't raise grain at $5 a bushel or $4.50 a bushel and sell it at $3.50 a bushel and my lender says I can't get enough money to put in the next crop.''

When you see people like that begin to tear up and talk about what family farming means to them, then you understand this is not dollars and cents, this is not just some macroeconomic theory, this is something much more in this country.

Family farming has always meant much more than just dollars and cents. Thomas Jefferson described it, as I said yesterday, as the most important enterprise in America. His words were more eloquent than that, but that is what he said. What he meant was these people who dot the landscape in America, the broad-based economic ownership that comes with family farming contributes immensely to our country. I have said before, it contributes to the family values of our country. Family values have always originated on family farms and rolled through to our small towns, nourishing our small towns and our big cities.

There is much more here than just dollars and cents. I hope that as we begin these discussions we can remember this. At least the first amendment that we adopted yesterday says, yes, this Congress recognizes there is a crisis. In my State, family farmers have seen a 98-percent decrease in net income. Name anybody living anywhere, except the wealthiest among us, who could, at the end of a period where they have lost 98 percent of their income, stand and say, ''Well, I am doing just fine.'' Most everybody on every block in every community in every facet of life would be flat on their back losing 98 percent of their income, and we know that.

It is not different for family farmers. They are now flat on their backs facing collapsed prices, rampant crop disease and fundamentally unfair trade in every direction, markets that are captured and cornered and collapsed by a few companies, a few companies that control those markets.

It is one thing to say to farmers, ''It is a free market and free trade, and God bless you, and what happens.'' That is not, in my judgment, what this country ought to offer family farmers in terms of domestic policy.

(Mr. BURNS assumed the Chair.)

Mr. JOHNSON. Mr. President, may I direct a question to the Senator from North Dakota?

Mr. DORGAN. I will be happy to respond.

Mr. JOHNSON. As I understand the immediate amendment before the Senate having to do with marketing loans, it strikes me, and I wonder if the Senator shares this view, that we need to put this in some perspective. There are some who view this as a debate on Freedom to Farm, and certainly there are those of us who have widely and varied opinions on that underlying legislation. But the amendment that is pending, does the Senator agree, does not unravel or turn inside out or otherwise dispose of the Freedom to Farm legislation?

The amendment, as I see it before me, builds on what is already in the existing farm bill; that is, a marketing loan provision that is already there, at an inadequate level, but it is there, and the amendment that is pending simply gives the President of the United States the authority in a state of emergency for 1 year to remove the current loan caps and raise the cap on wheat from $2.58 a bushel to $3.22, on corn from $1.89 to $2.25, on soybeans from $5.26 to $5.33 and extend the loan period from 9 months to 15 months?

Would the Senator agree that this is not a radical amendment? This is not an amendment that somehow sweeps away the previous legislation—and we have different opinions about what ought to happen—but this amendment, it would seem to me, is a very modest, in fact, very narrowly crafted and a very modest change in what is already existing law. Would the Senator agree with that point on this issue?

Mr. DORGAN. The Senator from South Dakota, Senator JOHNSON, states it exactly as it is. I have said before, this particular amendment gives modesty an understated reputation, in my judgment. It is too modest for my taste. I certainly am going to support it. I certainly will support it because it does increase the loan rate, albeit to a level that is far too low. It does increase the loan rate some. It does extend the time in which a farmer can use that marketing loan to better market their grain; and certainly we ought to do that.

If we say, as a consistent philosophy, farmers should go to the marketplace for their price, then you must give farmers the time to access the marketplace when the price might be better than it is just after harvest. Normally, just after harvest they truck that grain to the elevator and—guess what—they find prices that are not very high. It would be better for them to hold it and wait until it is in their advantage to market it.

The Senator from South Dakota describes it as it exactly is. This does not, in any way, unravel the tenets of the current farm program. Would I like to unravel it? You bet your life I would. I do not support it. I never did. I think it is a terrible farm program. Does the planning flexibility make sense? Yes, it does. I support that fully. But the notion that somehow we ought to decide that in every other area we will provide some basic support because that area has merit and worth and value, but in family farming we will pull the support out because somehow that is of lesser value to this country—as I said earlier, this is a lot more than dollars and cents.

That is what the farm bill debate missed a couple of years ago. The specific amendment which I intend to vote for but which is so incredibly modest—it really ought to be replaced by an amendment that says for a certain amount of production, 20,000 bushels of wheat, for example, we will provide a $3.75 or $4 loan rate, marketing loan rate—not the kind of loan where the Federal Government takes control of the grain but, in effect, it becomes a marketing loan where we pay the difference between what the farmer gets on the open market and what the support price is. That is what we ought to be doing. But this amendment is certainly worth supporting because, as the Senator says, it does not fray, undermine or unravel the tenets of the current farm program.

Mr. JOHNSON. Well, may I ask the Senator from North Dakota—I applaud his work on this amendment. I have long supported his concept of targeted assistance for family producers in this context and various others. We have discussed this over the years. But when we expand the loan period from 9 to 15 months, if the producers are required to sell their product within a shorter window of time, does that depress the price further? And who gains by producers having to sell their grain within a shorter window of time than over a longer window of time? Who are the winners and who are the losers when

all of the farmers are required, within a relatively short window, to dispose of their grain at one time? Who wins and who loses by that policy?

Mr. DORGAN. The answer to that is clear. The bigger interests win, the littler interests lose. That is why it seems to me that if you follow the philosophy of the current farm policy, you have to give them the flexibility of going to the marketplace when it is in their interest. And they do not have that capability now because most of them are forced to haul that to the market and sell it as soon as they get it off the ground because they have to pay back the operating loans.

Anybody who says this isn't about big versus little is just flat wrong. Look, if somebody wants to farm an entire county, they have every right to do that. They can farm the entire county. They can buy 50,000 acres of land. They can plow as far as they can plow in 24 hours, camp overnight, and plow back as far as they can. They have a right to do that in this country. But they ought to join with the good Lord and their banker and figure out how they make ends meet. I am not terribly interested if they want to try to farm the whole county, how we offer price supports for them.

But the family out there farming a family-size operation, they are turning on the yardlight, they are doing chores, they are taking enormous risks—do I want to provide some type of continuity and help for them? Of course I do. It seems to me, we ought to construct an approach that says to those folks, ''You really do matter.'' We have in North Dakota—you probably have the same in South Dakota, and I assume other States—we have 53 counties. Ten of them are growing and 43 of them are shrinking. My home county was 5,000 people; it is now 3,000 people. All that has to do with family farmers leaving the farm. And they are now leaving at an accelerated pace.

I do not know that there is a magic answer to all of this. It is just that this particular amendment is an amendment that says, let us try to find a way to give farmers some flexibility to access the marketplace when it is more in their interest to do so rather than be forced to haul their grain to market and sell it when perhaps the prices are at bottom levels.

Mr. COCHRAN. Would the distinguished Senator yield for a question?

Mr. DORGAN. Of course.

Mr. COCHRAN. My question is, How long do you intend to hold the floor? I am curious—not critical at all—but curious, because I agreed to yield to the chairman of the Agriculture Committee time on the amendment. He has been on the floor now for almost 30 minutes. I was just curious to know when I might be able to yield some time to him.

Mr. DORGAN. I have nearly completed my statement. I respect the Senator from Indiana and the Senator from Mississippi. They both are wonderful legislators. We might disagree from time to time on some of these issues, but I know he has been here for some while. This is, as you might imagine, enormously important. Agriculture drives our State's economy. I feel very strongly about a number of these issues. But I certainly want the Senator from Indiana to be able to make his statement.

Let me finish by saying, I do not come here trying to figure out who is at fault. While I have strong feelings about farm policy, when I think this current policy is not good farm policy, and I have opposed it in the past, I think everyone comes at this with good will and with their own strong feelings about what ought to be done.

But I do think that family farmers out there, are struggling these days against the odds and circumstances where they cannot control their own destinies at all. It is not their fault they have been devastated by crop disease. That is not their fault. It is not their fault that grain prices have collapsed. They did not have anything to do with that. And it is not their fault that the Crop Insurance Program, that we advertised as replacing a disaster program, does not work at all for somebody who suffers five straight disasters.

One-third of our counties in North Dakota have had a disaster every year for 5 straight years—every year for 5 straight years. It is not their fault that crop insurance does not work for them. Each succeeding year means you get less of a base because you did not get a crop the previous year, so you still pay those premiums and get less from the Crop Insurance Program.

Again, farmers ought not to be faulted for these circumstances. We ought to find a way to create a connection here to something that does work, to say to them, ''You matter. And we want to do something that makes a difference for you. We want to do something that gives you the opportunity to continue to farm.'' If you are a good manager and if you are willing to take some risks, we're willing to stand for you and with you to say, 'Yes, here's a disaster program. Here's an indemnification program. Here's a little better opportunity on a loan rate. Here's the ability to hold that grain a little longer. Here are a number of things we want to do to try to make your life a little easier.' ''

If we do that together—and I hope we will—and if we work with President Clinton who some of us plan to meet with this afternoon—I hope that perhaps at the end of the day we will all have decided that we have made a difference for family farmers. And, more importantly, I hope that family farmers will decide that we have made a difference in their lives as well.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from Indiana, Mr. LUGAR.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank the distinguished chairman of the subcommittee for his insistence on my gaining recognition. I appreciated the colloquy between the distinguished Senator from North Dakota and the distinguished Senator from South Dakota and the earlier comments of the distinguished Senator from Minnesota.

I come before the Senate as a fifth-generation family farmer; that is, five family generations of Lugars, from the 1820s in Grant County, through the present farming operation we have in Marion County, have been involved in the business of farming. We take the family farming very seriously on the 604 acres of corn and soybeans and tree stands that I am now responsible for and have been for the last 42 years.

The contents of farm legislation are interesting to me as a citizen of this country, certainly as a member of the Agriculture Committee, and as one who is affected by those policies as I try to determine what I ought to plant, what my opportunities are as a family farmer in Indiana. I have been a longtime member of the Indiana Farm Bureau, as was my father, Marvin Lugar, and my uncle, Harry Lugar, a longtime member of the farmer's union in Indiana. I have been responsive to both groups and to others who have been involved in organizational agriculture as we helped to fashion the last four farm bills.

I come before the Senate today just having addressed a meeting 2 days ago of the American Farm Bureau President's Group. At least on a couple of occasions a year, the president of each of the 50 State farm bureaus come to Washington, along with the various persons in their organizations. During the course of that colloquy with the farm bureau presidents, I was approached by a gentleman who mentioned he is the president of the North Dakota Farm Bureau. His name is Jim Harmon. Jim Harmon, the president of the North Dakota Farm Bureau, gave to me an article which he had published in the North Dakota Farm Bureau Journal.

I quote from his article. Mr. Harmon says:

> It seems whenever things get difficult in farming, we look for someone or something to blame. That is certainly the case with the financial crisis facing farmers and ranchers in the northern plains where we have had continuous years of adverse growing conditions, now compounded by low prices. Some would like to assign blame to the ''Freedom to Farm'' bill; and have Congress reopen it to ''fix'' the price problem. This is the wrong route to take, because ''Freedom to Farm'' is not the problem—only the scapegoat. If the Act is reopened, I fear that farmers stand to lose much more than they can possibly gain.

Mr. Harmon continues:

> The argument is being made that we need to reinstate the old ''safety net'' program of the last 50 years. Fifty years ago, we had almost seven million farmers in the United

States. We now have two million. What kind of ''safety net'' lets that many producers slip through it? The only thing those programs guaranteed was a price ceiling on most commodities in most years. Stable prices at low levels with rising production costs is not the prescription for profitability in farming. In the current legislation, the ''safety net'' of price supports and disaster declarations (not always successful), was replaced by ''transition payments'' to offset the impact of depressed prices, and the promise of meaningful risk management tools to reduce the effects of natural disasters. For North Dakota farmers, the promise of an improved crop insurance program in our risk management tool kit still needs to be fulfilled.

A recent study by researchers in the Agricultural Economics department at NDSU indicated that about three-fourths of North Dakota's 1997 decline in net farm income was due to yield and quality reductions, and one-fourth to low commodity prices.

Blaming the current farm bill for the depressed cereal grain prices is also off the mark. The bill authorizes $500 million for the Export Enhancement Program. Only $150 million was appropriated, of which NONE has been used until the now famous EEU barley shipments into the United States. Adequate funding of the Market Access Program, along with a comprehensive strategy for expanding foreign markets for our commodities are tools that must be developed and implemented if agriculture is to succeed in the global marketplace.

Mr. Harmon continues:

Another area that deserves attention is the fact that the United States has made sanctions against countries that comprise 11 Percent of the world wheat market (accounting for 40 percent of the world wheat export market). Given American agriculture's dependence on export markets, trade sanctions usually punish farmers more than the leadership of the country we're mad at.

Farm Bureau strongly believes that the following components are necessary to ensure the success of the current farm programs:

Mr. Harmon says:

Improve Federal Crop Insurance and develop new cost-efficient income coverage programs.

Utilize to the fullest extent, all of the trade tools available, including EEP, GSM 102 and 103 Credit Programs, MAP, and the Foreign Market Development (FMD) Programs.

Provided promised reforms in the areas of wetlands, pesticides, air and quality regulations.

Expand agricultural research funding.

Other items that will complete an integrated ag package include FARRM accounts, income averaging, estate and capital gains tax relief.

Changing current farm law will only open the door to false hope for those of us who need real answers. Real answers can be found by using the tools available to their fullest potential.

I believe that Mr. Harmon, the president of the North Dakota Farm Bureau, has made the case very well for the current farm bill. He has also offered some excellent suggestions. I am hopeful that, as Senators meet with the President today, the President will subscribe to many of the suggestions that Mr. Harmon has made.

Let me simply add, as that conversation with the President commences, that it would be helpful to have in front of the President U.S. Department of Agriculture estimates that the farm bill now in force in this country is providing payments totaling $17.180 billion over the 1996–1998 marketing years; that is, the first 3 years of this new farm bill. This $17.18 billion of payments to producers is in comparison to what would have been paid under the old farm bill. That would have been only $9.63 billion.

In essence, the current farm bill, during 1996, 1997, and 1998, will have made available to producers in these transition payments $7.55 billion more than they would have received if we had continued the old farm bill. I think that is an important point, Mr. President, because that amount of income, $7.5 billion, is out there in farm country now. It is in the hands of family producers, family farmers, and it is reality, as opposed to speculation.

Further, the transition payments under the farm bill are made earlier in the planting season than were the old deficiency payments. This has allowed family farms more latitude for planning as they go into planting their crops.

Under the new farm bill, farmers have the flexibility as to what types of crops to plant and in what amounts. Farmers plant for the market rather than for the Government. The distinguished Senator from North Dakota noted that was one portion of the new farm bill that he liked. It is a very important one.

As a family farmer, let me simply testify that for many years we planted corn because we were in the corn program and failure to plant corn might diminish the base on which our support payments were based. Therefore, we had to follow the dictates of the Federal Government that often asked us to set aside 5, 10 or 15 percent of our cropland.

We could have produced things that did not have a program, Mr. President, but that would have diminished the base, so that if we wanted to return to the program, we would have been out of luck. As a result, for years, USDA essentially dictated the amounts of corn, wheat, cotton and rice—so-called program crops—to family farmers. Now, as a matter of fact, with Freedom to Farm, we are exercising that freedom. We are planting what the market signals the market wants. We are maximizing our opportunities. It is a critical point, Mr. President, but totally impossible under the old supply management of the farm bills of 60-some years.

I note that current farm prices have prompted some Senators to suggest that the 1996 farm bill should be changed to alleviate what they perceive to be a farm crisis. Mr. President, we have had a lot of testimony before the Agriculture Committee and, indeed, we have heard farmers from the Dakotas and from the Chair's own State of Montana, and from northern Minnesota, testify about terrible weather problems, multiple crop failures—extraordinary difficulties that were recognized by this body when emergency disaster relief aid went to the Dakotas and to some other States last year.

Mr. President, let me just say that even granted this crisis—and it is one that hopefully can be met by many farmers through the crop insurance that they have taken out, and participation in the Dakotas, where crop insurance is intensive, perhaps more so than most any other two States—given marketing opportunities that have been available that, hopefully, will be available again given the cyclical nature of crop prices, and certainly the changes in the weather that dictate from day to day very sharp changes in the futures market, we are all hopeful of trying to alleviate the crisis as perceived by some States and some counties that have a genuine crisis.

I just point out, however, to all Members that 1998 farm prices—the ones we now have either for crops that have been harvested, or prospectively, for those in the fields—are low in comparison to the unusually high prices of 1995 and 1996. But they are about equal to the 1990–94 average price levels for wheat, corn, and soybeans. I point out that 1995 and 1996 had some unusual factors; namely, that the USDA guessed wrong and required farmers, such as myself, to set aside acreage and, in fact, the weather did not cooperate and we had very small crops in the country. Prices went up, predictably.

I just say, Mr. President, that we are now in more normal planting situations in which there are not excessive stocks around the world. Farmers are planting for the market. And my point is that the prices now are roughly the 1990–94 average for wheat, corn, and soybeans. USDA projects that farmers, this year, will receive an average of between $2.70 and $3.10 for the 1998 crop of wheat. The 1990–94 average was $3.11. Corn prices are projected between $1.95 and $2.35, according to the USDA, and that is certainly much more speculative given the fact that we still have some time to make that crop, as compared to an average of $2.30 in the early 1990s.

Mr. President, anyone who has watched the futures markets in the last few weeks has seen prices reverse direction drastically and dramatically. December corn closed on June 23, for example—not long ago—at $2.67 and three-quarters, a recovery of 30 cents from the contract lows—all in one fell swoop. Similarly, November soybeans closed at $6.40 and three-quarters, a 70 cent recovery from contract lows earlier in the season.

Today's low prices are not caused by the farm bill. They reflect large world grain supplies, a direct result of the high prices of 1995 and 1996, distorted somewhat by USDA set-asides. But they reflect something much more, Mr. President, and that is a profound crisis

in the economies of many Asian nations. If it were not for the Asian crisis, this Nation would be well on the road to setting another all-time record for the dollar value of farm exports. USDA's current projection of $56 billion in 1998 exports is about $4 billion less than the record—$60 billion—in 1996. If Asian demand simply matched last year's level, with no growth, we would have matched and exceeded the $60 billion figure. USDA forecasts that our exports to non-Asian countries will actually be 8 percent greater than in the record-setting year of 1996.

The farm bill is a source of help and not harm for farm income. From 1996 to 1998, as we pointed out, the payments have been $17.18 billion, $7.5 billion more than the old farm bill. I just simply say that this money continues throughout the duration of the current farm bill. The payments are well known to farmers. So in terms of forward planning of their operations, they understand the money in the bank that is provided by the current farm bill.

Let me just say that one of the ways in which many northern plains farmers who have been especially afflicted by very bad weather, and sometimes by wheat scab disease—a number of the northern plains farmers have adapted to these wheat problems, and scab and other disease problems, by changing the crops that they plant—oilseed acreage, for example, in North Dakota. And other States have expanded dramatically at the expense of wheat acres. Such wholesale shifts could not have occurred under the old farm policy. The disincentives to change crops were simply too great. Freedom to Farm is a package deal. Its aim is to leave planting decisions in the hands of the farmers and not the Government. And to achieve this goal, the FAIR Act provides full planting flexibility, bans production controls, and decouples income support payments.

Another element in the farm bill is the relatively low loan rates, and that is the subject of the amendment before us. The purpose of the loan rates in the farm bill now is the same as the act's other features: to make certain that price supports are a short-term marketing tool and not an alternative market. Loan rates should not be set high enough to influence farmers' planting decisions, and they should not tie up grain in storage for such a long period of time that market signals are distorted.

To state it another way, Mr. President, I have been asked by Senators, ''Why is it a bad thing for marketing loans to bring grain into the hands of the Federal Government?'' The basic reason is that grain doesn't disappear on its own accord. It is there; it is a drag on the supply side. It means everybody taking a look at futures markets knows it is still there. It has to be sold at some point. It depresses price. It depresses income. It is not a quick fix; it is not a good fix. Under the current farm bill, it is not meant to happen. That is why proposals to raise loan rates or extend the time for loans are doubly objectionable.

Not only do they put a further strain on the Federal budget, but they put the Government back in the business of substituting its judgment about crop decisions for the market's judgment, and for that matter, about marketing the stores of grain the Government accumulates. The projected crop prices for the 1998 marketing year are much lower than I would like to see, particularly when compared to the high prices of 1995 and 1996.

Mr. President, there are a number of steps that we will need to take in the Agriculture Committee and on this floor to assist farmers to obtain higher prices. I want to discuss some of those later in the day. But for the moment on the current amendment, just for the benefit of Senators, the amendment deals with removing the 1996 farm bill ceiling on loan rates. And it would mean that the USDA would be free to raise the 1998 crop loan rate to 85 percent of the past 5-year market price average excluding the high and the low years. The amendment would remove loan rate caps for marketing assistance loans for wheat, for feed grains, for cotton, and rice measured in fiscal year 1999 effectively uncapping the loan rates for the 1998 crops.

Finally, the amendment would permit the Secretary of Agriculture to extend the term in the marketing assistance loans from the current 9 months to 15 months.

I state all of this, Mr. President, because I am not certain in the debate thus far that it has been clear exactly what uncapping the loan rates means. It means, as I have stated, taking the last 5 years in these program crops, excluding the top and the bottom years, and, therefore, the average of the remaining three. And this results, for the benefit of Senators who are wondering about the amounts of money involved, that the current loan ceiling for wheat under the current farm bill is $2.58 a bushel. The calculation of the 85 percent of the 5-year average, excluding high and low prices, would raise that loan rate to $3.16.

Mr. President, I make the point about wheat because I have already suggested that the average price of wheat calculated by USDA is now estimated after a pretty good harvest at between $2.70 and $3.10 for the year. Thus, we would be creating a loan rate higher than the likely average price for wheat marketed this year. It is logical in that event that very large amounts of that crop are going to go under the marketing loan. If, in fact, to take a practical example, a wheat farmer has some prospects for the average price of $3.10, or lower than that, he or she might decide to use the marketing loan to get the $3.16, and let the Federal Government worry about what is going to happen generally with the supply of wheat in this situation.

For corn, the situation is not quite so generous. The current farm bill marketing loan would be $1.89 a bushel. Given this 5-year averaging, again with the high and low out, that goes up to $2.17. It is conceivable that given a bumper crop of 9.5 billion bushels that corn could dip below $2.17, and, if so, a good bit of corn would come under this procedure.

Soybeans are at $5.26, the marketing loan rate. Under the farm bill, that would be $5.54 given the 5-year calculation if you removed the cap. It is hard to tell precisely what the situation would be for beans, but maybe a similar one to corn.

In any event, you can predict that stock accumulations would be inevitable. These would lead, I suspect, to calls from the floor for supply control for USDA to step in and try to prevent a further accumulation of a glut of grain that is depressing prices in this country, and depressing farmers as they see those prices going down. Mr. President, this is not even a good quick fix. It is a prescription for enormous difficulty.

Mr. President, the amendment before us, as I understand, has been tailored in various ways so that, although the Congressional Budget Office has not yet scored the amendment, it is clear that it would cost at least $1.6 billion, with approximately $400 million of that cost due to extending the term in the marketing loan by 6 months, and the remaining $1.2 billion due to uncapping the loan rates,

Mr. President, I point out that in the action taken in this body the other day to make possible the tender offer by Pakistan, if it comes, for 37 million bushels of U.S. wheat, the Congressional Budget Office finally scored that, as I recall, at about $35 million in costs. And a huge scramble occurred to try to find where $35 million is, even to meet that emergency action. They found it. That is why the legislation finally made it through both Houses to be signed by the President.

But we are talking now about $1.6 billion in this amendment. The quick fix of this situation is to say, ''Well, it is an emergency outside the budget.'' Unless somebody declared that today with regard to each of the same things that we are discussing, I see no majority support in this body for a declaration of emergency of this character. I see no prospect in the other body for that to occur. The money simply would have to come, if it is to be appropriated in this way, from other agriculture programs. And the scramble will begin as to who will pay the piper. This is a zero sum game.

Mr. President, I add, finally, I started my talk by mentioning my visit with the state presidents of the American Farm Bureau. The American Farm Bureau and the 50 presidents who were there are not calling for this amendment. As a matter of fact, they do not believe the amendment is good policy, nor do I.

Let me just suggest that there are things for which farm organizations

are calling. The distinguished occupant of the Chair organized an important meeting of a good number of producer groups not long ago. During the course of that meeting a number of suggestions were made that are important policy changes. Among those were reauthorization of the Presidential fast-track trading authority. If there is a single item, Mr. President, that is important to higher income on the farm, it is that one, because in order to have an extension of our exports, an extension of our sales and our marketing, the President must have fast-track authority. No other country will deal with it. It is quite apart from the World Trade Organization, which is about to have an important meeting in 1999. At that meeting we are all encouraging Ms. Barshefsky, our Trade Representative, or anybody else who might represent us, including the Secretary of Agriculture, to make certain that agriculture is at the top of the priorities. Normally agriculture is at the bottom of the priorities. And that will take some pushing and shoving, because a good number of other interest groups in our country will say, ''We don't want to hold up a deal with other countries due to their antagonism to agriculture.'' The most protected of all areas is still in agricultural trade.

So we have to have fast-track authority. We ought to be debating that if we are talking about agricultural income, and hopefully we will be debating that very soon on this floor.

Second, we must have International Monetary Fund reform. I start by ''reform,'' because I appreciate the comments that have been made in various meetings of our committees about how IMF operates. But we are also going to have to have refunding and replenishment for the IMF. The cupboard is almost bare. The possibilities are that the nations of the world—we contribute about 18 percent of that money, and it is good to have at least 82 percent contributed by others. The nations of the world may, indeed, come to the rescue of other nations very promptly. Commodity prices are down worldwide. We are discussing today the problem of agricultural prices in the world. But, if we were in another country at another time, we would be discussing the implications of low oil prices, or low copper prices, or the fact that a certain deflationary trend seems to have come over primary foods and materials throughout the world affecting the economies. Enormous flexibility and safety net situations are going to be required.

Third, the agricultural groups almost unanimously have talked about economic sanctions reform with a special emphasis on unilateral sanctions, the ones that we impose all by ourselves, and that we have imposed 61 times in the last 5 years and that have affected maybe $20 billion of American income and several hundred thousand American jobs.

Later in this debate on the agriculture appropriations bill, I will be offering as an amendment a sanction reform bill that deals prospectively; that is, just with the future, but at least sets in motion criteria for the administration and for Congress in considering unilateral economic sanctions and estimates as to their cost and a sunsetting provision that we can get rid of them after they have achieved what they were supposed to do. It is a modest amendment, but it is an important amendment in the sense of giving hope to farmers in America. Do we care about them enough to be thinking how the sale is going to be made, how marketing can occur with this most vital of humanitarian commodities, food supply.

Fourth, farm groups have called for establishment of normal trade relations with China. They have called for stronger oversight on biotechnology in negotiations with the Common Market and with others so that we are not denied the remarkable breakthroughs in our own science. They have asked for full funding of the agricultural research bill, and hopefully we will pass that as a part of this overall ag appropriations legislation.

Earlier, of course, the farm groups were instrumental in helping us all to come to passage of the agricultural research bill itself.

And 5 years of crop insurance provisions, which we now see were so critically important given the precarious nature of agricultural income due to weather and other events in so many parts of the country.

I would point out that act alone, the Ag Research Act, and the crop insurance provisions for 5 years were tremendously important in making a difference for agricultural income now as well as for the foreseeable future in our country.

The farm groups are calling for estate tax reform. Of anything that has come before our committee, that has had greater unanimity in terms of farm families, and these are the same family farms bandied about in the conversation all the time. They are saying, if we are going to have a family farm, we are really going to have to have estate tax reform and reduction and preferably abolition. Hopefully, that will come before the body.

These are elements of a successful farm policy. We are finally going to have to come down to the point of discussing the difference between selling the crop and storing the crop, and there is a big difference. What I and many others are advocating is that we sell, that we market, that we move the crop. A third of all that we do in agricultural America has to move; a tough job in the face of the Asian demands falling off precipitously but not impossible.

As I have pointed out, we are exporting to non-Asian countries 8 percent more now than we were doing in the 1996 record export year, and that did not happen by chance. It happened because agricultural marketers and farmers taking trade groups and personally visiting countries have done a remarkable job. We have to help that substantially, and we can. The policies I have talked about today are fully within our purview in the Senate to debate and to discuss and to enact.

Let me just mention that those of us on this side of the aisle know that there are no quick fixes, but we do know that action is important as well as rhetoric. Less than an hour after the Senate approved the sense-of-the-Senate amendment offered by the distinguished Democratic leader last evening, we gave final congressional approval to the broad exemption of agricultural products from India and Pakistan sanctions under the Glenn amendment. The Senate's action should allow U.S. wheat to compete in today's Pakistani tender for 350,000 metric tons of exports.

Yesterday, I joined nine other Senators from farm States in calling for action this session on the distinguished Senator from Iowa, Mr. GRASSLEY's Farm and Ranch Risk Management Act, which gives farmers important new tools to manage the variability of farm income. I am hopeful that will be enacted in this session.

Also, yesterday nine of us from farm States wrote the Secretary of Agriculture, Mr. Glickman, in support of actions which he can take now without legislation to increase exports of humanitarian food assistance. The CCC Charter Act provides authority for a wide range of Secretarial action, and our letter lays out how a new initiative could use existing funds to expand overseas concessional sales of wheat, vegetable oil, feedgrains and other commodities.

I ask unanimous consent that both of the letters enunciating these policies be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, July 14, 1998.

Hon. DAN GLICKMAN,

Secretary of Agriculture, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: We have reviewed your July 7 letter to the Vice President, transmitting a draft bill to permit unobligated funds of the Export Enhancement Program to be utilized for food aid. We share your goals of enhancing U.S. producers' incomes through higher exports and augmenting our nation's ability to meet humanitarian needs throughout the world.

Without prejudice to your legislative proposal, we believe it may also be possible for you to take administrative actions, consistent with existing statutes, which will achieve many of the same purposes more expeditiously. We would like to share our reflections on this matter for your consideration.

The Commodity Credit Corporation Charter Act grants relatively broad powers to the Secretary to achieve stated purposes. These powers are not unlimited, but they do afford you considerable latitude of action.

In particular, Section 5 of the Charter Act instructs you to use the CCC's general powers for eight stated purposes. Among these

are to ''[p]rocure agricultural commodities for sale to . . . foreign governments, and domestic, foreign, or international relief . . . agencies . . .'' Another priority is to ''[e]xport or cause to be exported, or aid in the development of foreign markets for, agricultural commodities . . .''

The Charter Act's history suggests that these purposes may be achieved through programs and procedures that are similar to those which exist or have existed under other statutes. Thus, in the mid-1980s the EEP was operated for a time under Charter Act authority after the statute which then authorized EEP had lapsed.

We believe a fair reading of the Charter Act permits you to establish a program which would operate in the following manner. During a specified period (perhaps the last fiscal quarter as proposed in your draft bill), the Secretary could determine that all or part of funds authorized for EEP during that fiscal year would not be used. In this situation, the Secretary could authorize the use of CCC funds in an amount equal to the unused portion of EEP authority. The CCC funds would be utilized in a newly created Food Assistance and Market Development (FAMD), program.

The FAMD would be established under Charter Act authority to export agricultural commodities. CCC would purchase commodities at prevailing market prices for concessional sales to foreign buyers, whether public or private. The FAMD's terms and conditions would be similar but not identical to those for Title I of P.L. 480. Notably we would suggest that priority FAMD be given to market experiencing a temporary need for food aid because of macroeconomic or other problems, but likely to resume commercial purchases in future. Other priorities under the new program might be markets which have recently made political or economic reforms, as well as countries with which the U.S. has recently resumed diplomatic relations. It might be that repayment terms and grace periods would also differ from those under Title I, although all terms and conditions would need to be consistent with international norms for bona fide food aid. We intend these parameters to be descriptive rather than prescriptive, and acknowledge that you will want to tap the expertise of market development professionals in both USDA and the private sector in developing any new program.

We do note, though, that there is ample need for the American products which would be exported under this program. Title I funding has declined by roughly half in recent years. In correspondence which we earlier shared with you, U.S. producer groups identified potential non-emergency food assistance needs of about $150 million for wheat alone. Additional opportunities to assist developing countries and lay the groundwork for commercial relationships exist for vegetable oils, protein meals, feed grains, meats and other commodities.

In our judgment, you possess the authority to implement the program we have described. We will be happy to discuss further with you or officials of your Department the potential for moving quickly to assist needy populations and enhance U.S. farm exports.

Sincerely,

Dick Lugar, Pat Roberts, Larry E. Craig, Rick Santorum, Chuck Grassley, Mitch McConnell, Thad Cochran, Paul Coverdell, Jesse Helms.

U.S. SENATE, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC, July 13, 1998.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: We write to share our thoughts about one important way Congress can safeguard the future of our nation's family farms.

The FAIR Act is providing income support to agricultural producers. Because of its system of direct transition payments, farmers in 1996–98 will have received $7.6 billion more in federal assistance then would have been the case under an extension of prior law. We will join you in resisting any changes to the FAIR Act's basic provisions.

To prosper, however, the agricultural industry requires sound macroeconomic, fiscal and trade policies. In our recent meeting with national farm leaders, all of us heard these producers advocate fast-track trade authority, the reform of economic sanctions and other forward-looking initiatives. We thank you for your leadership in these and other areas.

The farm leaders also praised S. 2078, the Farm and Ranch Risk Management Act, which Senator Grassley introduced and all the undersigned Senators support. The FARRM Act will allow producers to save a portion of their farm income on a tax-favored basis in an effort to smooth out volatile income streams and minimize the risks involved in farming. If farmers and ranchers had been able to avail themselves of such FARRM accounts in recent years, the impact of this year's lower commodity prices would have been significantly mitigated.

Under S. 2078, eligible producers may take a deduction of up to 20 percent of taxable net farm income for FARRM account use. Interest income earned from the account will be distributed (and taxable) annually. Withdrawals of principal from the FARRM account will be taxed as ordinary income in the year the withdrawals occur. Money cannot remain in a FARRM account more than five years.

Thus, the FARRM account is not a retirement plan but a risk-management tool. Revenues in farming and ranching are notoriously volatile. We need only look at the wide swings in commodity prices between 1996 and the present to see that farmers need a range of ways to manage variable prices. The FARRM Act will let producers set pre-tax money aside during good years and then use it during years of financial stress. The responsibility to manage the account will rest with the producer, who is best able to assess his or her individual financial situation in a given year.

S. 2078 is a bold and innovative proposal. We seek your assistance in securing fair consideration for this important legislation, and hope that if the Senate acts on major tax legislation this year, S. 2078 will be included in any such bill.

Thank you for your consideration.

Sincerely,

Chuck Grassley, Dick Lugar, Larry E. Craig, Thad Cochran, Pat Roberts, Paul Coverdell, Phil Gramm, Dirk Kempthorne, Chuck Hagel, Kit Bond.

Mr. LUGAR. Mr. President, Republicans will continue to press for prompt action on appropriate legislative vehicles. We will join our House colleagues on both sides of the aisle in asking for a vote this year on fast-track authority, and we want to proceed with all Senators to move ahead on IMF replenishment and reform. We are hopeful of seeing passage of sanctions reform legislation.

We are determined to create additional demand for American farm products and thus higher prices and hopefully higher income. We are working with farm groups all over the country for implementation of those portions of the farm bill which have led to the lowering of costs, so that the bottom line in terms of net income for farm families might be more positive.

I share the general feeling in this debate that these are stressful times for millions of people in farm country. We have to address that up front and soberly. In these comments this morning, Mr. President, I have tried to illustrate that I believe the general outline of the farm bill has led to more income, more cash in these 3 years for farmers, and will in the next 4; that we have great possibilities, given Freedom to Farm, to do things on our farms that are most profitable guided by market signals. And finally, we have our work cut out for us in the Senate in dealing with the strengthening of our foreign trade position and the demand that we must have.

Not long ago, I heard a lecture using this same general idea, that a third of our sales now go abroad—a third exported of our farm commodities and farm animals. The suggestion was, as a matter of fact, that already a third of the world trade that we were doing was with Asia. We had hoped for more expansion, and that seemed on the horizon, given the rise in Asian incomes prior to this year.

Most of that third of the Asian trade is gone temporarily. We may have some success with this sale in Pakistan, and I hope that we will. Certainly, we are active as a Nation in South Korea, and there are some possibilities for sales there. The Indonesian market for the time being is devastated, and likewise not too much from Thailand, from Malaysia, and from other countries that have been afflicted.

If you take away a third of the third of income that already was exported, that amounts to about one-ninth the demand for all that we do. It is no wonder that prices have fallen, but it should be a wonder if we do not act to market, to sell, to move this grain and this livestock by originating new policies that make a difference in world trade, where our bread and butter will come in agricultural America.

For these reasons, I hope Senators will reject the amendment before us dealing with the marketing loan fix. In my judgment, it will be expensive, with money we do not have, it will depress prices rather than lead to an increase, and it will give the impression that this is in any way even a partial solution when, in my judgment, it will be a strong step backwards.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am delighted the chairman of the Agriculture Committee, the distinguished Senator from Indiana, has had an opportunity to make the case against this amendment offered by the Democratic leader, by Senator HARKIN, and by others. It is just as clear to me as anything can be that the weight of the evidence is against the passage of this amendment by the Senate.

One other point that I do not think has been made enough is that the purpose of this legislation we are dealing with today is to appropriate money to fund the Department of Agriculture programs, the FDA, and CFTC as well. We are not here to really pass judgment on the legislative authority for the Department's expenditure of money. This amendment, offered by the Democratic leader, purports to and intends to rewrite legislative language that was approved by the Congress in the 1996 farm bill and was signed by the President and implemented through regulations and administrative actions by this administration.

Our committee has the responsibility of determining how much money is needed to carry out that farm bill and what authorities we have in law to spend the funds that have been allocated to our subcommittee under the budget. So our responsibilities are really limited by law. If we decided to start rewriting provisions of the farm bill of 1996, that would be a never-ending ordeal for the Senate to put itself through. For that reason, the Senate ought to reject this first amendment that seeks to start that process. This is the first amendment offered to this bill that seeks to rewrite legislative authority of the Department of Agriculture to administer a farm program. If we start down this road this morning on this amendment, it may never end.

Think about this. When we were writing the farm bill of 1996, we had the best information, advice, and counsel from experts on agriculture programs at our hearings in the Committee on Agriculture. The House went through the same exercise. The administration was actively involved. There was give and take. There was compromise. But, in the end, we developed a consensus of what ought to be done to put our country on a firm footing of legal authority for programs that would support agriculture. So the end product was the 1996 farm bill. If we start trying to undo it and rewrite it piecemeal, section by section, we are going to have the biggest mess on our hands you could ever dream of.

So the Senate ought today to vote for the motion to table, which I will make in due course, when time has expired or when all time is yielded back on this amendment. I hope the Senate will reject this amendment.

The PRESIDING OFFICER. Who seeks time?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum and suggest the time should be charged equally between the proponents and opponents of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, how much time does this side have remaining?

The PRESIDING OFFICER. The Senator has 44 minutes 55 seconds.

Mr. HARKIN. I yield myself 20 minutes, to begin with.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mr. HARKIN. I listened, of course with great interest and intent, to the comments by the distinguished chairman of the Agriculture Committee, my good friend from Indiana. I am privileged to serve as his ranking member on the Agriculture Committee.

I think, first of all I will just respond to that and also to the statement made by the chairman of the Agriculture Appropriations Subcommittee about, ''My gosh, we passed the farm bill in 1996. Here we are, do we want to rewrite it?''—and all that kind of stuff—''We should not open it again right now. It's the third year we are in it.''

The 1996 farm bill is not the Ten Commandments. It was not written in stone for all time. We have a crisis impending on us in agriculture. The bottom is falling out. Prices are going down every day. Are we so stuck in our ways here, are we so wedded to some ideology imprinted in the 1996 farm bill, that we cannot respond?

''Oh, I am sorry. We see you are losing your farms. We see the prices going down. But, I am sorry, we passed a bill here 3 years ago and we cannot touch it.''

Again, we are not really opening up the farm bill. We are simply making one minor change. Loan rates were capped in the 1996 farm bill—capped, frozen; they are still there. We are not introducing something new into agricultural legislation. It is simply that a decision was made to cap them.

That is OK. That was OK for the last couple of years, because grain prices have been relatively high. But now when the bottom is falling out of the market for a variety of reasons, now is the time when farmers need a little bit of assistance. What kind of assistance? They need flexibility.

We hear a lot about that word, ''flexibility.'' In the 1996 farm bill, it did give farmers flexibility in planting decisions. That was a good part of the 1996 farm bill, a concept that was supported by everyone. But how about flexibility for the farmer to be able to decide how to market their crops? That is what we are trying to do by raising the caps on the loan rates—to give the farmer the ability to harvest the crop, get a loan on that crop to pay the bills, and then be able to market that crop when the farmer feels it is most advantageous over the next 15 months. That is called flexibility, Mr. President, flexibility—to give the farmer some flexibility in marketing.

What I am hearing from the other side now is, ''No, we don't want to give that farmer flexibility. We want to give the farmer flexibility in what to plant. But when it comes time to market, he is at the whims of the marketplace, of weather, of other countries and what they do, over which we have no control.'' That farmer is at the whims of the disastrous Asian economy. We cannot even give that farmer a little bit of support to give him the flexibility to market over 15 months? What nonsense. What utter, absolute nonsense.

Thousands of farm families are facing severe economic hardships. They are in danger of losing their livelihood, their life savings. Just yesterday, the Senate went on record with a sense-of-the-Senate resolution saying there is a great economic crisis in agriculture and calling for immediate action by Congress: 99 to nothing. Nice words on paper. But now, here is the first vote to implement that sense-of-the-Senate resolution that we passed yesterday.

We are for the first time trying to raise the caps on the loan rates to give the farmer the flexibility to market, and now we can't even give them that much. We can't even do this modest step. What did that sense-of-the-Senate resolution mean?

Mr. President, I offered that sense-of-the-Senate resolution along with Senator DASCHLE. It passed 99 to 0. I am wondering, if we can't even do this modest little step to help our farmers out, maybe we ought to recall that amendment. Maybe we ought to have another vote on it and this time vote it down. Why give all this flowery support that we are going to help agriculture? There is a problem out there and on the first vote, ''I am sorry, the farm bill is written in stone; we can't touch it.''

What we are proposing is a quite modest and reasonable response to try to prevent the farm situation from becoming any worse and to help turn it around. Quite frankly, I am a little embarrassed at the modesty of our proposal, but we thought in order to minimize any opposition, we would keep it limited. We are not proposing any radical changes in farm policy. We are not opening the floodgates of the Treasury. We have been very careful in that respect.

I must confess, if we cannot manage to adopt even this modest amendment today, it will speak volumes about the willingness of this body to respond to the dire situation in rural America that we just recognized yesterday in a sense-of-the-Senate resolution.

I underscore that the rural economic crisis is not the fault of America's farmers. We have a world situation where large supplies of commodities

have combined with weakened demand, with a terribly depressed Southeast Asian economy that has driven commodity prices lower. In the last 2 years, farm level prices for corn, wheat and soybeans have declined 39 percent. Cattle prices are 20 percent below the level earlier this decade. Hog prices for the first half of 1998, are the lowest seen in 20 years. On top of that, numerous regions have experienced bad weather and crop diseases that have devastated our farmers.

As of yesterday, a farmer would receive a price of $2.50 a bushel for wheat at a country elevator in Dodge City, KS. At that price, the average Kansas farmer with about 350 acres of wheat in the ground right now will suffer a loss of more than $40,000 over his cost of production. And we are telling that farmer we can't do anything to help him?

With the average corn market price announced by USDA on July 10, the typical Iowa corn farmer will be losing more than 35 cents of every bushel of corn he markets, even considering the modest Government payment that he is going to receive under the 1996 farm bill.

Mr. President, 32 of 50 States have suffered declines in farm income in 1996 and 1997. Here it is, 32 of 50 States: North Dakota, 98 percent; Iowa, down 16 percent; New York, 44; Pennsylvania, 32 percent; Kentucky, down 29 percent; Tennessee, loss of 28 percent; Missouri, down 72 percent. That is what is happening. That is the loss in farm income, according to Dept. of Commerce figures. As I noted yesterday, Standard & Poor's Index for Wall Street has gone up 36 percent in the last year. Look what has happened in agriculture. And yet we can't do anything? Not even this modest, little increase in loan rates?

If the price estimates released July 10 by USDA hold up, lower corn and soybean prices will cause an additional loss of farm income in my State of Iowa alone of over $1 billion this year. That translates into 19,000 jobs in my State affected directly or indirectly by agriculture.

On a national basis, this year's crisis will strike a severe blow. USDA estimates suggest that 1998 farm income will fall below $50 billion, 13 percent lower than it was in 1996. With the season average corn and rice projections being lowered 6 percent in July, that number is going to fall even more. The $5.2 billion decline in farm income could translate into a loss of nearly 100,000 jobs in the agricultural sector and ag-related businesses.

Mr. President, 1998 total farm debt is estimated to amount to $172 billion, the highest level since 1985. For those of you who don't remember 1985, let me refresh your memory. That was the height of the farm crisis. From 1985 to about 1988, hundreds of thousands of farmers lost their farms in the United States. It devastated rural America. It took us, well, almost the next 10 years to climb out of it. Now that we are getting out of it, farmers are hit once more.

We are going to have a huge farm debt again this year. We are going to have another wave of farm foreclosures and farm losses. Families are losing the equity they have built up in their farms. Those who survived the 1980s and thought they had it made because they weathered the worst financial crisis in agriculture since the 1930s are on the edge and they are getting pushed off.

Farm families and communities are facing an emergency, and we in the Senate must act, as we have traditionally done when emergencies strike.

It is important that all Senators understand what our amendment does. It focuses on the level of the loan that a farmer can take out on farm commodities after harvest using the crop as collateral. This loan allows the farmer to pay the bills, as I said, and retain the crop for up to 15 months so they can market it in a flexible manner. It let's the farmer make the decision of when to sell rather than being forced to sell because the bills are due. You can think about this amendment as the ''flexibility to market'' amendment.

The formula has been around for a long time. As I said, there is nothing new about this. It is in the farm bill: 85 percent of the 5-year average, throwing out the high and the low years. That is the basic formula, 85 percent.

The distinguished Senator from Indiana went on at great length talking about how we don't want this loan rate set so that it will influence farmers to make their planting decisions, because if the loan rate is too high, then the farmer plants for the loan, not for the market.

I have three observations on that. First of all, this amendment only covers the 1999 Fiscal year. We re talking about crops that are already planted, for the most part. So how can a one-year amendment have any substantial influence on farmers' decisions about what to plant next year? I think perhaps people who have been speaking against the amendment don't understand that. It is only for one fiscal year.

Even assuming somehow psychologically it did because the farmer might say, ''Well, I got that loan this year and if things remain bad next year, maybe they will do the same thing next year, so, therefore, I will make my planting decisions based upon that possibility'' that is ridiculous in the extreme. Why? Because, first of all, this loan rate is only 85 percent of the last year 5-year average, throwing out the high and low years—85 percent. For corn right now, the farm bill cap is $1.89 a bushel. Our modest amendment would remove that rate, raise it to $2.19 for this crop year. Wheat right now is capped at $2.58 a bushel. Removing the cap would put the rate at about $3.22 a bushel. Both of those are way below the cost of production.

If you are a farmer, and you are making planting decisions based upon the loan rate, then what my friend from Indiana is saying is that the farmer is going to plant more corn to get a loan rate that is lower than his cost of production. It reminds me of the old joke, the old saw we always hear around my State about farmers. Someone asked the corn farmer how he expected prices to be? He said, ''Well, I hope to at least break even because I need the money.''

According to the Senator from Indiana, raising the loan rate to $2.19 would somehow encourage a corn farmer to plant corn. Nonsense. That is way below the cost of production and no farmer would ever do that. They are going to plant based upon what they think they can get in the market next year.

So those are two things. First of all, our raising the caps only apply to this upcoming fiscal year; secondly, there is no way that this modest raising of loan rates will in any way influence any farmer to plant for the loan. In no way would that do that.

And third, I must again remind our Senators and others that in agriculture—I do not know why we never learn the lesson of ag economics—a farmer has a fixed amount of land, he has fixed machinery, he has a lot of fixed input and equity costs. If prices drop, there are those who say, ''Well, see, that will send a message to the farmer. If the prices go down, they will plant less of that crop next year.'' That is not so. Because when you have your fixed base and your fixed amount of land and your machinery, if prices go down, your first impulse is to get more production out of that unit of land. Maybe you will check on fertilizer prices. Maybe you will put on a little more fertilizer. Maybe you will put the rows a little closer together. Maybe you will do some other things. Maybe you will plant a little more on some land you did not want to plant on because you already have the machinery out there.

The marginal cost of production for an additional acre of corn, if you are already planting 500 or 1,000 acres of corn, that marginal cost of planting that extra 20 acres or 50 acres is minimal. Yet, if you can raise your production, well then, that will take care of the lower prices. But that feeds on itself.

I predicted 2 years ago, when the 1996 farm bill passed, that that is exactly what would happen: We would see increasing production. Hopefully, the price would stay up. But if other countries' economies went to pot—and we saw a couple years ago that it looked like that might happen—well, then, prices would drop. And how would farmers respond? They would plant more and produce more. And that is exactly what has happened—exactly what has happened.

We probably have a record production of soybeans this year, near record production of both wheat and corn. But

somehow people just think that agriculture is just like making widgets. And it is not. It is a lot different.

This amendment is very modest—very modest. We are not proposing to change the 1996 farm bill in any way. As I said, this provision is in the 1996 farm bill. It is just capped. We are just raising the caps. We are not interfering with planting flexibility, for farmers to make their own decisions. In fact, we are enhancing the flexibility of farmers to market their commodities when it is advantageous for them to do so.

Then, I know we keep hearing the old refrain about keeping Government out of agriculture.

The PRESIDING OFFICER (Mr. GREGG). The Senator has used the 20 minutes yielded to him.

Mr. HARKIN. I yield myself another 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARKIN. So we hear the old refrain, get the Government out of agriculture; give the farmers more freedom. That is what this amendment does. If that is what you like, this amendment gives the farmers more freedom. I just ask my colleagues, what kind of freedom do they have in mind when they talk about giving farmers freedom? The freedom to be forced out of business by events beyond their control?

As I said yesterday, I read a comment in the newspaper by one of my colleagues here who said they wanted to give farmers more ability to manage their destiny. I said, I do not understand that. How can my corn farmer in Iowa manage El Nino? How can my soybean farmer in Iowa manage the disastrous Southeast Asian economy? How can our wheat farmers manage the subsidies that other governments give their wheat farmers to compete unfairly with us? How can those wheat farmers manage the disastrous scab disease that we have had in some of our northern Great Plains States? These are all events that are beyond their control.

Is this the kind of freedom that my colleagues have in mind for farmers? To be forced out by events beyond their control? The freedom to be forced to sell their crops at a loss because they cannot afford to hold onto them or get a decent loan to be able to market it when prices improve a little; is that the kind of freedom we have in mind? Is the freedom that my colleagues have in mind the freedom to struggle at poverty-level income while growing the food for our Nation? Is it the freedom for farmers to take less and less and less of the consumer dollar? Is that the kind of freedom they have in mind?

Well, we have heard a lot of arguments on this amendment. It has been claimed that farmers receive more money under the 1996 farm bill than they would have under the continuation of the 1990 farm bill. That is true for the last 2 years when commodity prices were high. You have to understand, in the 1996 farm bill we gave farmers all the planting flexibility, but there was this payment called the Agriculture Market Transition Act payment, AMTA payments, without any payment limitations. No matter what farm income was like, you got a paycheck. I always thought that was kind of ridiculous.

I had a farmer come up to me once in Iowa last year, after the previous year's crop, and he said, ''Gee, I had one of the best years I have ever had. I had a great year, and I got a paycheck from the Government. What are you people thinking about?'' See, I always thought that Government safety nets ought to be there when prices were low. If a farmer can make their money from the marketplace, that is the way it ought to be. But when there are events beyond their control, like bad weather and bad markets and interference by foreign governments, that is when the Government has to come in with a safety net.

The last couple of years farmers got Government payments. But for this year—when prices are in the tank—for wheat farmers they will have less income protection than they would have had under the 1990 farm bill. According to current USDA price estimates, per-bushel payments to wheat farmers would have been 40 percent higher under the 1990 farm bill than they are scheduled to be under the 1996 farm bill this year. That difference would amount to nearly $22,000 for a farmer with 1,000 acres of wheat.

One might infer that these farmers got these Government payments, and they could have taken these payments and sort of invested them and put them in the bank, so to speak, to get them through this year. Sounds nice. But is that really what happened? Hardly.

First of all, a lot of farmers were paying off buildup debt, No. 1. They used the payments for that. No. 2, what happened was, a lot of farmers who rent found that their landlords increased the rent. Why? Because the landlords knew the farmer was going to get this Government paycheck, knew exactly what he was going to get. So the landlords raised the price of rent. Consequently, a lot of farmers did not even see the Government payment that came out in the form of that cash payment under the 1996 farm bill. A lot of farmers did not even get that money. But I will tell you who did get the money. The big farmers. The larger the farmer you are, the bigger the check you got over the last couple of years. And the larger the farmer you are, the better able you are to go through periods of stress.

So it was all kind of screwed up. The bigger farmers got the most money over the last 2 years when prices were high. Now, when prices are low, our smaller farmers can't get enough help. The bigger farmers are able to get through it because they have more equity.

Now we are going to say we can't even modestly raise the loan rates? I don't know, but I would think wheat farmers out there who are suffering would say they could use the ability to market their wheat over the next 15 months rather than have to sell this fall. Right now, the wheat loan is $2.58 a bushel. We are just asking to raise it to $3.22 a bushel. That is not a lot of money, but it might be a little bit of help.

As I said, I think we checked the wheat in Dodge City, KS, yesterday—$2.50 and going down. The first of July, it was $2.64. Now it is down to $2.50 and going down every week. So our wheat farmers and our corn farmers need some help.

I talked about farmers getting less and less of the share. This chart shows the farm share of the retail beef dollar, going down all the time. So for every dollar, when you buy that steak or you buy that hamburger, the farmer is getting less and less from the dollar you spend for it. Here is the pork dollar. Every time you buy a pork loin roast or one of our delicious Iowa chops—if I can put in a plug for that—our pork farmers are getting less and less of that dollar you spend for pork.

Here is the wheat prices—farm-level wheat price. Here is when the Freedom to Farm bill was enacted. Here are the wheat prices, going down, over the last couple of years. Same thing for corn. Here we are coming up to Freedom to Farm; down it comes. So corn prices are going down, also.

There is a crisis out there. We are not talking about increasing consumer food costs or livestock feed costs, nor are we going to price the United States out of world markets. If the price of the commodity is below the loan rate, the farmer can sell at that lower price and repay the loan at the going market price. So the marketing loan does not prop up the U.S. price among world market prices. Hence, there is no adverse impact upon U.S. competitiveness because of this amendment.

Taking the cap off will help our farmers stay in business. The fact is, it may be the only thing that will keep them in business for another year.

Again, we have heard all these arguments, but for the life of me, I can't understand—I can't understand—why we on one day can say there is a crisis in agriculture, Congress has to respond, and 99 Senators vote for that; the next day, we want just a modest increase in the loan rates to help, and we can't do that? I hope that is not so. I hope we do this today.

Lastly, I heard the distinguished chairman of the Agriculture Committee talking about getting fast-track legislation through, as if somehow that is going to help prices this year. Even if fast track were to pass this year, it would take several years to conclude agricultural talks. I point out, the last Uruguay Round of multilateral talks took 7 years. Keep in mind, even if we got fast track through, that is not going to mean a darn thing for 3, 5, 6, 7 years. That will not help this year—not going to help a bit.

Second, the crisis is now, not 7 years from now. It is right now. Sometimes we have short memories around here. We talk about, yes, we will do all this stuff; we are going to get our trade going again.

The PRESIDING OFFICER. The time the Senator requested has expired.

Mr. HARKIN. How much time do I have left?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. HARKIN. I yield myself 2 additional minutes.

In addition, my colleague from Indiana worries about the potential implications for stocks from this amendment. World grain reserves right now, as a percentage of consumption, are at historically low levels. I believe the American people would be appalled to learn that our Government holds virtually no food in reserve to help us out if we ever have a widespread crop failure.

The chairman suggests that if the Government holds this grain, it stays over the market and depresses prices. Not if you have a government reserve withheld from the market—absolutely not true. But this concept of having a modest reserve is not a new idea. Someone said it began with the Roosevelt administration. This is a Roosevelt New Deal idea, to have a grain reserve, and, as such, we had to do away with it because it was a New Deal idea and we don't need all that stuff around anymore.

The concept of a grain reserve is as old as the Book of Genesis. Surely my colleagues remember the story of Joseph interpreting the dream of the pharaoh, that there would be 7 good years followed by 7 lean years and that food should be stored during the 7 good years to feed the people when the bad years came.

It was true at the time of Genesis and it is true today that we need some food set aside in this country and around the world to meet exigencies. For the life of me, I can't understand why people want to ignore history. We ignore it at our own peril. Ignore it, and we will lose more and more farmers, and we will see a day come when there will be panic because we will have those lean years and we won't have any food to help feed our hungry people.

I yield the floor.

Mr. COCHRAN. Mr. President, we are getting to the point where I think the Senate should seriously consider preparing for a vote on a motion to table this amendment. I know the time continues to exist on both sides, but I am hopeful we can yield back whatever time has not been used as soon as everybody who wants to talk has had a chance to talk.

We don't want to cut anybody off. I am not going to do that. I am just expressing the hope that if everybody has had their say on this amendment, and we have had arguments on both sides—we had a very strong, convincing argument by the distinguished Senator from Indiana, the chairman of the Senate Agriculture Committee; we have had discussions on the Democratic side by four Senators that I recall speaking in support of the amendment; Senator DASCHLE talked in support of the amendment yesterday when he offered the amendment—so I am hopeful that those who want to speak will come to the floor and speak on this amendment and then we will have a motion to table and a vote.

I think the time expires sometime a little after 2 o'clock. We had 3 hours on the amendment. That is just a request. I hope Senators will respond to that request so we can make progress to complete action on this bill today.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I inquire of the chairman, I understand we have one other Senator on this side who would like to come down and speak.

Mr. COCHRAN. We will be glad to accommodate that.

Mr. HARKIN. I want to inquire of the chairman—obviously it is well within his right to move to table—why can't we have an up-or-down vote?

Mr. COCHRAN. It is in the order. We negotiated that last night.

Mr. HARKIN. I thought perhaps the chairman might be willing to place this matter for an up or down vote, rather than vote on a motion to table.

Mr. COCHRAN. It was in the unanimous consent agreement. We can get the clerk to read it.

Mr. HARKIN. I am sorry if I am impeding the business of the Senate in raising this question.

Mr. COCHRAN. It was contemplated I would move to table the Daschle amendment. That is what the Democratic leader understood. We talked about it last night. It was in the order as entered last night—3 hours of debate on the amendment—and that is what we are operating under.

I want to remind everybody that it is my intention to move to table and to have a vote.

Mr. HARKIN. It is fully within the chairman's right to do that.

Mr. COCHRAN. It is not any reflection on anyone.

It is certainly not personal.

Mr. HARKIN. I understand that. I hope we have an up-or-down vote.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank my distinguished friend, the esteemed chairman of the Appropriations Subcommittee. Let me say how much I appreciate his perseverance and patience as we work to try to get what I think is a very good agriculture appropriations bill.

I made some remarks yesterday. I will not take up much time of the Senate to go over that again. But I do have some comments, more especially as to the criticism by those across the aisle in regard to the loan rate and in regard to the Daschle amendment which, I understand, is intended to be of help to the farmers and, more especially, the farmers in the northern plains who are going through a very difficult time.

Mr. President, we have heard that there is no longer a ''safety-net'' for America's farmers. Advocates of this position argue that we must extend marketing loans and remove the caps on loan rates. Based upon recent figures, it is estimated the loan rate for wheat would rise to $3.17 per bushel from its current level of $2.58. However, when you add the transition payments of 63 cents per bushel on the historical base that farmers are receiving for wheat, you have a new safety net of $3.21. We are told raising the loan cap will cost nearly $1.5 billion for one year. And, if we were to come back and make the increase permanent, we are told it would cost $3.5 billion to $4 billion over five years. Why should we approve amendments that will bust the budget when they provide a lower safety net than the current program?

Raising and extending loan rates will not improve prices and producer incomes. Extending the loan rate actually results in lower prices in the long-run. Extending the loan for six months simply gives producers another false hope for holding onto the remainder of last year's crop. Farmers will be holding onto a portion of the 1997 crop, while at the same time harvesting another bumper crop in 1998.

Thus, rolling over the loan rate actually increases the amount of wheat on the market and results in lower prices—not higher prices. Since excess stocks will continue to depress prices, will we then extend the rate again? It will become an endless cycle that will cost billions of dollars, and which will eventually lead to a return to planting requirements and set-aside acres in an attempt to control agricultural output and limit the budgetary effects. Where will we get the offsets the Senate and House will require?

Extending and raising loan rates will only serve to exacerbate the lack of storage associated with the transportation problems in middle America, because it simply causes farmers to hold onto their crops and fill elevator storage spaces. Kansas just harvested its second largest wheat crop in history and there are predictions of record corn and soybean crops in the fall. If we do not move the wheat crop now, it will create transportation problems in the fall that will surpass anything we experienced last year.

I feel it should also be mentioned that advocates of higher or extended loan rates argue that it will allow farmers to hold their crops until after the harvest when prices will rise. To those who advocate this position, I would point out that Kansas State University recently published a report

which looked at the years 1981 through 1997 and compared farmers earnings if they held wheat in storage until mid-November versus selling at harvest. In all but five years, farmers ended up with a net loss as storage and interest costs exceeded the gains in price. Simply put, extending and raising the rates provides a false hope for higher profits that most often does not exist.

Mr. President, we must ask what is the purpose of loan rates? Are they intended to be a marketing clearing device or a price support? They cannot be both as the other side of the aisle would. And, if we set price at $3.17 it very well may become a ceiling on price.

Mr. President, raising loan rates is simply not the answer. We need to continue on course and continue to pursue the new trade markets and tax relief that farmers need. And, as I mentioned yesterday, I would remind my colleagues of the meeting 14 Senators had with 12 major farm organizations approximately one month ago. At the top of every organizations wish list was trade, trade, and more trade.

Mr. President, I mentioned yesterday that I like to think I have spent more time on the wagon tongue listening to our farmers than any Member of Congress. And, farmers tell me to leave loan rates alone. They want export markets opened. They want sanctions that shoot them in the foot removed. These are the policies we should be pursuing, not the policies of the past that put our farmers at a competitive disadvantage in the world market.

Mr. President, I ask unanimous consent that two articles, which fit within the restrictions of Senate rules, by Pro Farmer's Washington Bureau Chief Jim Wiesemeyer, be printed in the RECORD. One is regarding failed policies of the past, and the second one is regarding trade policy.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Inside Washington Today, June 18, 1998]

POPULIST DEMOCRATS AGAIN PUSH FAILED POLICIES OF THE PAST

(By Jim Wiesemeyer)

Saying ''I told you so'' to any lawmaker and any person or farmer who either voted for or pushed for the 1996 Freedom to Farm legislation, a group of decidedly populist Democrat senators on Wednesday railed at the omnibus farm policy contained in that legislation and said it was that measure and not trade problems which alone is the reason for slumbering U.S. commodity prices.

The group of naysayers to Freedom to Farm who showed up at a press briefing with very few answers to questions were: former House Speaker and very likely presidential candidate Rep. Dick Gephardt (D-Missouri), Senate Minority Leader Tom Daschle (D-S.D.), and Democrat Sens. Tom Harkin (Iowa), Paul Wellstone (Minnesota), Kent Conrad (N.D.), Tim Johnson (S.D.) and Byron Dorgan (N.D.).

What they said and didn't say: Headed by Daschle, the group squarely and wrongly laid the blame for the current farm price doldrums with the Freedom to Farm concept enacted into law in 1996 and signed by President Bill Clinton who did not receive a veto recommendation from his Secretary of Agriculture Dan Glickman.

Displaying price charts showing the decline in commodity prices since 1996, the lawmakers took turns ''briefing'' the Washington press corps (but very few took questions), claiming the 1996 Farm Act failed and they could all say ''I told you so'' to those who voted for the package.

''This was radical, extreme policy brought on by (House Majority Leader) Dick Armey (R-Tex.), Gephardt charged. Others at the gathering quickly chimed in to say it was merely a ''Republican farm bill.''

Sen. Wellstone pledged an ''all-out, full-court press'' to get the following four main components of the group's plan enacted into law: dramatically increasing commodity loans rates and allowing 6-month loan extensions; addressing livestock concentration and requiring labels on imported meat; waiving of sanctions on agricultural trade; making indemnity payments to farmers.

Where's the proof? The senators cited dramatic downturns in farm income but based that on data from the Bureau of Economic Analysis (Commerce Department) regarding personal income derived from farming.

The group should have referred to a recently completed USDA analysis of spring wheat farms in the Plains states. That survey shows that in 1996, the average net cash farm income for these spring wheat farms was $37,500; in 1997 it was $14,500; and a projected 1998 net cash farm income of only $5,000.

The USDA info clearly shows pain, and a crisis for spring wheat producers in a specific area of the country. But as one USDA official told me this morning, ''Do we have a crisis in U.S. agriculture today or a regional crisis, and if we do, what is the best way to deal with it?''

Certainly a blunt instrument of help would not be to jack up wheat loan rates to over $4 as proposed by Sen. Conrad.

Populist Democrat senators didn't note popular Freedom to Farm transition payments. USDA data show that for the 1996, 1997 and 1998 crops (combined), Freedom to Farm legislation will provide $7 billion to $8 billion in additional payments to farmers that would have been the case under the prior farm policy. Talk about indemnity payments!

Sure, if loan rates would not have been capped via the 1996 farm bill, there would have been a larger cash infusion this year especially for wheat producers, but certainly not the prior two years relative to those payments I previously mentioned, and when wheat prices were higher to much higher than current values.

I asked several USDA analysts to list reasons why U.S. commodity prices are lower. They listed the following two major reasons:

1. Lack of export growth.
2. Good grain crops around the world the last three years.

What does the above have to do with Freedom to Farm? Nothing.

Questions for the populist senators. While the senators didn't take much if any time to answer reporter questions, here are a few they should ponder:

Rep. Gephardt labeled Freedom to Farm legislation as a ''radical extreme policy brought on by (House Majority Leader) Dick Armey'' (R-Tex.).

Question: Since you will very likely run for president in the year 2000, why didn't you say that President Clinton should have vetoed the farm bill? Why didn't you say that USDA Secretary Glickman should have recommended a veto?

Another question: Rep. Gephardt in the 1985 farm bill debate, along what Sen. Harkins, pushed mandatory supply controls. That was soundly repudiated by Congress, which just so happened to be controlled at the time by Democrats. If there is one major aspect of Freedom to Farm that most non-dissident farmers love, it is the planting flexibility contained in that legislation. Do you agree?

Sen. Byron Dorgan said the group ''didn't have the details'' regarding their proposals and thus did not know the costs. ''We're working on a number of things,'' Dorgan said.

Question: It would be costly, and not just in budget outlays, but in a return to failed farm policies of the past. Why don't you agree?

A specific question for Sen. Dorgan: You keep pushing for targeted farm program payments, having done so for what appears to be over 10 years. Some analysts told me to ask you, ''What chances do you think of this happening? And are they simply to provide feel-good comments for the folks back home?''

Questin to all Democrats: Many Democrats in Congress honestly say they are showing some fiscal discipline. But to propose major changes in farm policy without any budget assumptions runs counter with the previous goal. Question: What are the costs? And to the extent the agriculture committees boost spending on any of the Democrat senators' proposals means a budget offset would have to be found. What will be cut to pay for your proposals?

Sen. Harkin said that by just removing the loan cap on wheat, prices for wheat would be 25% higher than current levels and corn prices would be up 20% from their current level. Question: U.S. commodities are already having trouble competing in the export market, why do you think higher prices at this time would bode well for exports? And would this not also provide incentive for increased production for wheat and corn outside the United States, as was the case under prior U.S. farm policy when loan rates (not an income transfer tool) were set much higher than market-clearing levels? And, wouldn't such a scenario cause prices to eventually be lower than the track they currently are on?

Also, why wouldn't pushing prices far above market-clearing levels result in government-owned surplus wheat that no one wants and lead to calls for a return to an ever upward spiral of set-aside requirements to slow the growth in the mountain of government-owned grain? Usually the answer is, ''Marketing loans will take care of that?'' But that raises the question again: ''At what cost?'' And if marketing loans shouldered those significant costs, wouldn't they be seen as a subsidy by the rest of the world and completely undo many years of work on trade issues and renew the race toward subsidized production and subsidized exports worldwide?

What many farmers say are the big-ticket issues: Ask a group of farmers what their long-term issues and concerns are and you will surely find disagreement, but based on many conversations with this great industry, they boil down to the following three areas:

1. Taxes.
2. Environmental regulatory reform.
3. Trade issues (sanctions, denied market access, etc.).

To repeat, farmers in the Northern Plains are hurting and hurting bad. I met Wednesday with several North Dakota farmers at the Washington office of the National Farmers Union. It didn't take many testimonials to feel their pain. As for the reasons why, they centered on low yields, scab and drought—compounded by those events happening in successive years with a crop insurance program unable to cope with those events. Solution: fix crop insurance.

Is this just an aberration of bad luck? Or, should the United States come up with a regional assistance program rather than changing comprehensive U.S. farm policy?

Northern tier farmers need help, but they're certainly not going to get it based on the political-platform briefing the stated Democrat senators provided on June 17.

We asked USDA Secretary Glickman to comment on remarks the Democrat senators made Wednesday. Glickman said current farm policy needs some modifications to address low prices and growing problems in some regions.

''I think the best view is to not engage in recriminations, but to recognize that there are strengths and weaknesses in the Freedom to Farm legislation,'' Glickman said. 'One of the weaknesses,'' he added, ''is the inability of my office to respond when prices are weak and supplies are high. I think that Freedom to Farm needs some modifications to it, and we're working on it now.''

Asked how much in payments farmers have received in the past several years under the Freedom to Farm compared to what would have been the case under the previous farm policy, Glickman replied, ''Many billions (of dollars)—I can't tell you how much. (I've provided him the answer, above.) The first two years (of current farm policy), there was much more (paid to farmers via market transition payments) than (would have been the case) under the old program. This year, it's hard to tell, but I think in some of the crops it might be less.''

Regarding current prices and global supply and demand, Glickman said grain supplies are high for a lot of reasons—Asian markets are weaker and higher U.S. dollar valuations have reduced exports, resulting in higher domestic supplies.

Also, Glickman said he lacks the marketing tools available to previous ag secretaries.

''I don't have the power to deal with the marketing of commodities in the way that prior (USDA) secretaries have had,'' Glickman stated. ''I think those things need to be fixed.''

Glickman pointed out that the lack of federal disaster programs for farmers and a crop insurance program that works better in some parts of the country and not so good in other regions as a difference in the tools he has available versus previous USDA chiefs.

''So, without any kind of intermediate assistance,'' Glickman concluded, ''it makes it difficult to respond to certain conditions in some regions of the country that have been currently (adversely) affected.''

Bottom line regarding the populist Democrat senators' proposals: A wise man once said that one form of insanity is doing the same thing over and over and expecting a different result.

[From Inside Washington Today, June 19, 1998]

FAST-TRACK APPROVAL PART OF TOP AG AGENDA

[By Jim Wiesemeyer)

What a difference a day and different senators make when it comes to the focus of U.S. agriculture and trade policy. Thursday we highlighted the drive by some Democrat farm-state senators to change U.S. farm policy to address the current very low price and income situation in parts of the country but especially the Northern Plains. Their plan focused on higher loan rates, extending commodity loans and making indemnity payments to producers.

By stark contrast, some Republican farm-state Senators Thursday morning met with 12 farm and commodity groups to prioritize the farm policy agenda. These lawmakers and farm group representatives did not recommend wholesale if any changes to the 1996 farm act. Instead, they focused on what can be done in trade and trade policy to keep U.S. agriculture products moving to overseas markets.

Republican senators huddle with farm commodity groups on priority agenda. In a meeting Thursday with major farm groups, the session concluded with the following list of priorities: Reauthorization of presidential fast-track trading authority; IMF funding and reforms; passage of sanctions reform legislation; Most Favored Nation (MFN) trading designation for China; stronger oversight on GMO and biotechnology negotiations; full funding for Sen. Dick Lugar's agricultural research bill; estate tax reform; and reform of the farm savings system

Farm groups represented at the session: American Farm Bureau Federation; American Soybean Association; National Association of Wheat Growers; National Barley Growers Association; National Corn Growers Association; National Cattlemen's Beef Association; National Cotton Council of America; National Grain Sorghum Association; National Grange; National Oilseed Processors Association; National Pork Producers Council; and National Sunflower Association.

Senators participating in the agenda-setting confab: Majority Leader Trend Lott (R–Miss.); Senate Ag Committee Chairman Dick Lugar (R–Ind.); Senate Ag Appropriations Chairman Thad Cochran (R–Miss.); Pat Roberts (R–Kan.); Conrad Burns (R–Mont.); Larry Craig (R–Idaho); Craig Thomas (R–Wyo.); Rod Grams (R–Minn.); Chuck Grassley (R–Iowa); Dick Kempthorne (R–Idaho); Chuck Hagel (R–Neb.); Wayne Allard (R–Colo.); and Mitch McConnell (R–Ky.).

What was said and wasn't said: ''Farmers and ranchers tell us they don't want the government back in their back pockets,'' says Sen. Burns. ''That means doing everything we can to open up markets to them and to provide more of the agricultural dollar to the producer level. We've also determined that while trade is very important, issues such as fast track are worthless unless the (Clinton) administration commits to sending trade negotiators abroad who are sensitive to the needs of agriculture.''

Burns said that while income averaging and some estate tax relief has come for farmers, more still needs to be done.

Sen. Lugar says the group agreed that ''the current debate should not be about changes to the 1996 Farm Bill, as some are proposing, but what can be done in this new farm environment to move ahead.'' The Senate ag panel chairman noted ''there are some, even in the Senate, who are talking about supply management,'' a policy that Lugar labeled as ''a defeatist, defensive policy.''

Lugar was asked to comment on proposals unveiled Wednesday by a group of Democrat senators which included a call to raise loan rates and to make indemnity payments to farmers. ''These would not be helpful,'' Lugar responded. ''We've gone down that trail before. They led to an increase in supplies so that the price was depressed for years, not just a few months.''

''Why people want to repeat history . . .'' Lugar continued in his pointed comments regarding some Senate Democrats' farm policy proposals. ''My own view,'' he said, ''is that we would not change the loan rate, we should not extend the loan (term), we should not be sending indemnities out, we should not be sending massive amounts of money. We've got a good, solid farm policy.''

Sen. Pat Roberts, the ''father of Freedom to Farm'' when he was House Ag Committee chairman, also responded to alternative farm policy proposals from a small group of Democrat senators. He said he would be the first one in line to back raising loan rates if that was a sound idea. Key word there is if.

The issue of loan rates, Roberts continued, comes down to a debate on the purpose of the loan program. ''You have to have a policy judgment,'' Roberts stated. ''Do you want the loan rate to be a market-clearing device, or an income protection device?'' He noted that today, farmers are receiving ''transition payments that are twice as much as they would have had under the previous (farm policy) program.''

Roberts zeroed in on farm woes in the Northern Plains. He said a look at what is causing the trouble in this region shows: ''Number one, you've had bad weather; ''Number two, you've had wheat disease for six years; ''Number three, you've got some real border problems with Canada; ''Number four, (Northern Plains) cost of production is historically higher.''

''There is a serious problem'' in the Northern Plains, Roberts stressed. ''But what is the answer?'' he asked. He said a return to the failed policies of the past such as raising the loan rates ''is a dead-end street.''

Roberts signaled a possible assistance tool ahead for needy producers when he said he has talked to USDA Secretary Dan Glickman about credit issues such as getting loans on coming Freedom to Farm transition payments.

Sen. Chuck Hagel focused on getting the IMF funding package and fast-track negotiating authority as top priorities.

Hagel admitted that the House Republican leadership will have to be encouraged to bring these measures up for votes. But he quickly added, ''Let's recall that all trade issues have been non-partisan,'' noting that he certainly hopes the situation remains that way.

Fast-track gets new life. One of the top agenda items Lugar and other senators mentioned was getting the administration fast-track trade negotiating authority. Consider the following recent developments:

Sen. Roberts said that while he can't and won't speak for House Speaker Newt Gingrich, discussions he's held with Gingrich indicate a plant to bring fast track to a vote in the House in September. Roberts says, ''Why wait? Let's do it now!''

Gingrich, in an interview with CongressDaily earlier this week, confirmed that Congress will consider fast-track trade legislation sometime before adjourning this fall. He cited the ongoing Asian financial crisis as a reason to bolster the United States' trade position. He said renewing this authority to negotiate trade deals via fast track would be good for U.S. business, particularly agriculture.

House Ag Committee Chairman Bob Smith (R–Oregon) said he is waiting for a response from the Clinton administration to a previous proposal he made that he estimates could deliver up to 30 votes for fast track. That could be enough to pass the contentious trade measure.

Smith sent a letter last month to U.S. Trade Representative Charlene Barshefsky proposing the administration change authorizing language in the measure so the House and Senate Ag panels would have greater authority to review implementing agreements related to fast track. (In Beijing this week, Barshefsky welcomed Gingrich's call for a vote on fast-track trade legislation this year.)

''If they give me the go-ahead,'' Smith said he could ''deliver the votes.'' Noting the fast-track measure was within around 10 votes of achieving House passage last year, Smith said his idea could help switch as many as 30 votes. He said his approach would allow members to ''cross over and they could then go back home and answer the people who say that agriculture always gets traded out.''

Sen. Grassley this week called on President Clinton to ''back up his speech that he made in Geneva'' on the importance of trade. He further called on Clinton to use ''his power of persuasion'' and the ''power of the office'' to muscle up support for fast track.

Sen. Bob Kerrey (D–Neb.) said that without the ability to negotiate trade deals and keep U.S. ag trade moving, ''serious problems facing U.S. agriculture today are apt to get worse.'' He added that U.S. agriculture is relying heavily on ''demand in foreign markets.''

Bottom line: sooner or later in this town common sense prevails. Momentum for getting congressional approval of fast-track trade negotiating authority is growing. But in the past, fast-track proponents didn't keep the issue front-and-center. It looks like farm groups and others have learned some hard lessons. Frankly, I think fast track would have passed before if there would have been an actual vote on the floors of Congress (a minority viewpoint, for sure). Let's just hope a vote occurs this time, this year. We need to see the true Hall of Shame of those lawmakers who vote against authority to simply negotiate. Any trade agreement can be voted down. But not to give U.S. trade negotiators a chance can only be deemed for what it is: protectionism in disguise.

And if Rep. Smith gets his worthwhile proposal okayed, then farm-state lawmakers voting against fast-track would have a lot of fast explaining to do—to their agribusiness constituents.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I wanted to correct myself. I did look at the order that was entered. The Senator from Mississippi is right. The order was entered that there would be a motion to table. I did not think that was the case. I stand corrected.

Mr. President, I was still waiting for one Senator on our side to come and speak. So, again, 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. DASCHLE. 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. DASCHLE. Mr. President, I yield the 5 minutes remaining to the distinguished Senator from Louisiana, and then I will use my leader time to close up the debate on this amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I thank our leader for yielding time to me.

I wanted to speak earlier for the RECORD to give my distinguished colleague from Iowa some words from Louisiana. We talk a lot about the Midwest and the Northwest, and the difficulty that our farmers are experiencing, actually all over our country. And the South, Mr. President, is no different.

I had a very lengthy conference call with the leaders of many of our commodity groups. I am sorry to bring to this floor that the situation is fairly urgent in Louisiana. I am sure that is true in other places in the South. They are facing economic hardships, unparalleled in many instances. In fact, I asked Ken Methavin, one of our cotton producers from Natchitoches, LA, if he could describe the situation. He said, ''Ms. LANDRIEU, there ain't nobody alive that has ever seen anything like this for a hundred years.'' We are experiencing in Louisiana a 100-year drought, and for us with usually an ample supply of water it is hard for me even to be able to speak here about the situation that the farmers are experiencing. It is very unusual.

Over the past 3 and a half months, our State has received virtually no measurable rainfall in the crop-growing regions of the State. As of this week, the average rainfall totaled 13 inches below our State average.

In addition to facing one of the worst droughts in our history, the State is experiencing very high temperatures, over 100 degrees. The combination has resulted in extensive damage to our corn crop.

Our soybean farmers, in addition, tell me that about a third of their crop will be in jeopardy.

Our dairy farmers continue to face not only the weather conditions—the lack of water and the high temperatures—but depressed prices are also driving many of them out of business. Milk production has decreased more than 50 percent, in addition, due to damaged pastureland.

Our cotton and rice farmers are also expecting to suffer from the drought. In addition, the Asian financial crisis, which has not yet completely hit, threatens to further complicate the situation.

Our forest production report is equally disturbing. We planted 100 million seedlings this last year and to date have lost over 50 million, and 15,000 acres of forest in Louisiana have burned, resulting in fire not to be compared to what is happening in Florida, but still a significant amount of acres has been lost.

In parish after parish, I am hearing nothing but grim news about the impact of the drought on depressed prices in some areas, and the extreme heat. I am told that even with crop insurance under the current Crop Insurance Program, many of our farmers will not be able to recoup any measurable portion of their input costs. Other farmers who are not eligible for crop insurance have no similar assistance at all to avail themselves of.

So I am pleased to be here today on the floor to join our leader, Senator DASCHLE, in his plea—his urgent plea—for this Congress to come together and to give appropriate assurance and appropriate measures to our farmers at this time. It is not enough, Mr. President, I don't think, to pass a sense of the Senate. What is appropriate is to give meaning to that resolution that we passed yesterday. We should have specific, concrete relief and a safety net for our farmers to get them through a difficult time and to realize that perhaps the laws that we have outlined are not perfect and could be improved with some changes that our leader has put forward.

So I am happy to join him today, and Senator HARKIN, to continue to fight and to support our farmers not only in Louisiana but around the Nation.

Thank you, and I yield the remainder of my time.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democrat leader.

Mr. DASCHLE. Mr. President, I thank the Senator from Louisiana for her excellent statement and appreciate very much her reflecting on the seriousness of the situation in Louisiana as well.

As I noted, Mr. President, I will use my leader time to finish the discussion of this amendment.

I think this poster probably says it as well as anything. The only thing I would call to everyone's attention is that when it says ''rural S.D.,'' it could say ''rural Louisiana,'' it could say ''rural Illinois,'' or it could say ''rural'' any State in the country. ''Ag slump threatens rural''—blank. For me, it is ''rural S.D.''.

The problems that we are having here that are outlined in these articles say it very well. Prices have dropped dramatically. Prices have dropped in corn, in wheat, sorghum, barley, soybeans—you name the commodity. Prices have plummeted. It is not just the grain, it is the livestock as well.

There is a statement here in the first part of the article by David Kranz, the Sioux Falls Argus Leader.

Mr. President, I ask unanimous consent that these articles, one by David Kranz of the Argus Leader, and the other by Kevin Woster of the Argus Leader, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Argus Leader, July 15, 1998]

AG SLUMP THREATENS RURAL S.D.—SMALL TOWNS VULNERABLE TO DOWNTURN

(By David Kranz)

As politicians scramble to prop up a flagging farm economy, South Dakota's small-town main streets are bracing for the financial ripples.

Cheap grain coupled with depressed livestock prices have farmers in an unusually tight economic clutch this summer. And some small businesses are already seeing the effects.

''We are seeing a major impact. It's all because of $2 corn and under—$5 beans and

going lower. And you have $30 hogs and $50 cattle. I don't know if you could call it a depression, but it is awfully close to it,'' said Tom Reecy, owner of Reecy Farm Supply Co. in Dell Rapids.

Contributing to farmers' problems are weakened demands for agricultural imports and some prolonged periods of weather disasters and crop diseases. Some agriculture economists are predicting financial fallout as harsh as during the farm crisis of the mid-1980s.

Some small businesses, already struggling to survive economically, may lose the battle.

''Those (towns) that are detached from urban centers may have some problems. When a community becomes totally dependent on one industry, any blip on the graph will hit them more than your commuter towns,'' said James Satterlee, head of the Department of Rural Sociology at South Dakota State University.

Satterlee said many small towns have been reluctant to accept change and diversify their economies over the years.

Census reports show about 200 South Dakota communities are steadily losing population, and some of those will be vulnerable to another downturn in agriculture.

''If those towns have been diversifying, it won't be as severe. There will be less chance of impact because of something that happens with one particular product,'' Satterlee said.

Freeman is one South Dakota community largely dependent on the ag economy. The town is also watching its population continue to shrink.

Rita Becker closed her clothing store in Freeman in March because the store was no longer profitable. She now works on the farm with her husband, Rudy.

''When we talk with people in the business, ag prices are a part of it, but another part is that people just go elsewhere to shop. We are 50 miles away from Sioux Falls, but nowadays, 50 miles isn't a long ways to drive.''

The current agricultural situation has Becker and her husband questioning the advantages of farming.

''We are in our mid-40s. We raise about 500 acres of beans and corn. Hearing my husband speak with his friends, they are discouraged. People have just had it. They have farmed all their lives and there is just no money in it,'' she said.

HARDWARE STORE HURTING

Down the street from where Becker once did business. Don Wipf is watching a decline in agriculture-based spending at the Coast-to-Coast hardware business his family has owned for 59 years.

''We have seen it coming for a couple of years. The farmers aren't spending money like they normally do. Sales are down. I think they are buying more nonnecessities,'' he said, ''They notice it over at the grocery store, too. They are buying more of the cheaper cuts of meat these days.''

Wipf says Freeman business people are worried about the future.

''Everybody is trying to come up with ways to keep the businesses we have. It is just generally tough for small towns. I wish we could come up with an answer. I'd be rich.''

CENSUS NUMBERS DOWN, TOO

Things aren't much brighter in Redfield. This community, located between Aberdeen and Huron, is also losing population. The 1996 census update showed another 3.3 percent drop in population from the year before.

Rod Siegling owns the family's grocery store, Siegling Super Value, which has been operating in Redfield for 40 years.

TOUGHER IN BAD TIMES

He has seen the ups and downs that come with agricultural prosperity and decline, but says it is getting tougher to absorb the bad times.

''It hasn't had much of an effect yet, but it will come gradually. They will watch how they spend their dollar,'' he said.

Ironically, a drive through the countryside this summer can be deceiving, he said.

''The crops look good, but it isn't worth anything if you can't get a good price,'' he said.

Feed is Reecy's business and he has ridden the agriculture price roller coaster since 1973.

''It (the farm economy) has affected our total feed business very dramatically. Our major customer with 20 to 50 sows . . . They are just getting out,'' he said ''That style of person is farming their farm land, looking to cash it out and look for another job.''

The low prices don't reduce farmers' financial obligations, though, Reecy said.

''At the same time they all know their taxable valuation is going up. School cost is going to go higher. Those things have them very concerned.''

Tim Clarke hears the talk from farmers about the pending economic predicament. He opened a farm equipment business last April in Howard.

''I am starting from scratch. I have nothing to compare with, but I sell smaller ticket items like live-stock-handling equipment and business has been good,'' Clark said.

TRYING TO STAY POSITIVE

Although he prefers to stay positive, he's also realistic.

''I try to ignore it (talk of the bad farm economy), Agriculture has always been cyclical. But if it (the downturn) is not brief, there will be nothing but tail lights in this part of the country.''

[From the Argus Leader, July 15, 1998]

DEMOCRATS TURN UP HEAT ON FARM ACT

(By Kevin Woster)

South Dakota's two U.S. senators joined other Democrats on Tuesday in an increasingly pointed attack on Republican-inspired farm policy that critics claim has failed.

In an assault that Democrats hope can produce more congressional seats as well as better market prices. Sen. Tom Daschle said almost every major commodity has dropped in price since Congress in 1996 passed the Freedom to Farm Act.

That act is phasing out decades-old farm subsidies and production controls in favor of free-market, free-planting policies. It allows farmers to take better advantage of market highs but also leaves them more at risk during lows.

''We've seen some of the lowest prices in decades for months now,'' Daschle said during a teleconference with reporters across the nation. ''We'll see a serious decline in farm prices for the foreseeable future unless something is done.''

That something is included in a five-point relief plan presented Tuesday by Daschle. Sen. Tim Johnson and Democratic senators from Iowa, Minnesota and North Dakota.

The Democrats intend to offer the rural relief package as amendments to an agricultural appropriations bill. The Senate could vote on some parts of that proposal today.

On Tuesday night, the Senate approved an amendment by Daschle acknowledging that there is a crisis in farm prices and that it must be addressed. Daschle and other senators are scheduled to meet with President Clinton tonight to discuss the situation.

The center of the Democrats' package is a proposal to increase the rate and extend the repayment period for government marketing loans. Farmers can use the loans, based on a set price per bushel, to acquire operating cash. When prices rise, they can sell their grain for a batter price, repay the loans and have money left.

Other provisions would require large meatpackers to reveal more information about prices they pay for livestock, require labeling of imported beef and lamb, boost foreign-trade programs and create a $500 million fund for targeted disaster assistance.

Providing a higher loan rate and a longer repayment period—from the current nine months to 15 months—would give farmers more cash immediately and allow them more time to find better markets, Democrats said.

Critics complain about the cost, which Daschle said would be $1.6 billion a year. They also worry that the longer marketing period could allow grain stocks to build and actually depress prices.

''The buyers know that product is there. And it has to come to market sometime. It can't stay in the bins forever,'' said Kimball farmer Richard Ekstrum, past president of the South Dakota Farm Bureau.

The Farm Bureau supports the current farm bill, while the South Dakota Farmers Union has pushed for changes, including those advanced by the Democrats.

Ekstrum said he supports some portions of the Democrats plan, such as provisions aimed at improving foreign markets. He said market development is the long-term key to better prices.

Although raising the marketing loan rate might help boost prices for grain farmers, even that benefit creates negative impacts in the complicated world of agriculture, Ekstrum said.

''That loan rate has an impact on grain prices, which livestock producers have to purchase. And they already are in a very tight squeeze. If they have to pay more for grain, they might cut production,'' he said. ''There's just no simple solutions.''

Ekstrum said the depressed market prices re painful for farmers, but the entire outlook isn't bleak. Many farmers in South Dakota have promising fields of corn and soybeans, he said.

''It's not in the bin yet. But right now we have the potential for yields much, much above what is average. If you can produce more grain with the same inputs, that's always a positive thing,'' he said.

South Dakota's Republican congressman, Rep. John Thune, said he probably would support the loan-rate increase. He also might support the loan-repayment extension, although he worries about the potential effect of stockpiling more grain.

Either way, the Democratic plan faces a hard collision with Republican leaders intent on maintaining the new free-market, less-government approach to federal farm policy, Thune said.

''When you get outside of the Northern Plains states, they aren't experiencing the type of stress that we are, so it's a harder case to make,'' Thune said. ''I certainly don't think there's any inclination there now to overhaul Freedom to Farm.''

Supporters of current farm policy think the long-term answer is in new and expanded foreign agricultural markets, which will help boost market prices. The House moved Tuesday evening to help in that area by approving a companion bill to one already approved by the Senate exempting agricultural commodities from trade sanctions imposed against Pakistan and Indian.

Thune said work on foreign trade needs to be a national priority. But he said there might be ways to provide farmers and ranchers with needed assistance while maintaining the free-market approach.

He hopes to announce related proposals later this week.

Democrats said that without immediate action, Congress will fail rural America.

Sen. Byron Dorgan, D-N.D., said farmers in his state are experiencing a 98 percent drop in farm income in one year because of lower market prices, crop diseases and weather problems. Such severe financial pain deserves federal assistance, he said.

''It isn't a wind or tornado. It's not a flood. It's not a fire. It's not an earthquake. But it's every bit a disaster,'' Dorgan said.

Johnson said the Freedom to Farm concept, which phases out farm subsidies by 2002, amounted to giving farmers ''five years of declining payments, then a pat on the back and good luck.''

Johnson continues to push for meat labeling laws that would allow consumers to choose between U.S. and imported meats. He said that would help lift prices for U.S. livestock producers.

Mr. DASCHLE. Mr. President, I will quote from the article:

''We are seeing a major impact. It's all because of $2 corn and under $5 beans and going lower. And you have $30 hogs and $50 cattle. I don't know if you could call it a depression, but it is awfully close to it,'' said Tom Reecy, owner of Reecy Farm Supply Co. in Dell Rapids.

Contributing to farmers' problems are weakened demand for agricultural imports and some prolonged periods of weather disasters and crop diseases. Some agricultural economists are predicting financial fallout as harsh as during the farm crisis of the mid-1980s.

This isn't a Democratic Senator saying this. This isn't even a farmer saying this. What they are saying is that, because of these falling crop prices, you have got the owner of a very important business in Dell Rapids, SD, saying, ''It's over.'' Its over unless we change what is happening out here today.

The article by Kevin Woster makes it very clear that the problem goes beyond—it is not on this chart—but it goes beyond Dell Rapids, SD. He talks about Redfield, a very important community in the northeastern part of our State. The 1996 census update showed a 3.3 percent drop in population in just that year. Rod Siegling owns the family grocery store, Siegling Super Value, which has been operating in Redfield for 40 years.

Mr. Siegling talks about the extraordinary reduction in the business in his store, in the article that I have already inserted in the RECORD. Why? Because prices are so low people can't afford to buy their groceries.

Mr. President, I have one other matter I would like to insert in the RECORD, and that is a letter sent to the chairman of the Senate Agriculture Committee by the Tripp County Board of Commissioners: Louis Polasky, Ray Petersek, Harold Whiting, Neil Farnsworth, and Marion G. Best.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the _____ was ordered to be printed in the RECORD, as follows:

TRIPP COUNTY
BOARD OF COMMISSIONERS,
Winner, SD, July 7, 1998.

Senator RICHARD LUGAR,
Chairman, U.S. Senate Agricultural Committee, Senate Hart Building, Washington, DC.

DEAR SENATOR LUGAR: The Tripp County Commissioners are writing this letter to inform you as to the economic disaster involving the farmers and ranchers in Tripp County, South Dakota.

The county consists of approximately 700 farm and ranch families in a populas of 6,900. During the last decade, the devastating effect of low commodity and cattle prices have affected every household in the county. Commodity prices at the 1950 levels have continued the exodus of our youth to cities for jobs while the age of our farmers and ranchers average in the 60's.

Ever since the NAFTA and GATT agreements were entered into, the farm and ranch economy has plummeted. While trying to become more efficient, they cannot compete with the inflationary rate that the rest of the economy or businesses have placed on their products while receiving historical low prices!

While the large four packers have capitalized on the livestock market, the stock market moves up or down only to the pleasure of the traders' profit at the expense of the farmers and ranchers. Where else can a market move lower because it rains in Indiana or higher because Texas is dry!

It has, for these reasons and many others, become very important for the need of assistance to restore a safety net to grain and livestock producers! All our producers need are fair prices for both grain and livestock and the rural economy will heal itself! This crisis has escalated to the point where immediate help is needed. The rural outcry has become a deafening cry for help.

Sincerely,

TRIPP COUNTY COMMISSIONERS:
LOUIS POLASKY,
Chairman.
RAY PETERSEK.
HAROLD WHITING.
NEIL FARNSWORTH.
MARION G. BEST.

Mr. DASCHLE. I will simply read one paragraph:

During the last decade, the devastating effect of low commodity and cattle prices has affected every household in the county. Commodity prices at the 1950 levels have contributed to the continuing exodus of our youth to cities for jobs while the age of our farmers and ranchers average in the 60s.

Yesterday, the Senate voted 99 to nothing simply to say, with bipartisan emphasis, we hear you. We understand. We know that when prices are this low, you are going to see the consequences as reported in these stories and this letter.

Today, we now offer our solutions. This amendment, the one upon which we will be voting briefly, lifts the cap on marketing loans and extends the loan term as one of the most consequential ways with which to respond immediately to the problem of low prices.

Why? Because we are giving farmers some flexibility to say, look, if the prices continue this way, I am going to take out a loan for at least 15 months to see if all of the other things they are doing out in Washington and throughout our agricultural economy will give me a better price later on.

That is what we are suggesting. Let's give our farmers the opportunity to obtain a better option in the short term. We are talking about farmers' ability to survive the 1 year that this amendment takes place. That is all it is, 1 year. We are not suggesting this be a permanent change to the legislation pending. We are simply saying the very survival of thousands of family farms depends upon whether we give them the tools right now.

For those who oppose this amendment, I would simply ask, What immediate action do they propose? What will they do to help farmers today?

We are all for trade. I don't know of a Senator who will come to the floor and say, ''I oppose increasing trade.'' That is like saying I will oppose eating apple pie. We favor trade. We want to see our markets opened. And I might say parenthetically the fastest way to open them is to pass the funding of the International Monetary Fund so that we can open these markets and stabilize the economy.

So let me just describe again this first in a series of steps that we are proposing to deal with these prices. The amendment, again, that we will be voting on momentarily would eliminate the caps on marketing loans and set the new rate at 85 percent of the average price of the previous 5 years, and here is the key, ''on an emergency basis.'' On an emergency basis, it would extend the marketing loan term from 9 months to 15 months under the same conditions.

I hope everyone will note the distinction between this amendment and earlier legislation to break the loan caps. In contrast to other marketing loan proposals, this measure only goes into effect in the case of an economic crisis. It gives the President discretionary authority to control extreme, persistent income loss by lifting the marketing loan caps and extending their terms in this year only.

Regardless of how my colleagues may feel about changes in permanent law, regardless of how they may have voted in the past, I really cannot imagine that anybody can say that for 1 year, under these circumstances, I am opposed to bumping up that loan that has to be paid back by the farmers, regardless of whatever concerns they might have. In every single case that I am aware of in talking to farmers around the country, they tell us that the single most effective thing we can do, the single most important thing we can do to affect price in the short term is what we are offering right now.

You can listen to some of our colleagues complain that this is an old solution. The fact is that this is the best solution, the best short-term emergency solution that we are aware can be proposed. It is supported by the National Wheat Growers, by the Barley Growers, by the American and National Corn Growers, and by a growing list of farmer organizations and farmers across this country who say, yes, with an exclamation point, pass this.

Combining the two provisions—the extension of the time and the moderate increase in the availability of the loan value—provides our farmers with increased market flexibility and a far better shot at surviving over the next

12 months. Adopting this proposal would result in loan rate increases, and we think price increases, for every single grain commodity. Wheat loan rates would increase 64 cents a bushel; corn loan rates would increase 36 cents a bushel; soybean rates would increase.

The flexibility contained in the new farm bill is great. Farmers get their signals from the market but not the Government. But they cannot be left without the marketing tools necessary to capitalize on the new free market. This is an opportunity to send a clear message to farmers in every State, every State where we can add ''rural'' in front. We understand the ag slump threatens rural States, rural South Dakota, rural North Dakota, rural Maine, rural California, rural Louisiana, and we are going to do something about it. We are going to offer this as our best opportunity to deal immediately with price, knowing how consequential this could be for every single farmer who is watching and listening and hoping that we understand. We can use all the rhetoric we want. The only way we are going to get this job done is to match our actions to our rhetoric. The rhetoric came yesterday. The actions now must come today, and they must start by increasing this loan rate.

I yield the floor.

Mr. COCHRAN. Mr. President, I think we have had a full and complete debate on the Senator's amendment. We have heard from Senators on both sides of the aisle. I am prepared to yield back any time that remains to this side on the amendment of the Senator from South Dakota, but before doing that I am happy to announce to the Senate that we have reached an agreement on both sides with respect to the amendments that will be in order to this bill and, following the disposition of the Daschle amendment, we will proceed to consider other amendments.

With the authority of the majority leader and with the permission and consent of the minority leader, I ask unanimous consent that during the consideration of the agriculture appropriations bill, the following be the only first-degree amendments in order, subject to relevant second-degree amendments, and following the disposition of the amendments, the bill be advanced to third reading and the Senate proceed immediately to Calendar No. 430, the House companion bill.

I further ask that all after the enacting clause be stricken, the text of the Senate bill as amended be inserted, the bill be advanced to third reading and passage occur, all without intervening action or debate.

Finally, I ask that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate, and the Senate bill be placed back on the calendar.

I submit the list of amendments to be offered on both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO AGRICULTURE APPROPRIATIONS

Craig—Bio-diesel.
Grassley—S.O.S. on farmers relief.
Grassley—S. 1269—Fast track.
Lugar—Sanctions.
McConnell—2nd degree place holder.
Hatch—Interstate distribution of meat.
DeWine—S.O.S. on asthma inhalers.
Kempthorne—Funding for secondary agriculture education programs.
Brownback—Limit length of agriculture census.
Coverdell—Ag. credit.
Coverdell—E coli.
Roberts—Nuclear nonproliferation.
Roberts—Nuclear nonproliferation.
Cochran—Managers amendment.
Cochran—Managers amendment.
Stevens—Relevant.
Santorum—Farmland preservation funding.
Brownback—Nine month waiver permanent sanctions—Pakistan/India.
Baucus—Research.
Baucus—Commodity loans.
Baucus—Research.
Baucus—Relevant.
Bryan—Market access program.
Bryan—Market access program.
Byrd—Relevant.
Byrd—Relevant.
Bumpers—Relevant.
Bumpers—Relevant.
Bumpers—Relevant.
Conrad—Emergency indemnity payments.
Conrad—Relevant.
Conrad—Relevant.
Daschle—Market loan rate (pending).
Daschle—CRP hay.
Daschle—Fund for Rural America.
Daschle—Price reporting.
Daschle—Conservation reserve.
Dodd—Waive sanctions food and medicine.
Dodd—FDA recall drugs and medical devices.
Dodd—Authorize experiment station research $.
Dorgan—Scab research.
Dorgan—Cost of production.
Dorgan—Sanctions.
Dorgan—Food for peace.
Dorgan—Fruits and veggies.
Durbin—Clinical pharmacology.
Durbin—National corn-to-ethanol.
Durbin—Meals on wheels.
Feingold—Small farms.
Feingold—Relevant.
Graham—Fires.
Graham—Country origin produce labeling.
Graham—$ Med fly.
Harkin—Relevant.
Harkin—WIC related.
Harkin—Food safety.
Harkin—Relevant.
Harkin—Relevant.
Harkin—Relevant.
Harkin—Bio containment.
Johnson—Meat labeling.
Kerrey—Mandatory price reporting pilot.
Kerrey—Economic research service study.
Leahy—Relevant.
Leahy—Relevant.
Levin—Fire blight.
Levin—Disability discrimination.
Mikulski—Relevant.
Mikulski—Relevant.
Robb—Remedy discrimination by USDA.

Mr. COCHRAN. Mr. President, I thank all Senators for their cooperation and assistance in reaching this point of the debate on the agriculture appropriations bill. I now yield back all time that remains on this side on the Daschle amendment.

I move to table the Daschle amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. INHOFE). 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. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—56

Abraham	Feingold	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—43

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—1

Glenn

The motion to lay on the table the amendment (No. 3146) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3155

(Purpose: To amend the Arms Export Control Act to provide waiver authority on certain sanctions applicable to India or Pakistan)

Mr. COCHRAN. Mr. President, on behalf of the Senator from Kansas, Mr.

BROWNBACK, and other Senators, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BROWNBACK, for himself, Mr. ROBERTS, Mr. HAGEL, Mr. GORTON and Mr. ROBB, proposes an amendment numbered 3155.

Mr. COCHRAN. 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:

TITLE ____—INDIA-PAKISTAN RELIEF ACT

SEC. ___01. SHORT TITLE.

This Act may be cited as the ''India-Pakistan Relief Act of 1998''.

SEC. ___02. WAIVER AUTHORITY.

(a) AUTHORITY.—The President may waive for a period not to exceed one year upon enactment of this Act with respect to India or Pakistan the application of any sanction or prohibition (or portion thereof) contained in section 101 or 102 of the Arms Export Control Act, section 620E(e) of the Foreign Assistance Act of 1961, or section 2(b)(4) of the Export Import Bank Act of 1945.

(b) EXCEPTION.—The authority provided in subsection (a) shall not apply to any restriction in section 102(b)(2) (B), (C), or (G) of the Arms Export Control Act.

(c) Amounts made available by this section are 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: *Provided*, That such amounts shall be available only to the extent that an official budget request 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.

SEC. ___03. CONSULTATION.

Prior to each exercise of the authority provided in section ____02, the President shall consult with the appropriate congressional committees.

SEC. ___04. REPORTING REQUIREMENT.

Not later than 30 days prior to the expiration of a one-year period described in section ____02, the Secretary of State shall submit a report to the appropriate congressional committees on economic and national security developments in India and Pakistan.

SEC. ___05. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives and the Committees on Appropriations of the House of Representatives and the Senate.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the India-Pakistan Relief Act, which I am cosponsoring with my colleague from Kansas.

Even as we have implemented a strict regime of sanctions on India and Pakistan as called for by law, it is my belief that we must also look to the future and to creating the sort of environment which will allow the United States to engage India and Pakistan in a positive relationship and to restore stability to South Asia.

To that end, this Amendment does something very simple, and something much needed. It is also something which I believe the great majority of this body supports.

The Amendment provides the President with the discretion to waive the application of any sanction or prohibition, for a period of 1 year. It contains an exception for those sanctions dealing with dual-use exports or military sales, which will remain off-limits.

Before the waiver authority is exercised, the President is required to consult with Congress.

And, prior to the expiration of the waiver authority granted in this Amendment, the Secretary of State must report to Congress on developments in India and Pakistan.

This last point is crucial. The waiver authority granted in this Amendment is limited to 1 year. Should India and Pakistan prove to be unwilling to resolve their differences—should the Secretary be unable to report on substantial and significant progress—this Amendment will sunset, and the current sanctions will go back into effect.

It is my belief that the President be given flexibility to use and shape sanctions as most appropriate to attempt to create a positive and constructive environment for the resolution of political and security problems in South Asia. Our current sanctions policy does not provide for that flexibility.

In fact, without this flexibility it is difficult to conceive how the United States can play a positive and constructive role in attempting to head off a potential nuclear arms race in South Asia or to restore stability to the region.

Indeed, the Administration currently has a high-level delegation, headed by Deputy Secretary Talbott, en route to the region to continue talks with India and Pakistan and to continue discussions on bringing the current crisis to a close.

Hopefully, this Amendment will send a positive signal to India and Pakistan that the United States is interested in working with them to resolve their problems, and will provide our negotiators with the leverage that they need if they are to have success in moving the process in a positive direction.

This Amendment structures U.S. policy to secure commitments from India and Pakistan to make real and meaningful progress in rolling back the current crisis, to settle their differences, and to bring peace to South Asia.

Although we do not spell out explicit conditions that India and Pakistan must meet in this Amendment, it is my hope and belief that the flexibility that this Amendment introduces will allow the Administration to work with India and Pakistan to take necessary actions to resolve their political and security differences, including ceasing any further nuclear tests; engaging in a high-level dialogue, putting confidence and security building measures in place; and, take steps to roll-back their nuclear programs and come into compliance with internationally accepted norms on the proliferation of weapons of mass destruction.

Indeed, my support of this Amendment lies, in part, in my belief that this is that path that India and Pakistan themselves have indicated that they would like to pursue.

Both India and Pakistan have made statements indicating that they will refrain from future testing. Both have indicated that they are prepared to consider joining the Comprehensive Test Ban Treaty. And, in a message to the Security Council on July 9, Secretary General Annan wrote that ''I have been encouraged by indications from both sides of their readiness to enter into dialogue addressing peace and security matters and causes of tension, including Kashmir.''

In South Asia today it appears to be too late to talk about preventing the capability of developing nuclear weapons. As I stated on this floor immediately following the first Indian nuclear test, the international community cannot successfully impose nonproliferation policies on South Asia. Ultimately, India and Pakistan must determine for themselves that their own interests are best served by ridding South Asia of weapons of mass destruction—and not by turning the region into a potential nuclear battleground.

The United States, however, must seek ways to work with India and Pakistan to help them reach that determination. It is my belief that this Amendment serves to structure our policies to make that outcome more likely. I urge my colleagues to join me in support of this Amendment.

Mr. HELMS. Mr. President, as has been made clear, this amendment is a version of a bill offered last week by Senators MCCONNELL, BIDEN, and others. At that time, Senators felt pressure to lift sanctions on India and Pakistan, thereby precluding U.S. companies from participating in a significant wheat tender.

I understood the urgency, and I therefore supported my colleagues. On the question of sanctions in general, and sanctions on India and Pakistan in particular, however, several points need to be emphasized.

The sanctions tasks force appointed by the majority and minority leaders, as of last week's sanctions relief bill, had met twice at a staff level. No one saw the proposed bill language, which, as originally written, would have lifted not only economic, but also military and dual use sanctions on India and Pakistan for a period of nine months.

Mr. President, I believe the majority leader was serious in his desire to constitute a group of Senators who, after due deliberation, would make recommendations on sanctions. That did not happen. Instead, we have rushed

forward, willy nilly, with bills and amendments that the Senate Foreign Relations Committee has not considered. Indeed, last week we were presented with language that even the members of the sanctions task force had not considered.

It is my firm belief that at any given time we have one Commander in Chief and one Secretary of State. I support the President's right to make decisions on foreign policy, even when I disagree with those decisions. I also agree that it is important that the President have some flexibility in making those decisions.

That is why I am willing to support a limited waiver on economic sanctions—economic sanctions only—for nine months for India and Pakistan—which I do with some reservations. I shall expand on this further at another time. Suffice it to say that I do not believe foreign aid, foreign loan guarantees or international bail outs are an ''entitlement'' to any nation.

Equally importantly, Mr. President, no nation deserves military hardware, services or dual use items capable of supporting military programs if and when that nation engages in conduct dangerous to the national security of the United States. I shall never support U.S. supercomputers going to help the Indian nuclear program or U.S. space technology supporting a South Asian missile program. The line must be drawn somewhere.

The bill presented to me last Thursday at 9:30 a.m., one hour prior to its consideration by the full Senate, would have allowed anything—munitions list items, aircraft, weapons, advanced weapons technology—to go to India or Pakistan. I refuse to believe that even those most ardent to appease big business could countenance a U.S. military relationship with a nation that just detonated a nuclear weapon.

Mr. President, sanctions have their downsides, and I am ready to address those downsides. What I am not willing to do is to permit Congress to rush headlong into approving legislation which would open the floodgates to the rogues of this world.

Mr. COCHRAN. Mr. President, the amendment deals with the sanctions against India and Pakistan. The amendment has been cleared on this side of the aisle. I understand that it has also been cleared on the other side. But I yield to my friend from Arkansas for any comments.

Mr. BUMPERS. Mr. President, this amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there further debate?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I am sorry, I am not aware of the amendment the Senator from Mississippi is talking about.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS. Mr. President, I am told there are a couple questions on our side of the aisle. I regret that I announced earlier there was no objection on this side. Apparently, there are at least a couple questions. So if we could leave that amendment, set it aside in order to let Senator LUGAR go, then we will try to clear it between now and the end of that time.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, reserving the right to object, and I do not want to object and will not, maybe the thing to do is put in a quorum for a second or two and see exactly what the questions are. Maybe they can be answered. If not, then I agree with you, we will set it aside and go to another amendment.

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. COCHRAN. 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. COCHRAN. Mr. President, I think we are ready now to proceed to a vote on the Brownback amendment

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the vote.

The amendment (No. 3155) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. BUMPERS. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 3156

(Purpose: To provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.)

Mr. LUGAR. I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 3156.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LUGAR. Mr. President, I rise to propose an amendment that seeks to improve the way Congress and the executive branch consider and impose unilateral economic sanctions on other countries and entities. There has been a dramatic rise in the number and variety of U.S. economic sanctions directed against other countries to achieve one or more foreign policy goals. More often than not they have not been successful. Despite this record, we continue to impose one new unilateral sanction after another. We typically do so without careful analysis of their effects on our interests and our values.

Because of this, I believe it is time we engage in a serious debate on the merits of using unilateral economic sanctions to accomplish foreign policy goals. That is the purpose of this amendment. My amendment is a modification of Senate bill S. 1413, the ''Enhancement of Trade, Security, and Human Rights Through Sanctions Reform Act'', or simply the Sanctions Policy Reform Act, which we introduced last November. The companion bill was introduced in the House at the same time. There are now 36 Senate cosponsors from both sides of the aisle.

Let me take a moment to note some of the important changes from Senate bill 1413 that are now in my proposed amendment. These changes were included to reflect discussions with the administration, with legal counsel of the Senate, with our colleagues in the House, and with others. First, we clarify in the amendment that our general sanctions guidelines, procedural requirements, analytical reports and sunset provisions pertain only to future sanctions. I underline that point. This amendment deals only with the future. It is not an amendment about sanctions past or sanctions present. We are talking about sanctions in the future and only unilateral sanctions imposed by the United States alone.

Our bill is totally prospective. We have eased some of the public notification requirements about the proposed new sanctions. We do not want the President to inadvertently alert a country targeted for sanctions to take steps to avoid our sanctions before they are imposed. If a country knows in advance that we intend to impose an asset freeze, for example, it would initiate moves to conceal, shift, or otherwise avoid our sanctions, thereby undermining their effectiveness.

We have strengthened the language in the bill against the use of food, medicine, and medical equipment as a tool of American foreign policy. As a guideline, we believe food should never be used this way except in cases of war or a threat to the security of the United States. We have also included language in the bill that permits a slowing down of the process in the Congress to help guarantee that information about proposed new sanctions is available to the Members prior to their voting on the floor.

There are other minor changes in reporting requirements and procedures.

The fundamental purpose of my amendment is to promote good governance through thoughtful deliberation on those proposals involving unilateral economic sanctions directed against other countries. My amendment lays out a set of guidelines and requirements for a careful and deliberative process in both branches of Government when considering new unilateral

sanctions. It does not preclude the use of economic sanctions, nor does it change those sanctions already in force. It is based on the basic principle that if we improve the quality of our policy process and our public discourse, we can improve the quality of the policy itself.

This principle is familiar to us all. James Madison wrote eloquently in the Federalist Papers on the merits of slowing down the legislative process on important matters in order to achieve more careful, thoughtful deliberation and avoid the passions of the moment. This amendment is consistent with Madison's view. When we introduced Senate bill 1413 last fall, we did so because we believed that unilateral economic sanctions, when used as a tool of foreign policy, rarely achieved their goal, and frequently harmed the United States more than the target country against whom they were aimed.

The imposition of unilateral sanctions may help create a sense of urgency to help resolve a problem, but it often creates new problems, many of which may be unintended. In some cases, unilateral sanctions may be counterproductive to our interests.

Over the past several years, there has been a growing interest in the practice of unilateral economic sanctions as a tool of American foreign policy. Numerous studies have been conducted by think tanks, trade groups, the business communities, the U.S. Government, and foreign governments. These studies reached similar conclusions that unilateral economic sanctions that are utilized to achieve foreign policy objectives rarely succeed in doing so.

They further conclude that unilateral economic sanctions seldom help those we seek to assist, that they often penalize the United States more than the target country, and that they may weaken our international competitiveness and our economic security. The studies also show that unilateral economic sanctions have increasingly become a foreign policy of first choice, even when other policy alternatives exist.

Because of these studies, data on the use of sanctions are becoming familiar. According to Under Secretary of State, Eisenstat in testimony before the House International Relations Committee, the United States has applied sanctions 115 times since World War I and 104 times since the end of World War II. Nearly one third of the sanctions applied over the last 80 years have been imposed in just the past 4 years.

There are now dozens of new proposals before the Congress that would tighten or impose sanctions on one or more countries, many of whom are our friends or our allies. There are other sanctions pending at the State and local level directed at nearly 20 countries.

The 1997 Report of the President's Export Council on U.S. Unilateral Economic Sanctions, for example, cited 75 countries representing more than half the world's population, that have been subject to or threatened by U.S. unilateral sanctions. The application of new sanctions in the past 2 years have increased this global percentage to nearly 70 percent of the world's population affected or threatened by one or more U.S. sanctions.

These sanctions are not cost-free. They are easy to impose because they appear to be cost-free and are almost always preferable to the use of force or to doing nothing, but they have many unintended victims—the poor in the target countries, American companies, American labor, American consumers, and, quite frankly, American foreign policy. One cost estimate put the income loss to the American economy from economic sanctions at between $15 billion and $19 billion, while impacting more than 150,000 jobs in 1995 alone. Magnify this overtime, and the economic and foreign policy costs to the United States become enormous. These sanctions weaken our international competitiveness, lower our global market share, abandon our established markets to others and jeopardize billions in export earnings—the key to our economic growth. They may also impair our ability to provide humanitarian assistance. They sometimes anger our friends and call our international leadership into question.

Someone compared the use of unilateral economic sanctions in foreign policy to the use of carpet bombing in warfare. He noted that both tactics are indiscriminate and fail to distinguish between innocent and guilty victims. Those who are well-off financially, entrenched politically, or responsible for foreign policy actions we oppose, are those who tend to be least affected by unilateral sanctions. The point is that unilateral sanctions are blunt instruments of foreign policy that are too readily employed against foreign targets, even when other persuasive instruments of foreign policy may be available.

The statute regulating our actions against India's and Pakistan's behavior, for example, is unusually inflexible and limits our options to develop solutions that work in South Asia. Our punitive sanctions, however meritorious they may be, do not help us achieve cooperation with either country in coping with regional and global problems; nor do they promote essential American goals of democracy, human rights, religious freedom, or other values we would like to see in both countries. Indeed, these particular sanctions could inadvertently serve to destabilize an already unsteady situation in Pakistan—a nuclear Pakistan—which would not be in anybody's interest.

Mr. President, my amendment does not prohibit sanctions. There will always be situations in which the actions of other countries are so outrageous or so threatening to the United States that some response by the United States, short of the use of military force, is needed and justified. In these instances, sanctions can be helpful in getting the attention of another country, in showing U.S. determination to change behaviors we find objectionable, or in stimulating a search for creative solutions to difficult foreign policy problems.

Indeed, many unilateral sanctions are intended to achieve very laudable foreign policy goals—human rights improvements, the non-proliferation of weapons of mass destruction, stemming the flow of international narcotics, countering terrorism, prohibiting child labor, and others. These goals are worthy foreign policy objectives. Unfortunately, unilateral economic sanctions are not effective tools for advancing these objectives or our interests. They may, in some cases, undermine them. In the end, they typically inflict punishment on the American people or on the most vulnerable populations in the country against whom the sanctions are directed.

Mr. President, if we use unilateral economic sanctions to advance our foreign policy, we must be more sparing in their use, we must improve the process by which we consider international sanctions, and find ways to increase their effectiveness once they are implemented.

My amendment proposes to do that by improving the way we consider unilateral sanctions in both branches of the government. It is a modest amendment. It applies to a very limited class of sanctions which are unilateral in scope and which are intended to accomplish one or more foreign policy objectives.

My amendment excludes those trade remedies and other trade sanctions imposed because of market access restrictions, unfair trade practices and violations of U.S. commercial or trade laws. It excludes those multilateral sanctions regimes in which the U.S. participates, when other participating countries are imposing substantially equivalent sanctions and taking their burden. Our legislation is prospective and would not change, amend or eliminate existing U.S. sanctions, although I believe they should be reviewed as well. The Sanctions Task Force set up by the Senate leadership is undertaking that review. Finally, the amendment does not pertain to state and local sanctions intended to achieve foreign policy goals. It deals simply with those of the Federal Government.

To help achieve a more deliberative policy process, the bill establishes procedural guidelines and informational requirements before unilateral economic sanctions are considered by the Congress or the President. My amendment provides that any unilateral economic sanction proposed in the Congress or by the President should conform to certain guidelines. These should include:

clearly defined foreign policy or national security goals;

contract sanctity;

Presidential authority to adjust or waive the sanctions if he determines it is in the national interest to do so;

narrowly targeted sanction on the offending party or parties;

expand export promotion if our sanctions adversely affect a major export market of American farmers;

efforts to minimize the negative impact on humanitarian activities in targeted countries; and

a sunset provision to terminate new sanctions 2 years after they are imposed, unless reauthorized.

The amendment includes provisions to fully inform members of the proposed sanctions and requires new sanctions be consistent with these guidelines. It also mandates that all proposed new unilateral sanctions include reports from the President which assess the following:

the likelihood that the proposed sanctions will achieve the stated foreign policy objective;

the impact of the sanctions on humanitarian activities in affected countries;

the likely effects on our friends and allies and on related national security and foreign policy interests;

any diplomatic steps already undertaken to achieve the specified foreign policy goals;

the prospects for multilateral cooperation and comparable efforts, if any, by other countries to impose sanctions; against target country;

prospects for retaliation against the U.S. and against our agriculture interests;

an assessment as to whether the benefits of achieving the stated foreign policy goals outweigh any likely foreign policy, national security or economic costs to the U.S.; and

a report on the effects the sanctions are likely to have on the U.S. agricultural exports and on the reputation of U.S. farmers as reliable suppliers.

I include that section, Mr. President, because agricultural exports are usually the first hit in retaliation. This is the area in which our Nation does best and has, by far, the largest surplus. Therefore, this is of special importance to the American agricultural producers that are the focus of our attention today in this appropriations bill.

A separate section includes similar analytical requirements for any new sanctions the President considers. These include those sanctions imposed by executive order under the International Emergency Economic Powers Act (IEEPA). these requirements must be shared with the Congress before imposing new sanctions. However, the bill allows the President to waive most of these requirements if he must act swiftly and if the challenge we confront is an emergency. The requirements on the President are as rigorous as those on the congress.

FInally, my amendment establishes an inter-agency Sanctions Review Committee to include all relevant agencies in the executive branch in order to coordinate U.S. policy on sanctions.

If unilateral sanctions are approved and implemented, the amendment requires annual reporting on their economic costs and benefits to the United State and any progress they are having on achieving the stated foreign policy goals.

There would also be a sunset provision in each new sanction that would terminate new sanctions after two years unless they are re-authorized by the Congress or the President.

The agriculture provision merits special comment because it singles out American farmers and ranchers whose exports are especially vulnerable to retaliation and whose products are most easily substituted by foreign competitors. American agriculture is heavily dependent on exports. About a third of all of our sales from the farms of this country are in the export trade. Last year, American agriculture contributed a net $22 billion surplus to our balance of trade, more than any other sector. Economic sanctions can have a serious long-term adverse impact on American agriculture. My amendment provides authority to compensate for lost exports through agriculture export assistance permitted under current statutes and agreements. No new appropriations would be required.

To protect American agriculture, my amendment defines humanitarian assistance to include all food aid provided by the Department of Agriculture for the purchase or provision of food or other agricultural commodities. As such they would be exempt from sanctions other than in response to national security threats, where multilateral sanctions are in place, or if we are engaged in an armed conflict.

I have focused many of my remarks on the economic and trade consequences of unilateral sanctions because they are more easily measured. But, the use of sanctions also raises a fundamental question about the effects of unilateral sanctions on the conduct of American foreign policy. Can we further our national interests and promote our values as a nation through the use of unilateral sanctions which distance ourselves from the challenges we face, or can we better accomplish our purposes by staying engaged in the world and keeping our options open to solutions? The answer is not always black and white because sanctions can sometimes be an appropriate foreign policy tool.

On balance, I believe American interests are better advanced through engagement and active leadership that afford us an opportunity to influence events that threaten our interests.

In some cases, unilateral sanctions restrict our ability to take advantage of changes in other countries because trade embargoes impose a heavy bias against dialogue and exchange. Unilateral sanctions may create tensions with friends and allies—including democratic countries—that jeopardize cooperation in achieving other foreign policy and priorities, including multilateral cooperation on the sanctions themselves.

U.S. leadership and American values are better promoted through our presence abroad, the knowledge we share and impart, and the contacts we make and sustain. Many countries want to be exposed to our values and ideas if they are not imposed. The lessons of the free market and democratic values are learned more easily when they are experienced first hand, not as abstractions from a distance and not behind artificial barriers imposed by unilateral sanctions.

Let me suggest a number of fundamental principles that I believe should shape our approach to unilateral economic sanctions: Unilateral economic sanctions should not be the policy of first resort. To the extent possible, other means of persuasion and influence ought to be exhausted first;

If harm is to be done or is intended, we must follow the cardinal principle that we plan to harm our adversary more than we harm ourselves; when possible, multilateral economic sanctions and international cooperation are preferable to unilateral sanctions and are more likely to succeed, even though they may be more difficult to obtain; we should secure the cooperation of the major trading and investing countries as well as the principal frontline states if economic sanctions are to be successful; and we ought to avoid double standards and be as consistent as possible in the application of our sanctions policy.

To the extent possible, we ought to avoid disproportionate harm to the civilian population. We should avoid the use of food as a weapon of foreign policy and we should permit humanitarian assistance programs to function; our foreign policy goals ought to be clear, specific and achievable within a reasonable period of time; we ought to keep to a minimum the adverse affects of our sanctions on our friends and allies; we should keep in mind that unilateral sanctions can cause adverse consequences that may be more problematic than the actions that prompted the sanctions—a regime collapse, a humanitarian disaster, a mass exodus of people, or more repression and isolation in the target country, for example; we should explore options for solving problems through dialogue, public diplomacy, and positive inducements or rewards; and the President of the United States should always have options that include both sticks and carrots that can be adjusted according to circumstance and nuance; the Congress should be vigilant by insuring that his options are consistent with Congressional intent and the law.

In those cases where we cannot build multilateral cooperation and where our core interests or core values are at risk, we must, of course, consider acting unilaterally. Our actions must be part of an overall coherent and coordinated foreign policy that is coupled

with diplomacy and consistent with our international obligations and objectives. We should have a reasonable expectation that our unilateral actions will not cause more collateral damage to ourselves or to our friends than the problem they are designed to correct.

Mr. President, the United States should never abandon its leadership role in the world nor forsake the basic values we cherish in the pursuit of our foreign policy. We must ask, however, whether we are always able to change the actions of other countries whose behavior we find disagreeable or threatening. If we are able to influence those actions, we need to ponder how best to proceed. In my judgment, unilateral economic sanctions will not always be the best answer. But, if they are the answer, they should be structured so that they do as little harm as possible to ourselves and to our overall global interests. By improving upon our procedures and the quality and timeliness of our information when considering new sanctions, I believe we can make that possible. We should know about the cost and benefits of proposed new sanctions before we consider them. That is the intent of my amendment.

I ask that all Members look closely at my amendment and hope you will agree that it is good governance amendment that will help improve the quality and conduct of American foreign policy.

Mr. President, I will conclude by pointing out that a bipartisan sanctions task force has been appointed by the leadership of this body. That task force has met. I look forward to making a contribution to the work of that group.

Mr. President, as I mentioned earlier in the debate today, I visited with the presidents of the 50 farm bureaus in our country. I visited with them because they are concerned about the farm prices that we have been talking about, and I am concerned as well. Very clearly, the farm organizations of our country have a strong and clear agenda, to which I subscribe. They believe that we must pass fast track authority for the President, that we need reform of the IMF and replenish those funds, and that we must have sanctions reform.

The American Farm Bureau has been a strong contributing member to the U.S.A. Engage movement, which now includes 675 American companies who are involved in exporting. The American Farm Bureau and these American companies are companies who say, first of all, that sanctions have to remain a part of our foreign policy apparatus; that unilateral sanctions, those imposed by ourselves, usually fail and usually cause more harm upon us than upon the target countries; that on occasion we may be so outraged that we may be prepared to accept that cost, understanding that the harm to our jobs and our income will be greater than that which we have fostered. But, Mr. President, the farmers of America and their organizations are crying out in this legislation for attention.

I argued on the last amendment that our best policy in this country was to sell grain, to sell livestock—not to store it. I think that is the issue, Mr. President. But if we are to be credible with regard to the export side, farmers and farm groups are saying, ''You must reform. You must do more.'' And I agree with that.

That is why I offered this amendment on the appropriations bill for agriculture, because it is a passionate cry by our farmers to take this concrete action to give some hope that their concerns are being addressed, that, in fact, we are going to move exports, and are going to do so because we are beginning to think more carefully here in this body about what we are doing.

To reiterate the bidding, Mr. President, before unilateral sanctions alone are imposed, there has to be a purpose stated for why we are doing them. And criteria and benchmarks that would show the degree to which we have been successful in interim reports, and an assessment of the cost to American jobs and the lost income. I mentioned $20 billion of lost income in a year and 150,000 jobs. These are not inconsequential. Debates occur on this floor frequently over 100 jobs or 1,000 jobs. I am asking that to consider very carefully these cost implications before we adopt another unilateral sanction. And finally, I am saying that after 2 years there should be a sunset provision. The sanction ends at that point, unless it is authorized again by the Congress or by the President for valid foreign policy reasons. These sanctions go on forever. This amendment is prospective. It deals with the future. I hope the sanctions task force set up by the leadership will deal with the present and past sanctions.

Mr. President, I ask for careful consideration by this body of my amendment. I am hopeful it will be a strong plank in this appropriations bill.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, I rise in respectful opposition to some of the implications of the amendment offered by my good friend, the distinguished Senator from Indiana, Mr. LUGAR. Now, we all know that sanctions have come under assault of late. It is the politically correct thing to do amidst Senator LUGAR's and my friends in the business community. And I think neither Senator LUGAR nor I has failed to stand up for the free enterprise system and the business community when the community deserved to be supported, which is most of the time.

Nevertheless, there are some powerful corporate interests in this town which have launched a well-financed lobbying campaign against sanctions, all sanctions, in an obvious attempt to convince Congress that all sorts of unreasonable sanction laws have been presented and that these sanctions are something new and unusual and somehow detrimental to the best interests of this country.

On that point I beg to differ. The fact is, as an effective and principled foreign policy tool economic sanctions are older than this Republic itself. What did the American colonies do in response to Britain's imposition of the Stamp Act? The American colonies imposed economic sanctions forcing its repeal as a matter of fact. What did the Continental Congress do when Britain imposed the Intolerable Acts? The Continental Congress imposed economic sanctions on Britain.

Why has Congress always authorized sanctions when needed? This is a question that is worth reviewing, and that is what I propose to do briefly, if it may be possible. Amazingly, some in the business community, and they have always been and will continue to be close friends of mine, have jumped to the conclusion on the recent events in India and Pakistan to pursue their attacks on the U.S. bilateral sanctions. But it is precisely those events in India and Pakistan, the decision by these governments to detonate a dozen separate nuclear weapons, that should heighten our resolve to enforce tough sanctions against governments that seek to destabilize the world.

The fact is, in that instance, Madam President, I believe, and I believe I can demonstrate, that India detonated its devices because of India's fear that the United States was coddling China and bidding friendship for China that ought not to be a part of the foreign policy of this country.

Now, just weeks ago the Senate passed the Iran Missile Proliferation Sanctions Act by an overwhelming vote of 90 to 4. Why did we do that? In order to place a cost on the specific companies for transferring dangerous missile technology to a terrorist regime in Iran which will use that technology to destabilize the entire Persian Gulf region.

Now, we authorize the President to sanction states and foreign companies that threaten the safety of the American people by spreading nuclear, chemical, and biological weapons of mass destruction. We authorize sanctions on states, and when I say the word ''states,'' I mean governments, foreign governments, which provide training, weapons and political or financial and diplomatic support to terrorists who kidnap and murder American citizens. We authorize sanctions on governments involved in the smuggling and transshipment of illegal drugs that poison our children. We authorize sanctions on governments that commit acts of genocide and armed aggression against their neighbors and crimes against humanity.

The question must be faced: Are we unreasonable in doing this? Should we

be ashamed? I do not think so. Obviously, sanctions are not always the answer. I do not contend that they are, but we cannot escape the fact that sometimes they are the only answer.

I think we better face the facts. There are only three basic tools in foreign policy. There is diplomacy, sanctions, and war. Without sanctions, where would we be? Our options with the dictators and proliferators and terrorists of this world would be three: empty talk, sending in the Marines, or withdrawing into isolation. And I for one am not willing to place such artificial limits on our foreign policy options.

But this is exactly, I fear, what the pending amendment proposes to do. Perhaps the Senator from Indiana can persuade me and the remainder, the rest of the Senate that that is not intended and at least make some statements for the RECORD that can be viewed in the future.

In practice, this amendment is not about sanctions reform as it states. It is an obvious attempt by opponents of sanctions and the business community to hamstring Congress' ability to authorize sanctions. The proposed amendment would tie Congress' hands with mandatory waiting periods for the implementation of all sanctions, require mandatory sunsets on all future sanctions laws and define a wide range of congressional actions known or referred to as ''sanctions'' when they are nothing of the sort.

This amendment, I fear, would impose a mandatory 2-year time limit on all U.S. sanctions law. I'm afraid that would be opening a Pandora's box. Imagine if this was the law of the land when the United States enacted the Arms Export Control Act which prohibits the sale of sophisticated weapons to nations that the State Department determines annually support terrorism—governments like Syria, Iran, Iraq, Libya and North Korea. Would we have wanted those sanctions to be eliminated under an arbitrary 2-year timetable? I think not.

Further, what exactly is meant by the term ''sanctions''? The pending amendment, it seems to me, breaks new ground on what henceforth would be considered a ''sanction.'' Under this amendment, it seems to me, the denial of U.S. foreign aid would be deemed a sanction. Any conditionality on U.S. funding to the World Bank or the IMF would be a ''sanction'' on a foreign government. And let me remind Senators that since it was created in 1945, American taxpayers have anted up billions of dollars for the World Bank and now the antisanctions crowd tells us that we can't place any conditions on the expenditures of those funds.

According to a recent report by the USIA, the conditions placed by Congress on U.S. foreign aid to the Palestinian Liberation Organization are a ''sanction.'' Really? Conditioning U.S. foreign aid to the PLO—an organization whose modus operandi for most of its existence has been killing innocent civilians—is now deemed a sanction?

What this amendment, I fear, proposes to do is to enshrine U.S. foreign aid giveaways as an entitlement, an entitlement to foreign countries.

Wait one moment before jumping to conclusions. While this amendment expands the definition of sanctions to absurd proportions, it doesn't cover all sanctions. Oh, no. You see, our friends in the business community—and they are my friends, and they are Senator LUGAR's friends—and their lobbyists who helped write this amendment have quietly carved out an exemption for bilateral sanctions they like—sanctions that directly benefit them. The same folks who are busy telling us that sanctions don't work and should be scrapped, have ensured that certain retaliatory trade sanctions are exempt from the restrictions of this legislation.

The way some in the business community have influenced the crafting of this amendment, Congress would be hamstrung in implementing sanctions against any nation that poses a threat to the safety of the American people, even if a government proliferates dangerous weapons of mass destruction, commits genocide, or supports terrorists responsible for murdering American citizens. But, if they flood the American market with cheap television sets—whoa, that is a different proposition. We can throw the book at them.

Under this amendment, the President would be prohibited from implementing sanctions against any country for at least 45 days, supposedly under the guise of a ''cooling off'' period. On the surface, that sounds pretty reasonable. But in practice, a 2-month lapse is not only foolish, it can be downright dangerous.

One example—after the Libyan terrorists blew up Pan Am flight 103, murdering 263 innocent citizens in cold blood, the United Nations spent months and months debating appropriate actions against Libya. Meanwhile, Libya divested itself of most reachable assets in order to avoid the impact of sanctions. So the pending amendment would essentially afford other terrorist states the same courtesy. While the United States ''cools off'' for 45 days, the terrorists, the proliferators, the genocidal dictators, would have 2 months to quietly divest their finances and conceal the evidence and provide safe haven for fugitives. That strikes me as being something short of reform.

The pending amendment would not place these requirements on multilateral sanctions. Of course, multilateral sanctions are more effective than bilateral sanctions. But, should the United States be handcuffed to the will, or more likely the lack of will, of the so-called international community? Should we tie our hands to the whims of our European ''allies''—and I put quotation marks around allies because their slumping welfare state economies are driving them to employ increasingly mercantilist foreign policies.

Right now the United States is waging a lonely battle at the United Nations to stop our allies from caving in and lifting U.N. sanctions on Iraq. If it were up to the French and the Russians, international business would be rushing headlong into Baghdad to renew commercial ties with Saddam Hussein, notwithstanding his continued defiance of U.N. weapons inspectors. Yet, we should give these people a veto over our national security policy that was won through the sacrifice and courage and blood of American men and women just 7 years ago?

I believe we need sanctions reform. One reform we might consider is requiring that the sanctions which Congress passes would be actually implemented. Not long ago, Congress passed the Iran-Libya Sanctions Act—a targeted law much of whose language, I might add, was drafted by the Clinton administration itself. Live on CNN, the President signed it into law with great pomp and circumstance. But then, when the time came to implement that law, the President lost his nerve and the U.S. foreign policy suffered yet another devastating loss of credibility.

The distinguished majority leader, Mr. LOTT, and the Senate minority leader, Mr. DASCHLE, have established a bipartisan ''sanctions reform task force'' to determine if, as critics have complained, Congress has gone ''sanctions mad.'' This, in my view, is a wise plan, and I serve on that task force; the Senator from Indiana serves on it, as does Senator GLENN and other interested Senators from both parties. The first question we are seeking to answer is, What is a sanction? In fact, we are having a hearing planned for July 31 to study this and other questions.

In conclusion, Madam President, instead of rushing forward with any sort of ill-considered amendment—and I say that as respectfully as possible—the ramifications of which are unknown to most Senators, we should let that task force do its work and consider ways Congress can strengthen its consideration of proposed sanctions laws.

Those who are prone to criticize the ''impulsive'' actions of the U.S. Senate, actions which I happen to believe are motivated by a devotion to the security of this country and its people, should themselves be wary of impulsive ''one-size-fits-all'' solutions such as this amendment.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request?

Mr. HELMS. I certainly will.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Madam President, I will be very brief. I commend my colleague from Indiana for his sponsorship of this amendment to the agriculture appropriations bill. In my view, it is long overdue that this Senate develops

a more thoughtful, more deliberative, a more analytical approach to our sanctions strategy on the part of the United States.

An observer noted during this discussion last week that Congress is in general opposed to sanctions, but in specific supports each one of them that comes along—all too often, sanctions that are contradictory, that are counterproductive, that do not, in fact, carry out the goals of the sanctions themselves. So I think the framework that Senator LUGAR of Indiana has developed, which would cause us to approach this in a much more analytical perspective—to see to it that we have a cost-effectiveness that results from our sanctions, or even if it doesn't, that we deal with the sanction from that perspective—I think makes all the sense in the world.

It is true that sanctions most often are effective when they are multinational in nature. There is nothing, as I understand Senator LUGAR's amendment, that says we can only engage in multinational sanctions. We can engage in unilateral sanctions if we so choose. We can engage in sanctions that may not be cost-effective, if we so choose. But we ought to be fully cognizant of the nature of the sanctions and their consequences if, in fact, we are going to go down those roads. It is not tying our hands, it is not tying the hands of American foreign policy or trade policy or economic policy, to know with certainty what it is we are doing and to approach it in the kind of thoughtful manner that Senator LUGAR suggests.

There is nothing in this amendment, as I see it, that constitutes the development of an entitlement for foreign aid or anything of that nature. I think that is a gross misreading, not only of the intent, but the actual effect of this amendment. There is nothing that would restrict the ability of the American Government to impose sanctions as a response to terrorism or genocide or the development of weapons of mass destruction. It does not tie our hands in that regard.

I want to say that I think we made a step in the right direction this past week with the handling of the sanctions that were about to be imposed on Pakistan in terms of agricultural sales. I think it is appropriate that this amendment be brought up in the context of this particular bill.

Again, I thank the Senator from Indiana for a great deal of work, a great deal of thought and care that has gone into this. The foreign policy of the United States and oversight that this body, the U.S. Senate, can exercise will be enhanced and not detracted from by the adoption of this amendment.

I yield back my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I, too, rise and commend our colleague from Indiana for this amendment. I am proud to be a cosponsor of the amendment, along with a number of my colleagues. To use the language in another situation, this is indeed a very modest proposal. This is prospective. It affects none of the sanctions that are presently in place.

As the Senator from Indiana has rightly pointed out, sanctions are a very effective and useful tool when applied well. I think the threat of sanctions may have an even greater impact in utility. I certainly agree with him on that.

What he is merely asking us to support today is that when a proposed sanction is being suggested by the executive branch—by the way, I wish we were applying this to ourselves because too often, when the Congress of the United States offers sanctions legislation, which is oftentimes where these bills originate, we should also be asking the question of what is the cost-benefit effect of this proposal. It doesn't say don't impose the sanction. In fact, there may be situations that arise when, in fact, the outrage is so egregious that is the subject of the sanction that we would be more than willing to pay the economic price to impose it. This amendment does not preclude that result. It merely suggests that we have some ability to make an analysis of what that relationship would be and to ask for a few days to allow for objective analysis of what the sanction cost might be. I hope this will enjoy strong, unanimous, bipartisan support.

We have heard eloquent statements made on the floor of this Chamber, Madam President, over the last several weeks, as I think all of us have begun to focus on sanctions policies as a result of the tragic events in India and Pakistan with the detonation of nuclear weaponry. That was a very sad occasion, still a very worrisome occasion in terms of what it means and the implications for us in the near term and longer term.

If there has been any silver lining, if you will, in these clouds, to draw an even tighter analogy, it is that I think everyone in this Chamber has stepped back a little bit and said,

> What are these sanctions policies and how do they work? What is going on here? Are we really achieving the desired results that are the subject of our rhetoric in speeches? Are we causing policies to be changed in countries on whom we impose sanctions? Are the political elite of these nations affected by our policies? Are they in some way being impacted by these decisions? What damage do we do to ourselves in the process as a result of sanctions being imposed? Are average people in these countries, who have nothing to do with setting policies, being affected in some way? What does that do in terms of eroding support for our country and our policies where public support in foreign countries can be pivotal in unpopular decisions that may have been made by allies of ours around the world? What sort of corrosive effect do sanctions have on those decisions?

I think these are good questions that deserve answers. What the Senator from Indiana has suggested is that, at least in one aspect of these, that we know and understand what the cost-benefit relationship is.

Madam President, at a later point in this debate, I will offer another amendment dealing with food and medicine, to merely just take food, medicine, and agricultural products off the table as a tool of sanctions, for the primary reason that I don't think it has any impact on trying to modify the behavior of nations on whom we have a substantial or less-than-substantial agreement. I will wait for the appropriate time to do it when this debate is concluded.

I also have authored, along with my friend, whom I see on this floor, who has cosponsored that amendment, Senator HAGEL from Nebraska, Senator ROBERTS from Kansas, Senator WARNER from Virginia, Senator BURNS from Montana, Senator DORGAN from North Dakota, proposals that will deal with a broader issue of how sanctions ought to be dealt with. But I will save that debate for a later day. It is a broader question and one for which we have a task force taking a look at some of these issues. I certainly want to make sure we are heading in the right direction.

On the food and medicine and agricultural products, I think that makes a lot of sense, and I will offer that at the appropriate time.

I conclude by urging my colleagues to be supportive of the Lugar proposal. It is a significant step in the right direction and one that I think deserves broad-based support as we try to sort out how best to advance our foreign policy interests while not unnecessarily doing damage to our own Nation and to innocent people around the world, particularly in the unilateral application of these sanctions.

With that, Madam President, I yield the floor.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Thank you, Madam President.

I rise to support Senator LUGAR's amendment. I am an original cosponsor of that amendment. I am an original cosponsor of the Lugar amendment because I believe the Lugar amendment applies some common sense and some relevancy to the issue of sanctions.

I know that we have a bipartisan task force on sanctions. I think most of this body supports the efforts of that task force, but I don't see any conflict in what Senator LUGAR is proposing today, and what Senator DODD and others will propose later, with the task force assignment.

It is interesting to note that since 1993 we have imposed 65 unilateral sanctions on 35 nations. We have some responsibility to give some focus and some understanding to our trade policy, which is part of our foreign policy, which is connected to our national security, which is connected to our economy and jobs and growth and productivity.

I fail to appreciate why this is not relevant, why this is not important. This is not getting in the way of the task force. The task force, as I understand it, is to help frame up this issue.

This amendment would not undo any existing sanctions. This amendment would establish a process for a more rational consideration of future use of sanctions. Sanctions surely must remain a tool of foreign policy, but sanctions are not foreign policy. Sanctions are only effective when they are multilateral. The world is dynamic. The world is changing. Trade is spherical. It moves. It will move right over the top of us unless we attempt to manage the movement.

Every great event in history has produced new opportunities, new challenges, new threats, new uncertainties, and the collapse of the Soviet empire has given the world great new opportunities and hope. Only one nation on Earth can help lead the nations of the world to that hope and opportunity, and trade surely must be a major part of that.

Why in the world would we continue to impose unworkable, unachievable, outdated, irrelevant policy rather than looking forward, getting us into the next century, with the promise that only this country can give?

Does anybody really believe, in this body, that any nation on Earth cannot get any service, any commodity, any product if they want it from some other nation? Of course not. This is a new world. Both the President and the Congress want some control of the issue of sanctions. We want some definition of what this is about. The Congress of the United States owes this Nation some leadership on this issue. The President must lead on this issue.

Senator LUGAR has described his amendment in detail. It would sunset new sanctions after 2 years. The way it is now, Madam President, we go on and on with sanctions. This amendment starts to clean up sanctions. Do we need them? Are they relevant? Does the world change? I fail to see that that is a threat to our foreign policy and to those who wish us ill.

It would require cost-benefit studies. My goodness, imagine that. What a terrible thing—a cost-benefit study. It would require an effort, first, to make sanctions multilateral. It would require an evaluation of whether a sanction is likely to achieve its policy goal. Again—again—what a questionable objective. My goodness, actually focusing on an action and figuring out, if you can, if there are consequences, if it is workable.

I know some in this body care occasionally about a headline, about a press release.

A CRS study, January 22, 1998—this year—listed 97, total, unilateral sanctions now in place. Since that report came out, we have added sanctions against India and Pakistan, for a total of at least 99 sanctions now in place. We dealt with some of that a little earlier.

A study by the National Association of Manufacturers found that from 1993 to 1996 we imposed, as I mentioned, another 61 sanctions. These 35 nations—these 35 nations—where we have imposed these sanctions make up 42 percent of the world population. Almost half of the 5.5 billion people on the Earth are included in these sanctions and 19 percent of the world's export market—$800 billion.

Who are we kidding here? Who are we hurting? We are not isolating anybody except ourselves. We are isolating our producers, our farmers, our ranchers, our manufacturers. We are isolating ourselves. And for what end? Bring a little sanity and common sense to this? I think so. I think so.

I might add, is there something really wrong about business actually stepping into this debate? Is there something really wrong about having business say, ''Gee, we're being hurt''? Is that a special interest? Is American business a special interest? Is industry a special interest, people who work in business and the industry, produce jobs, create wealth, pay taxes? Be careful of that special interest. Be careful of that special interest. That is America. That is why we are the most powerful, dominant, free nation on Earth.

A new study by the International Institute of Economics estimates that, in 1995 alone, unilateral sanctions cost Americans $20 billion in lost exports, losing 200,000 jobs. That does not include, Madam President, what is referred to as the ''downstream loss.'' The downstream loss, when you lose markets—it means the suppliers and the jobs and the adjunct jobs—no way to really calculate that.

The National Foreign Trade Council has identified 41 separate legislative studies on the books that either require or authorize the imposition of unilateral sanctions.

Well, it goes on and on. The fact is, Madam President, what Senator LUGAR is doing is important. It is really relevant to today. It is more relevant to our future. It is relevant to our place in the world. What is the U.S. interest in the world? It is relevant to our children, and it is relevant to everything we are and who we are. That is why I strongly support this, why I was an original cosponsor, and why I urge my colleagues to vote in favor of this amendment.

Madam President, thank you. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me applaud the Senator from Nebraska for a statement that I think was eloquent and filled with good sense. And I certainly want to associate myself with the remarks he has just made. And even though we were on different sides of the previous amendment, let me say, as I did previously, the Senator from Indiana is a very respected Senator, someone for whom I have great respect on foreign policy issues.

I am pleased to be here to speak as a cosponsor of the amendment that he has offered. It makes good sense to me. And I say, I think, as the Senator from Nebraska said, I would only go further than this. I certainly support this. I think it is a step in the right direction, but there is even more that we can do.

The question that is required to be asked now is, When we impose sanctions around the world, for various purposes, many of them important purposes that deal with national security and other issues, should those sanctions include the shipment of food and the shipment of medicine?

Frankly, I wonder if anyone believes that Saddam Hussein has ever missed a meal because of sanctions imposed by this country. Does anybody believe that Saddam Hussein has missed a meal? I do not think so. We cut off food shipments to Iraq. And if Saddam Hussein is making all of his meals, guess who misses their meals? It is almost always the poor and the hungry who are injured when you cut off shipments of food.

Does anybody believe that Fidel Castro does not eat well nearly every meal when he chooses to have what he wants to eat? But when we cut off food shipments to Cuba, we know that it will be the poor and the hungry who will be injured by that.

Our country, for very legitimate reasons, says we are very concerned about what is happening in Iraq, Iran, Libya, Cuba, and more. For legitimate reasons we say that. I am sure the Senator from Indiana, at greater length than any others of us, could recite the foreign policy issues and the national security issues that attend to those countries and their relationship with us and others in the world.

But the question before us is not, Should we be concerned about those countries? Of course we should. The question is, When we impose sanctions, what should those sanctions contain? Is it in our interest and in the interest of the hungry and the poor around the world to include in those sanctions the withdrawal of shipments of grain and the withdrawal of shipments of medicine?

I have clearly an interest here on behalf of family farmers. I represent one of the most agricultural States in the Nation. And nearly 10 percent of the market for wheat is out of limits or off limits to our family farmers because we have decided to impose sanctions and therefore take those markets off limits to our farmers. Does that cost farmers money? You bet. It takes money right out of their pockets. They are, in effect, told by these sanctions, ''You, Mr. And Mrs. Farmer, you pay the cost of these sanctions. You pay the cost as a result of lost income.''

Where I would go further is, I would support and am a cosponsor of an amendment that will be offered by Senator DODD, and I think cosponsored by Senator HAGEL, saying, let us not include food and medicine in future sanctions. That is not appropriate as part

of sanctions. I am a cosponsor of that amendment to be offered. I would go further to say, this country ought to decide, if it is to impose sanctions in the future, or for sanctions that now exist, it ought to reimburse farmers for the cost of those sanctions. Why should this country simply say, ''Here is our desired effect, Mr. and Mrs. Farmer. You pay the cost of it''? If it is for national security, let it come out, then, of the national security accounts from which we pay for many other matters, and say to family farmers, ''We'll reimburse you for those lost markets.'' That is an amendment I am thinking of offering to this as well. We will see what results from that.

But it is required, I think, to say, as we discuss this issue, as I said earlier today, there is some horrible disconnection in this world.

Halfway around the world there are people in Sudan, we are told, old women, climbing trees to forage for leaves to eat, leaves because they are on the abyss of starvation; a million to a million and a quarter of them are on the edge of starvation because they don't have enough to eat.

Turn the globe another halfway around and you will find America's farmers, who are the economic all-stars, produce food in abundant quantity, and they are told in our system that when they take that grain which represents that food to market, that their product doesn't have value, doesn't have worth. There is something that is terribly disconnected about that.

I have been in many parts of the world. What I remember most about the desperate poverty and hunger that exists, for example, is in the desperate slum called Cite Soleil, on the outskirts of Port-au-Prince, Haiti. You see poverty as bad and conditions as desperate as anywhere else in the world. I leaned over a crib where a young child was dying of starvation in one of the worst slums you can imagine. This child had no one. The child had lost most of its hair; what hair was left was turning red as a result of severe malnutrition and starvation. This child, the doctor told me, was dying.

I thought to myself, there is such a terrible, terrible, disconnection here because we produce food in abundant quantity. How on Earth can moving food around the world to all parts of the world that need our food in a way that connects our interests to the interests of those who need it, how on Earth could that ever threaten our national security? It does not and it could not.

The Senator from Indiana offers an amendment on the issue of sanctions. It is very simple. It describes sanctions in the future. We ought to deal with sanctions that now exist, as well. It describes conditions for the imposition of those sanctions that deal with unilateral sanctions. It says the Secretary of Agriculture should use export assistance under various programs to offset any damage or likely damage to producers and so on.

I fully support that and I am pleased to be a cosponsor, but I say again we have much, much more to do. Hubert Humphrey, many years ago, used to say, ''Send them anything they can't shoot back.'' What he meant by that is it will never injure our national security interests to send American food around the world, to sell it in markets where we can sell it, and to move it to other markets under title II and III under Food for Peace, and in some cases, title I, in other markets where they cannot afford to purchase it. It is always in our best interest. Is it in the best interest of farmers? Of course, but it also happens to run parallel to the national interests of our country.

Let me finish where I began and say I am pleased to vote for this amendment, pleased to be a cosponsor, and will cosponsor an amendment that will go further, that Senator DODD will offer, and may offer one myself, that deals with present sanctions and reimbursement to farmers for those sanctions, saying that the Government ought to not force them to bear the full burden of the cost of sanctions.

But I thank the Senator from Indiana for offering this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I do not intend to delay matters at all. Whenever the chairman is ready to go, I certainly won't be on my feet. I want to rise and congratulate Senator LUGAR and those who helped put his amendment together. I am a cosponsor, but I don't take credit for any of the innovation and thoroughness of this work.

I just want to say on a very personal note that every now and then when you see things out in our country or in the world sort of mixed up, and you see mixed signals, you wonder just what is our country doing, and somebody like DICK LUGAR comes along and makes sense out of something that appears to be just a mess.

There can be no question, whatever support there is in this body for sanctions—and clearly they must be an instrument, a tool—whatever support there is for that concept does not mean our country ought to be living under a ''quilt'' of sanctions, many of which are just bilateral between us and some country, when we already know that many of them don't work or they work to our detriment.

Here we sit today with an emerging crisis in agriculture, probably mostly from the Asian flu; that is, from the failure in the Asian markets because of their banking systems falling apart, and those people can't buy the products they were buying. Nonetheless, when we added Pakistan for something they did, which we were all worried about, and they depended upon our grain and that kind of product to feed their people, obviously American agriculture is hurting.

Now, there are some who would like to make it that the new legislation creating an open market at some time in the future, a totally free and open market, is the cause of the problem. That is not the cause. The cause is that America's trading in foodstuffs and products from our farms is not working as well as it should because we have done something that is harming it, or failed to do some things that would cause it to work better.

Let me repeat one more time, why in the world are we still holding up IMF? If we want to reform it, why don't we reform it and pass it? There is hardly anybody in agriculture or American industry that hires our people that doesn't think we ought to do that.

Now, Senator LUGAR would like to do that. That isn't what he is doing here today. He is doing the next best thing. If that isn't a prescriptive manner, postmanner, trying to get rid of some of the nonsense of the unilateral, bilateral and multilateral situations that we have where we say we can't sell countries our product. Why don't we get on with fast track? If you want to talk about what would help our farmers, that is what would help. Get America's trade markets open so they can sell their products.

Obviously, what we are doing here today is a very rational, sensible approach to a very, very, confused set of policies which are not working to America's benefits, which we can pass and then sit back and say we did something. Isn't that great; we did something. We never measured it. I gather the new guidelines will ask us to at least measure before we do it; is that correct, Senator LUGAR?

Mr. LUGAR. Yes.

Mr. DOMENICI. At least measure before we do it.

I commend you again, Senator LUGAR. You have done it a number of times before. We have been here a long time together. I regret, even though the color of your hair might indicate to the contrary, I have been here longer than you. Nonetheless, we have been here a long time together. I do compliment you because every now and then when things are confused, you make up for that and come up with something like this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Madam President, I would like to join the chorus of well-deserved accolades—common-sense, I guess, accolades for the distinguished Senator from Indiana, the outstanding chairman of the Senate Agriculture Committee.

The Senator from New Mexico has summed it up very well. I am not going to take the Senate's time to repeat what has already been said in regard to this debate. Senator LUGAR has already done that. Others have done that.

I do have a statement that involves obvious ''golden words of truth'' in regard to this issue that I will simply insert for the record, but I do want to say

again that the use of sanctions as a foreign policy tool have skyrocketed since the conclusion of World War II. The last 4 years, as has been said on the floor, 61 new U.S. laws or executive actions were enacted authorizing the unilateral sanctions against 35 countries, and in all, over 70 foreign nations representing 75 percent of the world's population are currently subjected to a unilateral sanction by the United States.

These are easy perceptions, I guess, actions that people take. I think in earlier days we used to call it gunboat diplomacy. Maybe we sent a gunboat over to a nation to demonstrate our unhappiness with a foreign nation and their policy. But there have been terrible repercussions in regard to these sanctions. They do not achieve their policy goals. They are very counterproductive, and as has been indicated by some across the aisle, and others, we shoot ourselves in the foot. So the distinguished chairman has, for a considerable amount of time, taken a look at the overall objective of sanctions and what has happened in a counterproductive way, not only to U.S. agriculture, but the entire U.S. economy and the global marketplace. He has come up with a comprehensive, thoughtful approach, and it is commensurate with the debate that will take place and the discussion that will take place in this body with regard to sanctions reform overall.

There are those of us—Senator DODD, Senator HAGEL, Senator BIDEN, as well as Senator LUGAR and myself—who want to take a look at all of the sanctions that we have in place. And that is appropriate. We have taken action in a 98–0 vote last week regarding the GSM program and the possibility of selling wheat to Pakistan. The chairman was a real leader in that effort. We have taken action now by unanimous consent on the India/Pakistan situation, which will give the administration flexibility to deal with that issue. The next logical step is to consider, and I think favorably pass, the Lugar reform initiative. So I stand in solid support of the chairman for what he is trying to do.

Madam President, U.S. influence, prestige and resolve in foreign affairs currently rests at a cross-roads. The United States, which has prided itself on providing international leadership through strength and by example, has increasingly turned away from that legacy by embracing ambivalence and sanctions instead of engagement and respect. Nowhere is this more clear than in the area of unilateral economic sanctions.

The United States in recent years has developed a seemingly uncontrollable desire to show our displeasure over a specific action, behavior or belief in a foreign country by punishing that country through the imposition of unilateral sanctions. Regardless of whether a Republican or Democrat was President, regardless of whether Republicans or Democrats ran the Congress, the use of sanctions as a foreign policy tool has literally sky-rocketed since the conclusion of the Second World War. In fact, in just the last four years, 61 new U.S. laws or executive actions were enacted authorizing unilateral economic sanctions against 35 countries. All in all, over 70 foreign states representing nearly 75 percent of the world's population are currently subjected to unilateral sanctions by the United States.

Unfortunately, with few exceptions, sanctions very rarely work. In order for sanctions to be successful, the United States must—absolutely must—convince the entire rest of the world to join our boycott. Unless this occurs, the sanctioned country simply gets what it needs—food, financing, etc.—from the other countries that chose not to join the Sanctions Circle.

There are two serious repercussions when this happens. First, the sanctions hurt us instead of their intended targert. Yes, that's right, when U.S. businesses lose access to markets for their products, U.S. workers lose job opportunities. So instead of joining us in professing outrage about some particularly repugnant act, foreign governments simply feign indignation while they quietly slip in to take away business from U.S. companies. And if you don't think that's true, just ask a foreign businessman or government official whether they support or oppose the American penchant for unilateral sanctions. They love it and they hope it continues.

Yes, this is the second repercussion. Foreign governments—even our allies—have figured out that by refusing to join the United States in imposing sanctions, their countries actually benefit. What a bonus! They can stick it to the United States and create new markets for their businesses at the same time! As a result of this revelation throughout the world, it has become nearly impossible for the United States to build a unanimous case for sanctions against anyone.

Just look at Iraq. If ever a case could be made for sanctions, Saddam Hussein is the poster child. After all, armed aggression against a peaceful neighbor and use of weapons of mass destruction on one's own citizens are truly reprehensible offenses, right? Surely Iraq deserved tougher sanctions when Saddam refused to accept U.N. weapons inspectors just a few months ago, right? Wrong. When Saddam pulled his latest stunt, the vast majority of the world flatly refused to support further sanctions. If we can't build a case for sanctions with Saddam Hussein as our target given the utter disregard he has shown for the United States and the rest of the world, will we ever be able to? I wonder.

Where do sanctions come from anyway? They usually are issued by the President under the authority of at least twelve different laws governing international affairs. Again, in recent years, sanctions have been used far more frequently than ever before in U.S. history. This isn't an indictment of the current administration or any previous administrations; it is simply an assessment of how U.S. foreign policy is changing. Instead of using our influence and diplomacy to encourage good behavior, we attempt to use our power to punish bad behavior. And as I've just discussed, whether used as a threat to try and prevent unwanted actions or imposed as a punishment for undesirable actions, sanctions rarely work.

Although most sanctions are imposed directly by the President, unilateral sanctions can be particularly damaging when they are imposed by Congress. The President of the United States is the Commander in Chief of our country. He is charged with implementing our foreign policy. While the Congress can and should be involved in the construction of that policy, the President is ultimately responsible for implementing it. When the Congress forces the President to impose sanctions on a country for a given action or behavior, it takes away the flexibility the President needs to address distinctly different foreign policy problem that may arise. The Congress basically says, ''we don't know or care what caused the action or behavior; however, we insist that you impose these sanctions regardless of what the ramifications may be.'' That is a dangerous and irresponsible manner in which to conduct U.S. foreign policy.

Let me make one other point regarding the perception of the United States abroad. Foreign countries and their citizens do not distinguish between U.S. military/diplomatic policy and U.S. trade policy. To them, they are the same thing. To them, it's just plain, old-fashioned U.S. foreign policy. When the United States imposes unilateral economic sanctions, when we fail to pass fast track negotiating authority, when we fail to renew IMF funding and when we threaten to withhold regular trading status with China, the prestige and authority of the United States in foreign affairs is greatly and permanently diminished.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I would like to speak to this amendment and express a contrary view to that expressed by my colleague who has just spoken. With all due respect to the Senator from Indiana, who has put a lot of work into this, and who has offered the amendment, and while agreeing with much of what is in the amendment and much of what he proposes to try to do, I have to object for two reasons to the consideration of the amendment at this time.

First of all, it is in reaction to—at least partially, although he has been at this for a long time, and understanding that we do need to make some

changes—what has occurred with the sanctions placed on India and Pakistan. We just resolved the issue with India and Pakistan primarily because of the amendment we just passed, which eliminates the agricultural component, broadly defined, of the India/Pakistan sanctions. Therefore, to the extent that my colleague, Senator ROBERTS, was just speaking, and others who have talked about the impact on our farmers as a result of the imposition of those sanctions, we have solved that situation.

As a matter of fact, if you analyze the other sanctions imposed as a result of their nuclear tests, it gets down to a very narrow issue of some Eximbank loans or World Bank loans primarily and, therefore, I urge us not to rush into a consideration of this amendment on this particular appropriations bill because of the need to fix something that was not done with respect to India and Pakistan, when we have already begun to solve that problem.

Secondly, because of the fact that sanctions have not always worked as we have desired them, and because of the obvious deficiencies with the sanctions imposed on India and Pakistan, the majority leader has appointed a bipartisan task force, consisting of Members of both parties, with different backgrounds, to deal with this question. We had a meeting yesterday.

I am somewhat shocked that the Senator from Indiana would offer this amendment today, because yesterday he said that he wanted to preserve the option of proposing this amendment at some time in the future. But he seemed to agree with the majority opinion expressed there—in fact, all but one of the Members, in one way or another, expressed a view that a September 1 deadline was somewhat unrealistic in trying to deal with this problem. The Senator did preserve his option to offer an amendment at a future date, but I am shocked that it is offered today because the task force has not had an opportunity to review this matter in any depth.

Madam President, I would like to now discuss some of the things that we talked about yesterday, which I think will illustrate the fact that this amendment is prematurely offered at this time. Again, notwithstanding the fact that the goals behind it—to review broadly our sanctions policy and some of the specifics about it, and to be more careful about how we impose sanctions—are both worthwhile and, in many respects, something we can all agree on, one of the things we can't agree on is a definition of what a sanction is. There is a broad definition, according to the Senator from Indiana. I wonder whether we are really ready to apply the limitations and the tests that are called for in this amendment to foreign aid reductions, because as I read the proposal, one of the sanctions would be a reduction or elimination of foreign aid.

U.S. aid is not an entitlement. We are going to make different decisions every year about how much foreign aid we may want to give to a country. Should that be subject to the limitations imposed in this amendment? How about export controls on sensitive U.S. technology?

We just came from a very highly classified briefing of a committee that was specially appointed to examine the missile threat to the United States. That report is, I must say, extraordinarily concerning, I am sure, to everybody who received it. On some of the countries that pose this threat to us, we have imposed stringent export controls with respect to sensitive technology going to those countries, which could assist them in the development of their ballistic missile technology programs. Are we going to impede the President's ability and Congress' ability to impose those kinds of limitations on the sensitive export of technology to countries that we don't want to have that technology? As I read the amendment of the Senator from Indiana, that is all covered.

We need to have a common definition of what a sanction is in order to apply these kinds of limitations. And there should not be a 45- or 60-day—I think it is now reduced to 45 days—waiting period. There are all kinds of things that would cause either the President or Congress to want to impose sanctions right away and not wait 45 days.

Mr. MCCONNELL. Would the Senator yield for a question?

Mr. KYL. I am happy to yield.

Mr. MCCONNELL. Madam President, I am not sure I ought not to propound this question to the Senator from Indiana.

It is my understanding that this morning the President announced sanctions and trade reductions, under the International Emergency Economic Powers Act, against certain Russian companies. Is it the understanding of the Senator from Arizona that that is the kind of sanction that might not be allowed under the Lugar amendment?

Mr. KYL. Madam President, I will give the Senator my understanding of it, but I would be pleased, also, to refer that question to the Senator from Indiana. As I read it, that kind of sanction would, of course, be controlled by the 45-day limit, and the rules of the Senate that would apply, and so on. I think the Senator from Indiana should defend his own proposal.

Mr. LUGAR. I thank the Senator.

Mr. MCCONNELL. Then I pose the question to him.

Mr. LUGAR. Clearly, the President, in the case of an emergency, has a right to impose whatever sanction he wants. There is no prohibition. Obviously, when national security is involved—and the national security situation is explicitly mentioned—I think that is important. But I ask the President to tidy things up. In other words, after imposing the sanction, he should state, if he has not already, the objectives and benchmarks and the cost to the American people of jobs and income. Some administration people have objected to the President playing by the same rules as the Congress. Nevertheless, the amendment is even-handed. He has to fill it in. But he has emergency powers, of course.

Mr. MCCONNELL. So, if I can follow up with the Senator from Indiana, is that the 614 national security waiver? Does that sort of override everything? Is that some sort of override?

Mr. LUGAR. If that is the correct text of the national security waiver, yes.

Mr. KYL. We will get back to that because I am not sure—if that is the intent of the Senator, I will have to see whether or not, in fact, it is effectuated.

Let me get to another national security issue. We have, I think, come to the conclusion—most of us, but not all in this body—that it would be a mistake to put an explicit time limit, for example, on our presence in Bosnia, or an explicit time limit on certain other kinds of military activities or threatening national security activities because, of course, what that does is enable the party against whom the action is being taken to simply ride it out and to understand if they can just get by the next 60 days or 6 months, then they will not have to worry about that. So we have always taken the position that when it comes to this kind of thing—national security—our actions should be somewhat open-ended to ensure that the other party begins acting in the way that we would like to have that party act.

Obviously, when you have a 2-year sunset on these kinds of sanctions, you eliminate that flexibility. I think that is one of the reasons why most of us have tended to want to support the kind of review and analysis about which the Senator from Indiana is talking. Clearly, that kind of thing should be done. But there should be a mechanism for the Congress and the President to, in effect, pull the plug on a sanction whose time has run rather than to have an arbitrary time limit for its imposition.

If the Senator from Indiana would like to respond, I am happy to yield.

Mr. LUGAR. Madam President, to answer the question posed, both the President and the Congress can reauthorize the action after two years. Additionally, they are constrained simply to explain how successful things have been and what their objectives were to begin with. But the law—at least my amendment—explicitly gives them the ability to reauthorize. They have to take that affirmative action.

Mr. KYL. If I could, Madam President, go to another point; that is, the failure to discriminate among or between different kinds of sanctions.

The amendment, as I read it, treats all sanctions alike. It does not differentiate between sanctions imposed for the transfer of nuclear technology, for example, or the exploding of nuclear devices in violation of treaties, and

sanctions imposed for less dangerous activities, for example. In a sense, when one reads it, it appears to condone sanctions which have as their goal the promoting of trade but severely restricts sanctions for other purposes.

I understand that the Senators from farm States have been very concerned about limitations on exports of agricultural products.

As I say, I think we are all pleased to support the amendment which enables India and Pakistan to import American agricultural products. But I think we ought to examine this in a balanced way and understand that many of the sanctions are imposed for national security reasons. I think most of us understand that national security has to take a front seat to other considerations of a lesser degree of priority, if, in fact, it has gotten to the point that the country, either the President or the Congress, thinks it is in our national interest to impose sanctions. Yet, under the sweeping definition of a sanction here to mean literally ''any restriction or condition on economic activity,'' it appears there is no differentiation to account for the differences in reasons why we impose sanctions.

For example, as I said before, we may have a reason to sanction a particular country, or a particular kind of trade activity, because of the national security implications of that. With respect to China, for example, we require a special waiver for certain kinds of technology transfers, or the launching of satellites, just to cite one example. It seems to me that is an entirely different kind of sanction than the typical kind of trade sanction on imports or quotas that we might apply for some other reason.

I think it is very important for us to try to come to some agreement on a definition of just exactly what is a sanction before we begin applying across the board a set of rules that would automatically sunset sanctions after 2 years; that would require a 45-day time period before sanctions could be implemented; that would change the rules of the Congress, in effect, after first stating that it is our policy that these things should be done, and changing the rules of the Senate to ensure that policy is affected.

It seems to me that we have time to deal with this now since we have dealt with the immediate emergency. The leader has appointed a task force, and we have identified this as one of the things that we need to do in this task force so that we are clear about the differentiation between the different kinds of sanctions before we begin identifying what kind of limitations should be placed upon each of them, and, therefore, that consideration of this amendment at this time is premature notwithstanding the fact that many of the ideas in the Senator's amendment might well be the kinds of things that we would adopt for certain kinds of sanctions when we end up actually adopting legislation.

But, clearly, this is not something in which there is an easy one-size-fits-all solution. I fear that is what we are doing by trying to rush this matter.

I will be happy to yield the floor at this time. I will have other things to say, but I know the Senator from Kentucky, who chairs the task force, wants to speak to the issue as well.

Mr. MCCONNELL. Madam President, as a follow-on to my good friend from Arizona, let me say first I am a farm State Senator. I have been on the Agriculture Committee for 14 years. I am a supporter of GATT, NAFTA, fast track, and replenishment of the IMF, which we handle in our subcommittee of appropriations for foreign ops. So put me down as a free trader. Also, put me down as a principal sponsor of the amendment last week to lift the agricultural sanctions on India and Pakistan. We did sort of a partial job on that last week, and then, as the Senator from Arizona pointed out, sort of finished the job today.

Also, put me down as a great admirer of the chairman of the Agriculture Committee and his distinguished work over the years in foreign policy, and on trade matters as well.

The majority leader asked me to chair the task force on sanctions. The Democratic leader asked Senator BIDEN to do that. As the Senator from Arizona just pointed out, we have had an opportunity to only have one meeting. It was yesterday.

I say to my good friend from Indiana, by September I might well be supporting this bill. But I am, frankly, among those in the Senate—and I expect this is almost everyone in this body—who has not been exactly consistent on the subject of sanctions over the years. Having supported MFN to China, I have also advocated certain kinds of sanctions against Burma. My guess is that there is hardly anybody in this room who has been entirely consistent on this subject.

What the distinguished Senator from Indiana tried to do here is to enact a broad piece of legislation that may well be justified. But let me say I am just not yet comfortable in taking that step. Maybe by September I will be comforted that this is what we ought to do. But I want to echo the observations of the distinguished Senator from Arizona that I am just not sure we are ready, as a body, to wipe the slate clean.

Reading from Senator LUGAR's bill, unless I am missing something here, it says, ''Notwithstanding any other provision of law, the President may not implement any new unilateral economic sanction under any provision of law with respect to a foreign country, or foreign entity, unless at least 45 days in advance of such implementation the President publishes notice in the Federal Register of his intent to implement such sanctions.''

It is my understanding that just today the President announced sanctions and trade restrictions under the International Emergency Economic Powers Act against certain Russian countries. I am concerned, for example, whether under this bill the President could have taken that step. Maybe he should not have. Maybe that is the point of the bill.

But let me just say, Madam President, that I am queasy about taking such a broad, comprehensive step, even though it is only prospective, before we have even had a chance to work our way through it. I confess that many of us have not spent the amount of time the Senator from Indiana has already spent on it. He is undoubtedly one of the experts in the Senate on this subject.

But, since all of us are called upon to vote, let me appeal to those in the Senate who may not yet have the level of expertise on the sanctions issue that the distinguished chairman of the Agriculture Committee has, and ask the question, Are we ready to enact on this appropriations bill a broad, sweeping sanctions policy at this time?

Let me repeat. The Senator from Indiana may be entirely correct that this is the way to go. But I will suggest to the Senate that we give this a little more time and think it through a little further. I am not sure the work of the task force, on which many of us serve, including the Senator from Indiana and the Senator from Arizona, is going to shed a whole lot of light on this. But we are going to try. We are going to try to shed some light on it by having a hearing on July 30. We are going to try very hard to meet the majority leader's deadline of having at least a report by September 1. That may or may not enlighten a whole lot of Members of the Senate.

But for those of us who have not spent as much time on this as the distinguished Senator from Indiana maybe, that report will be helpful to us. Maybe we will get a chance, as the Senator from Arizona pointed out, to kind of start out with what a sanction is. I am not even sure I know, frankly, at this point exactly what is and what isn't a sanction. Is a restriction in a foreign aid bill a sanction? Do we make a distinction between transfers of military significance? I think most Senators would argue that you should make that kind of distinction on things like agricultural products, food and medicine, and the like.

So I commend the Senator from Indiana for a very important piece of legislation and just suggest that maybe this isn't the best time for most of us to be going forward on this, and I hope we can shed some light through the task force over the next few weeks on this whole subject.

Madam President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

I rise to join with my colleagues from Arizona and Kentucky, who have just

spoken, with a certain sense of reluctance about opposing the amendment of the Senator from Indiana because of the respect I have for him, because of the thoughtful way in which he goes about matters generally and particularly matters of foreign policy. But to echo what has just been said, this is a very complicated and controversial subject, an important exercise of one of the major options that the United States has in carrying out its foreign policy.

The bipartisan Senate leadership has created a task force that has been referred to. As has been said, we only had an opportunity to hold our first meeting yesterday. So I think for us to act on this quite comprehensive piece of legislation, which will dramatically alter the landscape in which the United States, Congress, can impose economic sanctions, is a rush to judgment before we have had a chance to hear from all sides, as the task force will do—a public hearing is going to occur—to reason together and then to come up with a proposal.

As the Senator from Kentucky said, the end proposal may contain major parts of the amendment offered by the Senator from Indiana. But I think we would do much better and serve our national interest better if we worked this out over a period of time. There is no emergency now that I can think of, that I know of, that requires us to adopt this wholesale change in what has been a fundamental part of our foreign policy for a long time now, deriving, incidentally, from a constitutional premise of the ability, Congress' ability, to regulate commerce with other nations of the world.

So I think this is premature, though probably thoughtful. But I say ''probably'' because this is a detailed amendment which I, frankly, have not been able to absorb in the time it has been in the Chamber, to make a reasoned judgment, even if there was not a task force that had been appointed on this very subject.

I hear the Senator from Indiana; his intention is for its effect to be prospective, not to affect any sanctions that are in law now, and yet there are sections of this that begin ''notwithstanding any other provision of law'' and impose procedural requirements that make me wonder whether they would affect, for instance, the President's ability to impose sanctions in an emergency situation which, if we adopted this amendment, he might be limited from doing.

So there are questions. And I think we should step back, acknowledge that there is a chorus that has risen rather rapidly in the last period of months questioning the extent to which we have applied sanctions, the manner in which we have done it, and listen to that chorus but not rush to act in response to it before we have had a chance, each of us, to deliberate and do what is right.

Now, I want to offer one other set of thoughts here, Mr. President. Why is this so important? Well, let's all begin with the fact that most of us acknowledge, as the Senator from Kentucky said, we have not, most of us, been consistent in our votes on these matters. It is hard to be consistent in our votes on matters of sanctions, that they have been used too much. I think most of us in this Chamber would say that. That is why the leadership created the bipartisan task force, to begin to set some guidelines. But in all the criticism that we are heaping on ourselves, I think it is important not to lose sight of the value of sanctions. They are, roughly speaking, one of three options that a government has to protect its strategic interests and uphold its ideals—diplomatic, economic, and military.

If I may say so—and I know people sometimes say that we are foolish to do this, that it is self-defeating—we have to consider the impact some of the sanctions have had not just on farm States. I can tell you, some of the sanctions regimes have had an effect on manufacturing, high tech and industrial, from my State. And I am not reaching judgment on the net effect.

Let's just say a word for the fact that there is a part of our national character that, as Americans, is prepared to say we care so much about what is happening in another country, about the way that country is suppressing its people, or the threat that that country represents to our security because they are threatening their neighbors, who are our allies, or they are building missiles, that we are prepared, if our allies will not go along with us, to impose economic sanctions on them to affect their behavior. In an age when a lot of people question, well, all we care about is materialism, I am speaking respectfully of the impact of sanctions on people. This is in its way an expression of American idealism and principle and values. And while we may have overused it, we should not diminish its utility and its substance.

Finally, Mr. President, there is a very important question to ask: Have they worked? I think the record is mixed, but that is something I would like to have our task force study and, at least as one Member, learn more about. I don't know enough about it.

I know most people cite South Africa as a case where sanctions worked. Those were multilateral. More recently, sanctions we imposed on Colombia did work to alter the fundamental policy of the Government on an issue that matters to us. We have sanctions against Iraq and Libya. Well, I note that the heads of those regimes worked mightily in international diplomatic circles to get the sanctions off, so they must be having an effect on them. The same is true about the opposition of the Chinese to sanctions that we consider, and the Russians with regard to supplying components of missile parts to Iran.

I know that Senator LUGAR is not speaking against sanctions generally, and I appreciate that, and I share that view with him. We share that view because we understand, I hope all of us, that sanctions have value and have had effect. We are using them too much, but I think it requires more thought than we have had the opportunity to give before we vote on this amendment to change the ground rules so dramatically. So I intend to vote against the amendment.

I yield the floor.

Mr. BIDEN. Mr. President, I will vote against tabling the Lugar amendment. It is a useful starting point in bringing some rationalization to our sanctions policy.

I have been in the Senate for over 25 years. Over that time, I have supported many sanctions laws, and even authored a few. But I am now re-examining my approach to sanctions policy. I do so not because I oppose sanctions—sanctions are an important part of our foreign policy arsenal.

But I believe we need to rethink our overall approach. Statutory sanctions, once imposed, are difficult to repeal, and they therefore do not provide the President the flexibility that I believe he needs to conduct foreign policy. As we all know, it is easier to block legislation than to pass it; accordingly, lifting a sanction to meet changed circumstances is difficult, and sometimes impossible. I believe, therefore, that we have to start building into our sanctions policy the necessary flexibility for the President to waive, modify, or terminate sanctions with the ability of the Congress to respond to his actions.

The Lugar bill is not perfect. It has a few provisions that I believe should be changed or modified. For example, I do not believe it is wise to provide, as the amendment does in Section 806(c), for a point of order against legislation in cases where the Senate has not received required reports from the Executive Branch. This provision would conceivably permit the President to prevent consideration of a bill simply by withholding the required report. In addition, I believe the bill should clearly exclude from the definition of ''sanction'' those measures taken to enforce criminal laws and those measures taken pursuant to the authority of the Federal Aviation Administration to ban foreign airlines from flying to the United States which do not satisfy our safety standards. Finally, I believe the contract sanctity provision is too broad, for two reasons. First, there may be cases where a multi-year option contract would render the sanction—at least as to that contract—a nullity. Second, there may be cases—a proliferation sanction comes to mind—where it may be in our national security interest to stop the flow of technology immediately.

Despite these concerns about the Lugar amendment, I will vote against the tabling motion. The bill is a good framework upon which we can begin to construct a more rational sanctions policy, and I believe the Senate should continue to consider it further on this

bill. I did not offer amendments to perfect the amendment because it was obvious that it was not going to be adopted and if it was it could be perfected in conference. We will surely revisit this issue at which time I'll have more to say.

Mr. KERRY. Mr. President, I would like to take this opportunity to share my views on the amendment of the Senator from Indiana which was voted upon earlier this evening. I agree with those of my colleagues who have argued that we have too many unilateral sanctions in place, many of them mandated by Congress, and that often these sanctions fail to achieve the stated foreign policy objectives while hurting American business and competitiveness. I support the overall objective of the amendment offered by the Senator from Indiana—to provide a rational framework for the imposition of sanctions by both the Congress and the President. However, some aspects of this legislation concern me, in particular the broad definition of the term ''unilateral economic sanction'' and the extensive process which is to be exhausted before sanctions are imposed.

I have always believed that sanctions are most effective when they are multilateral not unilateral, but I also recognize that there may be circumstances in which we need the option of imposing sanctions unilaterally, for example to send a message of disapproval of a given regime as we did with respect to the military junta in Burma, or to respond to a horrific event such as the use of force against those protesting for democracy in Tiananmen Square in 1989. I recognize that the legislation of the Senator from Indiana does not prevent us from imposing sanctions in these cases but I fear that the process in the bill would make it more difficult to do so expeditiously. In light of these concerns and the fact that the Senate Task Force on Sanctions, of which I am a member, is trying to address the question of unilateral sanctions and is going to begin hearings later this month, I voted to table the amendment of the Senator from Indiana at this time. However, I believe there is much of worth in this legislation, and I would like to work with him and others who believe, as I do, that we must reign in the tendency to address every foreign policy problem with a sanction.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just say, at the rate we are going, we should be able to finish this bill by Saturday night a week around midnight. We have 64 amendments left. We have spent about 2½ hours on this one. A lot of the people on this side are going to the White House at 4:30, and I hoped we could get a vote on it before they had to depart. I am always reluctant to suggest to anybody they cut their remarks short, and I guess we have already missed the 4:30 deadline. I see two Senators who are just chomping to speak, so there is no point in asking for a time agreement at this point. But I just want to make the Members aware, and I know I am joined by my distinguished chairman in saying, we are going to have to do something to speed this process up or we are not going to get out before December 1.

I thank the Chair.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. I think the Senator from Arizona wants to propose a unanimous consent.

Mr. KYL. Yes. I thank the Chair. I thank my colleague from Alaska.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that John Rood be admitted to the floor during the pendency of this amendment and other amendments on which he may desire to be present under my supervision.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will try to be brief. I recognize the timeframe.

I think it is fair to recognize another thing though: That two-thirds of the world's population, or thereabouts, are under some type of sanctions or threatened sanction by the United States. I think the question we have to ask ourselves is, As we address the justification of sanctions, are we really helping the people we want to help?

I commend the Senator from Indiana, Mr. LUGAR, for bringing this matter up, because we can continue to debate it, we can continue to evaluate it, but the reality is, it is time to address the effectiveness of these sanctions. And, as a consequence, I rise to support the amendment of the Senator from Indiana on sanctions.

I think he is offering the amendment for one reason, which is because sanctions are now a popular choice to promote our agenda and, of course, legitimately protect our national interests. There is nothing wrong with this reasoning except many times sanctions simply do not work in the manner that we have intended. They are one tool that we can use against rogue nations—granted. The question is, How effective are sanctions? In what cases should they be used? Unfortunately, as I have indicated, the tool of choice is sanctions. Some suggest it is a hammer for brain surgery.

In any event, it is time to take stock in whether this amendment by the Senator from Indiana passes now or later. I think it is fair to say we should take up this matter and resolve it and examine, if you will, the posture of our policies.

Let me conclude with one reference that is in the amendment of the Senator from Indiana; that is, he sets guidelines before imposing sanctions. That is important, in his amendment. The amendment will require a check and balance. It will require information on the goals of the sanctions, the economic costs to the United States, the effect on achieving other foreign policy goals, and whether other policy options have been explored. It is kind of a cost-benefit risk analysis. I wish we could apply it to some of our environmental measures. That is what we are proposing here, and that is why I support the amendment of the Senator from Indiana.

This amendment will require careful thought before imposing sanctions. It does not prohibit sanctions. Dozens of sanctions are now pending before Congress. Sanctions, because they are the easy way out, have become a knee jerk reaction.

Between 1914 and 1990 we imposed unilateral sanctions 116 times. Between 1993 and 1996 alone we imposed unilateral sanctions 61 times on 35 nations. In 1995 alone, it is estimated that sanctions cost the United States $20 billion in exports.

The President has declared a national emergency 16 times during his term. In the case of Burma, the President invoked unilateral powers reserved to ''deal with an unusual and extraordinary threat.''

Is Burma an ''unusual and extraordinary threat'' to the national security of the United States? I will go out on a limb and say perhaps no.

But that is the problem. The choice to use unilateral sanctions is easy. It is a choice made for the short term to appease special interest groups. No thought is given to the chances of success or possible alternatives.

Will unilateral sanctions work in Burma—probably not! Will they hurt the people we are trying to help—definitely so!

We must look to the long term.

I think a perfect example of this is Vietnam. Restoration of diplomatic relations and the lifting of the trade embargo on U.S. exports led to progress on the MIA issue and greater economic freedoms in Vietnam.

The old saying that a rising tide lifts all boats is true.

When we decide on appropriate action to take against rogue countries, we must make decisions based on what are the most persuasive actions rather than the easy way out.

I do not condone the policies of Iran, or Libya, or North Korea. All these countries clearly pursue policies contrary to our national interests.

But I believe it has come to the point where U.S. unilateral sanctions run the risk of being completely counterproductive because they get in the way of more effective multilateral steps that could be pursued.

Unilateral sanctions should be a tool of last resort and only used after careful thought about the consequences, the costs, and the chances of success. I urge my colleagues to support Senator

LUGAR. Implementing sanctions should not be based on emotion but on a rational process. This is what this amendment does.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I will also keep my statement very short.

Mr. President, I also strongly support Senator LUGAR'S amendment to include the Enhancement of Trade, Security and Human Rights through Sanctions Reform Act to the agriculture appropriations. Consistent with our commitment yesterday to help American farmers, I believe this is the appropriate time to consider this important amendment that will help us think about the consequences of unilateral sanctions before they are imposed, either by the Congress or by the President.

As you have heard, this amendment does not prohibit the Congress or the administration from imposing Unilateral sanctions, but it forces us to think before we act. It is easy to look like we are combatting various problems such as human rights abuses, religious persecution, nuclear proliferation, child labor, etcetera, by imposing unilateral sanctions. But it is not so easy to determine the negative effect they will have. It is my opinion that unilateral sanctions do not work. They do not force countries to adopt our policies, or our standards. Therefore, they wind up doing nothing but hurting our American farmers and workers who lose export opportunities to the affected nations.

Senator LUGAR'S amendment, which I have also cosponsored in its bill form, establishes procedures by which we can analyze the impact of the sanctions—first, whether they——

Mr. STEVENS. Will the Senator yield for just a moment?

Mr. GRAMS. Yes, sir.

Mr. STEVENS. Mr. President, I would like to notify the Senate that at 6 o'clock I shall seek the floor to move to table the Lugar amendment. I think it is a vote that must be taken to see where the votes are on this amendment. If it is not tabled, then it will still be open to amendment, but hopefully we might be able to work something out to see in what shape we would agree to take the Lugar amendment to conference and have a vote on whatever the Senator wants. But I do expect to make a motion to table the Lugar amendment at 6 o'clock. I ask cloakrooms notify their respective sides of that.

I thank the Senator.

Mr. GRAMS. Just to briefly finish my statement today, I believe the Lugar amendment will help to establish procedures by which we can analyze the impact of these sanctions. That is first by whether they will accomplish the intended purpose, and second, the impact they have on U.S. international competitiveness and other foreign policy goals.

This amendment is also flexible. The President can waive the provisions of this amendment in an emergency, and the amendment does not affect existing sanctions. It also does not apply to multilateral sanctions.

I urge my colleagues to take a look at this, to support this amendment which will help us determine whether a particular unilateral sanction will work or whether we should pursue the problem in another way. If unilateral sanctions are imposed, we need to ensure they will work and they are initiated only as a last resort, and only after multilateral sanctions are pursued.

Again, I thank Senator LUGAR for his leadership on this important issue. For those of us concerned about the growing trend toward unilateral sanctions without analyzing whether they will work or how they will affect our farmers and workers, I think this is a no-brainer. This is an amendment that should have no opposition from this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am sure when my colleague just referred to a ''no-brainer,'' that no one would be in opposition to it, he wasn't suggesting there is not a logical, reasonable argument in opposition to the amendment, and I would like to again try to make that and urge my colleague, if he would like, to engage in any kind of colloquy he would like to clarify what I have to say, to at least assure him that there is a reasonable argument on the other side.

I want to begin by commending Senator LUGAR for identifying many of the things which ought to be done with respect to the imposition of sanctions in his amendment. He has a lot of good material in this amendment. I know he has given it a lot of thought. I think, at the end of the day, we will be able to accept a lot of that.

Mr. President, I also believe there are some things that are not adequately thought out here. I would like to focus on a few of those. One of the things I am pleased with is a very broad definition of national emergency, which would permit the President to essentially waive the requirements of the legislation in the event of a national emergency, which is very, very broadly defined here. In one sense, that is good. But in another sense, all of the good that we are trying to achieve here could be easily undone, simply because the President decided to go forward and waive in the interests of national security. If the national security definition were a little tighter, then what we are seeking to accomplish here could probably be done, and the President would not be able to undo it easily through the invocation of a national emergency waiver.

So I want to begin this part of the debate by acknowledging that some of what the Senator from Indiana is seeking to do clearly is going to gain wide acceptance here. In some cases, we are not going to want to let the President easily get out from underneath these requirements, which the definition of national emergency, in my view, would allow him to do.

I also want to begin by making a point that one of my colleagues made, and that is to establish bona fides with respect to this. I have been getting a lot of calls from commercial associations seeking support for this, in the name of free trade. I have always supported fast track and do to this day, and I hope we will take fast track up again this year and pass it. I have supported GATT. I have supported NAFTA. I will proudly call myself a free trader, too. So my comments are not made from the perspective of someone who has not supported trade. In terms of business support, I certainly provided that.

But we also have a national security obligation as Members of the Senate, and what I do not see adequately addressed in this amendment is the careful balancing between support for economic considerations on the one hand, and national security on the other. Those interests have to be very carefully calibrated. I think, with some additional work on the amendment of the Senator, we might be able to help achieve that calibration, but not if we have to vote on that today.

Third, I mentioned the definitions problems, and I would like to get into that in detail now. I would like to read from the amendment of the Senator, the very first definition of what we are talking about when we talk about a unilateral economic sanction. Here is the definition. I am quoting:

> The term ''unilateral economic sanction'' means any prohibition, restriction or condition on economic activity, including economic assistance, with respect to a foreign country or foreign entity. . .

Et cetera, et cetera, et cetera.

That means foreign aid, for example. So before we do a foreign aid bill here, are we going to have to go through the requirements of this legislation? Before we reduce a country's foreign aid, is the President going to have to give the Federal Register notice for 45 days? Is the Congress going to have to wait for 45 days before we can reduce that aid? Is that reduction going to be in force only 2 years and then we would have to revisit it? Something as simple as foreign aid—we raise and lower a country's foreign aid every year for lots of different reasons.

We may apply a little more money to the foreign aid budget and be able to increase aid, or we may reduce it and have to increase aid. It has nothing to do with whether we are trying to sanction somebody or punish somebody or prohibit trade. Yet, that would be implicated because of the breadth of the definition of ''economic sanction'' contained in the legislation.

What about some of the other actions that we may take? I mentioned before export controls on sensitive U.S. technology. I think it is absolutely incredible that restrictions of U.S. trade,

technical assistance, or any other way in which the United States would provide assistance to another country with respect to sensitive matters would be deemed subject to the requirements of this legislation.

This legislation may well be appropriate for the kind of sanctions that we would apply against a country that doesn't agree with us on a particular human rights policy, for example, or something of that sort or perhaps with whom we have a trade dispute. But it certainly should not apply to the limitations that this country imposes upon U.S. businesses wanting to transfer technology to another country. There are good and sufficient reasons we have an entire regime of export controls in place.

To show just exactly how far this legislation goes—and I think this is critical before Senators vote in favor of this amendment—they had better understand the following: We have just had exposed a tremendous technology transfer to the country of China that occurred because a couple of U.S. companies may—may; they are under investigation for it—allegedly have violated U.S. law with respect to technology transfer.

When a missile blew up and destroyed a satellite, information was provided to the country of China. That may have been in violation of U.S. law. It may well have compromised our national security. Yet, the kind of things that we impose upon companies that are going to do business with a country like China to limit the transfer of that highly sensitive technology would be implicated because of the breadth of the definition of this legislation.

Would we be able to limit the kind of technology transfer that has gone on to China that we are trying to stem?

Would we be able to require defense monitors to accompany this equipment?

Would we be able to preclude reports being issued to the Chinese Government on what went wrong with a particular launch?

Would we be able to require an export license for the kind of satellites being exported here or the kind of technology that is being transferred in aid of the launch of U.S. satellites to make sure the rockets themselves don't blow up?

Would we be precluded from putting those kind of technology transfers on a munitions list?

Would we be precluded from requiring reviews by the Justice Department?

This morning I talked with the Attorney General in a hearing of the Senate Judiciary Committee, and I said, ''Even though you had this matter under direct investigation, pending investigation, and Sandy Berger, the National Security Adviser, was advised that it could significantly adversely impact the judicial process of the prosecution of people who would be indicted for having possibly violated the law, for the President to grant a subsequent waiver, notwithstanding that the President granted the waiver,'' and I asked the Attorney General, ''did you object to that in any formal way?''

She said, ''No, there is nothing in the law today that permits or requires that, and there is not even any procedure for that.''

I said, ''Do you think there should be?''

Her answer was, ''We are working right now on recommendations that would get the Justice Department into the loop here.''

What I am saying, Mr. President, is that with regard to the transfer of highly sensitive technology that could jeopardize the national security of the United States, we do impose limitations, and as I read the definition of ''unilateral economic sanction,'' many of the kind of activities in which we engage here would be implicated by this definition.

I know, or at least I firmly believe, that the Senator from Indiana would not want to jeopardize our national security and that it would not be his intention to have that kind of technology transfer limited, or the limitations on that kind of technology transfer limited by his amendment. Yet, as I read his amendment, that is exactly what occurs, because, again, the definition is:

> Any prohibition, restriction or condition on economic activity.

Clearly, all of the things that we imposed on Loral and on Hughes are restrictions and conditions on their economic activity with China, and for a good reason: to prevent the transfer of technology that we think might harm our national security.

Are we saying today, are we willing to vote for an amendment that essentially says, with respect to that kind of condition, we are going to treat that as a sanction and we are going to put all kind of limitations on whether or not it can be done?

One of the answers is, ''Well, there's a section in here that permits the President to waive any of this if there is a national security interest involved in that case.''

Mr. President, it seems to me that we simply ought to make an initial determination that there are certain kind of things that we do not deem to be economic unilateral sanctions and they ought to be excluded in the legislation in the first instance, because otherwise we are going to have an extraordinarily cumbersome procedure where thousands of things that this Government does, in either the executive or the legislative branch, from foreign aid decisions of the Congress to highly sensitive national security technology transfer limitations, are going to be deemed to be sanctions that have to go through the processes of review and delay and sunset, and so on, of this legislation, or else be exempted by a waiver that the President would then have to specifically invoke with respect to each one of those particular actions.

That doesn't make sense. That is why I say this one-size-fits-all kind of approach is not the right approach. The kind of things the Senator from Indiana should be dealing with are a fairly narrow range of economic activities and limitations on those activities that either the President or the Congress has imposed in the past but that don't have anything to do with foreign aid, that don't have anything to do with national security technical assistance limitations and the like.

That is the third point I want to make.

I should also note that there are other things that could be deemed conditions or restrictions on economic activity, like denials of visas, cuts in taxpayer-funded export credits such as from OPIC or Eximbank. Are those things implicated by this? I think clearly they are. Is that the intent of the Senator from Indiana? And, if so, how are we going to get around those with a national security waiver? There are some things that I don't think we want this to apply to for which the national security waiver isn't going to be available. There, again, the one-size-fits-all approach to this just isn't going to work.

I will conclude this third point by reiterating what I said before. One of the things the Senator from Indiana is trying to do here is to be sure, before we invoke sanctions, we think it through, we analyze the impact, and we have a set of standards by which to measure whether it is effective or not and we have a mechanism for ending the sanction that forces us to, in effect, focus on whether or not it has been effective and we want to continue it or not.

All of those are valid propositions. My guess is, before we are done with this, that kind of approach will be adopted by the Senate. I am not arguing against those things, but what I am doing is reiterating the argument of the Senator from Connecticut, the Senator from Kentucky, and expanding on a point that I made earlier, and that is that just as we are getting into this issue with the first meeting of the sanctions task force—a bipartisan task force—yesterday to identify exactly what we want to cover by the kind of reforms and others that the Senator from Indiana is proposing, just as we are beginning this process, we have placed on the desk an amendment that is going to do it all and do it with a definition that is so broad that it would cover virtually any condition or limitation on economic activity. That is not, I think, what the sanctions task force views as the proper approach.

I urge my colleagues to slow this process down just a little bit. We don't have to have this amendment on this appropriations bill today. I am sure that if the Senator from Indiana will work with us, if there is deemed to be a necessity to put something in place fairly soon, and certainly before the end of this legislative year, we can come up with a good set of criteria,

such as those the Senator has in his bill, for imposing sanctions—a good review process, some mechanisms for revisiting the sanctions after a point in time to ensure we still want them in place. All of those things that Senator LUGAR's amendment goes to I think we can include in a piece of legislation. But I also think we are going to want to take a look at these definitions carefully and modify them to some extent so in one case it does not go too far and embrace just too many things, and in another case it perhaps does not go far enough.

Finally, I will close with this point, Mr. President. Sanctions—and because of the breadth of the definition of sanctions here, I think we are literally talking about any kind of action the United States might take—can be in response to all kinds of different things.

We have the Jackson-Vanik sanctions that were imposed upon the Soviet Union when it would not allow the immigration of Jews from the Soviet Union. We have sanctions that were imposed on South Africa to try to change that country's behavior. We have sanctions that were imposed upon the Soviet Union after it invaded Afghanistan. We have sanctions in aid of various treaties or agreements that are hard to enforce unless you can impose some kind of sanction. The NPT, Non-Proliferation Treaty, and other kinds of treaties that we have signed, some bilateral, some multilateral, have to provide some kind of enforcement.

As Senator LIEBERMAN pointed out, you do not want to have to turn to the military option right off. So all you have are economic or diplomatic activities. Now, diplomatic activities sometimes work; sometimes they do not. They more frequently work if you have some other kind of hammer behind it, like a military or economic card to play. What it boils down to is that an economic limitation can sometimes be very important. But I do not think we ought to blame sanctions necessarily when things do not go right.

The best example of a failed policy is one which we have all dealt with here very recently, and that is the automatic sanctions that were imposed upon India and Pakistan—for doing what?—for nuclear testing.

Mr. President, I submit that the problem here is not sanctions per se. The problem is that the policy that was put in place was a failed policy to begin with, and to attach sanctions as the only way to respond to that was simply wrong. Congress was in error for doing that. We are now rushing to correct that error. But we are doing it in the wrong way.

Let us understand that the problem with the sanctions on India and Pakistan go back to the fact that as a nation we should have recognized that, just like China, Russia, and France, these nations are going to do what they think is in their best national interest, which may include testing nuclear weapons, and that they are going to do that irrespective of world opinion or economic sanctions. Their own internal country opinion was more important to them.

In both cases, they were willing to suffer the consequences economically that might result from sanctions being imposed. In fact, I think in both countries there was a certain sense of pride that they did this and that they could stand up to the rest of the world. So for us to have had to impose economic sanctions was folly. It was never going to work. These countries were going to do what they felt was in their best interest, and we were not going to be able to stop them with economic sanctions.

All we did was hurt a couple of countries that have been friendly to the United States—in the case of Pakistan, a country that is really hurting economically. And the last thing I think we really wanted to do is hurt the people of Pakistan with these sanctions; nor did we want to hurt our own country's agricultural interests. The problem was not sanctions per se. The problem was in ever thinking that we could, by the use of something like sanctions, prevent them from doing what inevitably they were going to do.

Let us not blame sanctions; let us blame a failed policy embraced by the U.S. Congress. Sanctions sometimes do work; and, as Senator MCCONNELL said, sometimes they do not work. Our record has been inconsistent in this regard. I know that is one of the things that Senator LUGAR is trying to address here. But that should animate our thinking here—not that sanctions are per se wrong and, therefore, they have to be used only in very, very limited situations, and so on, as some of the language in this amendment suggests. I agree with that as a general proposition.

We ought to be careful how we use sanctions because in some cases they are never going to be effective because the underlying policy is not a valid policy. But by the same token, in the interest of satisfying our commercial constituents, I do not think we should rush to judgment here and literally throw out the baby with the bathwater by making it very difficult to impose or retain sanctions in the future when, in point of fact, there are certain areas, like national security, for example, where we very definitely want to have conditions or limitations on economic activity—the definition in the bill—that have nothing to do with the ordinary understanding of sanctions.

For that reason, I urge my colleague from Indiana to withhold for a few days or a few hours or some point in time where we can sit down and try to rework the definitions and rework some of the other language so that we are not applying a one-size-fits-all solution to what is, as Senator LIEBERMAN pointed out, a very complex situation.

We were going to address this through the task force and take quite a bit of time to do it. If there is any reason to rush to judgment here, let us at least take enough time to narrow what we are doing and try to make it apply in a fairly restricted way to achieve whatever short-range objective we have here until we have time to think it through more thoroughly to impose a policy that would cover all of the different kinds of limitations that, as a country, we may wish to impose.

Mr. President, I urge that this amendment not be supported, that if a motion is made by Senator STEVENS, that we support that motion, and that we not consider the amendment at this time. I certainly, as a member of the sanctions task force, will work with Senator LUGAR to try to take many of the good ideas he has in this legislation and pull them into a bill I think all of us can support at the appropriate time.

Thank you.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, may I inquire as to the parliamentary situation on the floor? The intention of the Senator from Nevada is to offer an amendment, of which I have alerted the manager. If there is a pending amendment, if I could be so advised, I will make the necessary request.

The PRESIDING OFFICER. There is a pending amendment to be laid aside.

Mr. BRYAN. I thank the Chair for his courtesy.

Mr. President, I see the chairman of the committee is rising. I would certainly yield to him.

Mr. LUGAR. I ask the Senator a question. If it is just a parliamentary procedure, I have no objection if it is a noncontroversial amendment, because I would like to help the bill proceed. But I want us to move toward the conclusion of the debate on my amendment.

Mr. BRYAN. Responding to the inquiry of my friend, the senior Senator from Indiana, I wish I could represent to the Senator that this was noncontroversial. In this Senator's judgment, it ought to be. But fairness requires me to say, this is an amendment which has been before the Senate on many occasions dealing with the Market Access Program. It is controversial. I was under the impression that we could lay the pending amendment aside and consider it, but if the chairman has a concern about that, it is not my purpose to interrupt the orderly flow of the processing of this appropriations bill.

Mr. LUGAR. 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. COCHRAN. 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. COCHRAN. Mr. President, Senator LUGAR desires to make further remarks in support of his amendment, and we hope the Chair will recognize him for that purpose. Any other Senators who want to speak on that amendment should do so now, because there is the plan that has previously been announced that Senator STEVENS will move to table the Lugar amendment at 6 o'clock. We will have a vote on that motion to table. But if Senators have completed their remarks on the Lugar amendment, then we could set that amendment aside, if the 6 o'clock hour has not yet arrived, and have other amendments debated. That would be our hope.

The PRESIDING OFFICER (Mr. THOMAS). The Chair recognizes the Senator from Indiana.

Mr. LUGAR. Mr. President, during this debate on the pending amendment, three arguments have been made. I want to respond to them briefly. One came about through Senators suggesting that the President of the United States, who just today proposed sanctions on certain firms in Russia and pertaining to Iranian missile transfers, would not have had the ability to impose those sanctions if the amendment that we are debating had been the law of the land.

Later, the distinguished Senator from Arizona, after a careful reading of the legislation, noted that on page 30 of the amendment—this is the language: ''The President may waive any of the requirements of subsections (a), (b), (c), (d), (e)''—and so forth—in the event that the President determines there exists a national emergency that requires the exercise of the waiver.

I made that point in an earlier presentation, but I simply wanted to reiterate there are emergency situations regarding the national security of this country. The President must have the ability to act. Our legislation expressly gives him that waiver ability.

Then the distinguished Senator from Arizona raised the question as to whether, in fact, that waiver might be too broad. Perhaps. But, you cannot have it both ways. If on one hand you argue that the President of the United States is constricted in terms of what he may do, but then you find out he has full ability to do it, I suppose you could then argue that you do not want to have full ability at that point.

Let me just offer a moment of reassurance. On the same page 30 of the amendment, there is a section setting up a Sanctions Review Committee in the executive branch. It reads:

> There is established within the executive branch of Government an inter-agency committee, which shall be known as the Sanctions Review Committee, which shall have the responsibility of coordinating United States policy regarding unilateral economic sanctions and of providing appropriate recommendations to the President prior to any decision regarding the implementation of a unilateral economic sanction.

Now, that committee is composed of the Secretaries of State, Treasury, Defense, Agriculture, Commerce, Energy, the U.S. Trade Representative, and so forth.

The point being that the President of the United States should be well advised before he decides on a unilateral waiver for even national emergency purposes.

I suspect that this could be perfected further, but during the course of the debate on this legislation I simply note that many Members—and this is understandable—say this is very complex matter and we need more time to walk around it, try to think through the national security implications, the ability of the players to deal with this successfully.

I point out, respectfully, that my original legislation on which this is based was introduced last October. This has been widely discussed in this city for many months. It is supported by 37 Senators explicitly who have thought through all the implications of this and have studied it at some length.

Finally, Mr. President, I respond to the argument that the India and Pakistan incidents are the reason we are discussing this. As I recall, the distinguished Senator from Arizona pointed out we have resolved some of those problems and, therefore, it may be premature to move on to other problems. But, in fact, India and Pakistan had not gone through their nuclear testing regimes last October.

The problem that has to come back to this body is that of the American farmers—the gist of the overall agriculture appropriation bill—need some hope that this body understands the effect of economic sanctions on agriculture. The USA*Engage group, composed of some 675 businesses, including the American Farm Bureau, have strongly encouraged this body to understand the problems faced by American business.

I think the distinguished Senator from Nebraska, Senator HAGEL, stated it well: American business is not a special interest. It is not a nefarious group of people with whom we should have no contact as we talk about national security or economic security. American business and American farmers provide the money that gives us the ability to provide security to this Nation. These are the people who actually are out there working and providing jobs. They are saying to us: You folks with all of your sanctions are creating unemployment for 200,000 Americans. That number of people are losing their jobs because of what is occurring in the sanctions regime.

Of course, we have to be considerate of each and every aspect of making certain that national security is not compromised. It would be a stretch to think of many of these sanctions that have had a substantial national security implication to begin with.

I suspect, finally, there has to be a balancing of interests in our country. Even as we are deeply concerned about democratic procedures in other countries, about religious procedures in other countries, about economic procedures in other countries, we ought to weigh and we ought to have a procedure in which we say we are going to impose a sanction on some country and take the time to state why, and then take time to say, ''What would be considered a success? How would we know we have victory? What are the benchmarks of our success?'' At least once a year, we should think about what the sanction did. Did it make any difference? Did it make a difference in American jobs and income that was totally disproportionate to whatever the impact might have been, in the target country?

Now, that is what my amendment calls for—however you weave the argument around it, the need to state the purpose of what we are doing, the benchmarks of success, to examine periodically whether we have hit the mark even remotely, and, in any event, to estimate the cost of sanctions to Americans. It really is time to think about Americans, people in this country, farmers, producers, even as we are spinning wheels of economic sanctions for whatever economic purpose we might think of.

From the beginning—and I think everyone has heard this clearly—we are talking about sanctions in the future, prospective sanctions. I hope Senators understand that. But that is the case.

Secondly, we are talking about unilateral sanctions which we do ourselves that hurt us, that have no cooperation from others, with every other country grabbing our markets, entering in to eat our lunch. We have prescribed any number of ways in which people in this Congress and the administration have to think about it, and at the same time giving the President, as our Commander in Chief, the ability in terms of our security, to act if he must.

Finally, we have said after 2 years the sanction comes to an end unless the Congress reauthorizes it. That is, take some more time to think about what has occurred, what the implications and the costs for Americans have been.

I am hopeful this amendment will not be tabled. I regret that the distinguished chairman of the Appropriations Committee feels he must do that at 6 o'clock, but I understand the expeditious procedure of this bill, and it is an important bill, has to go on. I hope Senators will vote against tabling the amendment when that time comes, about an hour from now, because I think that a vote against tabling sends a signal of hope to American farmers that we care, and we had better send that signal.

I hope Senators understand that we have a difficult situation in American agriculture, not because of the farm bill but because demand from Asia is down and demand from other countries will be coming down as their income is constricted. We will need all of our

weapons of trade in order to meet that, and the same eventually will occur to other industries.

I stress agriculture today, Mr. President, because that is the first wave. That is where the first implications of economic downturn have come, with raw materials and food. But it will spread unless we are successful in adopting a new trade strategy that must surely include greater thoughtfulness about sanctions.

Therefore, I call for a new regime of thoughtfulness—not a prohibition of sanctions, not a breach of international or national security, but a thoughtful approach, giving full latitude to the Commander in Chief and, hopefully, better latitude to us, to think through what we are doing and to do it more correctly and positively.

I conclude by saying, as I recall, the distinguished Senator from Arizona was asking a hypothetical situation whether as to whether the President could act or not, I think I have answered the question that he could have acted on today's sanction. But let's say that the President acts, or the Congress acts; how do we know in advance that this is going to have any particular effect? The answer is that we don't. As a matter of fact, in most cases, the effect has been dismal, inappropriate, and costly to the United States and to our citizens.

So I say that the President of the United States has the full ability to act, but whether he will act appropriately is another question. And that is why even the President is asked to consult with his Cabinet, and why we are asked to consult with each other—in the hope that if we do adopt a sanction, it will do some good, that it will have some wisdom behind it, some rationale and some procedure that the American people can follow. I submit, Mr. President, that many of the sanctions we have adopted have not had that wisdom, that procedure, and they have not had a very good effect.

It is for this reason that I ask the support of Senators for this amendment and the support, particularly, on the vote to table. I am hopeful that that tabling motion will not be adopted when that moment comes.

Mr. President, I thank all Senators for allowing us to have this full debate. I appreciate that there are many other issues that should come before the body.

I yield the floor.

Mr. HELMS. Mr. President, the premise of the amendment proposed by the distinguished Senator from Indiana is that—as President Clinton recently put it—the United States has gone ''sanctions happy.'' We've all heard the statistics, repeated without question by the media, that the United States has enacted sanctions 61 times in just 4 years, thereby placing 42% of the world's population under the oppressive yoke of U.S. sanctions.

Well, it just ain't so.

I've examined these so-called statistics. And I've found that they are fabricated. The ''61-sanctions'' figure, which came from a study by the National Association of Manufacturers, and circulate widely by an anti-sanctions business coalition calling itself ''USA Engage.''

The NAM claims that, over a 4 year period (1993 through 1996) ''61 U.S. laws and executive actions were enacted authorizing unilateral economic sanctions for foreign policy purposes.'' According to NAM, these sanctions have targeted 35 countries, over 2.3 billion people (42% of the world's population) and $790 billion—19% of the world's total—in export markets.

NAM lists a catalogue of 20 new laws passed by Congress and 41 Executive Branch actions for a total of 61 new sanctions in just 4 years.

The ''61 sanctions'' figure cries out for examination. I asked the Congressional Research Service to analyze the NAM claim. After examining the NAM study, CRS reported to me, ''We could not defensibly subdivide or catagorize the entries in the (NAM) catalogue so that they add up to 61.''

How did NAM come up with this 61-sanctions claim? Here's how:

The National Association of Manufacturers includes as examples of ''unilateral economic sanctions'' every time the U.S. complied with U.N. Security Council sanctions—which are, by definition, multilateral sanctions;

The NAM used double-, triple- and quadruple-counts certain sanctions;

They included as a so-called ''sanction'' any executive branch or Congressional actions denying, limiting or even conditioning U.S. foreign aid. (Since when, I ask, did foreign aid become an entitlement?)

The NAM lists as sanctions instances where no sanctions were actually imposed, cases sanctions were actually lifted, and cases where sanctions were imposed briefly and then lifted.

The NAM piled into their ''sanctions'' list any decision to bar the sale of lethal military equipment to terrorist states, and various actions which affect just a single corporate entity or individuals—not countries.

Mr. President, this is not what most of us have in mind when we think of ''sanctions.'' We think of trade bans and embargoes on states—not seizing the assets of Colombian drug traffickers, blocking imports from a single factory in southern China which is using prison labor, or banning the sale of lethal equipment to states which arm and train terrorists.

The fact is, there is no credible way to argue that the U.S. has imposed 61 sanctions in just four years, or that anywhere near 42% of the world's population has been targeted by U.S. sanctions. In other words, there is no basis for the claim that we in Congress have gone ''sanctions happy'' or for the problem that the amendment offered by the Senator from Indiana proposes to fix.

But don't take my word for it. The staff of the Committee on Foreign Relations has prepared a document which analyzes the NAM study and exposes its failings. I now ask uninanimous consent that this analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

The NAM study charges that Congress enacted 20 new sanctions laws between 1993 and 1996. This is a deliberate falsehood.

In reality, *three-quarters of this total (15) were denials, restrictions or conditions on U.S. foreign aid,* included as part of normal Foreign Operations and Defense Appropriations legislation.

What were these so-called sanctions? One so-called sanction is a prohibition on aid to foreign governments that export lethal military equipment to countries supporting international terrorism. Another barred U.S. assistance for military or police training in Haiti to those involved in drug trafficking and human rights violations. Another placed conditions on assistance for the Palestinian Liberation Organization. Another prohibited Defense Department aid to any country designated as supporting international terrorism.

Another withheld foreign aid and directed U.S. to vote ''no'' on loans in international financial institutions for countries knowingly granting sanctuary to persons indicted by the international war crimes tribunals for the former Yugoslavia and Rwanda, for the purpose of evading prosecution.

Are these the kinds of ''objectionable'' and ''irresponsible'' actions Congress needs to reign in? I think not. Indeed, of the 20 congressional actions listed by NAM, in reality only 5 can really be called ''sanctions laws.'' These are: The Nuclear Proliferation Prevention Act (April 30, 1994); the LIBERTAD (Helms–Burton) Law (March 12, 1996); the Anti-Terrorism & Effective Death Penalty Act (April 24, 1996); the Iran-Libya Sanctions Act (August 5, 1996); and the Burma Sanctions (September 30, 1996—part of FY97 Foreign Operations Appropriations Act).

The fact is, Congress has passed a handful of carefully crafted, highly-targeted sanctions in recent years—most of which passed the Senate by comfortable margins.

EXECUTIVE ACTIONS (41)

And what about NAM's claim of 41 ''Executive Actions'' implementing sanctions in just four years? This list is also deceiving. Consider the following breakdown of the NAM list:

MULTIPLE COUNTING OF THE SAME SANCTIONS: 7

The NAM study double-, triple- and quadruple-counts the same sanctions over and over again on seven different occasions.

Cuba—Same Sanctions Counted 2 Times. (NAM counts the LIBERTAD (Helms–Burton) law as two separate sanctions, once on the date it was enacted by Congress (in Table I) and a second time when the President took measures to implement Title III of the act.)

Sudan—Same Sanctions Counted 5 Times. (NAM counts the imposition of sanctions on Sudan, and then each adjustment to existing sanctions policy as a separate new sanctions episode.)

MULTILATERAL SANCTIONS IMPOSED IN COMPLIANCE WITH U.N. SECURITY COUNCIL RESOLUTIONS: 5

The study counts U.S. compliance with multi-lateral U.N. Security Council sanctions as ''unilateral economic sanctions'' five times:

Federal Republic of Yugoslavia, Jan. 21, 1993 (NAM: ''These restrictions were designed to help implement U.N. Security Council Resolutions 757, 787, 820, and 942.'')

UNITA & Angola, September 26, 1993 (NAM: ''Designed to help implement U.N. Security Council Resolution 864.'')

Libya, December 3, 1993 (NAM: ''President announces tightened economic sanctions against Libya in accordance with U.N. Security Council Resolution 883.'')

Haiti and Angola, April 4, 1994 (NAM: ''The regulations are amended to add Haiti, as a result of the U.N. arms embargo against it, and to reflect the qualified embargo of Angola, also in line with U.N. multilateral sanctions.'' (Sudan?)

Rwanda, May 26, 1994 (NAM: ''Prohibition on sales of arms and related material to Rwanda. Designed to help implement U.N. Security Council Resolution 918)

LIMITED BANS ON TRADE IN LETHAL MILITARY ITEMS: 8

The NAM study lists every single executive order or decision blocking the sale of lethal military items to a rogue states as a broad-based ''sanction'':

Zaire, April 29, 1993 (NAM: ''Ban on the sale of defense items and services to Zaire.'')

Nigeria, June 24, 1993 (NAM: ''Steps taken in reaction to the military blocking a return to civilian government. . . . U.S. announces there will be a presumption of denial on all proposed sales of defense goods and services to Nigeria.''

China, May 26, 1994 (President announces support for MFN for China, but imposes ban on import of certain Chinese munitions and ammunition)

Nigeria, November 1994 (NAM: ''U.S. bans the sale of military goods to Nigeria. In reaction to hanging of nine environmental activists, U.S. adds to sanctions already imposed . . . Besides ban on the military sales, the U.S. also extended a ban on visas for top Nigerian leaders.'')

Nigeria, December 21, 1995 (NAM: ''Suspension of all licences to export commercial defense articles or services to Nigeria.'')

Sudan, March 25, 1996 (NAM: ''Departments of State and Commerce announce new anti-terrorism export controls on Sudan. . . . They are nearly identical to the controls maintained on Iran for anti-terrorism purposes.''

Iran, Syria, Sudan, March 25, 1996 (NAM: ''Departments of State and Commerce impose new export controls on explosive device detectors to Iran, Syria and Sudan.'')

Afghanistan, June 27, 1996 (NAM: ''U.S. announces policy to ban exports or imports of defense articles and services destined for or originating in Afghanistan.'')

CASES WHERE NO SANCTIONS IMPOSED, IMPOSED BRIEFLY THEN LIFTED, OR THREATENED BUT NO ACTION TAKEN: 4

Cuba, Libya, Iran, Iraq, North Korea, Sudan, Syria, December 29, 1993 (NAM: ''This is a restructuring of existing export controls, and did not result in the imposition of new controls, except on Sudan.''

[Note: See multiple-counting of existing Sudan sanctions])

Executive Order, November 14, 1994 (NAM lists as a sanction an Executive Order which, in NAM's own words, ''establishes some policies and bureaucratic responsibilities within the U.S. Government for dealing with the proliferation of weapons of mass destruction. It did not impose any specific new sanctions on any countries.'')

China, February 28, 1996 (NAM: ''Secretary of State asks Ex-Im Bank to postpone any financing for U.S. companies planning to export to China because of reports that China had shipped ring magnets to Pakistan and was otherwise supporting Pakistan's nuclear weapons program. Secretary makes a second request on April 24, 1996. Sanction lifted on May 10, 1996)

Taiwan, August 9, 1994 (Import restrictions imposed based on Taiwan's trade in tiger and rhinoceros products, lifted several months later)

SANCTIONS AFFECTING ONLY INDIVIDUALS OR SPECIFIC CORPORATE ENTITIES: 7

None of us would consider seizing the assets of drug traffickers, or blocking imports from one company using in prison labor as a ''sanction.'' The NAM study does—seven times:

Haiti, June 4, 1993 (NAM: ''limits on entry into U.S. and freezing of personal assets of specially-designated nationals who act for or on behalf of the Haitian military junta or make material contributions to that regime.'')

China, June 16, 1993 (One entity affected: Qinghai Hide & Garment Factory. Reason: Use of slave labor)

China, August 24, 1993 (Two Chinese entities affected. Reason: Nuclear proliferation to Pakistan.)

Middle East, Jan. 23, 1995 (NAM: ''President blocks assets of persons determined to have committed or present a significant risk of committing actions of violence that would disturb the Middle East Peace process, and he blocks transactions by U.S. persons with these foreign persons.'')

Colombia, October 21, 1995 (NAM: ''Executive Branch blocked property subject to jurisdiction of important foreign narcotics traffickers. Original list of four traffickers expanded to 80 entities and individuals on October 24, and more added in November 1995 [4] and March 1996 [198].'')

China, April 29, 1996 (One Chinese entity affected: Tianjin Malleable Iron Factory. Reason: Use of slave labor.)

North Korea, Iran, June 12, 1996 (NAM: ''Sanctions imposed on three entities in Iran and North Korea that have engaged in missile proliferation activities.'')

DENIAL, RESTRICTIONS OR CONDITIONS ON U.S. FOREIGN AID: 6

And, once again, NAM lists every restriction on foreign aid as a sanction, asserting in effect that foreign aid is an entitlement:

Guatemala, May 27, 1993 (NAM: ''Suspension of U.S. aid programs to Guatemala, except for humanitarian assistance, and U.S. opposition in . . . international financial institutions for loans to Guatemala . . . [in] opposition to a military coup.''

Nigeria, April 1, 1994 (NAM: ''President decertifies Nigeria for its inadequate anti-narcotics efforts,'' making it ineligible for most U.S. foreign aid and most programs from Ex-Im Bank or OPIC.)

Gambia, August-October 1994 (NAM: ''Cut off of all U.S. economic and military aid because of a military coup in July against the duly elected head of state . . . pending the return of democratic rule to Gambia.'')

Afghanistan, February 28, 1995 (President decertifies Afghanistan for inadequate counter-narcotics efforts. Ineligible for most U.S. foreign aid, Ex-Im Bank or OPIC support, direct U.S. to vote ''no'' in international financial institutions)

Colombia, March 1, 1996 (NAM: ''President Clinton decertifies Colombia for its inadequate anti-drug efforts,'' making it ineligible for most foreign aid, Ex-Im Bank or OPIC support, and subject to U.S. opposition for loans in international financial institutions.)

DECLINE TO ISSUE A LETTER OF INTEREST: 1

NAM even lists a decision by the Ex-Im Bank not to issues a ''letter of interest'' in one case as a ''sanction.''

China, May 30, 1996 (NAM: ''Ex-Im Bank board of directors declined, because of environmental concerns, to issue letters of interest to three U.S. exporters.'')

Mr. HELMS. Mr. President, as the review of the NAM study makes clear, most of these actions were taken at the President's discretion, either by Executive Order or based a law where President had broad waiver authority.

If the Senate is going to have a debate over sanctions policy, we should do so on the basis of facts, not distortions presented by the anti-sanctions lobby. That is the reason that the Republican and Democratic leaderships have formed a bipartisan sanctions task force to examine the facts, and make recommendations.

Apparently, some in the business community would prefer for the Senate to act before the facts come out. We should not fall for such tactics.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, if there are no other Senators wishing to speak on the Lugar amendment at this time, and I see none on the floor, I think we should proceed to set aside the Lugar amendment and turn to an amendment to be offered by the Senator from Nevada, Senator BRYAN. It is my hope that we can complete debate on the amendment of the Senator from Nevada before the hour of 6 o'clock, and at 6 there would be a motion to table the Lugar amendment and a vote thereon. Then I will move to table the Bryan amendment and we will have a vote on that. That is the plan of action.

With that, and if there is no objection, I ask unanimous consent that the LUGAR amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I preface my comments by thanking the Senator from Mississippi. I think the arrangement he suggests is workable, and we will work within those time constraints.

Once again, I will offer an amendment to eliminate funding for one of the most egregious examples of corporate welfare in America—the Market Access Program. This program continues to waste millions of dollars subsidizing advertising and other promotions in foreign countries.

AMENDMENT NO. 3157

(Purpose: To eliminate funding for the market access program for fiscal year 1999)

Mr. BRYAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN] for himself, Mr. REID, Mr. GREGG, Mr. FEINGOLD, and Mr. KERRY, proposes an amendment numbered 3157.

Mr. BRYAN. 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 60, strike lines 4 through 11 and insert the following:

SEC. 717. None of the funds made available by this Act may be used to provide assistance under, or to pay the salaries of personnel who carry out, a market promotion or market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

Mr. BRYAN. Mr. President, I want to make some general observations. This is an area that I have had an interest in for a number of years. We have debated it many times on the floor, and I say to my friends from the agricultural heartland of America that I am not unmindful that in some of the agricultural regions of our country, there is real economic crisis out there, particularly in the plains States.

I am not unsympathetic to the concerns of farmers. Indeed, I intend to be supportive of many of the amendments that will be offered to provide assistance to farmers who face real economic crises for a variety of reasons, many of which I suggest have probably been debated on the floor during the course of this appropriations bill.

Having said that, I want to talk about a program that, in my judgment, provides no real help to America's farmers or agricultural producers and, instead, continues to subsidize some of the largest corporations in America in terms of their advertising dollars. I believe this is a wholly inappropriate use of taxpayer dollars. As I will point out during the course of this discussion, the analysis of the Market Access Program by the General Accounting Office, just released, is a definitive analysis of the efficacy of this program.

Notwithstanding those who have advocated on its behalf and those who continue to defend it, the GAO report reveals that in spite of repeated attempts to make this program accountable, no credible evidence could be found to support the claims that the Market Access Program benefits the economy. That is why a broad range of organizations have been joined in opposition. These are groups that cover the political spectrum, from right to left. Among them are: Americans for Tax Reform, Capital Watch, the Cato Institute, Citizens Against Government Waste, Citizens for a Sound Economy, the Competitive Enterprise Institute, Friends of the Earth, the National Taxpayers Union, Taxpayers for Common Sense, and the U.S. Public Interest Research Group. All of these organizations have called for the elimination of this program. Many of these organizations have joined together in a ''stop corporate welfare'' effort that named the Market Access Program among a select group of the most blatant of Federal handouts.

The Green Scissors report, which recommends cutting programs that hurt both taxpayers and the environment, has also cited the Market Access Program as a waste of money.

Mr. President, I ask unanimous consent that this list I have be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF COMPANIES IN BRANDED BUDGETED DOLLAR ORDER FOR 1997

Participant		Budget 1997
E. & J. Gallo	WI	$597,874.00
Tyson Foods	USAPEEC	440,000.00
Mederer Corporation	CMA	297,000.00
M&M/Mars, A Division Of Mars, Inc.	CMA	280,547.00
Sun Maid	CRAB	163,938.00
Brown-Forman Corp.	XDA	161,680.00
NAF International	MIATCO	125,000.00
Precise Pet Products	SUSTA	110,000.00
Ralston Purina International	MIATCO	108,547.00
Quality Products Intl., Inc.	USAPEEC	105,710.00
Canadaigua Wine Company	BEA	89,620.00
The Seagrams Classic Wine Company	WI	81,000.00
Shoei Food (USA) Inc.	WUSATA	70,000.00
Russell Stover Candies	CMA	60,000.00
Mauna Loa Macadamia Nut Corp.	WUSATA	56,000.00
Schwan's Food Asia Pte. Ltd.	MIATCO	52,100.00
Specialty Brands	WUSATA	52,000.00
A. Smith Bowman Distillery, Inc.	SUSTA	50,000.00
Franklin Mushroom Farms, Inc.	EUSAFEC	50,000.00
Lyons Magnus	WUSATA	50,000.00
Twin County Grocers	EUSAFEC	50,000.00
Seald-Sweet Growers	SUSTA	48,000.00
Golden Valley Microwave Foods	MIATCO	46,000.00
Lion Packing Company	CRAB	46,062.00
Fruits International, Inc.	SUSTA	45,500.00
The Iams Company	MIATCO	44,800.00
Great Western Malting Co.	WUSATA	41,000.00
Frontier Foods, International	USMEF	39,500.00
Blue Bell Creameries, L.P.	SUSTA	39,000.00
Bush Brothers & Company	SUSTA	39,000.00
Tootsie Roll Industries, Inc.	CMA	38,000.00
Heublein, Inc.	WI	36,000.00
Austin NIchols & Co., Inc.	KDA	35,786.00
Protein Technologies International	MIATCO	35,500.00
Jones Dairy Farm	USMEF	35,000.00
Macfarms of Hawaii	WUSATA	35,000.00
Certified Angus Beef	USMEF	32,500.00
H.J. Heins Company Ltd.	EUSAFEC	32,500.00
Beechnut (Ralston Foods)	MIATCO	30,900.00
European Vegetable Specialties Farms, Inc.	WUSATA	30,000.00
Fetzer Vineyards	WI	30,000.00
CPC International/Best Foods Exports	EUSAFEC	29,250.00
Rockingham Poulty	USAPEEC	27,500.00
Wm. Bolthouse Farms, Inc.	WUSATA	27,000.00
Gourmet House	MIATCO	26,642.00
Pierce Foods	USAPEEC	25,,000.00
Prime Tanning Co., Inc.	EUSAFEC	25,000.00
The J.M. Smucker Company	MIATCO	24,750.00
Maker's Mark Distillery, Inc.	KDA	22,410.00
Star Fine Foods, Inc.	WUSATA	22,000.00
General Mills, Inc.	MIATCO	21,200.00
Vie De France Corp.	SUSTA	21,000.00
H.E. Butt Grocery Company	SUSTA	19,290.00
Grimmway Enterprises, Inc.	WUSATA	19,000.00
Kroger Co.	MIATCO	17,600.00
Well's Dairy, Inc.	MIATCO	17,500.00
Schreiber Foods, Inc.	MIATCO	15,600.00
Barbara's Bakery, Inc.	WUSATA	15,000.00
Del Rey Packing Company	CRAB	15,000.00
Giumarra Vineyards	WI	15,000.00
Southern Pride Catfish	SUSTA	13,000.00
Robert Mondavi Winery	WI	12,000.00
Sara Lee Bakery	MIATCO	10,500.00
Acclerated Genetics	GENETIC	10,300.00
Chinchiolo Fruit Company	WUSATA	10,000.00
DiMare Company	WUSATA	10,000.00
Domaine Chandon	WI	10,000.00
Hudson Foods, Inc.	USAPEEC	10,000.00
Jacklin Seed Company	WUSATA	10,000.00
Simi Winery	WI	10,000.00
Stimson Lane Vineyards	WI	10,000.00
Vogel Popcorn	MIATCO	10,000.00
Wine Alliance	WI	10,000.00
Continental Mills, Inc.	WUSATA	9,000.00
Island Coffee Company	WUSATA	9,000.00
Supervalu International	WUSATA	9,000.00
Sunday House Foods, Inc.	USAPEEC	7,500.00
Avonmore Ingredients	MIATCO	6,600.00
Red River Commodities, Inc.	MIATCO	6,400.00
Mission Foods	SUSTA	6,000,00
Bil Mar Foods	USAPEEC	5,850.00
EBS, Inc	GENETIC	5,000.00
Maui Pineapple Company, Ltd.	WUSATA	5,000.00
Stahlbush Island Farms	WUSATA	5,000.00
Total		4,427,555.00

Mr. BRYAN. Mr. President, it is just not outside groups that are calling for the elimination of this program. The Market Access Program was specifically targeted for elimination in the fiscal year 1999 Republican budget resolution. This provision was included in the legislation passed on the Senate floor by a vote of 57–41 on April 2 of this year.

Unfortunately, however, like Lazarus, this program seems to rise from the dead every year and is currently authorized to receive some $90 million in fiscal year 1999.

The Foreign Agricultural Service, FAS, is a branch of the U.S. Department of Agriculture, and it distributes this $90 million that has previously been authorized in three different categories. One is a direct contribution to private companies. Two is a contribution that is made to industry associations which, in turn, makes grants to members within that association. And the third category is cooperatives. These moneys are frequently used for the promotion of brand-name products, specifically identified household names in America, as well as generic commodities overseas.

So we have private companies that receive money directly from the funding source—industry associations and cooperatives.

In spite of numerous reforms that we have debated and enacted in recent years in efforts to limit the aid provided to giant corporations, millions of dollars continue to flow to large, well-established producers, agribusinesses to subsidize their advertising budget.

Let me again make the point.

As part of the ongoing debate that we have had annually on this program, we have been able to persuade the Congress that with respect to the direct contributions made to private companies that are providing some of the largest organizations and companies in the world with money to supplement their advertising accounts, it simply cannot be defended and is an outrageous use of taxpayer dollars. So we created a small business category that is eligible to receive the private company distributions. That is currently part of the law.

But that only tells part of the story, because as you will see, the top recipients of the Market Access Program—this is the specific brand of the product that you can see here—continue to be some of the largest companies in America: Sunkist Growers, $2,594,000; Blue Diamond Nuts, $4,419,000; Welch's Foods, $707,000; Sunsweet, $616,000; Ernest & Julio Gallo, $598,000; Tyson Foods, $440,000; and Ocean Spray, $320,000.

The way that they have been able to effectively circumvent the limitation that this money should be made available only to small businesses is that industry associations and cooperatives that receive the money directly from the Foreign Agricultural Service can in turn make grants to members of the association or to the cooperative members themselves. So that is how we continue to see these substantial amounts of money that continue to flow into these large companies.

Proponents of the program will justify this corporate giveaway by pointing to various studies that exalt the benefits reaped by these advertising campaigns, but none of the studies cited, nor the benefits that are assigned to this program, can be authenticated.

Mr. President, in the course of the debate on this floor over the years, we have seen near magical benefits attributed to this program—claims that each dollar of spending through the Market Access Program yields about $16 in new agricultural exports in addition to thousands and thousands of jobs. Those have been the arguments essentially that have been used to oppose the elimination of this program.

First of all, if this analysis were correct, perhaps what we ought to do is put more money into this program and in effect have our Head Start youngsters participate in this program in order to achieve these dramatic ''multiplier affects'' that the advocates and defenders of this program have asserted for it.

I want to make a further point: The figure that is used for these multiplier numbers is data taken from a 1995 inagency study of the Market Access Program that has drawn much criticism from GAO.

The GAO found that the analysis on which this and other fanciful claims are based is flawed and does not follow standard cost-benefit guidelines—guidelines that are recommended by the Office of Management and Budget.

The GAO's September report—this is the report that was released in September of this last year—has found that the data that has been used and the methodology does not support the conclusions that advocates of this program attribute to this Market Access Program.

This report, which was completed at the request of the Budget Committee in the House and its chairman, could not authenticate any of these claims that have been made. Here is just a brief summary of what the GAO concluded.

First, the GAO said there is no credible evidence that the Market Access Program has expanded employment and output, or reduced the trade and budget deficits.

Second, it goes on to say that increases in farm employment and income cannot be attributed to Market Access Program spending.

Finally, that the Market Access Program is not an effective counterweight for the export programs of other nations.

That is another argument that I am sure that we will hear—that other countries are helping to subsidize their agricultural industry in providing a number of export subsidies to assist those.

But, as the GAO has reported, this program has not been an effective counterweight to the export programs designed by other countries.

I must say that this hardly is a ringing endorsement for continued expenditures for this program. That is, putting aside the philosophical objections for a moment, there is really no evidence that the money that we are spending—$90 million—accomplishes a thing.

Let me suggest that the Market Access Program has another questionable aspect to it; that is, what is the justification for continuing to subsidize promotional efforts for well-known brand-name products that do not receive Federal assistance? These companies that I have cited, Sunkist, Blue Diamond Nuts, Welch's Foods, Tyson Foods, and Ocean Spray, are fine companies, are highly successful companies and are huge companies in terms of their size. What justification is there to use taxpayer dollars to support in effect augmenting or increasing the kinds of advertising dollars that these companies clearly have the ability on their own to do? They know how to make a judgment as to how their advertising budgets should be spent. That is a private sector determination. The Government has no business, in my judgment, taking hard-earned taxpayer dollars and saying to each of these companies we are going to give you an additional $2.5 million or $1.5 million to add to your budget. I have an objection to that philosophically.

Moreover, when the GAO concluded that these dollars that we have spent over the years really have not accomplished anything, I think it is just totally indefensible.

It is true, Mr. President, as I indicated earlier, that some positive changes have been implemented in the program in an effort to focus more effort on small business and new-to-export producers. However, one-third of all MAP promotions are still brand names. They are product-specific promotions identifying a particular company, and not a generic product that is being exported abroad.

I think when you look at how the money is actually spent, notwithstanding the well-intentioned efforts to focus this program on smaller companies, that we have really failed in that objective.

The top 10 brand-name promotion grants awarded by USDA, the United States Department of Agriculture, in fiscal year 1997 includes some of the well-known products that most Americans probably recognize from U.S.-based advertising.

These are the companies.

My feeling is that I think it is very hard—I think it is impossible—to justify spending taxpayer dollars. Sunkist, for example, a company that employs between 500 and 900 people, and posted sales of over $1 billion, received $5 million in Federal advertising assistance in 1996 and 1997.

What in heaven's world are the taxpayers doing subsidizing the advertising budget of a company with sales exceeding $1 billion annually? You simply can't justify that.

Welch's Foods, another fine product, with over 1,000 employees, rang up more than $550 million in sales, yet was awarded over $1.5 million over the past 2 years as part of this program.

These examples illustrate what I have been saying for a number of years—that this program is a waste of money and public funds should not be used to underwrite private corporate activity.

Proponents of this program will point out accurately that in the last few years, the largest number of awards have gone to small businesses and cooperatives. Much of this is due to the changes to the program that were passed—with the support of the ranking member of the Agricultural Appropriations Committee on the Senate floor—that gave preference to small and nonprofit applicants.

However, it is important to note that the other types of MAP recipients, the cooperatives and the industry associations, as we pointed out, do not limit the contributions that they make to their members based upon size. That is how we have these rather large companies receiving a staggering amount of public assistance. That is why you will not see these names on MAP's award list. Large companies still receive funds through their associations. In fiscal year 1997, the Chocolate Manufacturers Association, the Kentucky Distillers' Association and the Mid-America International Agri-Trade Council passed through funds to M&M/Mars, Maker's Mark Distillery, and General Mills, Inc., respectively, to conduct name brand promotions overseas.

Finally, let me note in this context that we take a look at the names of the top 10 awards for brand name promotions—the top 10 for brand name promotions. It is interesting to note that small businesses received only $825,000 of the $7,816,000 that went to these 10 applicants. In contrast, the top two name brand recipients, Sunkist and Blue Diamond, received more than $4 million, more than half of that $7.8 million total.

We have attempted to tighten the program, with limited funding, to change the definition of preferred participants, but the same large and well-known recipients show up on the MAP award list year after year.

Many of the problems we discussed 5 and 6 years ago continue to go unresolved, and this recent report by the GAO still cannot verify the claims made by the USDA to justify MAP.

The distribution, Mr. President, of millions of dollars of public funds to private businesses for self-promotion does not win any commonsense awards, but continued spending on such a program without confirmation of the program's competitiveness is an unforgivable abuse of public funds.

Before I close my comments, I want to put this program in some perspective, because I expect many of my colleagues will come to the floor to defend this program that takes $90 million of taxpayer dollars and uses it for foreign advertising.

Mr. President, the MAP cannot offset foreign competitors' export subsidies, because it does not make U.S. products more affordable. It is an advertising subsidy, not an export subsidy. We need to ensure that our agricultural programs provide real and measurable

benefits to U.S. farmers and consumers, especially as farmers are facing falling prices, and MAP's benefits do not in any way meet this test.

Perhaps a little history on this program is in order to give some perspective:

The Targeted Export Assistance (TEA) program was authorized as part of the 1985 Food Security Act to reverse the decline in U.S. agricultural exports and specifically to counter the unfair trade practices of foreign competitors.

Unlike products promoted under MAP, only commodities adversely affected by unfair foreign trade practices were eligible for funding under TEA. This restriction continued until 1994, but was eliminated as part of the implementing legislation for the Uruguay Round trade agreements. So, while a link between USDA export promotion aid and foreign trade practices once existed, it is no longer a requirement for MAP participants.

Even when the program was still targeted at unfair trade practices, it was prone to wasteful spending on behalf of huge corporations such as McDonalds, Campbell Soup and a host of others. After a critical audit by GAO, the program's name was changed to the Market Promotion Program as part of the 1990 farm bill.

Then, after two more reports critical of the program, its name was again changed in 1996, this time to the Market Access Program. At that time, Congress was under extreme pressure to end the corporate handout, and some positive and significant changes to the program's management were proposed and adopted:

USDA was directed to stop awarding funds to foreign companies; Participation was restricted to small businesses, cooperatives, and trade associations; and companies were required to certify that funds were not merely substituting for private marketing funds that were already being spent.

I wish that I could say that these changes have ensured that the program provides a fair return to the American people. Unfortunately, even with these restrictions written into law, millions continue to flow to large corporations through associations and cooperatives with no real assurance that the funds are not used to replace private advertising dollars.

These criticisms were restated by the GAO in the report released last fall following yet another GAO investigation, requested by Representative JOHN KASICH, into the effectiveness of the Market Access Program and the claims made about its success.

In this key report, the GAO discredits the analysis used by the USDA in reports that claimed that MAP has a significant impact on the economy, the agricultural sector, and U.S. trade efforts. The GAO audit found fault with each of these conclusions because each was based on the agency's use of flawed methodology and incomplete evaluations of the program's costs and benefits.

The GAO leveled additional changes at the program's management, pointing out enduring problems that Congress has tried to fix in the past. For example, in spite of the requirement that companies use MAP funds to supplement, not supplant, their own advertising spending, GAO found no way to confirm that MAP funds were indeed being used for unique expenditures. The 1993 reconciliation bill required applicants to verify that MAP funds would not replace their own advertising dollars, but this requirement is largely unconfirmed by USDA officials and verification is left up to MAP applicants.

It is also difficult to establish that MAP's stated goal of introducing firms to new markets is being met. Major questions remain unanswered, such as: when have companies or associations had ''enough'' assistance? Some firms will have been participating in the program for 13 years before the 5-year ''graduation'' requirements (instituted in 1994) will begin to take effect. The USDA currently does not have a standard method for deciding when their own program goals are reached, so business interests or associations can stay in the program without regard to their NEED for funds to open new markets.

At the center of the GAO's criticisms of MAP's effectiveness is the faulty economic analysis used by USDA to make its case for the program. GAO reported that USDA's flawed evaluations made it extremely difficult to analyze MAP's contributions to the economy, because the program analysis for MAP does not conform with the Office of Management and Budget's (OMB) agency guidelines for cost-benefit analysis. These guidelines are used by agencies to construct a uniform standard for evaluating programs' performance as required under the Government Performance and Results Act (GPRA). Without using a standard method of evaluating various government programs, it would be nearly impossible to judge any program's effectiveness.

OMB instructs agencies, when analyzing the impact of any program, to assume that resources are ''fully employed'' [''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs,'' OMB Circular No. A–94, sec 6b(3) (Oct. 29, 1992)]. These guidelines are in place to ensure that, in keeping with the implementation of the Government Performance and Results Act, each agency follows a uniform framework when evaluating costs and benefits of its programs. This framework includes the assumption of fully employed resources.

However, in its 1995 analysis of the Market Access Program, USDA did not adhere to the OMB cost-benefit guidelines and assumed that program resources would otherwise be unemployed. Clearly, it is not accurate, in today's economy, to assume that the funds designated for MAP, or any program, would have no benefit, no alternate use, if otherwise deployed in the economy.

Put another way, USDA took the untenable postion that the resources that went into MAP could not yield benefits to the economy through other uses, such as tax breaks for American families, investment in education, or paying down the debt.

USDA also assumes that MAP-promoted agricultural products would not be exported at all in the absence of this program, which implies that the private sector would not pursue these export opportunities without MAP assistance. This premise holds that on the one hand, these markets would be unprofitable without help from the federal government, but on the other hand, these same markets bring in high returns on promotion expenditures. If the returns on investment are indeed as great as the agency holds, why would the private sector not undertake its own promotional activities?

For a recipient like Sunkist, whose homepage on the Internet boasts that ''Sunkist is the 43rd most recognized name brand in the United States and the 47th most recognized in the world,'' it becomes clear that this program is wasting scarce federal dollars subsidizing an already highly-successful company's advertising budget.

Finally, in its 1995 report USDA also assumes that all of the workers and farmers whose labor and output is associated with MAP-promoted exports would be completely unemployed were it not for the MAP program. Under this premise, USDA calculates these workers' employment and income as benefits generated by MAP, crediting the program with economic expansion and increased tax revenues.

Mr. President, any federal program evaluated under this same set of assumptions would appear to generate income. This type of accounting is not permitted for other programs, and should not be permitted to stand here. The result is that USDA's analysis of MAP includes exaggerated estimates of the program's worth that are misleading but are nonetheless often quoted by proponents of the program.

Let me give you some examples of the overblown gains attributed to MAP as a result of the department's faulty analysis. According to information included in the USDA's 1999 Performance Plan and the Foreign Agriculture Service's five-year strategic plan, the $90 million annual allocation for MAP, through a multiplier effect, results in $5 billion in agricultural exports, expands the national economy by $12 billion, and creates 86,500 jobs. And that is jsut the 1997 impact.

It sounds too good to be true, and it is.

These incredible returns are the result of USDA's ''free lunch'' analysis—

an irrational conclusion that MAP benefits the economy, based on faulty assumptions that federal and private resources have no alternate use or impact on the economy.

Another major claim made in support of MAP is that these funds are needed to counteract the export assistance of our foreign competitors. The GAO report finds this claim, like the others, unreliable because of the lack of verifiable information about foreign competitors' export assistance activities.

We often hear about the large amounts of money that foreign competitors pump into export subsidies, and how important it is to make U.S. crops competitive in foreign markets or risk being locked out of these markets altogether. This argument is irrelevant to any discussion about MAP, however, because unlike USDA's export subsidy programs which lower the prices of U.S. crops abroad, the Market Access Program is not an export subsidy, it is a promotion subsidy, and does not lower prices of U.S. goods in foreign markets.

Furthermore, while it is true that MAP's focus at its creation was countering unfair trading practices employed by our competitors in overseas markets, this is no longer the case. As I mentioned earlier, MAP's focus on matching competitors' moves was removed when the implementing legislation for the Uruguay Round agreements was approved in 1994, allowing MAP funds to be used for general export promotion purposes as the Foreign Agricultural Service sees fit. This change, combined with a lack of first-hand knowledge about foreign export activities, led the GAO to conclude that claims about MAP's effectiveness in countering other nations' export assistance cannot be verified.

Another question that has been raised about this program is whether its export promotion subsidies are undertaken by other programs at USDA. The Congressional Research Service, in a February 1997 report, raises this question in relation to the Foreign Market Development Program (FMD), which has been around since 1954. The FMD program is much like the MAP except that it is focused on developing foreign markets for U.S. commodities, as opposed to name-brand and processed exports. Therefore, its jointly-funded activities are aimed more at technical assistance and market research rather than advertising and other consumer-oriented promotions. However, unlike MAP, funding levels for FMD have remained under $50 million annually, and activities have not grown to include brand-name promotions.

While these two programs take a similar approach to different markets, there has been very little analysis of which type of promotion is more effective. It would be helpful to be able to compare MAP's track record with the results attributed to FMD, but this information has not been compiled by the USDA. Nor has there been a study to simply evaluate whether generic or branded promotions are more successful in promoting exports, and where these efforts are most successful.

Mr. President, there is just not enough evidence out there which backs up the claims we have all heard about the Market Access Program. I can think of no other federal program that we allow to receive funds without a rigorous examination of the costs and benefits associated with the government's investment. We demand this kind of analysis even for D&D programs which often have uncertain future outcomes and benefits that are difficult to forecast.

We must ask ourselves, if a policy of underwriting the advertising expenses of large producers and corporate interests makes sense when we are cutting back on funding for domestic food security and important research initiatives. We cannot justify spending one more dime on this unproven program, and this view is shared by a long list of government watchdog and consumers groups representing a broad range of beliefs: Americans for Tax Reform, Capitol Watch, the CATO Institute, Citizens Against Government Waste, Citizens for a Sound Economy, Competitive Enterprise Institute, Friends of the Earth, National Taxpayers Union, Taxpayers for Common Sense, and the U.S. Public Interest Research Group.

I urge all of you to take a long, hard look at this program's track record and vote to end the waste of taxpayer dollars on foreign advertising and promotion.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think it is very clear from the unanimous vote we had on the resolution with which we started the debate on this legislation that all Senators agree our agriculture sector is under tremendous pressure and the Congress and the President ought to take immediate action to respond to these needs in the agriculture sector because of low prices in some areas, because of adverse weather conditions in other areas, because of a decline in demand resulting from the Asian economic crisis. Some of our strongest customers and markets are in that area of the world.

So I think we have all gone on record as agreeing we need to use our best efforts, we need to mobilize our agencies of Government to take on the responsibility of helping to develop access to new markets, to try to help expand old markets so that we can sell what we are producing and create a better prospect for profit in agriculture in the production sector.

So I don't think we have seen a situation in the last several years when there was any more reason to have a Market Access Program and to invest in an effort to expand these markets and make them more accessible to U.S. agriculture exports.

The purpose of the Market Access Program, which we began in 1985, was to help expand foreign markets. Since then, agriculture exports have doubled. Last year, agriculture exports amounted to $57.3 billion, which resulted in a $21.5 billion agriculture trade surplus, providing jobs for approximately 1 million Americans.

When we had our hearings in our agriculture appropriations subcommittee this year, we had representatives from the administration before our committee talking about the Foreign Agricultural Service programs. I am going to read the Senate something from the statement of one of those officials.

He said:

> The outlook for U.S. agricultural exports is heavily influenced by competitive pressures that differ by commodity and can affect price and/or quantity of sales. One of the primary sources of this pressure is the rising value of the U.S. dollar, especially against the currencies of our major competitors. This has the effect of making U.S. exports more expensive to our customers relative to those of our competitors.

Then there is a discussion in another part of this witness' statement about what some of the competitors are doing to try to enlarge their share of the world market for their products:

> We continue to face stiff competition in markets around the globe. Our annual review of the export promotion activities of the two countries that account for our major competition found that, just like the United States, many of our competitors have ambitious export goals. The EU and other countries assist their producers and small businesses to develop foreign markets through activities similar to our Market Access Program and Foreign Market Development Program.

He goes on to say that in the EU countries, it is estimated that $400 million in 1995 and 1996 would be spent for market promotion:

> In Australia, Canada and New Zealand, those governments have strong governmental promotion agencies and rely heavily on their statutory marketing boards to carry out market development activities for producers of specific agricultural products.

With this information and with the understanding of the success of many of these countries that are competing with us for market access and market goals, it would be the height of folly, in my judgment, to abandon one of the most successful programs that we have had to assist our agriculture producers in finding new markets and expanding those markets. We have had almost every year since I have been managing this agriculture appropriations bill an effort to either reduce the amount of money we were spending on market access promotion or to eliminate the program entirely.

In the writing of the 1996 farm bill to try to deal with some of the criticism that had been directed toward this program, it was reformed and changed so that this year for the first time only small businesses and farm cooperatives will be eligible to have the benefits of

this Market Access Program. There had been criticism that only the big, wealthy companies were benefiting, only brand names were being advertised. It was a way for big companies to avoid having to pay their own advertising costs.

Let me explain that. Because of the reforms that have been made and the experiences that many have had in the program, the evidence is very compelling that this program has been working by attracting attention to the fact that American-made products do have high quality. Not only the raw agriculture commodities that are sold, but those that are processed and manufactured—some of those qualify and are eligible for participation in this program. Let me just give one example.

The U.S. cotton industry, through the Cotton Council International organization, working under the Department of Agriculture's oversight, retains control over the expenditure of funds that are made available for the cotton industry. These Market Access Program funds are applied only to Cotton Council International advertisements that are produced to communicate the benefits of U.S.-grown cotton and establish consumer preference for products that bear the name ''Cotton USA.'' This is a trademark. It is registered. It represents all of U.S. cotton and manufactured cotton products in export promotion. These funds are used to advertise ''Cotton USA,'' and it associates that brand name with qualified manufacturers. The funds are not used to subsidize the advertising of private companies but, rather, all U.S.-grown cotton.

Let me tell you what the results are. In 1997 alone, the Market Access Program helped combat unfair trading practices of other countries. It helped U.S. cotton producers get more income from the market as farm program payments declined. It helped generate $2.5 billion in cotton fiber exports and $5 billion in manufactured cotton product exports. It helped expand jobs, with over 150,000 workers depending directly on cotton and cotton product exports. That is one example of an agriculture commodity that is very important in my State of Mississippi and throughout our country. It is one of our major agriculture exports from our State.

There are many others. The cooperatives that are involved in produce, the fruit and vegetable business in California and elsewhere, have indicated how important this program is to them. As a matter of fact, there is an entire list of organizations which have banded together and described themselves as the Coalition to Promote U.S. Agricultural Exports. They wrote me a letter dated June 22, 1998. The coalition membership list is attached to this letter. It runs the gamut across the country of various kinds of agricultural organizations and producer groups. But I wanted to just read a couple of things from this letter, and then I will have the entire letter, and the list, printed in the RECORD:

> Reducing or eliminating [Market Access Program] funding in the face of continued subsidized foreign competition, and with another round of trade negotiations set to begin in 1999, would be nothing less than unilateral disarmament. Such action would also violate the commitments made when Congress approved the 1996 farm bill and [it would] jeopardize its continued success.

The letter also points out that this amendment to reduce funding that the Senator from Nevada is offering again this year was defeated last year—the effort to eliminate the funding—by a vote here in the Senate of 59 to 40. I think the Senate has come to realize this is an important program, it deserves the support of the Senate, and it has been reformed and revised so that the eligibility standards, the U.S. Department of Agriculture oversight, all make sure that the funds are spent wisely and that we get our money's worth as a result of this investment.

Mr. President, there are also other specific groups that have benefited from the Market Access Program. It has come to my attention, for example, that the catfish industry—which is still a new industry that has been growing enormously in our country—is dependent upon the exports that we have come to appreciate. And in the European market, one example is Germany. Since 1991, catfish exports to Germany have increased from 18 metric tons a year to 237,437 metric tons in 1996.

The Washington apple industry credits the Market Agriculture Promotion Program with fostering its dramatic apple export expansion to Indonesia. Here is a country that has had substantial economic problems recently, but back in 1990 they had less than $800,000 worth of apples being sold into that market. But each year since then, in spite of economic conditions there, sales have expanded, culminating in recent exports totaling $34 million.

Another example is the U.S. Meat Export Federation. It offers a Branded Product Promotion Program to help private companies, small businesses and cooperatives, promote their own labels in foreign countries. This Branded Product Promotion Program has been instrumental in helping a small Ohio company called Certified Angus Beef introduce new-to-market meat cuts overseas. The sales have risen from 6.2 million pounds in 1990 to 37.3 million pounds in 1996. The association members throughout the country have benefited from these export sales. The association has received $53,000 in funding from MAP over a 6-year period.

This is another specific example where we have targeted the MAP funds to small businesses, to associations, to cooperatives, and, for the first time in 1998, according to Secretary Glickman when he testified before our committee, this will be the first year when all of the funds will go to such entities.

I think it is very clear from the evidence we have accumulated and the testimony we have had, and our hearings, that for U.S. agriculture to remain competitive, we are going to have to continue the policies and programs that have been effective, and we are going to have to deal with the reality of competition from others. The amendment proposed by the distinguished Senator from Nevada would make us take a step backwards. It would make us give up one of the most effective tools we have to help American agriculture continue to prosper.

The promotion activities of the Department of Agriculture have established a foundation for future market growth and expansion. But it is more important now, with the world situation as it is and hardships in American agriculture that have been identified over the last day and a half in discussions here on the floor, that the Department continue to work as hard as it can to use its resources to be a partner with the farmers and the exporters of America to meet our expansion objectives for American agriculture. Our exports are essential, not only to agriculture, but to the Nation's economic well-being as well.

Jobs are created in the producing and packaging industries, in transportation—a wide range of economic activities are affected by agriculture. It is one of the strongest economic sectors we have. To keep it that way, we are going to have to take care of it. We can't just let it shrivel. We can't let it be the victim of international conditions as exist in Asia today. We have to do our part. The Senate has to do its part, too. American agriculture needs us, needs the programs like the Market Access Program, in order to compete in this new global environment.

I can't stress any more than I have tried to the importance of our rejecting this amendment. I urge all Senators to oppose the amendment.

Mr. President, I ask unanimous consent that the letter I referred to from the Coalition to Promote U.S. Agriculture Exports and list of members be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION TO PROMOTE
U.S. AGRICULTURAL EXPORTS,
Washington, DC, June 22, 1998.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge your continued strong support for USDA's Market Access Program (MAP) when the Senate considers the FY 1999 Agriculture Appropriations bill (S. 2159). Such support is essential to help encourage U.S. agriculture exports, counter subsidized foreign competition, strengthen farm income and protect American jobs. Last year with your leadership, the Senate rejected efforts to eliminate funding for MAP by a vote of 59 to 40.

Both farm income and the economic well-being of agriculture are heavily dependent on exports, which account for as much as one-third or more of domestic production. This is especially true since passage of the 1996 farm bill (FAIR Act), which gradually reduces farm programs over a 7 year transition period, while providing producers with

greater planting flexibility to respond to the global marketplace.

Much of the support for the 1996 farm bill was based on assurances that programs encouraging U.S. agriculture exports would remain a key component of U.S. policy. The global marketplace continues to be characterized by subsidized foreign competition. Last year, the European Union budgeted $7.2 billion for export subsidies. Along with other foreign competitors, it also spent nearly $500 million on market promotion efforts. (This compares with $90 million authorized for MAP.) The EU spends more on wine promotion than the U.S. spends for all commodities combined.

While small compared to similar efforts by other countries, MAP has been a tremendous success as a cost-share program in helping encourage U.S. agriculture exports. Last year, such exports amounted to $57.3 billion, resulting in a positive $22 billion agricultural trade surplus. Without U.S. agriculture exports, our nation's trade deficit would be even worse. U.S. agriculture exports also provided jobs for nearly one million Americans. Every additional billion dollars in agriculture exports help create as many as 17,000 or more new jobs.

Reducing or eliminating MAP funding in the face of continued subsidized foreign competition, and with another round of trade negotiations set to begin in 1999, would be nothing less than unilateral disarmament. Such action would also violate the commitments made when Congress approved the 1996 farm bill and jeopardize its continued success.

Again, we urge your continued support for this vitally important program by opposing any amendments that would either eliminate or reduce funding.

Sincerely.

COALITION TO PROMOTE
U.S. AGRICULTURE EXPORTS

COALITION MEMBERSHIP—1998

Ag Processing, Inc.
Alaska Seafood Marketing Institute.
American Farm Bureau Federation.
American Forest & Paper Association.
American Meat Institute.
American Seed Trade Association.
American Sheep Industry Association.
American Soybean Association.
Blue Diamond Growers.
California Agricultural Export Council.
California Canning Peach Association.
California Kiwifruit Commission
California Pistachio Commission.
California Prune Board.
California Table Grape Commission.
California Tomato Board.
California Walnut Commission.
Cherry Marketing Institute, Inc.
Chocolate Manufacturers Association.
CoBank.
Diamond Walnut Growers.
Eastern Agricultural and Food Export Council Corp.
Farmland Industries.
Florida Citrus Mutual.
Florida Citrus Packers.
Florida Department of Citrus.
Froedtert Malt Corporation.
Ginseng Board of Wisconsin.
Hop Growers of America.
International American Supermarkets Corp.
International Dairy Foods Association.
Kentucky Distillers Association.
Mid-America International Agri-Trade Council.
National Association of State Departments of Agriculture.
National Cattlemen's Beef Association.
National Confectioners Association.
National Corn Growers Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Dry Bean Council.
National Farmers Union.
National Grange.
National Hay Association.
National Grape Cooperative Association, Inc.
National Milk Producers Federation.
National Peanut Council of America.
National Pork Producers Council.
National Potato Council.
National Renderers Association.
National Sunflower Association.
NORPAC Foods, Inc.
Northwest Horticultural Council.
Pet Food Institute.
Produce Marketing Association.
Protein Grain Products International.
Sioux Honey Association.
Southern U.S. Trade Association.
Sun-Diamond Growers of California.
Sun Maid Raisin Growers of California.
Sunkist Growers.
Sunsweet Prune Growers.
The Catfish Institute.
The Farm Credit Council.
The Popcorn Institute.
Tree Fruit Reserve.
Tree Top, Inc.
Tri Valley Growers.
United Egg Association.
United Egg Producers.
United Fresh Fruit and Vegetable Association.
USA Dry Pea & Lentil Council.
USA Poultry & Egg Export Council.
USA Rice Federation.
U.S. Apple Association.
U.S. Feed Grains Council.
U.S. Livestock Genetics Export, Inc.
U.S. Meat Export Federation.
U.S. Rice Producers Association.
U.S. Wheat Associates.
Vinifera Wine Growers Association.
Vodka Producers of America.
Washington Apple Commission.
Western Pistachio Association.
Western U.S. Agricultural Trade Association.
Wine Institute.

Mr. COCHRAN. Mr. President, for the benefit of the record, I quoted one of the witnesses who testified before our hearing. The person I quoted was Lon Hatimaya, who is Administrator of the Department of Agriculture's Foreign Agriculture Service.

Mr. BRYAN. Mr. President, has the distinguished floor manager yielded the floor? Apparently the answer is yes. Mr. President, if I might be recognized.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I find myself in agreement with at least the concern that is expressed by the able chairman of the subcommittee. There is no question that certain agricultural segments in America face a real crisis. As I said at the outset of our discussion on this amendment, I am not unmindful, I am not unsympathetic, of these concerns and, indeed, I expect to support a number of proposals that will be advanced to assist American agriculture as it moves through this crisis period.

I do not deny that the decline has demanded, that the turmoil in Asia has created a problem, that there are some weather-related phenomena, that, indeed, there may be some competitive practices by those who compete in the world's international agricultural markets that may be decidedly unfair to American agriculture. I am concerned about that as a citizen and am prepared to support measures that effectively deal with that issue and help American farmers. I am for that.

I recognize that, as the myth of this program has taken on legendary proportions, it is an article of faith, unshaken by factual analysis, that somehow the Market Access Program provides additional farm employment, expands exports internationally, is a significant contributor to the growth of the American economy, and somehow is an effective counterweight to some of the unfair competitive practices which American agriculture faces abroad.

Mr. President, the problem with that is that each of those arguments has been analyzed in considerable detail, not by the Senator from Nevada but by the GAO in its most recent report of September 1997.

Very simply, what the GAO report concludes is that none of the claims, none of the assertions made, can be verified or authenticated—none; none. The GAO report goes to the heart of the argument that, notwithstanding this mythic epic that seems to have arisen that suggests that this program is indispensable to American agriculture, the GAO report says, ''Look, none of that, none of that can be verified.'' That is the basic premise here.

Yes, I want to be supportive and helpful to American agriculture in its time of crisis, but how can you support a program that in 10 years has cost the American taxpayer $2.3 billion?

Let me make it clear—and this is not the subject of debate today, and the Senator from Nevada certainly will yield to the Senator from Mississippi in terms of his expertise in agricultural programs—but so none of my colleagues is somehow under the impression that this Market Access Program which I seek to eliminate strikes at the core of what we are trying to do to help American agriculture, let me point out that in this same 10-year period that we spent $2.3 billion on a program which the GAO says does not do what it is intended that it does, or at least it cannot verify or authenticate it, we have spent $9 billion on export subsidies, $7.8 billion on food aid, $53.1 billion in loan guarantees. We have tried to deal with some of the issues which American agriculture faces in the international marketplace.

Point No. 1: If nothing else is taken out of this debate, the GAO says this program, notwithstanding the intensity and the passion that its advocates share for it, simply doesn't do the things that the advocates contend. Point No. 1.

The second point that I think needs to be raised, even if one conceded for the sake of argument—and I do not and the GAO does not—how can you continue to justify paying $2.5 million to

the good folks at Sunkist? How do we justify paying $1.5 million to the good folks at Blue Diamond Nuts? These are sophisticated, highly effective American companies whose products are world class, and, notwithstanding the fact that none of these products are grown in my State, I think as Americans we take great pride in their success, and the fact these products are found in the storefronts in the markets of the world, that is wonderful, but how do we justify subsidizing with taxpayer dollars? These companies have advertising budgets of tens of millions of dollars—probably much more than that. So the American taxpayer is asked to write a check to subsidize these advertising accounts.

This program is not an export subsidy, it is an advertising subsidy. The point I make in response to the point of my able colleague from Mississippi is, No. 1, the GAO says it doesn't accomplish what it says it is designed to accomplish; and, No. 2, the philosophical point, notwithstanding all of our attempts to reform this program that it ought to be confined—I don't think it ought to be in existence—to small companies, still when you look at the top 10 companies that receive these dollars, small businesses receive only $825,000 of the $7,816,000 that went to these top 10 applicants.

Notwithstanding what we attempted to do in previous years, in effect, large companies continue to be the beneficiaries of a substantial amount of taxpayers' dollars to supplement their advertising accounts.

My good friend and I have an honest difference of opinion. I think that is wrong. I am willing to work with and to support Members from agricultural States in trying to do something that makes sense, that works, that can be helpful, but at this point the GAO has concluded that none of the claims has any validity. I think it is very difficult to continue as we have for the last decade where we spent $2.3 billion on this program.

Mr. President, I yield the floor.

AMENDMENT NO. 3157

Mr. BUMPERS. Mr. President, the amendment offered by the Senator from Nevada, Mr. BRYAN, in my opinion, is a meritorious amendment. He and I fought this battle. I fought it for maybe 3 or 4 years alone, and then Senator BRYAN came to the Senate, and we have labored in the venue of trying to do away with what was then the Market Promotion Program and now called the Market Access Program.

I have absolutely no quarrel with trying to assist people who really need help. The Export Enhancement Program isn't being used. It is a big program, but it isn't being used. When I started on this, the Market Promotion Program included the biggest companies in America, and that is the source of my objection.

I am talking about some of the biggest corporations in America. And I see my good friend, Tyson Foods, is on the list still. I am sure they welcome getting $440,000 a year. Tyson Foods does over $5 billion a year, and I certainly do not want to pick on a company in my home State, particularly one that has so many of my close friends in it. But that is precisely the reason I have always objected to this program. I know that it does some good.

I heard the chairman, Senator COCHRAN, talking a while ago about some of the benefits of it, and who has benefited, and how much, and so on. I just think it is welfare for the rich. That is the reason I have always opposed it.

Senator COCHRAN and I disagree. I guess this is about the only thing—maybe one or two things—we will disagree on in this entire bill. We get along famously in the committee, but this is one that I simply could not let my dear friend, Senator BRYAN, take on alone. I just wanted to get my 2 cents' worth in and to state that I will vote with Senator BRYAN on this.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the Market Access Program. This program continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs.

The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In Fiscal Year 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion and contributing billions of dollars more in increased economic activity and additional tax revenues.

For example, the Idaho State Department of Agriculture received $125,000 of Market Access Program funds during the past year. These funds were used to promote Idaho and Western United States agricultural products in the international markets of China, Taiwan, Brazil, Mexico, Guatemala, and Costa Rica. One particular activity, the promotion of western U.S. onions in Central America, required $15,000 of MAP funds and generated inquiries for onions valued at $150,000.

Demand for U.S. agricultural products is growing 4 times greater in international markets than domestic markets. MAP has been an enormously successful program by any measure in supporting this growth. Since the program began in 1985, U.S. agricultural exports have more than doubled—reaching a record of nearly $60 billion dollars in 1996; contributing to a record agricultural trade surplus of $30 million; and providing jobs to over 1 million Americans.

MAP is a key element in the 1996 Farm Bill, which gradually reduces direct income support over 7 years. Accordingly, farm income is now more dependent than ever on exports and maintaining access to foreign markets.

Two years ago, European Union (EU) export subsidies amounted to approximately $10 billion in U.S. dollars. The EU and other foreign competitors also spent nearly $500 million on market promotion. The EU spends more on wine promotion than the U.S. spends for all its commodities combined.

Mr. President, the Market Access Program should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition and protect American jobs.

Mr. FEINGOLD. Mr. President, I join the National Taxpayers Union, the Friends of the Earth, Citizens Against Government Waste and other pro-consumer government watchdog groups in supporting Senator BRYAN's amendment to terminate the Market Access Program. Throughout the years, this wasteful program has sometimes carelessly used taxpayer money to help those who can afford to help themselves—instead of this country's struggling small farmers.

Mr. President, over the last ten years, the USDA has shelled out $1.4 billion for the Market Access Program (MAP), which is intended to promote U.S. products abroad. MAP has been roundly criticized for giving away millions of taxpayer dollars to agribusiness giants in the name of trade, but the program has managed some unusual feats, including scaring off foreign consumers. As we face the already challenging task of reducing the deficit and preserving Social Security, MAP is a program that the federal budget, and the taxpayer, can do without.

I do not need to remind members of the millions of dollars wasted on MAP and the programs preceding it. In 1989, we had the Japan/California raisin fiasco. The California Raisin Board ran untranslated ads to promote their raisins in a market where raisins were rare. Baffled at the sight of these strange dancing blobs, many Japanese children were frightened. Mr. President, it's safe to say that if the California Raisin Board had done any market research, they would not have wasted $3 million on those commercials. They wouldn't have been so careless.

MAP is the kind of program most taxpayers know little or nothing about, but we are paying dearly for it. Though the program has undergone some changes over the last nine years, it continues to dole out money to some of the largest agriculture companies in the country with funds that could instead be used to help small farmers.

Some of the companies receiving MAP funds in fiscal year 1998 include Sunkist Growers and Blue Diamond Growers. Both are big companies that can afford to market their own products abroad without spending tax dollars. The list includes a host of other beneficiaries of MAP's 1998 $90 million dollar budget, including the California Pistachio Commission, the Mohair

Council of America, Kentucky Distiller's Association and the Wine Institute.

Mr. President, it is true that MAP was changed in the 1996 Farm bill to direct funds to cooperatives and trade associations instead of corporations, but a loophole still allows the companies that belong to those trade associations to continue to receive and spend taxpayer funds.

Mr. President, I believe in supporting and strengthening America's position in foreign markets, but when we allocate precious tax dollars to be used toward that end, we must spend them on concrete efforts to get American products on to the shelves in those markets, instead of subsidizing advertising campaigns for major corporations.

The USDA's own estimates put U.S. agricultural exports in 1998 down more than two billion dollars from the previous year. More than ever, Wisconsin farmers need the USDA to promote and place U.S. agricultural products in foreign markets through more successful export programs, not to line the pockets of big agribusiness and Madison Avenue.

I urge support of the Bryan amendment and yield back the balance of my time.

Mr. COCHRAN. Mr. President, I know of no other Senators who want to debate this amendment.

Let me just state for the information of all Senators the plan, as I understand it, that most who are involved have agreed upon, and that is to have a vote on a motion to table the Lugar amendment, which will be made by Senator STEVENS at 6 o'clock, and following that, a vote on a motion to table the Bryan amendment, which I intend to make. We will have the yeas and nays on both of those amendments.

It is the suggestion of the managers that if the Lugar amendment is not tabled, that that be the pending business following the vote on the motion to table the Bryan amendment. I don't want to speculate on how the vote on the motion to table the Bryan amendment will come out. The last time we voted, it was 59 to 40 in favor of tabling the amendment. That vote occurred on July 23, 1997, and it was an amendment to reduce the Market Access Program by $20 million. The vote No. was 199.

So I am making that as an announcement to the Senate. If anyone has any comments to the contrary or observations to make about it, we will be glad to consider those comments and observations.

Mr. BRYAN. If the Senator from Mississippi will yield for a moment?

Mr. COCHRAN. I am happy to yield.

Mr. BRYAN. The procedure that he outlined is certainly agreeable to the Senator from Nevada. He correctly recites the vote, which I greatly regret, a year ago. I simply say, this is a time for redemption for Senators tonight. Tonight they have an opportunity to exercise that redemption. I thank the Senator.

Mr. COCHRAN. I thank the Senator.

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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3156

Mr. CHAFEE. Mr. President, I am pleased to join with Senator LUGAR and others in offering this amendment today. The proposal seeks to establish a more balanced, deliberative U.S. policy as regards international sanctions.

Today, nations throughout the world look to the United States for leadership. The end of the cold war has clearly left the United States as the sole remaining superpower. We are sought after for many reasons: Financial assistance, military might, political leadership, and the advocacy of democratic ideals.

When the world looks to us for leadership on international sanctions, I am afraid that the administration and Congress have taken steps that increasingly have undermined our Government's reputation and influence abroad. The tendency—and it is particularly true with regard to Congress—to impose sweeping unilateral—that is, we do it alone—economic sanctions against nations whose behavior we disapprove of, I believe, is detrimental to our national interest and certainly has not succeeded in producing the results that we seek.

Let us look at several recent examples. We have heard much about the situation with respect to Pakistan, in which the threat of tough, mandatory U.S. sanctions did nothing to dissuade the Pakistanis from testing nuclear weapons. The 30-year embargo on Cuba, has done nothing to hasten the end of the Castro regime or ease the suffering of the Cuban people. And just this year, we passed legislation to impose sanctions on entities suspected of assisting Iran's missile program.

Moreover, when our sanctions have been structured to punish countries who continue to deal with the rogue nation we are trying to isolate, the outcome has been even murkier. All that these secondary sanctions end up doing is generating bad feeling among our allies about ''American imperiousness,'' and precipitating complaints from our trading partners to the World Trade Organization. As a result, the world's attention turns away from the rogue nation in question, and instead focuses on the United States and its actions.

Mr. President, if Congress continues this habit of imposing, on an ad hoc basis, unilateral sanctions against any nation because of a form of behavior we find objectionable, our influence in the world will be diminished. While sanctions laws may feel good and bolster our sense of righteous indignation, sanctions imposed under these laws far too often do nothing more than antagonize nations and their peoples, and get us into trouble with our trading partners. Moreover, sanctions mean that our influence on the region in question drops sharply. And less U.S. influence means that the values we hold dear—democratic government, market economics and respect for human rights—will not be promoted worldwide. There must be a better way.

I am an original cosponsor of S. 1413, the original Lugar bill to make wide-ranging reforms of our laws on unilateral sanctions. The amendment before us today, which is based on that legislation, would establish procedural guidelines and informational requirements before any further unilateral sanctions are imposed. It also provides for enhanced consultation between the executive and legislative branches of government prior to the imposition of sanctions. Finally, it mandates a two-year sunset for such sanctions, unless Congress specifically chooses to renew them.

This amendment does not preclude Congress or the President from taking action necessary to achieve vital national security and trade objectives. However, it does ensure that such measures first will be considered in a thoughtful and responsible manner, and that we at least will have some idea as to whether these policies may actually achieve their intended goals. Thus, I urge my colleagues to support the Lugar amendment.

I do want to stress that I think it is a great mistake for us to embark on these unilateral sanctions as freely as we do. This amendment, I believe, is a good one. Furthermore, it says that if we do impose sanctions, that there is to be a sunset provision. That sunset provision goes into effect after 2 years, unless, of course, Congress chooses to renew the sanctions.

This amendment does not preclude Congress or the United States from taking action necessary to achieve vital national security or trade objectives, but it does assure that such measures are, first, very carefully considered in a responsible manner and that we at least have some idea as to whether the policies may actually achieve their stated goal.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am saddened to have to attempt this, but I want to state to the Senate that it is to me a watershed issue now for this year. This bill really is going to go into serious gyrations if the Lugar amendment is adopted. In the first place, if it goes to the House with this amendment, it means an entirely different committee will have to review this amendment and it will make conferencing this bill very difficult.

I find myself in the position where I probably support a lot of what is in the amendment of the Senator from Indiana. I understand it is a bill that was

introduced and has not moved forward as he would like. We do have a task force that was appointed by the leader to look into the problem of sanctions; the whole approach of Senator LUGAR is under review by that task force. We are hopeful we will have a proposal to act on that, we will have bipartisan support. Broad support in the Senate would be necessary to pass it.

The Senate, last week, passed legislation that was suggested by a group here in the Senate and it has been considered by the House. It has been modified and sent to the President to deal with one part of the sanctions program. I congratulate the current occupant of the Chair for his part in that effort. I think it is an effort that must be made.

As chairman of this committee, I want to tell the Senate that we are approaching the time when we will lose the first week of the August recess. We will probably have to come back the first week of September and we still won't finish by September 30, if we add to appropriations bills full bills that deserve the consideration of the Senate. That will add to the time it takes to get the appropriations bills through this process.

I hope that the majority leader will assist in trying to convince Members of the Senate, let's not do this this year. There are legitimate riders. There are legitimate limitations on expenditures. There are legitimate concepts in terms of dealing with the appropriations process that we will have to fight out here on the floor, but we should not have to fight out here on the floor amendments that will require the bill, when it goes to the House, be subject to conference by another full committee in the House. It is not right to do that, and I hope the Senate will agree with me.

I move to table the amendment of the Senator from Indiana, 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 to table the amendment No. 3156. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—53

Abraham	Collins	Harkin
Akaka	Coverdell	Hatch
Ashcroft	D'Amato	Helms
Bennett	DeWine	Hollings
Bingaman	Faircloth	Hutchinson
Boxer	Feingold	Inhofe
Breaux	Ford	Inouye
Bryan	Graham	Kennedy
Campbell	Grassley	Kerry
Kohl	McConnell	Snowe
Kyl	Mikulski	Specter
Lautenberg	Murray	Stevens
Leahy	Nickles	Thompson
Levin	Reed	Thurmond
Lieberman	Reid	Torricelli
Lott	Sarbanes	Wellstone
Mack	Shelby	Wyden
McCain	Smith (NH)	

NAYS—46

Allard	Domenici	Landrieu
Baucus	Dorgan	Lugar
Biden	Durbin	Moseley-Braun
Bond	Enzi	Moynihan
Brownback	Feinstein	Murkowski
Bumpers	Frist	Robb
Burns	Gorton	Roberts
Byrd	Gramm	Rockefeller
Chafee	Grams	Roth
Cleland	Gregg	Santorum
Coats	Hagel	Sessions
Cochran	Hutchison	Smith (OR)
Conrad	Jeffords	Thomas
Craig	Johnson	Warner
Daschle	Kempthorne	
Dodd	Kerrey	

NOT VOTING—1

Glenn

The motion to lay on the table the amendment (No. 3156) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to thank the Senate for recognizing the process we have to follow now to limit the consideration of issues that are extraneous to the basic appropriations bills so we can get them through.

I apologize to my friend from Indiana. I do support his effort. But we had to take that action.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3157

Mr. COCHRAN. Mr. President, it is now my intention to move to table the Bryan amendment. Before doing so, the Senator from California has asked for 1 minute to speak in opposition to the Bryan amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

I hope the Senate will vote to table the Bryan amendment for four reasons: One, we reformed the program and the proceeds do not any longer go to big business; they go to small businesses and cooperatives; two, we have cut this program down from a high of $300 million to about $90 million; three, other countries spend billions of dollars promoting their exports; this is the least we can do; and, four, for every $1 that we put into this Market Access Program, we get back $12 in increased exports. So I hope you will join me in voting to table the Bryan amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that the sponsor of the amendment, Senator BRYAN, be given 1 minute to respond.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. BRYAN. Mr. President, I would simply make the point that all of the assertions and claims that have been made by the advocates for the Market Access Program have been considered by the GAO in a report released last September. They have rejected all of them. We have spent $2.3 billion in the last 10 years and the GAO concludes that they cannot establish any benefit of the program. Unfortunately, our attempt to reform the program does not prevent the largest businesses in America from continuing to have their advertising budgets supplemented to the tune of millions and millions of dollars—$5 million subsidizing the advertising budget of one of these large companies.

I hope my colleagues will recognize that this is a program that simply does not work and support the Bryan amendment by voting against the motion to table.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I move to table the Bryan amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bryan amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—70

Akaka	Durbin	Leahy
Baucus	Enzi	Levin
Bennett	Faircloth	Lieberman
Biden	Feinstein	Lott
Bond	Ford	Lugar
Boxer	Frist	Mack
Breaux	Gorton	McConnell
Burns	Graham	Murkowski
Byrd	Gramm	Murray
Campbell	Grassley	Roberts
Chafee	Hagel	Santorum
Cleland	Harkin	Sarbanes
Coats	Hatch	Sessions
Cochran	Helms	Shelby
Collins	Hutchinson	Smith (OR)
Conrad	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Inouye	Stevens
D'Amato	Jeffords	Thomas
Daschle	Johnson	Thurmond
DeWine	Kempthorne	Warner
Dodd	Kerrey	Wyden
Domenici	Kohl	
Dorgan	Landrieu	

NAYS—29

Abraham	Feingold	Lautenberg
Allard	Grams	McCain
Ashcroft	Gregg	Mikulski
Bingaman	Hollings	Moseley-Braun
Brownback	Kennedy	Moynihan
Bryan	Kerry	Nickles
Bumpers	Kyl	Reed

Reid	Roth	Torricelli
Robb	Smith (NH)	Wellstone
Rockefeller	Thompson	

NOT VOTING—1

Glenn

The motion to lay on the table the amendment (No. 3157) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT TO BAN EGG REPACKAGING

Mr. DURBIN. Mr. President, I want to thank Chairman COCHRAN and Senator BUMPERS for accepting the amendment I offered to ban egg repackaging as part of the Agriculture Appropriations Bill. This amendment is a first step in continuing to ensure the safety of the nation's egg supply.

On April 17, 1998, the Secretary of Agriculture announced a prohibition on the repackaging of eggs packed under the United States Department of Agriculture's (USDA) voluntary grading program. This amendment codifies Secretary Glickman's prohibition which took effect on April 27, and affects eggs packed in cartons that bear the USDA grade shield.

A recent ''Dateline NBC'' program focused public attention on the repackaging of shell eggs by egg packers, and raised concerns about this practice. This amendment will prohibit shell eggs that have left the packing plant, and been shipped for sale, from being returned to the packing plant for repackaging into USDA shielded cartons. This amendment affects the approximately 30% of shell eggs voluntarily graded by USDA.

The amendment also directs that not later than 90 days after the date of its enactment, the Secretary of Agriculture and the Secretary of Health and Human Services shall jointly submit a status report to the Committees on Appropriations of the House of Representatives and the Senate. This report is intended to provide the status of actions taken to enhance the safety of shell eggs and egg products. The report also will provide the status of the prohibition on the repackaging of USDA graded eggs, and provide an assessment of the feasibility and desirability of applying to all shell eggs, not just USDA graded eggs, the prohibition on repackaging in order to enhance food safety, consumer information, and consumer awareness.

The safety of our egg supply is a primary example of the confusing array of laws, regulations, and voluntary programs which divides regulation among four federal agencies and the states. The legislation I have introduced with Senator TORRICELLI—The Safe Food Act (S.1465)—focuses attention on the problems of having multiple federal agencies with jurisdiction over various food safety laws, and how fragmentation and duplication cause waste and confusion. Jurisdiction over eggs is a good example of how confusion, overlap, and the lack of coordination leave the American public subject to food poisoning outbreaks.

The health of American families is at risk if we do not work to ensure that only safe eggs reach America's store shelves. USDA recently reported that each year over 660,000 persons in the United States become sick from eating eggs contaminated with Salmonella enteritidis (SE). Illnesses from SE can be fatal to the elderly, children, and those with weakened immune systems. According to the Centers for Disease Control and Prevention, the SE bacteria caused more reported deaths between 1988 and 1992 than any other foodborne pathogen. The Center for Science in the Public Interest estimated an annual cost of illness from SE at $118 million to $767 million.

Make no mistake, our country has been blessed with the safest and most abundant food supply in the world. However, we can do better. This amendment to ban egg repackaging will help advance the federal government's commitment to continue providing Americans with the safest food supply.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Mr. President, I thank the managers for the work they have been doing, the progress they have made and the two votes we just had. We have been working with Senators on both sides of the aisle to identify what amendments we can do tonight. Senator DASCHLE has been working with me on this. So I announce the proposed lineup for the next few amendments to be considered tonight. I think it is important we keep working so we can complete this very important legislation for the Agriculture Department and the farmers of America.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be the next first-degree amendments in order and limited to relevant second-degree amendments: Senator KERREY of Nebraska regarding livestock; Senator JOHNSON regarding meat labeling; Senator DODD regarding sanctions; Senator GRAHAM regarding disaster assistance; and Senator TORRICELLI regarding sanctions.

I further ask unanimous consent that if debate is concluded and a rollcall vote is requested that the amendment or amendments be laid aside to recur in the order in which they were debated, and the votes occur beginning at 8:45 with 2 minutes of debate equally divided before each vote begins.

Mr. DASCHLE. Mr. President, reserving the right to object, and it is only for clarification and one suggestion, I ask the majority leader whether the order could be DODD, TORRICELLI, JOHNSON and KERREY?

Mr. LOTT. I guess we did say in that order, but that order can be rearranged, unless the manager has a problem.

Mr. COCHRAN. For clarification, the 8:45 time that the majority leader indicated for the vote will be this evening rather than in the morning?

Mr. LOTT. At 8:45 p.m. tonight. That will give Senators a chance to have a meal that they might have agreed to have and also give the managers time to work through these amendments, but lock in their conclusion, and then that will be it for tonight after that block of votes.

Mr. DASCHLE. Mr. President, I also ask if the majority leader will object to dividing the time for the four amendments equally between now and 8:45?

Mr. LOTT. Is the Senator suggesting each amendment get the same amount of time? Mr. President, I do want to amend my unanimous consent request to comply with the lineup that Senator DASCHLE asked for. Will the Senator repeat that? What order?

Mr. DASCHLE. I was going to suggest Senator DODD, Senator TORRICELLI, Senator JOHNSON, Senator GRAHAM and Senator KERREY.

Mr. LOTT. Unless the managers have an objection, I amend my unanimous consent request to that extent.

Mr. TORRICELLI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Will the leader clarify for me the time in opposition to Senator DODD, who will be controlling time?

Mr. LOTT. It will be controlled by Senator COCHRAN, the opponent of the amendment, but I am sure he will be very fair in the disposition of that time so that others can speak against that amendment.

Mr. TORRICELLI. His disposition looks very fair, so I withdraw the objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3158

(Purpose: To exempt agricultural products, medicines and medical equipment from U.S. economic sanctions)

Mr. DODD. 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 Connecticut [Mr. DODD], for himself, Mr. WARNER, Mr. ROBERTS, Mr. HAGEL, Mr. DORGAN, Mr. GRAMS and Mr. HARKIN, proposes an amendment numbered 3158.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Is the Senator from Kansas objecting?

Mr. ROBERTS. I want, Mr. President, to offer an amendment in the second degree.

The PRESIDING OFFICER. Is there objection to the dispensing with the reading of the amendment? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill at the following new section:

SEC. (A) FINDINGS.—(1) Prohibiting or otherwise restricting the donations or sales of food, other agricultural products, medicines or medical equipment in order to sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targetted country and rarely causes the sanctioned government to alter its actions or policies.

(2) For the United States as a matter of U.S. policy to deny access to United States food, other agricultural products, medicines and medical equipment by innocent men, women and children in other countries weakens the international leadership and moral authority of the United States.

(3) Sanctions on the sale or donations of American food, other agricultural products, medicine or medical equipment needlessly harm American farmers and workers employed in these sectors by foreclosing markets for these United States products.

(B)(1) EXCLUSION FROM SANCTIONS. Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing) of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

(2) EXCEPTIONS. Section (B)(1) of this section shall not apply to any regulations or restrictions of such products for health or safety purposes or during periods of domestic shortages of such products.

(C) EFFECTIVE DATE. This section shall take effect on the date of enactment of this act.

Mr. DODD. I ask for the yeas and nays on the first-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Thank you, Mr. President.

AMENDMENT NO. 3159 TO AMENDMENT NO. 3158

(Purpose: To perfect the amendment exempting agricultural products, medicines and medical equipment from U.S. economic sanctions)

Mr. ROBERTS. Mr. President, I have an amendment in the second degree that I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 3159 to amendment No. 3158.

Mr. ROBERTS. 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:

Strike all after the first word in the pending amendment an insert in lieu thereof the following:

''(A) Findings. (1) Prohibiting or otherwise restricting the donations or sales of food, other agricultural products, medicines or medical equipment in order to sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targeted country and rarely causes the sanctioned government to alter its actions or policies.

(2) For the United States as a matter of U.S. policy to deny access to United States food, other agricultural products, medicines and medical equipment by innocent men, women and children in other countries weakens the international leadership and moral authority of the United States.

(3) Sanctions on the sale or donations of American food, other agricultural products, medicine or medial equipment needlessly harm American farms and workers employed in these sectors by foreclosing markets for these United States products.

(B)(1) Exclusion from Sanctions. Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing), of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

(2) Exceptions. Section (B)(1) of this section shall not apply to any regulations or restrictions with respect to such products for health or safety purposes or during periods of domestic shortages of such products.

(C) Effective date. This section shall take effect one day after the date of enactment of this section into law.''.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I offer this amendment and the second-degree amendment, which fills out the tree on behalf of myself, Senator WARNER, Senator ROBERTS, Senator HAGEL, Senator DORGAN, Senator GRAMS and Senator HARKIN.

Very simply, what this amendment does is codify what Members have expressed over the last several days that they would like to see accomplished worldwide. We eliminated last week the use of food and medicine to people as a sanction in the case of Pakistan and India. We felt that was an unwise use of the sanctions; that average people, poor people should not suffer at the hands of our Nation despite the decisions made by the power elite in their own nations.

What my colleagues and I who have offered this amendment today are suggesting is that same principle ought to be applied worldwide. It is counter to everything we stand for as a people—everything we stand for. To deny people anywhere in the world food and medicine—basic food and medicine—runs contrary to the moral values that we embrace as a people.

Whatever anger we may feel and properly focus on the leadership of nations, we should not cause the innocent people of those nations to suffer as a result of our policies. For far too long, we have allowed the use of food and medicine to be used. There are only two or three countries in the world that today allow their food and their medicine to be used as a tool in foreign policy or as part of a sanctions policy.

Tonight we have an opportunity to change that law, to say that with regard to any sanctions policy, whatever other tools we may want to use depriving countries of certain economic issues, technical equipment, military hardware, availability of our lending institutions—whatever else we may want to use—that food and medicine will not be a part of that mix.

I hope no one has any illusion that in the case of a Saddam Hussein or a Fidel Castro or the leaders of North Korea, the leaders of Iran, I guarantee you tonight that they are eating well. I promise you that if they get sick, they get medicine and they see doctors.

Too often, we have allowed our foreign policy to also work against the innocent people who live in these regimes, in these terrorist countries. If this amendment is adopted, I am told that there will be an amendment offered immediately thereafter which will say that this provision should not apply to terrorist countries. None of us want anything to do with terrorist countries, but does anyone in this Chamber or America believe that the average Iraqi citizen, that the average citizen in Iran, that the average citizen in Cuba or North Korea, despite the leadership of their nation, should suffer because their leaders may engage in activities which are cruel or support terrorist activities?

I happen to believe that ought not to be the case; that the use of food and medicine ought not to be a vehicle in the conduct of our foreign policy.

Mr. President, it was noted earlier today that we have become extremely generous in the application of the sanctions policy. Since World War II, there have been 100 occasions where the United States has imposed sanctions. More than 60 percent of those sanctions have occurred since 1993.

And 61 U.S. laws and Executive orders have been enacted authorizing various types of unilateral economic sanctions against 35 countries in the name of foreign policy. The sanctioned countries comprise 42 percent of the world's population. Roughly 2.3 billion people—potential customers of U.S. goods and services—are being affected.

Mr. President, I suggest that to deprive these people of foodstuffs—I hear that one of the reasons that our farmers are not doing well in this country is because of the difficulty in foreign sales. Aside from the legitimate concern about seeing to it that innocent people are not going to be deprived of food and medicine, here is an opportunity to be able to sell some products that can actually benefit the people in these countries.

Why not take an argument away from those terrorist leaders, those dictators, who constantly want to point to us, the United States, as the reason their economies are in trouble? Why not say this evening that: You can no longer point an accusing finger at America when it comes to the issue of your children, your innocent women,

your innocent civilians, from getting food or medicine? We no longer use that tool in our foreign policy. If your people are suffering, it is not because the United States is banning the exportation of food and medicine. It is because of the economic policies of your own leadership.

Tonight, no matter how angry and legitimate that anger may be at a dictator or a terrorist leader of a country, let us not say to the poor people who have to live under those dictators and terrorists that the United States, as a result of our own policies, will deny you the opportunity to get decent food and decent medicine.

Let us not be a part of only two or three other nations—Third World countries—that I can find who use that kind of a vehicle in the conduct of their foreign policy. There is not a single member of the industrialized world, the civilized world, that utilizes food and medicine. We are the only example of it.

Tonight we have an opportunity, across the board, to eliminate the use of food and medicine as a part of our sanctions policy—still have sanctions, still deprive them, if you will, of the advantage of our engineering, our technology, our military hardware, but we are not going to say that food ought to be a part of that.

Let us join the rest of the world in eliminating that. We, the United States of America, we, the nation who embraces, with great legitimacy, the issue of human rights where innocents are involved, where the meals and the food they need and the medicine they require are involved, we are not going to be the nation that deprives them of the opportunity to use some of the best products in the world.

Mr. President, the world looks to us, particularly in the area of medical devices and medicines. And to deprive poor people of an opportunity to get some of those medicines, to get some of the food—the best grown in the world—I think would be a tragedy. Mr. President, I urge the adoption of this amendment.

I note my colleagues are here from Nebraska and Kansas and may want to be heard on this issue. I yield the floor and request how much time may remain.

We don't have time agreements, do we? No time agreements?

The PRESIDING OFFICER (Mr. ALLARD). There is no time agreement on the amendment.

Mr. DODD. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, in regard to the amendment offered by the Senator from Connecticut, Mr. DODD, this institution should take some pause. This is some moment. Thirty years of American foreign policy by Democrats and Republicans are about to be put aside. The consequences of what Senator DODD suggests that we do here are enormous. Consider the moment.

These are not isolated humanitarian items. This would open trade for the United States of America with the greatest rogue regimes in the world, where Presidents of the United States, through 3 decades, have drawn the line and said that we will not do business with these governments unless and until they take specific actions to free their people, allow basic human rights, or make basic concessions in their relations with the United States. We are about to clear the table and tell them all is forgotten and all is forgiven.

Consider the actions, Mr. President, through the years about what would be changed. In my State, perhaps more than most in this country, tonight every Member of this Senate would have to address the families of the victims of Pan Am 103. It has been clear to Mr. Qadhafi, until he brings those to justice who were responsible for destroying that aircraft and the lives of all of those families, there will not be trade with the United States on a bilateral basis.

With the amendment of the Senator from Connecticut, the war of wills in which we have been engaged with Mr. Qadhafi, even now while he is discussing bringing those murderers to justice—we proceed. The line that was drawn those years ago is now erased.

With the Sudan—another terrorist state to which now we would sell food and medicines, engage in normal commerce; it harbors Hezbollah guerrillas, the assassins who attempted to kill President Mubarak of Egypt; we were so brave in those days, the United States was so forthcoming in drawing this line—all is forgotten and forgiven.

In North Korea—just when we have succeeded in getting the North Koreans to come to the table and enter into an agreement to stop the development of atomic weapons and try to get some responsible behavior—no need for the negotiations, we are now going to engage in commerce.

With Syria—its harboring of terrorism against Israel; its occupation in Lebanon—we will now engage in commerce.

And Iraq—at the moment, sanctions against Iraq are multinational.

But every Member of this Senate knows that the day is fast approaching when America could stand alone. Inspectors would be barred, our military would be barred from the skies. And the United States would have to have its own sanctions. And this amendment—even though Saddam Hussein has been identified again as a terrorist regime and America could be alone in its sanctions —here we would engage in commerce.

It has been contended to the Senate that we do this as a decent people because the real victims here are the poor of all these nations. That indeed is not fair, Mr. President, to this country or this Government, because, indeed, while we maintain sanctions on each of these terrorist States, for good and sound reasons that I have outlined, this Government has gone to every length to protect the poor of the poor.

In North Korea, the shipment of 800,000 tons of food, only on the condition that we know who is getting the food and that it is not going to the North Korean military. But it is not fair that the poor of the poor of North Korea are victimized because of our embargo—800,000 tons of food distributed to the poor.

And the Sudan, one of the poorest nations in the world—Senator DODD is right, the poor of the poor should not be victimized because that Government harbors terrorists and assassinates foreign leaders. And so we have approved $76 million in food assistance, only on the condition that we know that it gets to the poor of the poor.

And in Iraq, $2.8 billion worth of food and medicine, only on the condition that it not go to Saddam Hussein, that it not go to the elite, that it not support the Iraqi military—just that it go to the poor of the poor under U.N. inspections.

The amendment of the Senator from Connecticut, if indeed we at one point predictably stand alone against Saddam Hussein, our food sales will not just go to the poor of the poor, they will go to the entire Iraqi establishment.

As the author of the modern Cuban embargo, I make no apologies in this case, either. The United States provides more food and medicine per capita to Cuba than any nation in the world provides to any other nation of the world, bar none. No Member of this Senate has any apologies to make for American support of the poor of the poor in Cuba. In the last 12 months alone, there were 123 licenses to ship food and medicine to Cuba, worth $2.5 billion. I challenge any Member of the Senate to find any country more generous than the United States of America, giving to any adversary, more generously than we have to the people of Cuba.

We have a license program and we have a license program for a reason, rather than unrestricted sales of food and medicine, as the Senator from Connecticut suggests. The reason is because we found when those food and medicines are not licensed, Mr. Castro has resold them or used them to support his own military establishment, like Saddam Hussein. There is no denial of food and medicine. We simply are requiring that it be done properly.

Senator HELMS and I, with other colleagues, have joined in this Congress in an alternative to Senator DODD's proposal. Humanitarian shipments go to Cuba through the church and are licensed, on an unrestricted basis—simply that we know who is distributing them, the church, humanitarian organizations, not the Communist Party

and not Fidel Castro. It is a question of control.

It is argued, finally, that these sanctions, this restriction on commerce with terrorist regimes should be lifted because they don't succeed. On the contrary. The record is otherwise. Sanctions on South Africa to end apartheid, to the Jackson-Vanik amendment to allow Soviet Jews to leave Russia, to restrictions on Vietnam until they cooperated with POWs, the record is that, while imprecise, while offering no guarantees, economic sanctions, including the leverage on our greatest, most successful export products, foods and pharmaceutical products, can and do yield results. No one should assume, no one should believe that they work in every case or work quickly. But the historic record is that they are an alternative to military action.

Where would Ronald Reagan—or George Bush—have been when Pan Am 103 was shot down, if he did not have the opportunity to have economic sanctions and this leverage? There would be nothing available but military action. Where would we have been after the shoot down of an American aircraft 2 years ago in the Straits over Cuba, if the President could not have tightened economic sanctions?

No, they are not perfect, but they give the President added authority and weight to change policy. Every one of the countries most impacted by Senator DODD's amendment in the course of the last year and every year for the last 5 years has been identified by the State Department as a source of terrorism against the international community, every country I have mentioned on this floor tonight.

Is it really the intention of this Senate, after all these years of claiming that we had the will to fight this war on terrorism, we were as resolved as Qadhafi and Saddam Hussein and Fidel Castro, after all these years, now we are to say to them we have lost our will, we changed our minds? If that is the intention of the Senate, at least have the intellectual honesty to come to the floor, repeal the terrorism list, repeal sanctions entirely, because that is the effect of this statement. We will identify you as a terrorist, we will claim you are killing our citizens, harboring assassins, but we are glad to trade with you.

I recognize that sometimes it is necessary, unfortunately, that the United States stand alone. Only Britain and the United States are still remembering the victims of Lockerbie; only the United States, the people who are jailed in Cuba. Only the United States may have the resolve to see it through with Saddam Hussein. That is too bad. But if the end result is the United States has to stand alone against these terrorist regimes, then we never stood in better company. We can be proud that we alone remember the victims and we alone are going to impose a price for those who violate international law and victimize people.

But let it not be said, however, the Members may vote on this amendment, that any of us were a party to the poorest of the poor, and the hungry being victimized by our foreign policy, because those simply, my colleagues, are not the facts—from the tons of wheat that goes to North Korea to the pharmaceutical products licensed and distributed in Cuba.

My colleagues, consider carefully this amendment. This is not a question of the Clinton administration. It is policies and embargoes that go back as far as John F. Kennedy. It is not just a question of a couple of governments. It is virtually every nation on the terrorist list. It is not simply a question of taking the stand because of an isolated incident, like Pan Am 103 or a disagreement with Saddam Hussein. They are issues as serious as preventing another Persian Gulf war by using our leverage and continuing leverage on North Korea to cooperate on a missile regime and on atomic weapons.

This is, indeed, a serious matter. I hope if an amendment is offered to table Senator DODD's amendment, as I am informed may happen, Democrat and Republicans, on a bipartisan basis, will not only vote to table the amendment by the Senator from Connecticut, but it will do so in an expression of true and strong resolve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank you, Mr. President.

I am very pleased to join my colleague, Senator DODD as a coauthor of this legislation, along with Senator HAGEL and Senator BIDEN, and many other Senators. As has been stated, it does provide a broad exclusion for all food and medical products in regard to unilateral sanctions.

Now, I want to emphasize that right away—unilateral sanctions, not multilateral sanctions. You would hope that if you are going to put any sanction on a country that works, that is effective, or the pragmatic result results in some kind of policy change that is in the best interest of our national security, that would have the support of your allies. It is only when you have unilateral sanctions that this bill applies.

Mr. DODD. Will the Senator yield?

Mr. ROBERTS. Delighted to yield.

Mr. DODD. Mr. President, I want to add, it is unilateral economic sanctions, so it is even more narrow. This does not apply to sanctions across the board but unilateral economic sanctions. If on a national security basis some of the advisors and the President want to impose the sanction, he would be allowed to. Only when we impose unilateral economic sanctions is this tool taken off the table.

I thank my colleague for yielding.

Mr. ROBERTS. I thank the Senator and the author of the bill for that explanation. I hope that would take away some of the concern as expressed by the distinguished Senator from New Jersey.

This amendment recognizes that until the United States is literally at war or we have a national security problem with another country—and certainly terrorism fits into that category—there is no positive benefit in denying the most meager necessities of life, food and medicine, to the people of this world. Certainly it doesn't benefit the sick and hungry, Mr. President.

In regard to the people of Africa and Asia, and blocking the sale of food and medicine, it does severely damage, I think, America's image in the eyes of people across the globe. As a matter of fact, as a member of the Transatlantic Partnership, which is an organization dedicated to better understanding between the peoples and the parliamentarians of Europe and the United States, this subject comes up again and again and again. Why are you basically hurting the people who are most disadvantaged in any kind of a unilateral sanction that makes no sense in terms of any policy change?

So I think the world must know that the U.S. Government and the American people care about what goes on outside our borders, and the world must also know that the United States stands ready to provide food and medicine—on commercial terms—to anybody, any time, any place, unless there is national security involved, and unless we have a situation like the Senator from New Jersey pointed out with regard to terrorist activities or exporting terrorism. This amendment represents one very critical component of what is becoming a sweeping debate on the use of acting unilaterally—and I emphasize unilateral—all by ourselves, in U.S. foreign policy. Unilateral sanctions serve no purpose other than to hurt the U.S. businesses and workers and to diminish U.S. strength and prestige.

I firmly believe that the Congress and the administration must continue to work together on a broad-based effort to reassess all instances of unilateral sanctions. This amendment would represent an excellent step in the right direction.

Mr. President, with a few add-ons, those are my prepared remarks. I want to respond to the distinguished Senator from New Jersey. The Senator from New Jersey indicated that for the last three decades the Presidents of the United States have reaffirmed in each and every case unilateral sanctions, including the use of food and medicine. To a certain degree, I think that is true, because it was in 1980, when President Carter was President, that this issue really hit a flash point. President Carter, thinking of the terrible tragedy when the former Soviet Union invaded Afghanistan, decided we would cancel out of the Olympics. He also decided he would put on a grain embargo. I know that the President intended on sending a strong message to the former Soviet Union. I know President Carter hoped that the perception in the world community would be such that somehow the Russians would change their policy. And they did not.

I will tell you who was hurt in that particular instance by the Carter grain embargo—and I am not trying to perjure it; I am saying this happened in terms of a pragmatic effect. It was like shattered glass and it headed us toward the farm crisis of the 1980s, in some ways, and it took us years to get back contract sanctity to the point that our exports made anything. We had an excellent Olympics; I think it was in L.A. Americans won a great many battles and medals. But I can tell you that, in terms of perception, it didn't do a thing. No Russian troop ever left Afghanistan.

Now, that was a terrible tragedy. Again, we were using unilateral sanctions, and we were using the farmer and rancher with regard to that price. I submit to you that if you want to put sanctions on people, all American taxpayers should pay for it, not just farmers and ranchers. That is called an embargo. I can tell you that you can spell embargo S-A-N-C-T-I-O-N-S. No country that has sanctions put on them unilaterally, regardless of what progress we are making in terms of whatever objective we are trying to achieve, will buy from us as long as that is available from other countries. That is precisely what is happening regarding the countries where we have the unilateral sanctions.

Look at Pakistan. Thank goodness, we acted on this 98–0 this week in the Senate. They have a wheat tender. Guess who was standing in line. There was the French. They were going to buy the wheat from the French. They may anyway. We acted wisely and we said, ''This isn't going to work. Why are we hurting the American farmer or rancher or, for that matter, anybody in the business community when the sanctions don't work?'' Yes, it has been 30 years of a broad policy, trying to look at sanctions to see if they are going to work. But the fact is that was started with the Carter embargo. I must say that it took President Reagan 2 years to get around to getting contract sanctity. In the meantime, we suffered great harm in terms of farm country.

So I say to my distinguished friend from New Jersey, you are darn right, it has been a 30-year policy and, for the most part, it hasn't worked. Now, in terms of terrorism, I personally agree. Libya? I would hope that we would have multilateral sanctions. I would hope the world community would understand that Mr. Qadhafi and Libya have, in the past, exported terrorism. I might add that one of the reasons it has been so successful in terms of keeping him under wraps is that the administration at the time sent a strong message to Mr. Qadhafi. He woke up one morning to find that part of the place where he spent most of his time to watch television and do other matters was no longer there. All of a sudden, he got the message. He probably scratched his head and said, ''Had I been sitting there, it might have been a little different.'' And then he calmed down right away. Have we gotten to the bottom of all of the tragedies that he has inspired? No. Are we ready to sell him product, i.e., Kansas wheat, or any other product? No, because his behavior is such that we feel it is in our national security interest not to do that.

I agree with the Senator from New Jersey with regard to food products. They are fungible. What happens is, if you are able to arrange a sale, or for a humanitarian purpose you provide food, obviously, they have the ability in a totalitarian state to simply use that for other purposes, and they can continue whatever practices they may have. But in the end result, the people who are at the lowest levels are the people who get hurt—the women, children, all of the people mentioned by Senator DODD.

So while it is fungible, I think, with regard to agriculture and medicine, the basic question you have to figure out here is, are we using agriculture as a tool for peace? Or are we using agriculture as a foreign policy weapon? I can tell you that, for too many years now, we have used agriculture as a foreign policy weapon—to the detriment of farmers and ranchers, for no apparent reason, with no pragmatic result, with the nations that we are now talking about.

I might add that there are some moderating forces that are now at work in Iran. And I might add that when I went to Saudi Arabia with Chairman STEVENS and six other Senators, we asked the Saudis—we made indirect inquiries, and we were working with the Secretary of State to make further indirect inquiries: Could we help the forces of moderation in Iran by offering agriculture as a tool for peace? Would that work? Could they increase their diet, basic protein diet, so they are better off, and become, hopefully, more dependent on the United States with regard to their basic needs and their food supplies?

Think what could happen if we would use agriculture as a tool for peace, as opposed to a weapon, on a selective basis. The Senator from New Jersey mentioned Iraq and Saddam Hussein. I think it is disingenuous to say that the people who support this amendment somehow support Saddam Hussein. We are now allowing Iraq and Saddam Hussein to export as much oil as they did prior to the gulf war. They, in turn, used the cash that we allowed them to expend regarding oil sales to buy wheat in regard to the French. Hello. Why does that make any sense? If we are going to sanction Iraq under a banner of, well, everything except something that is humanitarian, and we say you can sell this oil to achieve humanitarian needs, food and medicine, i.e., food products, agriculture products, and they buy from our competitors, that doesn't make any sense. If you have sanctions, it seems to me you ought to make them across the board. We didn't do that. We backed off of that. There is a whole history as to where we are with Iraq and the United Nations and plans by the administration to have a limited armed conflict and where we are with that. I am not going to second guess that. But let's don't say that since we support this amendment, we support Saddam Hussein.

North Korea—if there ever was a totalitarian regime that is rather bizarre in its nature, it is North Korea. I have been in North Korea. I went to Pyongyang to meet with the North Koreans, along with Senator STEVENS, Senator INOUYE, and others. We met with representatives of the North Korean Government. We were trying to arrange a grain sale by a third-party country so they could somehow get an experience of trading with other nations—moderate, a little. That is a tough chore, I will tell you—what is happening in North Korea. We saw children who are 16 and 17 whose growth and whose stature really represents somebody who is 11 or 12. We saw young people marching out into the fields to plant some kind of crops and to hunt for grubs. We saw no animals whatsoever, not even a pigeon, not a dog, not a cow, not any kind of a farm animal. Bark on the trees was taken off up to that height.

Do you know who is helping the North Koreans? It is the World Food group led by Catherine Bertini.

So the United States, what we do under a humanitarian banner is we say, All right. We will contribute X amount of dollars. We will give it to the World Food organization. They, in turn, will buy grain on the open market. They will give the grain, then, to the North Koreans. Is there any real guarantee that they are going to use it for that? No. But under the circumstances the situation was so dire that I think that happened, to some degree.

So here we are expending money to the World Food group who, in turn, uses it to provide the humanitarian aid. I am not in a position to say that we are going to say to North Korea that we are going to enter into any kind of trade negotiations. That is a very oppressive regime. It is probably the most Stalinist, if I can use that word, I guess, regime in the entire country. And Kim Chong-il, ''The Dear Leader,'' has no illusions otherwise. Now, however, we have the South Koreans making overtures that if the North Koreans will finally behave themselves, there might be a glimmer of change in North Korea. Could it well be that we could use agriculture once again as a tool for peace? I do not know. But the bottom line is that the President under this bill —under the Dodd-Roberts bill, under the Dodd-Roberts-Hagel-Biden bill—has the authority to come in and say, if this is in our national security—if, in fact, the export of terrorism is such that this is really something that is not in our national interest, he can do so.

Why on Earth on unilateral sanctions we continue to shoot ourselves in the foot and make agriculture and farmers and ranchers pay for this when the fact is it is not working is beyond me.

Again, I say this is not an effort by Senators in some kind of disingenuous fashion to encourage terrorism, or to encourage rogue states or pariah states. Nobody wants to do that. But when you have an opportunity to use agriculture again as a tool for peace, I think we ought to do it.

I appreciate this opportunity to take this time. I thank my colleagues for their indulgence.

I yield the floor.

Mr. DURBIN. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. Mr. President, I wonder if the Senator from Connecticut would yield for a question?

Mr. DODD. Mr. President, I would be happy to yield.

Mr. DURBIN. I say to the Senator from Connecticut, it appears the operative language in the amendment—I hope this is the most current version—says, ''Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing) of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.''

That is really the most operative paragraph of this amendment, is it not?

Mr. DODD. Mr. President, in response to my colleague's question, that is correct. That is the language of the bill.

Mr. DURBIN. The reason I raise that question is that during the course of the debate there have been some questions raised about whether we are restricting the power of the United States to deal with questions of terrorism and national security.

I want to ask the lead sponsor of this amendment to explain, if he will, what he means in using the term ''unilateral economic sanctions.'' Do we, in fact, preclude this President, or any future President, if we adopt this amendment, from imposing sanctions for purposes of national security or national defense?

Mr. DODD. Absolutely not, Mr. President; none whatsoever. To characterize the amendment as such is completely misleading, or as not to have read it at all. It only applies to unilateral economic sanctions. For instance, this amendment does nothing with regard to the multilateral sanctions on Iraq. Those are not unilateral sanctions. Those are multilateral sanctions that apply to that country. So it only applies there. If the President, this President, or any future President, wants to apply sanctions on some basis other than economic, they may utilize this tool. We are merely removing it from the unilateral economic sanctions.

Mr. DURBIN. If I could ask the Senator to give me a little more information, should this President, or any future President, decide that another nation is guilty of terrorism against the citizens of the United States, and he seeks to apply sanctions against that country, would that President be precluded from including in those sanctions a prohibition against shipping food and medicine?

Mr. DODD. None whatsoever, I say to my colleague.

Mr. DURBIN. I thank the Senator from Connecticut for making that point clear, because I would like to join him and the Senator from Kansas, as he says, in making a very clear record hear that none of us intend to in any way restrict the power of the President—this one, or any future President—to fight terrorism, or to stand firmly in opposition to nuclear proliferation or anything that might in any way assault the integrity of the United States or the integrity of any American citizen.

I rise in support of this amendment that has been offered by Senator DODD, Senator ROBERTS, Senator HAGEL, and Senator BIDEN in a bipartisan fashion.

The seat that I usually occupy over here is a desk once occupied by Senator Hubert Humphrey of Minnesota. Senator Humphrey of Minnesota was from an agricultural State, and said in the darkest days of the cold war when the United States was engaged in massive troop commitments in Europe to protect against the possible encroachment of communism, when we were fixated in our foreign policy of the possibility of Soviet expansionism, said that we should be willing to trade anything they can't shoot back at us, and on that basis promoted the idea of agricultural trade.

You may remember visits by Nikita Khrushchev to the United States to farms in Iowa during the midst of the cold war and the suggestions that we should still engage in trade involving food with a nation that was, in fact, our mortal enemy, the U.S.S.R. A lot of us in the Farm Belt felt that this was a reasonable means to provide some exchange not only of goods but of ideas. We felt that it also said to the average Soviet citizen that the United States of America represented people who not only had a bounty to share but were willing to do it despite our clear political differences.

Senator Humphrey inspired a policy which was followed by Democrats and Republicans for years. Soviet grain sales was a major source of discussion, even during the height of the cold war. I guess when President Reagan announced that the Soviet Union was the ''Evil Empire,'' we were still dealing in grain. We believed we could deal in food and still have a serious difference in terms of political philosophy.

Does it make a difference? Are we kidding ourselves to believe that if American food products should be sent to another country it has any impact? I think it does.

Eight years ago I went to India. Outside of Calcutta in a dusty little village I visited a site where some of America's agricultural products were being sent. It was a little facility where children—tiny little emaciated children—were being brought in for what, in effect, was their best meal of the day. I looked, and was somewhat amused to find that the bag of grain came from Peoria, IL. Imagine my pride that what we had grown in Peoria—the corn, soybeans, and wheat that was brought in—was a food product being fed in a small village outside Calcutta. What we provided these children looked like some mass of dough. It was just these basic grains mixed with water and a little sugar. They ate it like they were on a trip to Baskin-Robbins. It was the biggest treat of their lives. But before they ate the food from the United States, an interesting thing occurred. The person who was supervising the feeding of these small children in this nutrition center asked the children to pause for a moment and bow their heads and say a Hindu prayer of thanks to the United States for sending this grain.

Does it make a difference? Would it make a difference in Libya, or in North Korea, for children and their parents to know that the people of the United States were involved in either humanitarian aid or the sale of food? I think it does. I think it says something about us as a Nation.

Look at the situation in North Korea. The Senator from Kansas has been there. I have not. But it had to be absolutely frightening to see that sort of deprivation and famine in that struggle to survive.

The Senator from Connecticut is telling us in this amendment that the United States should establish standards when we push for our political policies which define us to the world. I believe, as he does, that the export of food and medicine should be above the political agenda. We are talking about the survival of children, of pregnant women, and of their families. As much as we may abhor that form of government that rules over those families, we should never be in a position where the United States has denied its bounty, its excess, to those who are in need.

As I have traveled, I have noticed the need for medicine in some countries around the world. Even those that have been liberated from the Soviet Union—now new democracies—really have medical care which is at the lowest level. Many times the basic medicines which we have in such great supply in the United States could make a world of difference in terms of disease like cholera, diphtheria, and other problems that children suffer from around the world. And so I think what the amendment seeks to do is to say that we will not deny to the children, in a country led by some dictator whom we might

disagree with, the basic protection of medicine.

This amendment really speaks to our values. This amendment draws a line in defining America to the world. This amendment says that we will not show our hatred at the expense of innocent children. This amendment says that when we apply unilateral economic sanctions, we have enough muscle in so many other areas to make our political point that we need not take it out on the most helpless in countries around the world.

I am happy to stand in support of this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I thank the Chair.

I rise to strongly oppose this amendment, and I believe that the amendment has been mischaracterized, or at least the most reasonable reading of this amendment is different from the interpretation it has been given. If in fact it is the intention to have this amendment not apply to applications for national security purposes or purposes of punishing those who have engaged in terrorist activities or other events which were directed against the citizens or the society of the United States of America, then the amendment should be clarified, because the plain reading of the amendment on page 1 beginning at line 14 states:

> Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing) of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

Now, the sanctions are the remedy for the action that has led us to be in a state of opposition to that foreign government. The cause of that might be that they were encouraging terrorism or they were engaged in activities that were considered to be a threat to our national security.

The means of achieving that retaliation against a foreign government is a sanction, in this case an economic sanction. The economic sanction is not the reason that we are imposing; it is the means of the imposition. And so this language does not speak to the causation of why we are imposing the sanction; it just says that whatever the cause, whether it is terrorism, national security, or whatever reason, the President is prohibited from having as one of his arrows in the quiver of remedies an economic sanction that includes all of those items which are listed in this amendment.

Mr. DODD. Will my good friend and colleague yield on that point?

Mr. GRAHAM. I will yield for a question, yes.

Mr. DODD. It is a question.

Mr. President, the authors and I could not be more clear. This is unilateral economic sanctions, and clearly in the case of some countries where we have applied that, food and medicine come off. Now, if the President wants to apply sanctions on some basis other than economic sanctions, he has all the freedom to do so.

A wonderful example of that we have just debated over the last 2 weeks. Here India and Pakistan detonate two nuclear weapons. I do not know what you could argue may be more threatening to the long-term security of the United States than two nations detonating nuclear weapons. We voted 98 to nothing to take off food and medicine as a part of the sanctions policy there.

All I and my colleagues are saying here in this case is that if the President wants to impose sanctions on the basis of something other than unilateral economic sanctions, he can do that without any restriction of this amendment. But when he only goes to impose, or we go to impose, Members of Congress—and we are far more guilty of this, by the way. Let's face it, we are talking about ourselves to some degree, and we all know what goes on here. We have a proliferation of these amendments. We all draft and issue the press releases to satisfy constituencies in this country. That is what happens. And we apply unilateral economic sanctions and deny people food and medicine, and we think that ought to stop, but not if you want to impose sanctions on bases other than economic and unilateral sanctions.

Mr. GRAHAM. I don't know what the question was.

Mr. DODD. That was a question.

Mr. GRAHAM. But clearly, the plain interpretation of the sentence that I just read is that the remedy against whatever the cause might be, whether it is nuclear proliferation, support of terrorists, attack against our national security, harboring drug traffickers, or whatever the cause may be, we are just saying that, notwithstanding any other provision of law, we have denied from the President of the United States as one of the remedies against that causation the use of unilateral economic sanctions when those sanctions include food, agricultural products, medicines, and medical equipment.

If that is not the intention, then I think the sponsors of this amendment should offer a modification—and I believe that is now within their power to do so—to clearly state it is not intended that the use of food, agricultural products, medicines, and medical equipment not be a restriction on the President's ability to use those products where the causation is terrorism, causation is an attack against national security, or some other cause. And then we could have a reasoned debate on just what would be the reach of this amendment.

I might also say, I am concerned about the language of this amendment in that we have been focusing on food—wheat, corn, other products of human nutrition. But the language goes on to say ''other agricultural products (including fertilizer).''

Now, with that parenthetical, it seems to me that we are not to sanction not only food but other agricultural products, including those products which are used by that country in the production of its own indigenous agricultural food and fiber. That obviously would be the only reason to specifically exempt fertilizer. What about seed? Would that be an agricultural product against which the President could not impose a sanction? Would tractors, combines, other of the mechanics and equipment of agricultural production be similarly excluded from the President's range of sanctions that could be used?

I believe the very fact that those questions are raised goes to one of the reasons that it is imprudent, at 7:50 p.m. on this Wednesday evening, for us to be considering this amendment. This amendment has been introduced as freestanding legislation. I assume it is before some committee of the Senate. The normal manner in which we would consider an issue of this importance would be to have a hearing, to have the language subjected to close scrutiny, not just the kind of scrutiny that can be provided here on the Senate floor by those of us who have an interest in and some knowledge of this matter, and a genuine public debate. After the idea has withstood that kind of inquiry, then it is mature to come to the Senate for consideration, for adoption, adoption that would reverse three to four decades of powers which the President of the United States has been granted by this Congress in order to achieve important U.S. national objectives.

It is also ironic that we are doing this at this time, when we have recently established a separate task force whose purpose will be to review our current sanctions policy and to bring to us their reasoned judgments as to what we should do. It seems to me that prudence would indicate that the appropriate thing to do would be to at least wait until that group that we have just established has an opportunity to complete its work and give us the benefit of its recommendation, as to what our policy should be in this area.

Mr. ROBERTS. Will the Senator yield for a question?

Mr. GRAHAM. I yield, yes.

Mr. ROBERTS. The Senator has indicated we are rushing to judgment here. I would only point out that in 30 years every agricultural group, every farm group, every commodity organization, everybody connected with every hunger organization has been pointing out the insensitivity and the counterproductivity of unilateral sanctions with food and medicine.

I have some figures here from 1995. I don't have them yet for 1996, but they are very similar. U.S. sanctions cost an estimated $15 to $20 billion of lost exports. One way or other, I guess my question to the Senator would be: Would you support a sanction indemnity payments for those industries or

those businesses who have suffered the losses, through no fault of their own, more especially agriculture?

I don't know how we fund—I know how we fund it. We do it. We could declare it an emergency. As a matter of fact, that is one of the proposals that was being talked about, in terms of the package put together by the folks across the aisle, and some of us over here, on down the road.

We can't go on like this. I hope, after 30 years of this debate, I would hope the wheat growers, the corn growers, the barley growers, the cattlemen, the pork producers—the Senator's State of Florida is a tremendous State in regard to agriculture output. I hope these farm groups have met with the Senator.

Would the Senator be in a position to help us support some kind of sanction indemnity payment, given the situation?

I am not even talking about the humanitarian aspects of this. But we have sanctions now on 75 percent of the world's population. We just can't go on like this. So, consequently, I think this is a step in the right direction. Rather than do it piecemeal, each country by country—as the Senator from Connecticut so aptly pointed out, 98 to 0, and we just had a UC bill pass here in regards to India and Pakistan because they were counterproductive.

I think the Senator is obviously concerned about an island not too far from his State and I am concerned about that.

I would just pose the question. Would he support sanction indemnity payments?

Mr. GRAHAM. I say to the Senator, that is one of many of the kinds of questions that I would assume this bipartisan commission, which is just commencing its review of our current sanctions policy, will be looking at.

I am not prepared tonight, nor do I feel myself competent tonight, to respond to the Senator's question as to whether we should have an addendum to our policy that relates to indemnification. But I am certain tonight that we also do not know enough to say that we ought to change 40 years of U.S. policy by adopting this amendment which has not been subjected, to my knowledge, to the first hour of serious Senate hearing consideration.

Mr. ROBERTS. Will the Senator yield for one more question?

Mr. GRAHAM. One more question.

Mr. ROBERTS. I appreciate the indulgence of my friend and colleague. I just want to point out that after every sanction, after every embargo, after every hindrance to every export program that we have had, we have had hearing after hearing after hearing in the House Agriculture Committee. I was privileged to be the chairman of that committee for 2 years. I have attended more hearings, more discussions, more farm meetings, been to more farm organization resolution meetings in State after State, to do something about a clear, comprehensive export policy that wards off these very counterproductive embargoes—and is simply misdirected. We have ample, ample evidence that this does not work.

I am on the sanctions task force. I went to the first meeting. We have taken some rifleshot reforms here that are sorely needed right now. It doesn't take away from the sanctions task force and their overall approach, to see if Senator LUGAR's bill is appropriate, or Senator DODD's bill, Senator BIDEN, Senator HAGEL, myself—to look back on sanctions. That is the appropriate agenda in regard to the task force. But I can assure the Senator, in terms of voluminous hearings ad nauseum, because of the hurt it has caused in farm country that we have had ample hearings.

I didn't ask the Senator a question, except to say I truly appreciate him yielding. I will cease and desist at this point.

Mr. GRAHAM. I am sorry that we didn't have a question, but the Senator has moved me to point 2 of my remarks, which is the undercurrent of much of this debate, where we focus on the poor, particularly the hungry children. Everyone is moved by those emotions. There is a natural humanitarian concern about people, particularly innocent people, being denied access to the basic necessities of life.

What offends me is the assumption that it is the U.S. embargo policy, whether it is against Iraq, Iran, North Korea, Cuba, or whatever rogue state, that is the cause of that impoverishment. This is a return to that classic ''Let's blame America first'' argument. Let's find out what is wrong with the world and then let's blame the United States of America for being responsible.

The person who is responsible for the economic conditions in Cuba is not sitting in this room and is not residing at 1600 Pennsylvania Avenue. The person who is responsible for Cuba's impoverishment is named Fidel Castro and he lives in Havana. Whether we do or do not adopt this amendment tonight, he still is going to be living in Havana and he still is going to be following discredited economic policies. He is still going to be following a personal attitude of disrespect to his own people. He still is going to be following authoritarian dictates—because he wants to stay in power.

So, Mr. President, the idea that we have to blame America first and find ourselves to be at fault for the poverty and the misery of the poor, particularly the young and the halt and the elderly, in these rogue nations, I reject and I find to be offensive personally, I find to be offensive to the values of the United States of America.

Mr. President, let me move to the third point, if I could, and that is I do want to speak specifically.

Mr. ROBERTS. Mr. President, I ask for one short question. I know I am batting, now, for the third time. If the Senator would indulge me?

Mr. GRAHAM. It is going to be a question at the end of this statement?

Mr. ROBERTS. I can promise the Senator there will be a question.

Mr. GRAHAM. I look forward to the question.

Mr. ROBERTS. It is a question I know the Senator will respond to in an affirmative way because it makes so much sense.

What would happen if we added a new section to the second-degree amendment that is pending at the desk, stating something like this:

''The President may retain or impose sanctions covered by this bill, sections (B) and (C), if he determines that retaining or imposing such sanctions would further U.S. national security interests.''

I had thought about listing some of the concerns that the Senator from New Jersey and the Senator from Florida have indicated, but I thought better of that, and put a blanket situation here—U.S. national security interests. Obviously, the export of terrorism would be included. Obviously, I think, some of the concerns that have been raised by the Senator from Florida would be included.

Would the Senator be amenable to considering something like that?

Mr. GRAHAM. I think the Senator's question makes the first point I made, and that is the inappropriateness of trying to write a piece of legislation that is as nuanced and delicate as this on the floor. I pointed out what I thought was clearly an interpretation that said that whatever the cause, we were going to be denying as a remedy the use of unilateral economic sanctions which included this prescribed list of food, agricultural products, medicine and medical equipment. Now the Senator is suggesting that he doesn't really want to go as far as this language and would like to say, at least in the area of national security, that we don't have to deal with our enemies.

I think, personally, that is too narrow a construction. I think there are a variety of types of activities that the President of the United States, with the authorization of Congress, ought to be able to sanction in the most severe possible way, including denying them the products that are listed in this legislation.

I don't think we ought to try to write that on the Senate floor at now 8 o'clock at night. This is exactly the type of considered judgment that we would say in this great deliberative body ought to be deliberated in an appropriate committee with appropriate public input.

Mr. ROBERTS. I take it the Senator's answer is no.

Mr. GRAHAM. I think my answer would be no, and my reason would be point 1 of my remarks. I am now about to move to point 3 of my remarks.

Mr. ROBERTS. Then this gift horse will ride back into the sunset and withdraw the offer.

Mr. GRAHAM. I would be very happy if this amendment would ride into the sunset as long as it didn't return.

Point 3 does relate specifically to Cuba which is an object case of the point 2, which is that the reason that Cuba is in its desperate economic circumstances is not to be blamed on the United States and our policy, it is to be blamed on Fidel Castro. The reason it didn't happen 20 or 30 years earlier is because as long as there was a Soviet Union, the Soviet Union was subsidizing Cuba to the extent of 20 to 30 percent of its gross domestic product. When the Soviet Union collapsed in the late eighties, its ability to continue to provide that kind of subsidy to Cuba also collapsed and all of the underlying inadequacies of a statist, Communist economic policy surfaced.

For us to say that we are responsible for the impoverishment of the Cuban people because we have denied them access to food, agricultural products, medicine and medical equipment, I think, is, frankly, absurd and an affront to the people of the United States of America. It is Fidel Castro who has placed his people in that condition, not the people of the United States.

Maybe the most dramatic example of that, just a few years ago when our colleague and visionary, the Senator from New Jersey, was a Member of the House of Representatives, he sponsored legislation which established the modern U.S. embargo policy relative to Cuba. I am pleased to say that I was honored to be the Senate sponsor of that legislation.

In that legislation, medicine was excluded from the commercial sanction against Cuba. There is a license policy required in order for a Cuban entity to purchase medicines from the United States, but that is available.

Do you know what has happened in the intervening now some 5 years since that access to commercial purchases of U.S. medicines by Cuba has been in effect? What has happened is zero has happened, because Cuba has not availed itself of this opportunity it had. Why hasn't it availed itself? I suggest primarily because Fidel Castro has some higher priorities in terms of his use of Cuban resources, like continuing to fund one of the most oppressive state police in the world, continuing to try to maintain what is left of a military capability. Those have all had higher priorities and, therefore, there were little resources left to use the special access through license policy for U.S. medicines.

Mr. TORRICELLI. Will the Senator from Florida yield?

Mr. GRAHAM. Yes.

Mr. TORRICELLI. The Senator from Florida makes a valuable point that somehow the responsibility for the economic ailments of failing Marxist governments incredibly is being placed on the U.S. Senate. The reason that there is hunger in Cuba and North Korea is because their systems have failed.

I recognize that in the great farm belts of America, there is tremendous frustration and suffering because of the farm crisis. But it is not frank, it is not fair to the American farmer to suggest that if the United States abandons its human rights policies and its economic embargoes on these terrorist governments, that is the salvation for the American farmer.

As my friend and colleague from Florida stated, the per capita income of Cuba is $300. Cuba has 7 days' worth of foreign exchange. Just how much wheat or corn does the Senator from Kansas believe Fidel Castro will be buying? North Korea has no foreign exchange at all. Nothing. The Sudan has a per capita income of $100 per year. These are not countries that are markets for American farm products.

I share the concern of our colleagues from the Midwest of the plight of the American farmer, but believing that we can compromise our policies on terrorism or for human rights by offering sales to nations that have no resources is a false promise and, what is more, simply contradicts the facts.

The Senator from Florida has said it right. There is blame for these failing economies and the fact the poor are suffering, but it is not here. The Senator from Florida was my cosponsor in offering in the Senate the Cuban Democracy Act which is the foundation for the current embargo against Cuba. He should be proud of everything that he did because, indeed, as is now the case with the Sudan and with North Korea and with Iraq and with Cuba, we have assured that the poor, on a humanitarian basis, will get food even though they can't buy it.

That policy now will be undermined by offering to sell these products to people who can't buy it. I think the Senator from Florida has made the case persuasively. Thank you for yielding.

Mr. GRAHAM. Thank you. I appreciate those kind remarks, and no one is more dedicated to the freedom of the people of Cuba than is our friend and colleague from New Jersey. He has demonstrated that dedication time and time again.

As he said in his earlier remarks, not only are we not the source of the blame of the impoverishment of the people of Cuba, in fact, the United States, both governmentally but primarily through the generosity of its people, has provided through donations more humanitarian assistance to Cuba in the last 4 years than the foreign aid of all other governments in the world combined. Now to say blame America first, make us the object and the source of Cuba's poverty is an affront.

My final point is that by adopting this policy, we will also be missing the opportunity to adopt a policy that has the potential of making a significant difference in terms of the U.S. national interest, but more importantly the human interest of the people living in Cuba.

What is that policy? It is also one to which the Senator from New Jersey alluded in his opening remarks, and that is a policy that says: Let us increase the opportunities for the people of the United States with modest Government assistance to join that philanthropy to provide humanitarian needs to the people of Cuba. But instead of being done on a commercial basis, which means that Fidel Castro will be in control of what is purchased and how it is distributed and how it is used to either reward or punish activities which the state considers to be beneficial, let us use the nongovernmental organizations, such as the religious organizations in Cuba, to be the means of distributing the humanitarian products. Let us use that as a means of assuring that this humanitarian effort will not be perverted for political goals.

Let us use it as a means of increasing the strength of those nongovernmental organizations, because they will play a critical role today in the life of the people of Cuba, attempting to lift some of the burden which Fidel Castro has imposed upon those people. Those same nongovernmental organizations will play a critical role during the period of transition in Cuba.

One of the key questions for the United States is not whether there will be change in Cuba. Of course there will be change. No one can tell you exactly the hour and the date of that change, but that it will come is assured. What we do not know is whether that change will be more like Czechoslovakia, a ''velvet revolution,'' relatively without bloodshed or conflict, or whether it will be more like the nation whose head of state spoke to us earlier today, Romania, where thousands of people were injured or killed during the course of the transition from an authoritarian to a democratic government.

I believe the nongovernmental organizations in Cuba will play a critical role in facilitating a peaceful transition and that by using them rather than, as this amendment would propose to do, the Government of Cuba, as the instrument for the distribution of humanitarian assistance, we have the opportunity to strengthen and elevate those nongovernmental organizations.

Mr. DODD. Will my colleague yield on that point for a question?

Mr. GRAHAM. For a question.

Mr. DODD. I think I have a question at the end of this one.

Mr. President, I know my colleague from Florida is very familiar with Cardinal Ortega, who is the leading Catholic figure on the island of Cuba. I know he knows who he is, and is aware of the recent visit by His Holiness, Pope John Paul II, when he was in Cuba in January. Obviously, my colleague is well aware, as well, of the position of the U.S. Catholic Conference with regard to lifting the sanctions on food and medicine.

I say and raise the question, certainly we all, I think, would know—and my colleague, I presume, would agree—

that Castro, Fidel Castro, has no greater enemy on the island of Cuba, or anywhere, for that matter, than Cardinal Ortega, yet is it not the fact that Cardinal Ortega, the Catholic Conference, and in fact His Holiness, Pope John Paul II, has called for the lifting of restrictions on food and medicine sales when it comes to Cuba?

Mr. GRAHAM. I believe it is even more broad. I believe they have advocated a total lifting of the U.S. embargo.

Mr. DODD. I am only referring to this particular proposal.

Mr. GRAHAM. They would not be constrained to the items included in this amendment. They would advocate a total lifting of the embargo against Cuba.

Mr. DODD. Mr. President, is the answer to the question, regarding food and medicine, Cardinal Ortega has called for the lifting of the ban on food and medicine?

Mr. GRAHAM. As well as every other aspect of the embargo. And with great respect, I believe that the policy that says, rather than lift the embargo, strengthen Fidel Castro, with no real prospects, with a country so impoverished as Cuba, that they are going to be able to compete in the commercial market to buy agricultural products—why aren't they buying medicines today? They have been authorized to do it for 5 years, and yet they have not availed themselves.

The reason is probably that it is not a high enough priority of Fidel Castro to use his limited resources to buy antibiotics. He would rather buy equipment that his military and secret police can use to suppress the people. There is no expectation he is going to use any availability of the commercial purchase of foods to any greater extent that he has used his potential of commercial purchase of medicines.

What I think does offer hope is to encourage a policy of U.S. private citizen, with limited Government support, philanthropy through nongovernmental organizations to the people of Cuba, both to meet and alleviate some of their current deprivations and build up some institutions that will help in the transition in Cuba.

Mr. President, for those four stated reasons, I believe this amendment, well intended as it might be, is inappropriate for our consideration at 8:14 p.m. on the evening of July the 15th. I hope that it will be the wisdom of the U.S. Senate, if we are given the opportunity, to set this aside through a motion to table, and that we would see the wisdom of that opportunity and then would look to the bipartisan commission on sanctions as well as the standard traditional processes of deliberation in the Senate as a means to fully explore whether we, in fact, want to change a 40-year policy of the use of economic sanctions against some of the most rapacious or rogue states on this planet.

Thank you, Mr. President.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

I rise this evening to strongly support the amendment by Senators DODD, WARNER, ROBERTS, HAGEL, and myself, which would exclude food and medicine sales from existing trade sanctions.

As one who has growing concern about the use of unilateral sanctions to accomplish various foreign policy and other goals, I am very pleased tonight that we are considering this very important measure. Food and medicine should not be used as a weapon in our disputes with leaders of other countries. As we have seen repeatedly, and as we have heard repeatedly on the floor of the Senate here tonight, withholding food and medicine does nothing but hurt the people whom we are trying to help in these countries.

The leaders, such as Fidel Castro, are always going to have access to these necessities. They are going to get the food, the shelter, the medicine, the care that they need. But inclusion of food and medicine in embargoes or in sanctions only makes the choices fewer for the residents of those countries and the prices higher for the average citizen.

I simply do not believe that anyone in this body can tell me this is a prudent policy in any country of the world. As just referred to here a few moments ago, somehow we are blaming the U.S. Senate or the United States for the problems in countries such as Cuba. We do not blame the United States for the bad economy. We know that that is Cuba's problem. That is Fidel Castro's making and his problem. But we are here tonight trying only to address the needs of the peoples of those countries and do it in a very humanitarian way, and not to use food and medicine as a weapon in our foreign policy arsenal.

It was also said by the Senator from Florida just a few moments ago—he said that we should have held hearings on a bill like this, that we should not be writing this kind of an amendment on the floor of the U.S. Senate tonight.

But I think he knows very well that Senator DODD and I, for many weeks, tried to schedule hearings. I am the subcommittee chairman of the subcommittee of jurisdiction in the Banking Committee over this bill. We requested numerous times—we held meetings with opponents of this legislation trying to get a time when we could hold the hearing to bring out the concerns and to help write legislation and bring it out to the floor of the Senate.

Those who are opponents of this bill are not only opposed to it tonight, but they have been opposed to it and would not allow us—now, I do not know how often that happens, but the opportunity to even hold a hearing was blocked. There have been many, many, many other attempts and meetings to try to hold a hearing on this very bill, this very amendment, and to try to work out the differences that we might have.

But for those who will say that food and medicine can still be donated as well under these embargoes, I respond by stating that the licensing process that donators have to go through is so time-consuming and it is so cumbersome that it simply is a process that does not work. What has resulted is fewer donations. Improving the distribution system is not going to work as well. We need the certainty of free market sales, unencumbered by Government regulations or dictation and direction.

Certainly, we do not need the Congress to be involved in implementing food and medicine distribution in any countries, as has been suggested here in the past. We need to help our farmers and medical supply companies preserve their excellent reputations globally. Why earn them the reputation again of being an unreliable supplier by continuing to include them in our sanctions? American farmers are still suffering from the effects of the Russian grain embargo from the late 1970s. As we heard, they got the reputation of being unreliable suppliers. And it hurt the farm economy for many, many years following that.

You have heard the statistic often in the past few days—over 60 sanctions have been imposed by this Congress and by this administration. They are based on the laws that we have passed. They target some 70 countries, and the numbers affect from one-third to two-thirds of the world's population. It is no wonder that our agricultural producers and most of the business community have united to oppose these unilateral sanctions. Why would other countries consider us reliable suppliers in the future if we continue to have this kind of a record, to hurt ourselves, to hurt our economy, to hurt our jobs, and not to accomplish the goals we have?

If these sanctions, or these unilateral sanctions, could produce the very type of reforms that we were asking or that we thought should be made, I think everybody in this Senate would line up behind it and vote for it tonight. But over 30 years we have seen that these types of sanctions and embargoes just do not work. All they do is have the exact opposite effect of hurting our farmers, our businesses, our jobs, our economy, and they also do not provide the type of health and humanitarian relief to the people of these countries suffering under these types of regimes.

Why would other countries consider us reliable suppliers in the future if we continue this kind of record? Right now we have pending, just pending, 26 unilateral sanctions—unilateral, just the United States, nobody else coming into this. When we talk about the Iraq sanctions and how we have lifted and allowed them to sell oil to meet some of their needs with food and medicine, that was a world community effort

that put pressure to allow this to happen. We cannot get our allies to support this type of sanctions or embargo. The world community doesn't support it. Many in the Senate do not support it.

There are 11 other bills that could target an unlimited number of countries, as well. One is the pending religious persecution sanctions bill which alone targets over another 100 countries.

Now, in my judgment, sanctions will only accomplish their intended goal if they are applied, again, multilaterally. Anything short of that is bound to fail. The only result, then, again, is that our farmers, our workers, are going to suffer, not the leaders. Fidel Castro is not going to suffer. Fidel Castro is not going to move out of that office one day sooner because of these sanctions. In fact, he has probably stayed in office much too long because of this type of action.

This is an important amendment which follows the commitment that we made yesterday, and that is to try to help our farmers and other businesses expand markets abroad. I urge my colleagues to strongly support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise this evening to strongly support this amendment. We have heard a number of dynamics—issues, good questions, relevant questions—about what is being attempted in this amendment.

Mr. President, we are not talking about some revolutionary change in our foreign policy here. What we are talking about is what works. We are talking about common sense, relevance. There has been much talk tonight about humanitarian issues, human rights, trade, foreign policy, national security, all wrapped up into this debate.

But my goodness, Mr. President, as we are about to embark on a new century, a new millennium, the greatest power on the Earth, the greatest power the world has ever seen, are we to rely on embargoing medicine and food to leverage and implement our policy and our position in the word? I don't think so. We are better than that.

We have heard much conversation tonight about unilateral sanctions, multilateral sanctions. The world has changed, shifted. There is no nation on Earth today that can't get medicine and food, commodities, services, products, somewhere else. They don't need to go through the United States. So, in fact, what are we doing? Are we isolating some other country? Are we isolating a leader? No; we are isolating ourselves. We are isolating our farmers. We are isolating our ranchers, our producers, our people, our future, our growth. And for what? We are not compromising our national security when we talk about these issues of medicine and food. We are not exchanging trade for security. We have gotten a little off focus here this evening in some of this debate, a little bit off focus.

Foreign policy is about dynamic change, about a world of great change, a world of hope and opportunity. It is about our role in the world and how we best position ourselves in the world to make our point.

The question always comes back to, How best do we do that? How best do we leverage what we have? What works? Does withholding food and medicine work? Well, look around; look around. This is not some fly-by-night quick deal that we are talking about here. We have debated these issues.

My colleagues have talked about efforts, which I have been part of, to get hearings. Again, I go back to one point of reality here: This is not a revolutionary shift in policy. And if, in fact, we are to enlist more allies and do what America has always done—defend and enhance more liberty for more people—we come back to the question of how we do that. Does trade and commerce improve people's lives? Does it open societies? I think history has answered that rather clearly.

Yes, I am from a Midwestern State. I am from a large agriculture exporting State. That is important. Those interests are important. But there is not a farmer in Nebraska who is saying, ''I would trade America's national interests in the world'' —or even entertaining that bargain—''for selling more corn or beef.'' So let's not mislead anyone here tonight that that is the trade. That is not the trade here. That is not what we are talking about. We are talking about what works and who is really penalized here.

I can go through a list. You all know about what has happened when wheat embargoes have been put on. President Nixon in 1973 banned soybean exports. What has that done? Well, it has made Brazil a very significant soybean producer, is what it has done. I have pages of these things to talk about, specifically narrow, focused issues on agriculture and medicine. But in the interest of time and the interest of good judgment, so that my colleagues won't be completely offended by this debate, suffice it to say that this is a debate about the totality and the completeness of what encompasses foreign policy, and trade is part of that—trade is part of it—and how we best work our way in to nations that don't have the same values and standards and morals and respect for rights as we do.

I close by a point I made at the beginning of my remarks. A great power, the greatest power on Earth, this Nation that has done so much for so many for so long, should not need to rely on embargoes for food and medicine to implement and further our policy.

I hope my colleagues look at this in the completeness of how we, who have offered this, intend it to be viewed and would support this amendment.

I yield the floor.

Mr. WARNER. Mr. President, I rise today as a strong supporter and principal cosponsor of this important amendment sponsored by my friend and colleague, Senator DODD.

This amendment would exclude the export (including financing) of food, other agricultural commodities, medicines and medical equipment from any unilateral sanctions imposed by the United States.

In recent weeks, we have heard over and over again here on the Senate floor, on the weekend talk shows and in the editorial pages of numerous newspapers how unilateral sanctions on the export of agricultural commodities, medicine and medical equipment primarily hurts American producers of those producers.

Also, in most cases, the prohibition or restriction on the sales of food, medicine and medical equipment in order to punish a foreign government harms the general population in the targeted country rather than that country's leadership.

Gary Hufbauer—a renowned expert on the issue of sanctions—made that very point in his recent article in the Washington Post. He stated:

> . . . economic sanctions can inflict pain on innocent people while at the same time increasing the grip of the leaders we despise. When sanctions are applied broadside—as against Haiti, Cuba and Iraq—the hardest hit are the most vulnerable: the poor, the very young, the very old and the sick. Left unharmed, and often strengthened, are the real targets: the political military and economic elites.

Finally, unilateral sanctions on food and medicine rarely achieve the goal of having the targeted nation alter its actions or policies. In light of that, I believe it is time to stop using food and medicine as a foreign policy weapon.

As a member of the recently established Sanctions Task Force, I look forward to working with my colleagues on the broader issue of reviewing on the broader issue of reviewing the overall U.S. sanctions policy.

However, I believe that is appropriate at this time to proceed with this amendment to exempt food and medicine—what I consider humanitarian products—from unilateral U.S. economic sanctions.

Mr. President, Senator DODD and I have been working towards this goal for a considerable time. Our former colleague, Senator Wallop of Wyoming, has been a valued resource for facts which compel this action. Likewise, a number of Cuban Americans have urged this goal. The time is now.

Mr. TORRICELLI. Mr. President, this issue has now been debated at great length. And having listened to so many of my colleagues, for my own part, I wanted only to respond to several things that have been said and then leave the issue with the Senate.

It is being suggested that somehow the idea of economic sanctions is some aberration of policy, inconsistent with our values, inappropriate in the final years of the 20th century. I want to remind my colleagues that the American effort to impose economic sanctions

began with Woodrow Wilson, after the Great War, as an alternative to military conflict. So many lives had been lost and the war was so senseless that we began this 20th century with a commitment that this was the better alternative. I don't believe that Members of this Senate have been dissuaded from that view, given the outrageous conduct by terrorist states and facing the choice of military attack or expressing our outrage by separating them out of the international trading community. Sanctions are the better choice.

Contrary to the statements of my friend, the Senator from Nebraska, the record is replete that they do succeed. How many Soviet Jews would have left Russia had it not been for Jackson-Vanik? What cooperation would we have had from Vietnam in finding POW crash sites if it hadn't been for sanctions? Where would North Korea had been now in stopping the development of atomic weapons if not for sanctions? Where would we be in negotiating with Qadhafi for the killers of Pan Am 103 if not for sanctions? Indeed, would Fidel Castro have had the Pope in Havana if there had not been sanctions? They are not always perfect, but they are the better alternative to military action.

My friend Senator DURBIN, the Senator from Illinois, asked the rhetorical question whether or not there would be an impact on national security. What an easy vote to cast on this floor. But what a difficult thing it would be to face if tomorrow morning Castro, Saddam Hussein, and Qadhafi found that the sum and the substance of America's economic boycott on principle against their regime had been destroyed. Thirty years of American foreign policy is on the line. Without a hearing, without the administration being heard, without an alternative being offered, the sum and substance of American foreign policy would be taken off the books.

I suggested earlier in a colloquy with my friend from Florida, Senator GRAHAM, that I know why it is being done. I understand the frustration of our colleagues from the Middle West. But the suffering of American farmers is addressed by changing American farm policy, not changing American foreign policy. These are the poorest nations in the world. It is not fair to the American farmer to say that plummeting prices and failing farms are going to be answered by ending the embargo on Cuba, where the average person makes $300 a year, or the Sudan, or North Korea. These are poor, small nations, without the ability to buy. If they had the ability to buy farm products, they would be buying them from Argentina, Australia, or France, or other American competitors. But they are buying from no one, because they have nothing.

Let's at least be honest about the debate. This will not add up to one dime of American farm sales. It is a political answer for an economic problem. I suspect that the numbers would bear me out that my State of New Jersey manufactures as much in the gross value of pharmaceutical products as the State of Nebraska and the State of Kansas produce in agricultural products. Every major pharmaceutical company in America is in my State. I have never heard one pharmaceutical executive or one worker suggest that we should give in to Qadhafi on Pan Am 103, or the political prisoners in Cuba, or terrorism in Syria or Sudan because of a market opportunity—not one. And I don't believe that your farmers feel any differently than my pharmaceutical executives.

Mr. DODD. Will my colleague yield for a second? We are going to have a vote in 10 minutes. I haven't had a chance yet. I made opening remarks, but I wanted to speak again.

Mr. TORRICELLI. I wanted to ask a question, if I could, and then I will yield to the Senator from Connecticut.

In my reading of the Senator's amendment, not only would it be lifting these restrictions on food, but also on pharmaceutical products, including medical devices, and including the financing of food; is that accurate?

Mr. DODD. Yes.

Mr. TORRICELLI. Well, let me conclude, and then I will allow the Senator from Connecticut to end on his amendment, as is only right and appropriate.

I don't know how a Member of this Senate tomorrow morning could call the families of the victims of Pan Am 103, who are now suing to get financial reimbursement for the loss of their loved ones from Qadhafi, and now suggest that we are going to be financing food exports to Libya or Cuba. Not only are we not selling, but we will be financing.

This brings us back to where we were with Saddam Hussein when the gulf war started. How could we explain to any American that, while American soldiers were having to fight in Iraq, Iraqi soldiers were eating food not only made in the United States but financed by American taxpayers? That would be returned to. Senator GRAHAM and I specifically prohibited medical devices because there was evidence that Fidel Castro was using medical devices made in the United States to torture and interrogate prisoners in Cuba. That is the sum and substance of what the Senate faces.

I apologize to the Senator for consuming so much time.

Mr. DODD. Mr. President, first of all, I yield to my colleague from Kansas for a modification he wishes to make.

AMENDMENT NO. 3159, AS MODIFIED

Mr. ROBERTS. Mr. President, I send to the desk a modification in the best interests of the Senators who have expressed strong opposition to this legislation. Obviously, they have some additional concerns that have been expressed.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is so modified.

The amendment (No. 3159), as modified, is as follows:

Strike all after the first word in the pending amendment an insert in lieu thereof the following:

''(A) FINDINGS.—(1) Prohibiting or otherwise restricting the donations or sales of food, other agricultural products, medicines or medical equipment in order to sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targetted country and rarely causes the sanctioned government to alter its actions or policies.

(2) For the United States as a matter of U.S. policy to deny access to United States food, other agricultural products, medicines and medical equipment by innocent men, women and children in other countries weakens the international leadership and moral authority of the United States.

(3) Sanctions on the sale or donations of American food, other agricultural products, medicine or medical equipment needlessly harm American farmers and workers employed in these sectors by foreclosing markets for these United States products.

(B)(1) EXCLUSION FROM SANCTIONS.—Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing) of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

(2) EXCEPTIONS.—Section (B)(1) of this section shall not apply to any regulations or restrictions with respect to such products for health or safety purposes or during periods of domestic shortages of such products.

(C) The President may retain or impose sanctions covered under (B)(1) if he determines that retaining or imposing such sanctions would further U.S. national security interests.

(D) EFFECTIVE DATE.—This section shall take effect one day after the date of enactment of this section into law.''.

Mr. DODD. Mr. President, I have sat here patiently listening to a lot of rhetoric associated with this amendment.

Mr. GRAHAM. Will the Senator yield for a question?

Mr. DODD. I am happy to yield for a question.

Mr. GRAHAM. I hope that at some point someone will explain what that modification is. But this question relates to a different issue.

One of the typical restraints that the United States has imposed on the sale of food and medicine to suspect countries has been that there has to be an independent source of distribution so that the food and medicine will not be, as allegedly has occurred in North Korea, diverted just to feed the soldiers and let the civilian population starve.

In light of that, I am concerned with the language on line 15, where it states that ''the President shall not restrict or otherwise prohibit any exports,'' and then it lists the items.

Would this mean that the President could not impose a restriction, such as the requirement that, yes, we will provide food and medicine, but in a manner that will assure that the people for whose good we intended it to be utilized will be fed, will be medicated, not

the elite or those elements of the society that are serving to oppress the people? Would the President be prohibited from making those kinds of restrictions?

Mr. DODD. I thank my colleague for the question. If I thought for a single second that anything I might offer in this amendment would win his support, I would engage it with a higher degree of seriousness.

Obviously, I can be confident that any American President would want to make sure that any program we were endorsing on the sale of food and medicine was going to maximize the potential for it to reach the intended consumer, and that is the innocent people in these countries. But let me, if I can, come back to some points that have been made here over the last hour and a half or so.

First of all, we have heard about Lockerbie. I take a backseat to no one in my sense of outrage, nor do any of my colleagues who support this amendment, over the grotesque and violent shooting down of Pan Am Flight 103 that caused such a tremendous loss of life over Lockerbie, Scotland.

But let me take Libya off the table. There are multilateral sanctions against Libya. There is nothing in this bill that affects Pan Am Flight 103. And to suggest so is to not have read the amendment nor to understand the sanctions regimen against Libya. It is multilateral sanctions. This bill is unilateral sanctions only on economics.

So to raise the prospect of the tragedy over Lockerbie in the face of this amendment is either not to understand what exists in Libya or not to understand what this amendment proposes. So Libya is not in play at all.

I point out that many of my colleagues over the last few days have indicated their own strong feelings on the subject of the use of food and medicine as a tool of our sanctions policy with unilateral economic sanctions. My colleague from Idaho, Senator CRAIG, quoting him in his remarks of the day during the debate on Pakistan and India, and I quote: ''Cutting ourselves off through unilateral sanctions seldom benefits us as a nation, and almost always hurts the producer. Food should never be used as a tool of foreign policy.''

Our colleague from Montana, Senator BURNS: ''Let me tell you a little bit about sanctions. I have never been convinced that sanctions on food really worked.''

Our colleague from Kansas says, who is the Presiding Officer, if I may in his presence quote him in that debate: ''Food being used as a tool of foreign policy should never ever occur.''

Senator DORGAN: ''We ought to decide as Congress right now that sanctions do not include food shipments.''

I can go on. Our colleagues, I think, across party lines, across the great spectrum of this country, have come to realize that, as my good friend and colleague from Nebraska so eloquently pointed out, we are a great nation. We are the most powerful nation on the face of this Earth economically, and militarily. We are the envy of the world politically. And for us on this evening to say that this great power still finds it necessary in order to advance its foreign policy interests that food and medicine that would go into the mouths and bodies of innocent people who live in these dreadful regimes may be the subject of unilateral economic sanctions, I think, is sad. I think it is sad.

We who sit here this evening and have full meals—those who oppose these policies and never worry about whether or not their child can get an inoculation, or an immunization, whether or not they are ever going to have food on their table—look in the face of an innocent North Korean child, if you want to, or look in the face of an innocent Cuban child who has to live under Fidel Castro—that child didn't make that choice. That family didn't make that choice. Are we in this great power of ours, the United States of America, saying this evening that we will not allow the sale of food or medicine to help out that child of those countries? I don't believe that. I don't believe that. I think we are bigger, I think we are better than that.

I think this debate on sanctions has been healthy. It is beginning to recognize the awakening in America that, as our colleague from the farm States and others have pointed out, we need to have policies that work—not that make us feel good. This is not about press releases. It is not about satisfying constituencies here at home. It is about doing something that advances our legitimate foreign policy interests. Do we do that by causing injury to our own people and causing injury to innocent people in these countries while the elite economically and politically grow fat on their own dictatorships at the expense of their own people, and we in our own unwitting way assist them in that process?

Mr. President, I hope as our colleagues come over here—this is not about endorsing terrorism or excusing Libya in Flight 103, or any other dreadful atrocity that a dictator has imposed. It says that with regard to unilateral economic sanctions the United States of America, at the close of the 20th century and the beginning of the 21st, that we take food and medicine with regard to unilateral sanctions off the table—we take it off the table—and we will advance our cause by building support on the suggestion in the minds and hearts of innocent people in these countries that they overthrow these very dictators, and we let them know this evening that we are not going to allow our wealth and our technology, which has produced the largest abundance of food and the best medicines in the world—that if we can get them to these people, we want to see that it happens and that we stand for that.

Mr. President, I urge the adoption of this amendment which has been offered by a bipartisan group of us—from the East, in the Midwest, the far West—this evening, and that it be supported by our colleagues.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that the Kerrey amendment we will have a vote on.

Let me ask the Senator from Mississippi.

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, it is our hope, given the fact that only one amendment really has been debated—and that is the Dodd amendment up to the point of 8:45 under the order—that a vote will occur on a motion to table the Dodd amendment, which will be made by the distinguished chairman of the Appropriations Committee. That will take with it, if it is agreed to, the amendment offered by the Senator from Kansas in the second degree. Then, that would be the only vote ordered to occur right now. We still have four other amendments that have been cited as in order to come up tonight: The Torricelli amendment, the Johnson amendment, the Graham amendment, and the Kerrey amendment. If the Dodd amendment is tabled, there won't be a need for the Torricelli amendment, as I understand it, and that would be withdrawn.

Then we think we can work out an agreement to accept the Johnson amendment, which is the third amendment, and the Graham amendment on disaster assistance. But we would have to have a vote on the Kerrey amendment. That could occur tonight, or tomorrow, whatever the pleasure of the leadership is.

Mr. STEVENS. I want the Senate to know that when the Leaders arrive, we will have to discuss the arrangement on whether or not that vote will occur tonight. And it will be my hope that it will occur tonight, Mr. President.

But, under the circumstances of the situation now, again in order to facilitate the management of this bill, I move to table the Dodd amendment, which, as I understand, would also carry with it the second-degree Roberts amendment. I reluctantly make that motion, 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 Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from New Mexico (Mr. BINGAMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—38

Ashcroft	Helms	McConnell
Breaux	Hollings	Murkowski
Bryan	Hutchinson	Reid
Campbell	Inhofe	Sessions
Chafee	Kohl	Shelby
Cochran	Kyl	Smith (NH)
Coverdell	Landrieu	Snowe
Faircloth	Lautenberg	Specter
Ford	Levin	Stevens
Frist	Lieberman	Thompson
Graham	Lott	Thurmond
Gramm	Mack	Torricelli
Gregg	McCain	

NAYS—60

Abraham	Dodd	Kerry
Akaka	Domenici	Leahy
Allard	Dorgan	Lugar
Baucus	Durbin	Mikulski
Bennett	Enzi	Moseley-Braun
Biden	Feingold	Moynihan
Bond	Feinstein	Murray
Boxer	Gorton	Nickles
Brownback	Grams	Reed
Bumpers	Grassley	Robb
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Cleland	Hatch	Roth
Coats	Hutchison	Santorum
Collins	Inouye	Sarbanes
Conrad	Jeffords	Smith (OR)
Craig	Johnson	Thomas
D'Amato	Kempthorne	Warner
Daschle	Kennedy	Wellstone
DeWine	Kerrey	Wyden

NOT VOTING—2

Bingaman	Glenn

The motion to lay on the table the amendment (No. 3158) was rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. STEVENS. May we have order?

The PRESIDING OFFICER. Let's have order in the Senate.

Mr. LOTT. If I can explain what the order will be now. The Chair will put the question on the Roberts amendment to the Dodd amendment. I presume that will be accepted by a voice vote. Then we will go to the Torricelli second-degree amendment, with 2 minutes for him to describe his amendment, 2 minutes for Senator DODD in opposition, and then a vote on that.

Mr. DODD. Will the leader yield?

I say, Mr. President, that is not a second-degree amendment. It is a freestanding amendment.

Mr. LOTT. Freestanding amendment then.

Mr. TORRICELLI. If the leader would yield, it is my understanding, from our conversation, that the Roberts amendment would be accepted; and I will, in turn, have a second-degree amendment.

Mr. LOTT. That was my understanding.

Mr. DODD. If the leader would yield, the Roberts amendment is a second-degree amendment.

Mr. GRAMM. If it is dealt with, that clears the tree.

Mr. LOTT. So after 4 minutes of debate, equally divided, we could go to a recorded vote on the Torricelli amendment. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that we then go to—

Mr. BYRD. Mr. President, reserving the right to object, and I will not, of course.

Mr. LOTT. I am glad, of course, to yield to the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I apologize to the leader for interrupting him.

Mr. LOTT. It is certainly all right, Mr. President.

Mr. BYRD. Have the yeas and nays been ordered?

Mr. LOTT. On the Torricelli amendment? I do not believe they have.

Mr. BYRD. Then the leader did not mean to include in his unanimous consent request that it would be a recorded vote.

Mr. LOTT. That is correct, Mr. President.

Mr. BYRD. I thank the Senator.

Mr. LOTT. I ask unanimous consent that it be in order to ask for the yeas and nays on the Torricelli amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask for the yeas and nays on the Torricelli amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I ask unanimous consent that then we proceed to the Kerrey amendment and that there be 10 minutes of debate equally divided on the Kerrey amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I wonder if, since everybody is here, whether we could limit the vote on the Torricelli amendment to 10 minutes.

Mr. LOTT. I think that is an excellent request.

And I ask unanimous consent that that vote be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I believe then we are ready to put the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 3159, the Roberts amendment.

The amendment (No. 3159) as modified, was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I would like to make one more unanimous consent request. I ask unanimous consent that the vote on the Kerrey amendment—if ordered, and we get the yeas and nays on that—be also limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that it be in order for me to ask for the yeas and nays on the Kerrey amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask for the yeas and nays on the Kerrey amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 3160 TO AMENDMENT NO. 3158, AS AMENDED

(Purpose: To exclude the application of the amendment to certain countries)

Mr. TORRICELLI. Mr. President, Members of the Senate, we are about to cast a vote that we will remember for many years. I know the issue of the day is the farm crisis in the Midwest. The answer to that problem is in this market, in this Senate, not by changing a fundamental of American foreign policy. The issue today may be the farm crisis, but last year and the years before that, it has been the war against terrorism.

My amendment is simple. We have lifted the American embargo against selling food and medicine unless—unless—you are from a country that is engaged in terrorism against the United States of America.

Mr. Qadhafi does not deserve, tomorrow morning, to wake up and find out we forgot about Pan Am 103; or Castro, with his political prisoners; nor should we end with North Korea our actions just when we are negotiating the control of atomic weapons.

I know the frustration of my colleagues from the Midwest, but these nations, with per capita incomes of $100, $200, $300, they are not buying agricultural products from anyone in the world, so they are not going buy them from us, because they have no money, because they are failing Marxist regimes.

For 30 years, this country has held the line that on human rights and on actions of terrorism against our country we would not deal with them. Things are so close, the handful of Marxist regimes that are left—the handful—do not throw them a lifeline.

Can you imagine the frustration tomorrow morning of activists in Cuba who are fighting for freedom to find out we have taken the heart out of this embargo? Make no mistake, this is the heart. These countries, from Libya to North Korea, to those that are harboring assassins in the Sudan, the Hezbollah in Syria, these terrorist nations, they are not seeking to buy airplanes or high technology. This is all they would have if they had the resources.

This is not a message you want to send. Today it may be the farm crisis. But terrorism is not gone from this Earth. The State Department has told us that there are these nations, these six nations, engaged in terrorism against our people. They do not deserve an exception. The Senate has done its will. It has lifted food and medicine. Just keep this exception on these few terrorist states.

Mr. HELMS. Mr. President, in the rush to end sanctions, I find it incredible that some of our colleagues appear

willing to forgive and forget the conduct of regimes like those in Iran, Iraq, Libya, Cuba, Sudan, and North Korea.

The inescapable impression is that they are willing—I hope unwittingly—to cast aside U.S. laws designed to ensure that U.S. taxpayers' money will not be sent to regimes that proliferate weapons of mass destruction, or smuggle drugs over our borders, or promote acts of terrorism around the world.

More disheartening is an apparent willingness to abandon the Cuban people to the brutality of Fidel Castro.

Mr. President, I am pleased that the Majority Leader has taken the initiative to create the Sanctions Task Force, of which I am a member. That bipartisan group has been tasked with studying sanctions in a deliberate process and produce recommendations for the consideration of the Senate.

Rather than wait for that careful review, Senator DODD has offered an amendment today that would have the effect of undermining existing sanctions on rogue states.

Mr. President, there should be no mistake about Senator DODD's seeking to undermine the U.S. embargo of Fidel Castro's regime. So eager is the Senator to achieve this end, that he is willing to blow a hole in all other U.S.-supported embargoes as well. That is what the Senator's amendment would do.

The Senator's amendment is based on the mistaken notion that people in Cuba go without food and medicine due to U.S. sanctions. The facts paint a very different picture. Cubans have been impoverished by a failed Communist economy. Moreover, Castro denies his own people such necessities as a means of keeping them under his thumb. But, he makes state-of-the-art medical care available to Communist party cronies and foreign tourists who provide hard currency to his regime.

Mr. President, U.S. and multilateral sanctions routinely contemplate humanitarian needs of the people in these countries. In the case of Cuba, U.S. law currently permits the sale of medicines and the donation of food and other humanitarian necessities. Indeed, just since 1992, Americans have provided about $2.3 billion in aid directly to the Cuban people.

The comprehensive trade embargo on Iran allows for humanitarian donations to be sent. Even with North Korea, the U.S. has been able to accommodate humanitarian needs without loosening the restrictions in other areas.

In Iraq, the food-for-oil agreement allows humanitarian aid to flow. Our Treasury Department also licenses the donation and sale of these items.

The bottom-line is that the Dodd amendment is not good for the Cuban people or any other country—including our own. Therefore it is imperative that the Torricelli second degree amendment be approved by the Senate.

In Cuba, as with other countries, there are reasonable, pro-active steps that we can take to promote the liberation of the people and, in the mean time, provide humanitarian assistance. But, we should do this without letting up the pressure on the tyrants who torment their own people.

Mr. President, in closing, I am persuaded that it is not and never will be in the interest of the United States of America to relax pressure on governments that promote terrorism, destabilize regions with their aggression, proliferate nuclear weapons technology, and enslave their own people. Therefore, I urge that the pending Torricelli second degree amendment be approved overwhelmingly.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. I thank my colleagues.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI] proposes an amendment numbered 3160 to amendment No. 3158, as amended.

Mr. TORRICELLI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

At the end of its amendment add the following:

Notwithstanding any other provision of this section, section B(2) shall read as follows:

(2) EXCEPTIONS.—Section (B)(1) of this section shall not apply to any country that—

(1) repeatedly provided support for acts of international terrorism, within the meaning of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)); or

(2) systematically denies access to food, medicine, or medical care to persons on the basis of political beliefs or as a means of coercion or punishment; or to

(3)

Mr. DODD. Mr. President, the Senate has just expressed its will on this issue. My colleagues, Senator ROBERTS, Senator HAGEL, Senator WARNER, Senator GRAMS, and Senator DORGAN and I offered the amendment and, in fact, included language by Senator ROBERTS which very specifically allows the President to retain or impose any of the above sanctions if he determines such sanctions to be in the national interest of the United States.

Our underlying amendment only deals with unilateral economic sanctions. On any nation where there are multilateral sanctions, such as Libya and Iraq, this amendment would not apply. It is only in those countries where there are unilateral sanctions being imposed.

Now, it should come as no great surprise to my colleagues that the nations on whom we impose unilateral sanctions are the very nations that my colleague from New Jersey would now like to exempt. What we have been suggesting here this evening is that this great Nation, as my colleague from Nebraska, Senator HAGEL, so eloquently said—this great Nation, with its great economic and military power, we ought to be able to take food and medicine out of the arsenal of sanctions we use for the very economic elite and political elite of these terrorist countries. They do not suffer for lack of food. They do not suffer for lack of medicine. It is the innocents who live under these regimes who pay the price, and also the very farmers of this country who grow the products who are suffering today as a result of a farm crisis, denied the opportunity where there are nations who can afford to buy these products who pay the price. And we do not change policy in these countries.

With all due respect to my good friend from New Jersey and those who would support this amendment, we have provided for language here that would allow for an exception should that occasion arise. But let us not undo the will that the Senate just expressed on the underlying amendment to take food and medicine off the table. Use whatever other sanctions we will or we might, but food and medicine ought not to be a part of the unilateral economic sanctions regime that this country would seek to impose.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

Mr. DODD. Mr. President, I move to table the 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 3160. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—30

Akaka	Enzi	Mikulski
Baucus	Grams	Moseley-Braun
Brownback	Hagel	Moynihan
Byrd	Harkin	Reed
Cleland	Inouye	Roberts
Conrad	Johnson	Rockefeller
Daschle	Kennedy	Sarbanes
Dodd	Kerrey	Thomas
Dorgan	Leahy	Warner
Durbin	Lugar	Wellstone

NAYS—67

Abraham	Biden	Bryan
Allard	Bond	Bumpers
Ashcroft	Boxer	Burns
Bennett	Breaux	Campbell

Chafee	Hatch	Murray
Coats	Helms	Nickles
Cochran	Hollings	Reid
Collins	Hutchinson	Robb
Coverdell	Hutchison	Roth
Craig	Inhofe	Santorum
D'Amato	Kempthorne	Sessions
DeWine	Kerry	Shelby
Domenici	Kohl	Smith (NH)
Faircloth	Kyl	Smith (OR)
Feingold	Landrieu	Snowe
Feinstein	Lautenberg	Specter
Ford	Levin	Stevens
Frist	Lieberman	Thompson
Gorton	Lott	Thurmond
Graham	Mack	Torricelli
Gramm	McCain	Wyden
Grassley	McConnell	
Gregg	Murkowski	

NOT VOTING—3

Bingaman	Glenn	Jeffords

The motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 3160) was agreed to.

AMENDMENT NO. 3158, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment, as amended.

The yeas and nays have been ordered.

Mr. DODD. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 3158) as amended, was agreed to.

AMENDMENT NO. 3161

(Purpose: To ensure the continued viability of livestock producers and the livestock industry in the United States)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. BURNS, Mr. DASCHLE, Mr. JOHNSON, Mr. CONRAD, Mr. DORGAN, Mr. WELLSTONE, Mr. BAUCUS, and Mr. HARKIN, proposes an amendment numbered 3161.

Mr. KERREY. 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 67, after line 23 add the following:

SEC. 7___. LIVESTOCK INDUSTRY IMPROVEMENT.

(a) DOMESTIC MARKET REPORTING.—

(1) IN GENERAL.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(A) by striking ''(g) To'' and inserting the following:

''(g) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.—

''(1) IN GENERAL.—The Secretary shall''; and

(B) by adding at the end the following:

''(2) DOMESTIC MARKET REPORTING.—

''(A) MANDATORY REPORTING PILOT PROGRAM.—

''(i) IN GENERAL.—The Secretary shall conduct a 3-year pilot program under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to report to the Secretary in such manner as the Secretary shall require, such information relating to prices and the terms of sale for the procurement of livestock, livestock products, meat, or meat products in an unmanufactured form as the Secretary determines is necessary to carry out this subsection.

''(ii) NONCOMPLIANCE.—It shall be unlawful for a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to knowingly fail or refuse to provide to the Secretary information required to be reported under subparagraph (A).

''(iii) CEASE AND DESIST AND CIVIL PENALTY.—

''(I) IN GENERAL.—If the Secretary has reason to believe that a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form is violating the provisions of subparagraph (A) (or regulation promulgated under subparagraph (A)), the Secretary after notice and opportunity for hearing, may make an order to cease and desist from continuing the violation and assess a civil penalty of not more than $10,000 for each violation.

''(II) CONSIDERATIONS.—In determining the amount of a civil penalty to be assessed under clause (i), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person to continue in business.

''(iv) REFERRAL TO ATTORNEY GENERAL.—If, after expiration of the period for appeal or after the affirmance of a civil penalty assessed under clause (iii), the person against whom the civil penalty is assessed fails to pay the civil penalty, the Secretary may refer the matter to the Attorney General, who may recover the amount of the civil penalty in a civil action in United States district court.

''(B) VOLUNTARY REPORTING.—The Secretary shall encourage voluntary reporting by persons engaged in the business of buying, selling, or marketing livestock, livestock products, meats, or meat products in an unmanufactured form that are not subjected to a mandatory reporting requirement under subparagraph (A).

''(C) AVAILABILITY OF INFORMATION.—The Secretary shall make information received under this paragraph available to the public only in a form that ensures that—

''(i) the identity of the person submitting a report is not disclosed; and

''(ii) the confidentiality of proprietary business information is otherwise protected.

''(D) EFFECT ON OTHER LAWS.—Nothing in this paragraph restricts or modifies the authority of the Secretary to collect voluntary reports in accordance with other provisions of law.''.

(2) TECHNICAL AMENDMENT.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(A) by striking ''The Secretary is directed and authorized:''; and

(B) in the first sentence of each of subsections (a) through (f) and subsections (h) through (n), by striking ''To'' and inserting ''The Secretary shall''.

(b) PROHIBITION ON NONCOMPETITIVE PRACTICES.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.''.

(c) PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.—

(1) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(A) by striking ''or subject'' and inserting ''subject''; and

(B) by inserting before the semicolon at the end the following: '', or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer''.

(2) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

''(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

''(1) CONSIDERATION BY SPECIAL PANEL.—The President shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

''(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

''(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.''.

(3) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

''(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

''(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

''(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

''(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.''.

(d) REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.—

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

Mr. KERREY. Mr. President, I rise today to discuss the financial crisis growing in our rural economy and to send an amendment to the desk.

Nebraska's farmers and farm communities are confronting a series of events—most of them completely out of their control—that will lead most of them to lose money this year and may drive a fair share out of business. I have been meeting with groups of farmers for as long as I have been in the Senate, and the message I hear resounding across Nebraska is that the situation is very grim.

This is a clear case of a situation in which families won't have a shot at the American dream if we don't put the law on their side.

These events are a good reminder of why agriculture is such a precarious business to be in. Farmers are entrepreneurs who operate small businesses that manufacture their product outdoors. And on top of the always risky proposition of dealing with mother nature, this year our farmers are dealing with grain and livestock prices at their lowest levels in more than a decade, land rental prices that have increased by an average of 37%, a cost of living—particularly for health insurance—that keeps going up, even when commodity prices keep falling, and a rail transportation problem that will almost certainly leave record bushels of grain on the ground across middle America again this year.

And I haven't even mentioned the event over which farmers have the least control—the economies of foreign countries. Nebraska sends a third of its agricultural exports to Asia. Or rather, we used to. With more than 60 million people now living on less than a dollar a day in Indonesia, those markets in Asia are gone.

Many ''experts'' suggest that the key to a profitable farming operation is diversification. But when every major sector of production agriculture is operating at a loss—from corn to cattle to wheat to hogs—my farmers find that diversification is simply a decision of what to grow that will lose the least.

What is most troubling to me about the financial crisis in rural America is that it comes at a time of unprecedented economic success for the rest of the country. But make no mistake: trouble in rural America will not stay confined to the farm. When Nebraska farmers lose money, Omaha laborers find themselves with less work and it will happen on a nationwide scale, too. Though less so now than in the past, the United States remains an agriculture-based economy. Agriculture is our only sector that runs a trade surplus. In Nebraska, it accounts for one of every four jobs.

So I come to the floor today to issue a wake up call to the Senate. It doesn't matter what you call it—a crisis, a disaster, or just plain misfortune—family based agriculture in America is in grave danger. And there is no one who can act to preserve family based agriculture but us. The Secretary of Agriculture cannot do it and the U.S. Trade Representative cannot do it. If we believe in the value of family based agriculture, this Congress must act to preserve it ourselves.

Under the leadership of Senator DASCHLE, we are bringing a number of amendments to the floor that will help farmers regain a measure of profitability this year. These amendments are reasonable and I believe that the Senate will recognize that they strengthen the existing farm law, rather than weaken it. And I hope that in a spirit of bipartisanship, we can agree that if we add these amendments to the farm bill we can make it work for our farmers.

I am sending one of those amendments to the desk now. This amendment would try to improve market conditions in the livestock industry by mandating reporting requirements.

We have price spreads between retail beef prices and the price paid to producers that are at record levels. We all know what happens when the price of crude oil goes down—we pay less for gas at the pump. But although the price of cattle has dropped precipitously, beef is still the same price if not higher at the supermarket. That defies logic and it says to me that something does not work in the cattle market. We have an amendment that would address that.

This amendment will restore transparency to livestock markets by mandating the price reporting of live cattle and boxed beef.

The cattle feeding industry is in an extended period of sharply negative feeding margins, with losses of about $100 per head.

Earlier this year, hog prices sank to a 26-year low.

But at the same time, consumer prices at the retail level remain unchanged.

Producers are concerned that there is not enough information to determine fair market prices for livestock, and this price reporting amendment will change that.

Common sense tells us that complete price information is vital to an efficient market. But the majority of cattle are now sold under secret pricing deals, and those transactions are not recorded in the cash market.

The lack of transparency in the market creates the potential for exploitation, and we must act to stop that. My democratic colleagues support this approach and I am optimistic that Republicans can support this amendment, as well.

So I hope that we will come together in a bipartisan way this week and pass these measures to help alleviate the financial crisis occurring in rural America. For we have a great deal at stake here, and it is more than just a partisan quibble over whether or not to make changes in a law.

At stake is the preservation of family based agriculture and whether or not Congress has the good sense and the courage to step in while there is still time. For all of our sakes, I hope we do.

Mr. President, this is a very simple amendment that authorizes the Secretary of Agriculture to conduct a 3-year pilot program in mandatory price reporting so that we can get a true market in the cattle industry. It has been long debated by the Agriculture Committee. I think most Members have pretty well made up their minds on it.

I yield to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the amendment allows the head of the stockyards division to look into a way to set up mandatory price reporting. Right now, we only have one segment of the chain in the cattle market that is doing any price discovery at all; that is at the auction market. When cattle changes hands in feedlots and packing houses, these prices are not reported, or they go unreported for a week. We cannot make marketing decisions if you are producing replacement cattle while doing business like that. I suggest the adoption of this amendment.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nebraska and the Senator from Montana for this amendment.

We have a very serious situation with regard to price transparency. Can you imagine going into a store and not knowing the price? Can you imagine a retailer going into the market and not knowing what the prevailing price is?

What these two Senators are doing is simply asking that we have a pilot project to be able to decide if there is a way by which to better describe prices and a way to bring about price transparencies so producers and retailers or anybody has a better understanding of what the market is.

If you really believe in a free market, you will support this pilot project because it simply allows the free market to do its work.

Mr. President, I am deeply disturbed by the number of small to medium-sized producers going out of business in our states, and by mounting evidence that anti-competitive forces within the livestock market are contributing to this trend of shrinking income.

This amendment offered by Senator KERREY will help end the secret livestock deals that are driving small to medium-sized producers out of business in our states, by requiring that they report the prices they pay for live cattle.

This in turn will assure that the market price accurately reflects the real value of livestock, in other words increases market transparency.

In South Dakota, smaller livestock producers are leaving the industry literally by the hundreds.

According to South Dakota State University, in the past five years South Dakota has lost over 1,000 of our smaller cow/calf operators, and over 800 small feedlots.

Not only do these losses cripple rural communities, they threaten the vitality of the agriculture industry itself.

Small business plays an essential role in any market; it is small business that can respond most rapidly to changing consumer demand, and small business that is most likely to innovate and meet the preferences of niche markets.

As packers and feedlots continue to merge, as smaller operations go out of business, and as producers face progressively fewer markets for their production, we lose an important segment of the industry.

The result will be a less diverse, less responsive marketplace.

Increasing market transparency is essential to ensuring our producers at least have a chance to compete.

I appreciate that USDA publishes voluntarily reported price information, but we need to do more.

The contract prices that currently are not reported may have market distorting effects because reported cash prices do not reflect true market conditions.

Formula pricing, captive supplies, and vertical integration all contribute to transactions off of the cash market, and severely impede many producers' ability to compete.

This amendment would ensure, on a test basis, that all livestock prices are reported.

This means producers and feedlots will know that the market price accurately reflects the prices being paid in private transactions.

This is the way the free market is supposed to work.

The majority of producers who talk to me about conditions in the industry today simply say they want a fair shake.

They want a chance to work hard to produce a high quality product and to sell it for a fair price.

We expect our foreign markets to be open and fair so that we can compete abroad. Producers absolutely should be able to expect the same of our domestic markets.

Producers and farm organizations have been saying for some time that as prices and terms of trade become increasingly limited, there isn't enough information available to determine the fair market price for livestock.

I continue to hear that not only is complete price information vital to an efficient market, but also that it may reduce the potential for exploitative relationships in the industry.

This is an important, reasonable step to take on behalf of our small livestock producers.

If we care about small business, if we care about the rural communities they serve, if we care about having a fair and open marketplace in agriculture, we will pass Senator KERREY's amendment.

I hope that on a bipartisan basis we can support this amendment.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, with some reluctance, I oppose the amendment offered by the distinguished Senator from Nebraska. I do so because the industry is not for this amendment. The National Cattlemen's Beef Association has written a letter in opposition to the amendment. And just one word of that letter says the following. They refer to the Daschle amendment. This is the same amendment dealing with mandatory live cattle price reporting:

> These amendments are not fair and equitable to beef producers, and many of these provisions are counter to our producers' policies.

I ask unanimous consent that a copy of the total letter from the National Cattlemen's Beef Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CATTLEMEN'S BEEF ASSOCIATION,
Washington, DC, July 14, 1998.

Hon. LARRY E. CRAIG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: S. 2159, the Agricultural Appropriations bill, will soon be considered on the Senate floor. The National Cattlemen's Beef Association strongly supports increasing funding for essential programs such as food safety research and cooperative extension, emerging animal disease research, the Market Access Program and the Grazing Lands Conservation Initiative.

In addition to these priorities, there are a number of the proposed amendments to this bill that have the potential to affect America's cattle producers. The National Cattlemen's Beef Association supports the following amendments to S. 2159:

Johnson (D–SD)/Craig (R–ID) amendment would require labeling of retail meat as either U.S. product or imported product. This provision addresses frustrations among U.S. producer who question why livestock imported into the U.S. for immediate slaughter are marketed as U.S. product. The proposed language is consistent with U.S. responsibilities and commitments to the General Agreement on Tariffs and Trade and the North American Free Trade Agreement. Consumers demand quality and consistency, and producers are continually working to meet consumer demands. Import labeling will help differentiate products in the retail meat case and increase competition among product lines. With labeling, consumers will have the ability to make more informed purchases.

Hatch (R–UT) amendment would allow for the interstate shipment and sale of state inspected meat provided that the state inspection process meets or exceeds federal inspection standards. State-inspected beef, pork and poultry are the only food products banned from interstate distribution. This provision also provides an additional incentive for state inspected meat plants to implement Hazard Analysis and Critical Control Point (HACCP) methods. The time is right for Congress to address this unjust policy that discriminates against thousands of small business owners.

Lugar (R–IN) amendment and the Roberts (R–KS)/Robb (D–VA) amendment would require thorough evaluation of international trade sanction. International trade sanctions are stifling to beef export sales and the entire U.S. economy. While sanctions are sometimes necessary, these measures should undergo thorough scrutiny to ensure they are meeting their intended goals.

The nation's cattle industry opposes the following proposed amendments to S. 2159:

Daschle (D–SD) amendment dealing with mandatory live cattle price reporting, packer concentration, and nonemergency haying and grazing on Conservation Reserve Program acreage. These amendments are not fair and equitable to beef producers and many of these provisions are counter to our producers' policy.

Bryan/Reid (D–NV) amendment would eliminate funding for the $90 million Market Access Program (MAP). MAP is crucial to maintaining, developing and expanding agricultural export markets. Eliminating this program would be a huge step back for American agriculture.

Brownback (R–KS) amendment would seriously restrict the Agriculture Census. Data provided by the Agriculture Census is crucial to farmers and ranchers who need the best information available to make timely, informed decisions.

Leahy (D–VT)/Santorum (R–PA) amendment would cap the amount of money available to the Wetlands Reserve Program and earmark this savings for the Farmland Protection Program.

Daschle (D–SD) loan rate amendment, Baucus (D–MT) loan rate amendment and the Conrad/Dorgan (D–ND) indemnity payment amendment changes farm bill policies. The National Cattlemen's Beef Association strongly opposes any amendment that would significantly change ''Freedom to Farm'' policy.

Bennett (R–UT) amendment would prohibit the Commodities Futures Trading Commission's (CFTC) ability to regulate over-the-counter trades and derivatives. CFTC's ability to ensure open and accurate price discovery is paramount to beef producers.

On behalf of over one million beef producers from across the country, we appreciate your consideration of these issues that are crucial to America's cattle industry. If you have questions or you would like to discuss any of these issues further, please contact our office at (202) 347–0228.

Sincerely,

G. CHANDLER KEYS, III,
Vice President, Public Policy.

Mr. COCHRAN. Mr. President, the American Meat Institute points out in a letter to me that this amendment is not a good idea in a free economy, and you don't need a pilot program to learn that. It does not add information so much as it burdens industry and compromises legitimate business interests.

In the Department of Agriculture, there is opposition to the amendment. They say that it reports already 75 percent or more of the 40 to 50 percent of boxed beef sales that comply with the reporting criteria. The Department estimates that more than two-thirds of the live negotiated cattle sales are reported.

I might conclude by pointing out that no other segment of agriculture has to undergo mandatory reporting of all private business transactions. This

pilot program will only add more burden on the industry and it compromises legitimate business interests.

I suggest that the amendment should be defeated.

Several Senators addressed the Chair.

Mr. COCHRAN. It is my intention to move to table, but I will withhold the motion to table the Kerrey amendment and to ask for the yeas and nays.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, just so there is no mistake in here, the administration, the Department of Agriculture, strongly supports this amendment.

Again, let me remind my colleagues that this is a pilot project. It is an opportunity to see whether it works. We want to see the opportunity for price transparency. Let us know what the market price produces. Let's see what the prices are going to be to give and take between processors and producers. That is what this study is all about.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mrs. BOXER. The Senate is not in order, Mr. President.

Mr. LOTT. Mr. President, if the manager will withhold for a minute, this will be the last vote of the night. We hope to take up the Grassley amendment the first thing in the morning, with the first vote hopefully occurring at 10:30, although that has not been worked out. This will be the last vote of the night.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that a copy of the letter from the American Meat Institute, the letter that I referred to, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEAT INSTITUTE,
Washington, DC, June 18, 1998.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR THAD COCHRAN: Some Members who are concerned about USDA-reported market prices for meat may offer an amendment to the pending Agriculture, Rural Development, Food and Drug Administration Appropriations Bill that would establish a pilot program on mandatory price reporting. AMI strongly opposes such a program. I respectfully request that you raise a point of order opposing any attempt to amend the bill with a pilot price-reporting program.

As I testified in the June 10 Senate Agriculture Committee hearing, voluntary reporting by industry currently captures a significant share of what is happening in today's market. On the boxed beef side; for instance, USDA estimates it reports 75 percent or more of all boxed beef sales that comply with the department's reporting criteria. A similar reporting situation exists on the live cattle side, where USDA estimates it captures and reports on more than two-thirds of all negotiated sales.

Mandatory reporting of all private business transactions between parties does not exist in any other segment of agriculture. It is not a good idea in a free economy, and you don't need a pilot program to learn that. It does not add information so much as it burdens industry and compromises legitimate business interests. As you know, USDA reporting criteria are designed to enhance the reporting of information that is meaningful to the market.

Sincerely,

J. PATRICK BOYLE,
President, CEO.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, while it is true that the packers and many of the processing industry do not like the idea of having to disclose prices and bidding, you would be hard-pressed to find a single rancher or cattle feeder in the United States of America who opposes this amendment. This is a pilot program. It will make the market work better. There are only three packers in America controlling approximately 80 percent of the market today. That is why this amendment is needed.

I say to colleagues who want the free market to work and like the marketplace, go talk to your feeders. Go talk to the people who are out there ranching right now. They want to know what the prices are in order to get full price discovery so that they are able to know whether or not they are getting the best price for their product. It is true that the packing industry and many processors do not like this requirement. But, as I said, again you would be hard-pressed to find a single feed lot operator or rancher in America who will not support this change in law.

Mr. COCHRAN. Mr. President, the first letter that I read an excerpt from was from the American Cattlemen's Association. They represent all the beef cattlemen, many of them, throughout the country.

Mr. KERREY. Mr. President, that letter comes on behalf of people who are in the packing industry. I just tell colleagues that if you have ranchers or feed lot operators in your State, they support the change. There is a division in this particular association that comes as a consequence of packers being a part of this association. I don't object to the packers at all. I believe this change will enable them to be profitable. It doesn't shut them down at all. It merely says they have no surprise when they bid on the cattle in the marketplace.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield to the distinguished Senator from Idaho.

Mr. GRAMM. Mr. President, could we have order. This is a very important issue for people.

The PRESIDING OFFICER. We will have order in the body.

The Senator from Idaho.

Mr. CRAIG. Mr. President, the National Cattlemen's Beef Association does not represent the feeders. It represents the rank and file rancher, large and small, across our Nation. This letter says they oppose the amendment. It is very clearly, very clearly stated.

We developed a futures market not only to look at current but future prices. Most of the livestock industry today effectively operates off of that and the market trends.

Would I like to see more transparency? We all would like to see it. Does a government system and new government regulations dictating it cause it? The marketplace causes it. But this is a pilot program. Like it or not, it is new regulations in the process.

As a former rancher, as a former cattle feeder, I will tell you this is a new set of Government regulations that may resolve the question for a very small number of operators. But for the industry itself—large, small, packer, feeder, producer, cow-calf operator—this is not for what they are asking. I don't believe it is the effective way to do it. I hope you would support a motion to table.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I was going to move to table, but I understand the Senator from Montana wishes to speak.

Mr. BURNS. Mr. President, I just want to make one point. You have three packers that are handling 85 percent of the national cattle that are killed today. And they don't want to report the prices so that the people who produce calves and replacement cattle and feed cattle in the feed lots, the individual producers, or a small packer, can compete with them. It doesn't make sense. We have always reported those prices. And now, with a lot of packer-owned cattle moving in there, we get no information at all.

Let's look at this pilot program. Let's work with the postmarketing surveillance. We can come up with some way to report these prices so that we know what these cattle are worth all the way back to the ranch.

I urge the adoption of the amendment.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I want to say amen to the Senator from Montana.

Mr. COCHRAN. Mr. President, I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded. 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 Mississippi to lay on the table the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico (Mr. BINGAMAN)

and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—49

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Graham	Nickles
Bond	Gramm	Roberts
Breaux	Gregg	Roth
Brownback	Hatch	Sessions
Campbell	Helms	Shelby
Chafee	Hutchinson	Smith (NH)
Coats	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Coverdell	Kempthorne	Thompson
Craig	Kyl	Thurmond
D'Amato	Lott	Warner
DeWine	Lugar	
Domenici	Mack	

NAYS—49

Akaka	Ford	Mikulski
Baucus	Grams	Moseley-Braun
Biden	Grassley	Moynihan
Boxer	Hagel	Murray
Bryan	Harkin	Reed
Bumpers	Hollings	Reid
Burns	Inouye	Robb
Byrd	Johnson	Rockefeller
Cleland	Kennedy	Santorum
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Stevens
Dodd	Kohl	Thomas
Dorgan	Landrieu	Torricelli
Durbin	Lautenberg	Wellstone
Enzi	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—2

Bingaman	Glenn

The motion to lay on the table the amendment (No. 3161) was rejected.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. KERREY. I move to table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3161) was agreed to.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the remaining amendments that we have identified to complete action on tonight were the Johnson amendment regarding meat labeling and the Graham amendment regarding disaster assistance. We are prepared to recommend that the Senate accept those amendments, along with other amendments that have been cleared by the two managers. I am prepared to ask unanimous consent that we accept those amendments en bloc, those that we have identified, and include statements in the RECORD describing the amendments.

Mr. President, Senator GRAHAM is here. We could do his amendment first. We are prepared to accept it, and then the other list of amendments we will do en bloc if there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 3162

(Purpose: To appropriate funds for certain programs to provide assistance to agricultural producers for losses resulting from drought or fire)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. MACK, proposes an amendment numbered 3162.

Mr. COCHRAN. 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, after line 21, add the following:

DISASTER ASSISTANCE

For necessary expenses to provide assistance to agricultural producers in a county with respect to which a disaster or emergency was declared by the President or the Secretary of Agriculture by July 15, 1998, as a result of drought and fire, through—

(1) the forestry incentives program established under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.), $9,000,000;

(2) a livestock indemnity program carried out in accordance with part 1439 of title 7, Code of Federal Regulations, $300,000;

(3) the emergency conservation program authorized under sections 401, 402, and 404 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202, 2204), $2,000,000; and

(4) the disaster reserve assistance program established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), $10,000,000; to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount of funds necessary to carry out this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, members of the Senate, today I join my colleague, Senator MACK, in offering an amendment to the Agriculture Appropriations bill that will provide much needed relief to agriculture in the State of Florida in the wake of the extreme drought and severe wildfires that have plagued our State in the last two months.

The fire crisis is the latest example of our State's meteorological reversal of fortune in 1998. Florida's hot summer temperatures are typically accompanied by afternoon thunderstorms and tropical weather. This year's heat and drought, and the lush undergrowth and foliage that sprung up in the wake of Florida's unusually wet winter, combine to fuel the fires that have put the State under a cloud of smoke and chased nearly 112,000 residents from their homes, 2,000 of them into emergency shelters.

These fires have had severe consequences. More than 220 homes, businesses, or buildings have been destroyed or heavily damaged. Nearly 100 individuals, mostly brave firefighters battling the blazes, have been injured. A 140-mile stretch of Interstate 95 was closed for several days. 458,000 acres of land have burned.

Florida has sustained almost $300 million in damage. In a step never before taken in Florida's long history with violent weath, every one of the 45,000 residents of Flagler County—a coastal area between Jacksonville and Daytona Beach—had to be evacuated from their homes over the Independence Day weekend.

On June 19, 1998, President Clinton declared all 67 Florida counties as a major disaster area and made them eligible for immediate federal financial assistance. In the weeks that followed that declaration, FEMA officials skillfully coordinated relief efforts and worked hard to channel additional aid to the hardest hit areas.

Both the fires and their original cause, the extreme drought throughout the state, have contributed to a drastic impact on Florida agriculture, particularly in the North and West areas of the State. 600,000 acres of summer crops were destroyed or severely damaged by the drought conditions. Hardest hit has been corn which has suffered a 100 percent low on about 80,000 acres and 50 percent yield loss on another 20,000 acres. Value of the lost corn crops as of June 22, 1998, was identified to be $20 million. Cotton, peanuts, soybeans, and watermelons have suffered 25 to 30 percent losses.

At the end of June, virtually none of the $60 million hay crop was harvested, causing the potential for a major shortage of winter feed even when the drought subsides.

In the Panhandle area, many of the 7,000 farmers are facing their third straight year of destructive weather conditions after tropical storms and hurricanes in 1996 and 1997. In this region alone, farmers have invested more than $100 million in borrowed money to plant this year's crop, only to find themselves with no prospect of harvest at this time.

In response to this dire situation, on July 9, 1998, Secretary Glickman declared the state of Florida to be an Agriculture Disaster area, making agriculture in Florida eligible for federal financial assistance.

This declaration makes Florida agriculture eligible for several Department of Agriculture programs including:

(1) the Emergency Loan Program which provides assistance to family farmers, ranchers, and aquaculture operators with loans to cover losses resulting from natural disasters.

(2) the Non-Insured Crop Disaster Assistance Program (NAP) which provides assistance to eligible owners of non-insured crops when a natural disaster causes a catastrophic loss of production; and

(3) the Emergency Conservation Program which provides assistance to farmers fro the purpose of performing emergency conservation measures to control wind erosion, to rehabilitate farmlands damaged by natural disasters, and to carry out emergency water conservation measures.

These programs will provide vital assistance to the Florida agriculture community. However, there are some needs of Florida in the wake of this disaster that are not addressed by existing programs.

First, in the area of forestry, we currently have almost 500,000 acres that were completely destroyed. To provide assistance for reforestation in this type of situation, the Department of Agriculture has created the Forestry Incentive Program which authorizes USDA to share up to 65% of the costs of tree planting, timber stand improvements, and related practices on nonindustrial private forest lands. In the state of Florida, there are over 7 million acres in this ownership class equal to 49% of our state's timberland. To support this need, Senator MACK and I have proposed an emergency appropriation of $9 million to be expended over the next 3 years to spur the rebirth of the Florida forests.

Second, in the area of livestock, the state of Florida is suffering in two ways. We have had a small number of livestock deaths and are experiencing a widespread food shortage due to drought and fire. To compensate livestock owners for livestock deaths attributable to the natural disaster, my colleague and I are requesting an emergency appropriation of $300,000 for the Livestock Indemnity Program. Many of you are familiar with this program as it has provided support for livestock casualties in many of your states. This program will provide benefits in the state of Florida to beef and dairy cattle, swine, goats, poultry, equine animals used for the production of food, and ostrich.

The need for livestock feed is a long-term issue that is affecting 32 counties with approximately 1,073,000 head of cattle, with severe problems with approximately 750,000 head. In the state of Florida, the majority of dairy and beef producers grow their own hay on individual farms for future use as cattle feed. The majority of these hays are seasonal, with a growing season spanning approximately 7 to 8 months. During the 2–3 months of severe flooding followed by severe drought and subsequent fire, approximately 1.5 million acres of pastureland has been completely destroyed, leaving approximately 1.1 million cattle with the threat of malnutrition leading to decreased dairy production and substandard beef production. Extension specialists estimate a need for 30 million pounds of roughage a day for Florida cows with only 15 million pounds per day available from current pasture production even with welcomed rains on part of the state. These producers desperately need assistance in order to provide adequate feed grain for their livestock.

The state of Florida is fortunate to have received approximately 170 truckloads of feed that have been donated from Oregon, Kentucky, Illinois, Virginia, Delaware and Maryland, although only 82 tons have been delivered to producers from South Carolina, Tennessee, and North Carolina due to lack of transportation. While this feed would provide a starting point for renourishment of livestock, there are no funds available to transport it.

To combat this situation, Senator MACK and I are introducing in this amendment a request for $10,000,000 for the Disaster Relief Assistance Program to be used in support of a livestock feed program providing reimbursement for feed purchase or transport for over 1.1 million head of cattle. Prior to 1996, the Emergency Feed Assistance Program was the primary user of the DRAP, providing 25,716,113 bushels between 1984 and 1996. This program was suspended by the 1996 Farm Bill.

Finally, we are requesting an additional $2,000,000 for the Emergency Conservation Program (ECP) in support specifically of conservation. For example, in the state, there are currently approximately 390 miles of destroyed fences in just 3 counties from fires resulting in potentially 12,000 cows roaming outside of home pasturelands.

Mr. President, and fellow members of Congress: I ask that you give full consideration to this amendment and the dire needs of agriculture in the state of Florida as we seek to recover from the devastating effects of this year's drought and fire.

Mr. President, unfortunately, the Nation and the world are aware of the very severe circumstances through which Florida has recently suffered and continues, fortunately in a less degree, to suffer, as a result of drought and severe wildfires. The purpose of this amendment is to restore various accounts within the U.S. Department of Agriculture that are intended to provide disaster assistance and makes that assistance available to those areas which have been designated, as of July 15, 1998, to be agricultural disaster areas.

I urge the adoption of this amendment on behalf of myself and my colleague, Senator MACK.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Department of Agriculture advises us that they cannot at this time verify whether available disaster money has been depleted. I understand this has been a devastating disaster for Florida and that other areas of the country have also been affected by various disasters. We will work with the administration and the House conferees to address the needs of the areas affected by these recent disasters and to determine whether these needs are being met through available funds.

It is my hope that the Department of Agriculture and the Office of Management and Budget are assessing the need for additional funding to meet the needs resulting from these most recent disasters and that the President will soon submit to the Congress requests for supplemental funds which are determined to be required.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3162) was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENTS NOS. 3163 THROUGH 3170, EN BLOC

Mr. COCHRAN. Mr. President, the Senator from Arkansas and I have reviewed a number of amendments and have agreed to recommend the Senate accept them. I now ask unanimous consent the following amendments be considered en bloc, agreed to en bloc, the motions to reconsider be laid upon the table: An amendment of the Senator from Georgia, Mr. COVERDELL, on food safety research and E. coli; Senators DEWINE and HUTCHISON, a sense of the Senate on inhalants; Senators HARKIN and GRASSLEY on APHIS biocontainment facilities; Senator COCHRAN, a technical correction on conservation operations; Senators KEMPTHORNE and BAUCUS and others, secondary agriculture education, with a Kempthorne statement for the RECORD; an amendment for Senator BRYAN dealing with the Market Access Program report; another amendment in behalf of Senator GRAHAM of Florida and Senator MACK on the Mediterranean fruit fly; an amendment for Senator JOHNSON on meat labeling.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments Nos. 3163 through 3170, en bloc.

The PRESIDING OFFICER. Without objection, the amendments (Nos. 3163 through 3170), en bloc, are agreed to.

The amendments (Nos. 3163 through 3170) agreed to en bloc are as follows:

AMENDMENT NO. 3163

(Purpose: To earmark funding for the food safety competitive research program for research on E.coli: 0157H7)

On page 14, line 17 before the period, insert the following:

"; *Provided*, That of the $2,000,000 made available for a food safety competitive research program at least $550,000 shall be available for research on E.coli:0157H7.

AMENDMENT NO. 3164

(Purpose: To require the Commissioner of Food and Drugs to conduct assessments and take other actions relating to the transition from use of chlorofluorocarbons in metered-dose inhalers, and for other purposes)

At the appropriate place in title VII, insert the following:

SEC. ___. METERED-DOSE INHALERS.

(a) FINDINGS.—Congress finds that—

(1) the Montreal Protocol on Substances That Deplete the Ozone Layer (referred to in this section as the ''Montreal Protocol'') requires the phaseout of products containing ozone-depleting substances, including chloroflourocarbons;

(2) the primary remaining legal use in the United States of newly produced chloroflourocarbons is in metered-dose inhalers;

(3) treatment with metered-dose inhalers is the preferred treatment for many patients with asthma and chronic obstructive pulmonary disease;

(4) the incidence of asthma and chronic obstructive pulmonary disease is increasing in children and is most prevalent among low-income persons in the United States;

(5) the Parties to the Montreal Protocol have called for development of national transition strategies to non-chloroflourocarbon metered-dose inhalers;

(6) the Commissioner of Food and Drugs published an advance notice of proposed rulemaking that suggested a tentative framework for how to phase out the use of metered-dose inhalers that contain chloroflourocarbons in the Federal Register on March 6, 1997, 62 Fed. Reg. 10242 (referred to in this section as the ''proposal''); and

(7) the medical and patient communities, while calling for a formal transition strategy issued by the Food and Drug Administration by rulemaking, have expressed serious concerns that the proposal, if implemented without change, could potentially place some patients at risk by causing the removal of metered-dose inhalers containing chloroflourocarbons from the market before adequate non-chlorofluorocarbon replacements are available.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Food and Drug Administration should, in consultation with the Environmental Protection Agency, assess the risks and benefits to the environment and to patient health of the proposal and any alternatives;

(2) in conducting such assessments, the Food and Drug Administration should consult with patients, physicians, other health care providers, manufacturers of metered-dose inhalers, and other interested parties;

(3) using the results of these assessments and the information contained in the comments FDA has received on the proposal the Food and Drug Administration should promptly issue a rule ensuring that a range of non-chloroflourocarbon metered-dose inhaler alternatives is available for users, comparable to existing treatments in terms of safety, efficacy, and other appropriate parameters necessary to meet patient needs, which rule should not be based on a therapeutic class phaseout approach; and

(4) the Food and Drug Administration should issue a proposed rule described in paragraph (3) not later than May 1, 1999.

AMENDMENT NO. 3165

(Purpose: To provide for the construction of a Federal animal biosafety level-3 containment center)

On page 20, line 7, strike ''expended'' and insert: ''expended: *Provided*, That the Animal and Plant Health Inspection Service shall enter into a cooperative agreement for construction of a Federal large animal biosafety level-3 containment facility in Iowa''.

AMENDMENT NO. 3166

(Purpose: To provide additional funding for conservation operations)

On page 31, line 4, strike ''$638,231,000'' and insert in lieu thereof ''$638,664,000''.

AMENDMENT NO. 3167

(Purpose: To provide funding for a secondary agriculture education program, as authorized by the Federal Agriculture Improvement and Reform Act of 1996)

On page 14, line 5, after the semicolon, insert ''$1,000,000 for a secondary agriculture education program (7 U.S.C. 3152(h);''.

On page 14, line 17, strike ''$436,082,000'' and insert ''$437,082,000.''

On page 35, line 7, strike ''$703,601,000'' and insert ''$702,601,000.''

Mr. KEMPTHORNE. Mr. President, many of my colleagues have come to this floor today to talk about the state of American agriculture. Simply put, we are in a state of emergency.

Whether it be low commodity prices, lack of export markets or too many government restrictions, farmers are facing catastrophes from every angle. If we are truly going to take steps to fix this problem, and not just use short-term fixes, we must to examine and correct the alarming rate at which children are leaving the family farm in pursuit of other occupations.

Wilder, Idaho, is a small town in Idaho known for its fertile soil and exceptional growing conditions. Wilder is also the hometown of Idaho's distinguished governor, Phil Batt. In fact, Phil still lists his occupation as a farmer and can still be seen driving his pickup around the farm periodically. Wilder is also the home of the Churches—Tom and his son Mike. When Mike Church turned 18, he left for one of the most prestigious agriculture universities in the nation, Texas A&M, with the intention of getting his degree in agriculture economics and eventually returning to the land that his family has farmed for generations. Something happened to Mike while at A&M, he decided that he could not follow in his father's footsteps as a farmer. While studying agriculture balance sheets, Mike realized it was becoming more and more difficult for farmers across the country to break even, much less make a profit on their family farm.

It's not that Mike didn't want to farm, the fact is he had worked on the farm since he was a young boy. Mike felt that the future was bleak in farming and had witnessed the struggles that Idaho farmers faced every day on the family farm. It was based on these realizations that Mike decided there was more of a future in speculating the paper commodities as a stockbroker than growing the actual commodities as a farmer. Twenty or thirty years ago it was understood that a son, or sometimes a daughter, would take over the family farm. This is no longer the case.

If we are going to save the American family farm, we must start with the children who live on it. We must inspire the young people in our rural communities, like Wilder, to continue in the field of agriculture. Agriculture is not just about judging the weather anymore; the science of agriculture has become the cutting edge as we continue to compete against farmers in countries around the globe.

This amendment provides much needed funding to an area that can and will inspire those young people to continue in farming. The Agriculture Education Competitive Grants Program would fund a competitive grants program for school-based agricultural education at the high school and junior college levels of instruction. The program was authorized in the 1996 Farm Bill. Competitive grants targeted to school-based agricultural education would be used to enhance curricula, increase teacher competencies, promote the incorporation of agriscience and agribusiness education into other subject matter, like science and mathematics, and facilitate joint initiatives between secondary schools, 2-year postsecondary schools, and 4-year universities.

Most importantly, the program would encourage young people to pursue higher education in the food and agricultural sciences—something in which this country is currently making a failing grade.

Mr. President, we must find a way to keep talented young people like Mike Church in the classroom and on the farm. The agriculture competitive grants program is the first step in that direction. This a bipartisan effort. Senator CRAIG, Senator BAUCUS, Senator JOHNSON, Senator DORGAN, Senator THOMAS, and Senator FAIRCLOTH have all lent their cosponsorship to this amendment. It is through this bipartisan spirit that we can begin to bring the next generation of farmers back to the farm I thank my colleagues for joining in supporting my amendment to fund the Agricultural Education Competitive Grants Program.

AMENDMENT NO. 3168

(Purpose: To require the Secretary of Agriculture to submit to Congress a report concerning the market access program)

On page 67, after line 23, add the following:

SEC. 7. REPORT ON MARKET ACCESS PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Comptroller General of the United States, shall submit to the committees of Congress specified in subsection (c) a report that, as determined by the Secretary—

(1)(A) analyzes the costs and benefits of programs carried out under that section in compliance with the cost-benefit analysis guidelines established by the Office of Management and Budget in Circular A–94, dated October 29, 1992; and

(B) in any macroeconomic studies, treats resources in the United States as if the resources were likely to be fully employed;

(2) considers all potential costs and benefits of the programs carried out under that section, specifically noting potential distortions in the economy that could lower national output of goods and services and employment;

(3) estimates the impact of programs carried out under that section on the agricultural sector and on consumers and other sectors of the economy in the United States;

(4) considers costs and benefits of operations relating to alternative uses of the budget for the programs under that section;

(5)(A) analyzes the relation between the priorities and spending levels of programs carried out under that section and the privately funded market promotion activities undertaken by participants in the programs; and

(B) evaluates the spending additionality for participants resulting from the program.

(6) conducts an analysis of the amount of export additionality for activities financed under programs carried out under that section in sponsored countries, controlling for relevant variables, including—

(A) information on the levels of private expenditures for promotion;

(B) government promotion by competitor nations;

(C) changes in foreign and domestic supply conditions;

(D) changes in exchange rates; and

(E) the effect of ongoing trade liberalization;

(7) provides an evaluation of the sustainability of promotional effort in sponsored results for recipients in the absence of government subsidies.

(b) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General of the United States submit an evaluation of the report to the committees specified in subsection (c).

(c) COMMITTEES OF CONGRESS.—The committees of Congress referred to in subsection (a) are—

(1) the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(2) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

AMENDMENT NO. 3169

(Purpose: To provide additional funding for fruit fly exclusion and detection, with an offset)

On page 19, line 10, before the period, insert the following: ": *Provided further*, That, of the amounts made available under this heading, not less than $22,970,000 shall be used for fruit fly exclusion and detection''.

On page 19, line 23, strike ''$95,000,000'' and insert ''$93,000,000''.

Mr. GRAHAM. Mr. President, this amendment will increase by $2 million the funds available to the Animal and Plant Health Inspection Service in their battle against the Mediterranean Fruit Fly, or medfly. I am, unfortunately, all too familiar with the devastation caused by these tiny pests, and I am particularly concerned this year, because Florida has experienced an unusual number of medfly infestations.

In the past, medflies have caused significant damage to Florida fruit and vegetable crops. This year's infestation is particularly troubling, because it has occurred in the heart of Florida's citrus and tomato growing country. In Lake County, over 1,300 medflies have been detected since the end of April. In Manatee County, over 550 medflies have been detected since the first find in mid-May. In fact, just last week, a medfly was discovered in Highlands County, and as of today, over 100 new flies have been detected in this area.

Unless fully eradicated, the medfly has the potential to cause hundreds of millions of dollars in damage to Florida fruit and vegetable crops. In addition, medfly infestation provides our trading partners with a convenient reason to deny the entry of Florida fresh fruits and vegetables into their country. Florida's growers have spent a considerable amount of time and money in their efforts to gain access to important markets, like Mexico. Each time medflies are discovered in Florida, growers are forced to take a giant step backwards in their markets access efforts.

The eradication efforts themselves, through ground or aerial spraying and the release of sterile medflies, are also expensive, costing the State of Florida and the federal government over $20 million last year.

The funds provided by this amendment will enhance APHIS's efforts to exclude and detect the medfly. Funds will be utilized to increase trapping and detection activities, particularly in urban areas and near ports-of-entry, where the introduction of this pest is most likely. Increasing funds for this program will also help to reassure our trading partners that the U.S. is committed to medfly control, and will deter them from restricting the entry of citrus products and other important agricultural exports.

In conclusion, I would like to make it very clear that this is only the first step in a more comprensive strategy to address this critical problem. Because medflies commonly enter the United States via larval-infested fruit carried through ports-of-entry by travelers or by commercial fruit smugglers, I have asked the Department of Agriculture to undertake an immediate review of their inspection procedures at Florida ports-of-entry, in order to evaluate the effectiveness of the inspection process. The Department of Agriculture has indicated that this review will be completed within the next three to four months. The results of the review will provide us with a roadmap for future actions, including the appropriate funding levels for a fully effective inspection program. I look forward to working closely with the Chairman and Ranking member to find a more permanent solution to this critical problem.

On page 67, after line 23 add the following:

TITLE VIII—MEAT LABELING

SEC. 801. DEFINITIONS.

Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

''(w) BEEF.—The term 'beef'' means meat produced from cattle (including veal).

''(x) LAMB.—The term 'lamb' means meat, other than mutton, produced from sheep.

''(y) BEEF BLENDED WITH IMPORTED MEAT.—The term 'beef blended with imported meat' means ground beef, or beef in another meat food product that contains United States beef and any imported meat.

''(z) LAMB BLENDED WITH IMPORTED MEAT.—The term 'lamb blended with imported meat' means ground meat, or lamb in another meat food product, that contains United States lamb and any imported meat.

''(aa) IMPORTED BEEF.—The term 'imported beef' means any beef, including any fresh muscle cuts, ground meat, trimmings, and beef in another meat food product, that is not United States beef, whether or not the beef is graded with a quality grade issued by the Secretary.

''(bb) IMPORTED LAMB.—The term 'imported lamb' means any lamb, including any fresh muscle cuts, ground meat, trimmings, and lamb in another meat food product, that is not United States lamb, whether or not the lamb is graded with a quality grade issued by the Secretary.

''(cc) UNITED STATES BEEF.—

''(1) IN GENERAL.—The term 'United States beef' means beef produced from cattle slaughtered in the United States.

''(2) EXCLUSIONS.—The term 'United States beef' does not include—

''(A) beef produced from cattle imported into the United States in sealed trucks for slaughter;

''(B) beef produced from imported carcasses;

''(C) imported beef trimmings; or

''(D) imported boxed beef.

''(dd) UNITED STATES LAMB.—

''(1) IN GENERAL.—The term 'United States lamb' means lamb, except mutton, produced from sheep slaughtered in the United States.

''(2) EXCLUSIONS.—The term 'United States lamb' does not include—

''(A) lamb produced from sheep imported into the United States in sealed trucks for slaughter;

''(B) lamb produced from an imported carcass;

''(C) imported lamb trimmings; or

''(D) imported boxed lamb.''.

SEC. 802. LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIREMENT.—

(1) IN GENERAL.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

''(13)(A) If it is imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb and is not accompanied by labeling that identifies it as imported beef or imported lamb.

''(B) If it is United States beef or United States lamb offered for retail sale, or offered and intended for export as fresh muscle cuts of beef or lamb, and is not accompanied by labeling that identifies it as United States beef or United States lamb.

''(C) If it is United States or imported ground beef or other processed beef or lamb product and is not accompanied by labeling that identifies it as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the percentage content of United States beef and imported beef United States lamb and imported lamb or contained in the product, as determined by the Secretary under section 7(g).''.

(2) CONFORMING AMENDMENT.—Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by adding at the end the following: ''All imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb shall be plainly and conspicuously marked, labeled, or otherwise identified as imported beef or imported lamb.''.

(b) GROUND OR PROCESSED BEEF AND LAMB.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

''(g) GROUND OR PROCESSED BEEF AND LAMB.—

''(1) VOLUNTARY LABELING.—Subject to paragraph (2), the Secretary shall provide by

regulation for the voluntary labeling or identification of ground beef or lamb, other processed beef or lamb products as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the percentage content of United States and imported beef or imported lamb contained in the product, as determined by the Secretary.

''(2) MANDATORY LABELING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 18 months after the date of enactment of this subsection, the Secretary shall provide by regulation for the mandatory labeling or identification of ground beef or lamb, other processed beef or lamb products as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the percentage content of United States and imported beef or imported lamb contained in the product, as determined by the Secretary.

''(B) APPLICATION.—Subparagraph (A) shall not apply to the extent the Secretary determines that the costs associated with labeling under subparagraph (A) would result in an unreasonable burden on producers, processors, retailers, or consumers.''.

(c) GROUND BEEF AND GROUND LAMB LABELING STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the effects of the mandatory use of imported, blended, or percentage content labeling on ground beef, ground lamb, and other processed beef or lamb products made from imported beef or imported lamb.

(2) COSTS AND RESPONSES.—The study shall be designed to evaluate the costs associated with and consumer response toward the mandatory use of labeling described in paragraph (1).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report the findings of the study conducted under paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 803. REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to carry out the amendments made by this title.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, as I am sure my distinguished colleague, the Chairman of the Subcommittee, is aware, the Food and Drug Administration Modernization Act (FDAMA) included a significant provision related to FDA's review and approval of indirect food additives. For the benefit of my colleagues, these are products that are used for containers, wrappings and packaging of food products.

To ensure the safety of indirect food additives, these materials that touch or contain food, the Food and Drug Administration (FDA) must receive safety data submitted by the manufacturer. Often, FDA's process of evaluating these data has been extremely lengthy and has worked to delay the market availability of new and improved products. As a result, many companies have chosen simply not to bring new products to market, thus depriving the public of improvements in products and technology.

In order to address this concern, a provision was included in FDAMA which requires the FDA to establish a new and expedited new product notification and review process that will substantially improve the situation for manufacturers of indirect food additives and thus the consumers of packaged food products. However, under section 309 of FDAMA, the provision will only become effective if the FDA receives an appropriation of $1.5 million for FY 1999. Subject to this new appropriation, FDA would be required to set the program in motion by April 1, 1999.

I am aware that the House mark does include funding for the indirect food additive pre-market notification program, but at a level of $500,000. While this certainly indicates the intention and willingness of the House to fund the program, unfortunately the amount is not sufficient to meet the specific requirements of FDAMA.

I am extremely mindful of the tight allocation under which S. 2159 was crafted, and I recognize that it was not an easy task to bring this bill forward today. I am very grateful for the Subcommittee's efforts under the leadership of Chairman COCHRAN. At the same time, I hope the Chairman will agree with me that funding of this important FDA reform is critically important and that the conferees will try to work this out so that the new program can be implemented next year.

Mr. COCHRAN: The Committee was mindful of this problem, and, in fact, included report language indicating its awareness of the need to implement the premarket notification provisions in order to spur innovation of new and improved food packaging materials. As you said, we are operating under a very tight allocation, but we will do our best to try to work this out.

Mr. COCHRAN. 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. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

The Senator from Mississippi.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. 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. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESS NEEDS TO ACT ON ENCRYPTION LEGISLATION

Mr. LOTT. Mr. President, I rise to commend the continuing efforts of America's computer industry to find a technical solution to the encryption issue. On Monday, July 13, a consortium of thirteen high-tech companies announced an alternative to the Administration's proposed key escrow/third party access system. As you will recall, many computer and security exports have stated that key escrow would be an invasion of privacy, technically unworkable, and cost prohibitive.

Unlike the key recovery system advocated by the Administration, industry's ''private doorbells'' approach would not require sensitive encryption keys to be escrowed with third parties in order for law enforcement to gain access to computer messages. Instead, the FBI and other federal, state, and local agencies would be able to combat crime by being provided with court approved, real-time access to communiques at the point where they are sent or at the point where the message is received. Clearly, high-tech executives have not been sitting on the sidelines as the encryption debate continues. As this announcement indicates, the computer industry is working hard to find a balanced solution that ensures the needs of our law enforcement and national security communities while maintaining privacy protections for all U.S. citizens. We owe it to them, and to all Americans, to find a balanced legislative solution to encryption.

Mr. LEAHY. Mr. President, I would also like to applaud the computer industry's efforts to find alternative technical solutions to help law enforcement with the challenge of encrypted data and communications without the need to establish a government-mandated key escrow or key recovery scheme. With the appropriate privacy safeguards in place, as outlined in the E-PRIVACY bill, S.2067, the solution that the companies are proposing appears encouraging. American companies are desperate for a common sense approach to our export policy on encryption. As you are well aware, the Administration, starting with Clipper Chip, has been wedded to key escrow schemes to ensure that the FBI can get access to plaintext, or unscrambled electronic data. This path has been pursued despite the serious questions that experts have raised about the costs, privacy risks and lack of consumer interest in such schemes. As

U.S. companies watch their market share for computer hardware and software products erode because of our country's outdated export controls on encryption, it is imperative that the Administration direct the FBI to consider creative alternatives to key escrow.

Mr. CRAIG. The recent announcement by several leading companies in the computer industry makes it clear that, in addressing both economic and law enforcement concerns, it is important to find a balance between the two. We must create legislation that addresses consumer demand for encrypted products while also meeting the needs of law enforcement—legislation that fosters a global marketplace dominated by U.S. encryption products. Those products, of course, will be a great benefit to our national security.

Mr. BURNS. Industry's plan to allow law enforcement access to the plaintext of some encrypted communications demonstrates that market solutions can truly address many areas of law enforcement's concerns with encryption. At the same time, we should not forget that there is a continuing need for legislative privacy protections governing how and when law enforcement should have access to encrypted data.

Mr. LEAHY. I agree, the announcement by the high-tech companies of alternative means of access to plaintext to encrypted data demonstrates industry's commitment to find solutions that accommodate law enforcement interests. It also reiterates the need for privacy protection legislation to ensure that law enforcement only gets such access with a proper court order. The E-PRIVACY bill, S. 2067, which I have sponsored with Senator ASHCROFT, and others, would provide that privacy protection.

Mr. BURNS. Yes, these recent developments continue to highlight the desperate need for a change in U.S. encryption policy. Last week the Administration announced it would make exceptions in encryption export policy allowing banks and certain financial institutions to export strong encryption, without vulnerable key recovery systems, to their subsidiaries in a select group of 40 countries. This is a welcome development for those companies that will qualify for this narrow exception but it does not provide the same protection of online privacy for everyday Americans.

Mr. LOTT. Americans want and need strong encryption to protect their most sensitive data and communications from unauthorized access. Yet the Administration continues to pursue an encryption policy that limits exports, requires key recovery backdoors for law enforcement, and ultimately stifles American innovation. Instead of keeping technology out of the hands of criminals, continuing export controls will only ensure that U.S. citizens have less protection than other computer users throughout the globe. The financial institutions announcement confirms what many in Congress have been saying for some time: users of electronic commerce will be best served by providing relief from current export control regulations. Allowing advanced encryption to be exported ensures that sensitive data is protected while helping American companies compete globally. Individual consumers, as well as multinational financial institutions, will not buy and will not use encryption systems when government mandated recovery keys for these products are provided to third parties. This system, as many experts have reported, creates a host of security risks, making our online communications vulnerable to attack by thieves, hackers and other criminals.

Mr. CRAIG. From an economic standpoint, foreign companies are winning an increasing number of contracts because consumers are unwilling to buy products that ensure third party access or require that keys be stored with government certified or operated facilities. This is particularly true since they can buy stronger encryption overseas from either foreign-owned companies or American owned companies on foreign soil. We must act quickly and prudently in addressing this problem.

Mr. ASHCROFT. Mr. President, for several years we have debated, argued and discussed the real economic impact of continuing to follow the Administration's wrong-headed policy on encryption. In addition to the Administration, several members of Congress on both sides of the aisle have refused to consider many of the facts of encryption technology and the importance of the technology sector to our robust economy. After all these years, we have an historical opportunity to debate encryption on the floor of the U.S. Senate.

Mr. CRAIG. I agree. With the rapid expansion of the ''super highway'' and Internet commerce, it is crucial we bring encryption legislation to the forefront. A secure, private and trusted national global information infrastructure is essential to promote citizens' privacy and economic growth.

Mr. LEAHY. Encryption technology is not only a critical tool for protecting the confidentiality of our online communications and the privacy of our stored electronic information, it is also the building block for digital signatures. The future of electronic commerce requires that parties conducting business online be able to trust the authenticity of the contracts they enter and that the parties with whom they are dealing are who they say they are. In fact, a number of States, including my own State of Vermont, are making progress on crafting the rules for digital signatures and online commercial transactions.

Mr. BURNS. Encryption is also an essential part of new ''digital signature'' techniques used to identify parties and authenticate transactions online. These techniques are widely viewed as an essential feature of electronic commerce. The use of digital signatures raises complex business and privacy issues, but these issues are completely separate from the questions raised by encryption used for confidentiality. There is a great deal of ongoing activity in the private sector and at the state level attempting to sort out these complex issues of business use and consumer protection. Federal digital signature legislation is clearly needed, but should be dealt with separately from encryption reform legislation.

Mr. ASCHROFT. As in everything regarding the topic of encryption, we face some decisions and difficulties. Some would like to weigh down the already contentious issue of encryption with other unrelated issues, such as digital signatures. Now, at first blush, many may believe that these two issues are fundamentally tied, or that one necessarily raises the other. However, this is not true. While digital signature products may use some sort of encryption, they are not encryption. The potential debate on federal level digital signature legislation is a worthy debate, the nuances of what potential legislation may look like are many, and the differences in arguments regarding digital signatures and encryption are great.

Mr. LEAHY. These are important issues that can and should be addressed separately from the immediate need for encryption legislation that protects privacy and confidentiality.

Mr. ASHCROFT. I have heard that some object to even allowing for encryption and digital signature legislation to reside in different pieces of legislation, even if both were brought to the floor. They express their concern that without the inclusion of digital signatures that public networks cannot be adequately secure. This argument gives me great pause, mainly because it demonstrates a fundamental misconception of a digital signature. A digital signature does not secure the network but rather secures the signature. Applying the same logic to the analog world would dictate that contracts could not be written until we could adequately solve for the potential of forgeries. Obviously, we have not taken this approach yet individuals enter into millions of contracts every year.

Mr. LEAHY. While digital signature legislation at the Federal level may help encourage the development of online commercial transaction rules, we must be careful not to stifle the development of efficient and inexpensive digital signature services by prematurely regulating —or granting Federal agencies unfettered authority to regulate—in this area. We must particularly avoid creating a federal system for digital signatures that will become the national i.d. card for cyberspace. The Administration in its ''Framework for Global Electronic Commerce'' got it right when it said that ''participants in the marketplace—including consumers, business,

financial institutions, and on-line service providers—should define and articulate most of the rules that will govern electronic commerce.''

Mr. ASHCROFT. All that said, encryption and digital signatures do not and should not be joined in the same legislation. The opportunity we have before us is to bring the encryption debate into the open and to pass legislation that adequately addresses the concerns of law enforcement, national security, privacy, and system security.

Mr. ABRAHAM. At the same time, we have the opportunity to affect real growth in digital signature technologies by addressing digital signature as a separate piece of legislation during this Congress. We should not allow differences in encryption policy to stifle innovation and improvements in this exciting technology. Digital signature is crucial to ensuring the continued dynamic growth of electronic commerce in this country. Many in Congress recognize this, industry recognizes this, and the Administration agrees.

Mr. CRAIG. In order to pass legislation in a timely manner it is important that it be in a clean bill with only the most essential language related to encryption; language that seeks to protect individual privacy, while at the same time addressing national security and law enforcement concerns.

Mr. SHELBY. Mr. President, I rise because I have concerns about efforts to ease or remove export restrictions on certain hardware and software encryption products. Export controls on encryption and on other products serve a clearly defined purpose—to protect our nation's security. The Intelligence Committee believes that the effects on U.S. national security must be the paramount concern when considering any proposed change to encryption export policy, and the Committee will seek referral of any legislation regarding encryption export policy under its jurisdiction established under Senate Resolution 400. With our on-going investigation into the possible technology transfers to China, the Vice Chairman and I are also concerned that any effort to change U.S. export policy on encryption be consistent with the export policy review included in our investigation.

Export restrictions on encryption products assist the Intelligence Community in its signals intelligence mission. By collecting and analyzing signals intelligence, U.S. intelligence agencies seek to understand the policies, intentions, and plans of foreign state and nonstate actors. Signals intelligence plays an important role in the formation of American foreign and defense policy. It is also a significant factor in the U.S. efforts to protect its citizens and armed forces against terrorism, the proliferation of weapons of mass destruction, narcotics trafficking, international crime and other threats to our nation's security.

While the Committee recognizes the commercial interest in easing or removing export restrictions, it believes the safety of our citizens and armed forces should be the predominant concern when considering U.S. policy towards the export of any product. The Committee supports the continued control of encryption products, and believes that a comprehensive strategy on encryption export policy can be developed that addresses national security concerns as well as the promotion of American commercial interests abroad.

I look forward to working with Senator LOTT and others as legislation moves through the Senate.

Mr. ASHCROFT. The bottom line to all of this is that we can move encryption legislation in this Congress, with the support of the majority leader. To hold up this progress works against national security, works against support of our law enforcement and erodes individual's privacy protections. We should all diligently work to craft an encryption bill that can come to the floor this session.

Mr. LOTT. I agree with my colleagues. While I strongly support the passage of legislation on both encryption and on digital signatures, I am convinced that the best approach during this session is to deal with these matters in separate bills. Let me say again, that in order to pass legislation on both of these issues during this Congress, we must recognize that there are significant differences between these important and complex policy issues. Digital signature and certificate authority have appeared in various proposals in association with encryption. However, these matters need to be considered separately because they raise different questions and complications.

A digital signature is a technical method for authenticating the identity of a sender or author.

As its name implies, it is a digital version of a person's written signature. Encryption is a means to ensure confidentiality. It is a set of algorithms used to scramble and unscramble text in order to keep unauthorized person's from reading your computer data and messages. It is a technology that protects medical, business, and individual files from invasion. Again, encryption for confidentiality, and digital signatures for authentication and related certificate authorities, are not the same issue. Dealing with encryption and digital signatures in one piece of legislation could lead to the demise of such a weighted bill. Consequently, I am prepared and committed to moving separate bills dealing with these issues during this session. I urge my colleagues to support this dual track approach as my colleagues have recommended. I share the belief that this is the best chance for legislation to be passed in both of these areas during the 105th Congress.

Congress needs to stop debating these issues and enact balanced legislation that will ensure the privacy rights of individuals while protecting America's public safety, economic, and national security interests.

Mr. BURNS. I commend the Majority Leader and Senators LEAHY, CRAIG, ASHCROFT, ABRAHAM, and SHELBY for their continuing hard work and vision on these difficult but critical issues. I hope we will be able to move forward legislatively on both encryption reform and digital signatures this session.

HAPPY BIRTHDAY, MAX FISHER

Mr. LOTT. Mr. President, I am always reluctant to add another national holiday to our calendar, but were we to do so, then July 15 would be a good bet. For today is Max Fisher's birthday.

In fact, it is his 90th birthday. But longevity, important as it is, is the least of his accomplishments.

Many of our colleagues, from both sides of the aisle, know Max very well. He has long been one of the most prominent and influential leaders in the American Jewish community.

He has advised every Republican President since Richard Nixon. He has advised every Israeli Prime Minister since Golda Meir. He was a critical force behind the airlift that helped save Israel in the darkest days of the 1973 Yom Kippur War.

The great work of his life has been building bridges between Israel and the United States. But that is only one of many reasons to honor him.

Max is one of our Nation's greatest philanthropists. He played a vital role in his home city of Detroit after the tragic riots of 1967 by promoting reconciliation and economic opportunity. He continues in that effort today.

No one will ever know how many people have benefited from his quiet generosity.

Max, of course, would prefer the term social responsibility. Whatever the words, the meaning is the same, and so is the inspiration. As the Book of Proverbs teaches, ''He who is gracious to the poor lends to the Lord.''

Ten years ago, when Max celebrated his eightieth birthday, accolades came in from around the world. President Reagan called him ''a legend.''

Today, ten years later, the legend continues to build. He still works quietly, behind the scenes.

It is no coincidence that his biography is entitled, ''The Quiet Diplomat.'' That book documents what all of his friends and admirers know so well: His dedication to the cause of peace, his energy in the cause of justice, his wisdom and effectiveness in working for a better world.

At some point, with a man like Max, we run out of accolades. He has heard them all—and probably been impressed by none of them.

His eye is always on the future: What remains to be done, what is still to be built, what has not yet been set right.

In that spirit, on behalf of the Senate of the United States, I want to wish

him yet another Happy Birthday, in the full realization that these ninety years have been as much a blessing to us and to the Nation as they have been to him and to his family.

To Max from America: Mazel tov, and God bless.

DESERT CHORALE

Mr. REID. Mr. President, I rise today to pay tribute to a Las Vegas institution. No, I am not referring to the ''Strip'' and the neon lights, but to a cultural organization that has provided Las Vegans many years of enjoyment, the Desert Chorale. I have had the pleasure of listening to their incredible range of talent for the past 16 years. This spectacular choir made up of volunteers has provided Nevada music lovers countless hours of enjoyment. While Las Vegas and Southern Nevada may be known for big head-liners like Siegfried and Roy, Liberace and Elvis, I can personally attest that thousands of Nevadans have flocked the Desert Chorale's concerts over the years. From the patriotic to the spiritually uplifting, the sheer beauty of the music they make touches and inspires their audiences.

Now, this great choir from the Silver State will be sharing their talent with a slice of the world audience. The Desert Chorale has been recognized for their musical achievements and have been invited to participate in the Boris Brott Music Festival in Canada. The festival is entering into it's twelfth year and their contributions to Canada's and the world's cultural scene has been highly praised. Not only does the choir have the honor of being invited to this festival, but they were also chosen as the first musical organization of its kind to represent the Western United States. I stand here on behalf of the great state of Nevada, as that state's senior senator, and the United States of America, to congratulate the Desert Chorale on taking part in this prestigious tradition. The Desert Chorale will be an excellent addition to the festival. I am confident from the previous performances I have attended, that they will do a superb job in representing the great heritage of both the state of Nevada and the United States of America.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 15, 1998, the federal debt stood at $5,530,848,048,686.17 (Five trillion, five hundred thirty billion, eight hundred forty-eight million, forty-eight thousand, six hundred eighty-six dollars and seventeen cents).

One year ago, July 15, 1997, the federal debt stood at $5,355,394,000,000 (Five trillion, three hundred fifty-five billion, three hundred ninety-four million).

Five years ago, July 15, 1993, the federal debt stood at $4,336,912,000,000 (Four trillion, three hundred thirty-six billion, nine hundred twelve million).

Ten years ago, July 15, 1988, the federal debt stood at $2,550,628,000,000 (Two trillion, five hundred fifty billion, six hundred twenty-eight million).

Fifteen years ago, July 15, 1983, the federal debt stood at $1,330,290,000,000 (One trillion, three hundred thirty billion, two hundred ninety million) which reflects a debt increase of more than $4 trillion—$4,200,558,048,686.17 (Four trillion, two hundred billion, five hundred fifty-eight million, forty-eight thousand, six hundred eighty-six dollars and seventeen cents) during the past 15 years.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 14, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that Speaker has signed the following enrolled bill:

S. 2282. An act to amend the Arms Export Control Act, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 6:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2379. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse.''

H.R. 2544. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 3223. An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building.''

H.R. 3453. An act to designate the Federal Building and Post Office located at 100 East B Street, Casper, Wyoming, as the ''Dick Cheney Federal Building.''

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders.

The message also announced that the House has the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 318. An act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

The message also announced the House agrees to the amendment of the Senate to the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forest through debt reduction with developing countries with tropical forests.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2379. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 2544. An act to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Commerce, Science, and Transportation.

H.R. 3223. An act to designate the Federal building located at 3000 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''; to the Committee on Environment and Public Works.

H.R. 3453. An act to designate the Federal Building and Post Office located at 100 East B Street, Casper, Wyoming, as the ''Dick Cheney Federal Building''; to the Committee on Environment and Public Works.

H.R. 4164. An act to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 14, 1998, he had presented to the President of the United States, the following enrolled bill:

S. 2282. An act to amend the Arms Export Control Act, and for other purposes.

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–506. A resolution adopted by the Council of the City of North Miami Beach, Florida relative to the renaming of the Everglades National Park; to the Committee on Energy and Natural Resources.

POM–507. A resolution adopted by the Council of the City of Ann Arbor, Michigan relative to global warming; to the Committee on Environment and Public Works.

POM–508. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 101

Whereas, the business meal deduction is one hundred percent legitimate business expense and should be a one hundred percent legitimate deduction; and

Whereas, two-thirds of business meal deduction users make less than sixty thousand dollars in income per year; and

Whereas, seventy percent of such business meal users typically use low to moderately priced restaurants for business lunches; and

Whereas, restoring the business meal deduction was the number two priority of the one thousand six hundred business delegates

at the last White House Conference on Small Business; and

Whereas, one-fifth of business meal users are self-employed people; and

Whereas, small business owners rely more heavily on the one-on-one relationship offered by a business meal, more so than large corporations with an advertising budget and marketing staff. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to restore the legitimate expense of the business meal to one hundred percent deductibility. Be it further

Resolved, That the Legislature of Louisiana strongly urges the governor of Louisiana and the governors and legislatures of other states to also communicate to the United States Congress that the business meal is a legitimate expense which must be restored to one hundred percent deductibility. Be it further

Resolved, That copies of this Resolution be transmitted to the presiding officers of the United States Senate and the House of Representatives and to each member of the United States Congress, and to the governors and appropriate officers of the legislatures of all of the states.

POM–509. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 123

Whereas, Arcadia, Louisiana, has been notified by the United States Postal Service that the Postal Service is considering the option of relocating the downtown post office in Arcadia; and

Whereas, the downtown post office in Arcadia has been serving the needs of residents for over sixty years; and

Whereas, in June of 1997, by unanimous vote of the Arcadia Town Council, the downtown district of Arcadia was declared an historic downtown district; and

Whereas, the downtown post office in Arcadia plays an important role in the downtown area and is needed for ongoing revitalization of that area; and

Whereas, there are other options available besides relocation of the downtown post office, including modernization of the existing downtown post office building and development of carrier substations; and

Whereas, such other options should be given close and serious consideration by Congress and the United States Postal Service in lieu of relocation of the downtown post office in Arcadia. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and United States Postal Service to take such actions as are necessary to have other options in lieu of relocation considered for the downtown post office in Arcadia, Louisiana. Be if further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, each member of the Louisiana congressional delegation, the Postmaster General of the United States, and to the mayor of Arcadia, Louisiana.

POM–510. A joint resolution adopted by Legislature of the State of California; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 51

Whereas, the 1998–99 Governor's budget includes $85 million, beginning with the 1998–99 fiscal year, that is predicated on the assumption that the United States Congress will act to establish a program under which the Internal Revenue Service and the United States Treasury Department may offset or withhold a federal tax refund to satisfy legally enforceable, past due state income tax obligations; and

Whereas, there are currently 31 states, including California, and the District of Columbia, that offset state income tax refunds to satisfy delinquent federal tax obligations under a cooperative arrangement between the state tax agency and the Internal Revenue Service; and

Whereas, California has been participating in the state offset arrangement since January 1991 and collected $27.5 million during the 1995–96 fiscal year and $28 million during the 1996–97 fiscal year and will collect $29 million during the 1997–98 fiscal year for the federal government; and

Whereas, permitting federal refunds to be offset for state income tax debts would further existing cooperative efforts between the Internal Revenue Service and state taxing agencies and would be an effective method of collecting delinquent debts owed to the states; and

Whereas, according to the Federation of Tax Administrators, a reciprocal tax program at the federal level would increase state receipts by an estimated $200 million annually in the early years of implementation. Of this amount, it is estimated that California would receive revenue in the range of $85 million annually; and

Whereas, a reciprocal program could also benefit federal receipts because it would likely lead the remaining 10 income tax states to participate in the program; and

Whereas, H.R. No. 1730, a measure authored by Congresswoman Nancy Johnson (D-Connecticut), is currently being considered by Congress; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a program to offset or withhold federal tax refunds to satisfy legally enforceable, past due state income tax obligations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Acting Commissioner of the Internal Revenue Service; and to the Secretary of the Treasury.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 2307. An original bill making appropriation for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–249).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

S. 2176. A bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act'') to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes (Rept. No. 105–250).

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 2312. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–251).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Jacob Joseph Lew, of New York, to be Director of the Office of Management and Budget.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SHELBY, from the Select Committee on Intelligence:

L. Britt Snider, of Virginia, to be Inspector General, Central Intelligence Agency.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 2307. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HOLLINGS, and Mr. INOUYE):

S. 2308. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 2309. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2310. A bill to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building''; to the Committee on Governmental Affairs.

By Mr. KOHL (for himself and Mr. SESSIONS):

S. 2311. A bill to amend section 201 of title 18, United States Code, to increase prosecutorial effectiveness and enhance public safety, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 2312. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. GREGG (for himself, Mr. BREAUX, Mr. THOMPSON, Mr. ROBB, Mr. THOMAS, and Mr. COATS):

S. 2313. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 2314. A bill to clarify that prosecutors and other public officials acting in the performance of their official duties may enter into cooperation agreements and make other commitments, assurances, and promises, as provided by law in consideration of truthful testimony; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. D'AMATO, and Mr. FORD):

S. 2315. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and titles XVIII and XIX of the Social Security Act to require that group and individual health insurance coverage and group health plans and managed care plans under the medicare and medicaid programs provide coverage for hospital lengths of stay as determined by the attending health care provider in consultation with the patient; to the Committee on Labor and Human Resources.

By Mr. MCCONNELL (for himself and Mr. DEWINE):

S. 2316. A bill to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. CHAFEE, Mr. JOHNSON, Mr. GRASSLEY, Mr. HARKIN, Mr. HOLLINGS, and Mr. INOUYE):

S. 2308. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program; to the Committee on Finance.

NURSING HOME PATIENT PROTECTION ACT

Mr. GRAHAM. Mr. President, I rise today, along with Senators CHAFEE, JOHNSON, GRASSLEY, HARKIN, HOLLINGS, and INOUYE to introduce the Nursing Home Patient Protection Act—legislation to protect our nation's seniors from indiscriminate patient dumping. This bill modifies the original legislation to include several simple changes to alleviate the concerns of the nursing home industry and senior citizen advocates. It is with their support that we encourage the Senate to take action on this important piece of legislation. I have also included the following letters of support from the American Home Care Association and the National Seniors Law Center.

A few months ago, it looked like 93-year old Adela Mongiovi might have to spend her 61st Mother's Day away from the assisted living facility that she has called home for the last four years.

At least that's what son Nelson and daughter-in-law Gina feared when officials at the Rehabilitation and Healthcare Center of Tampa told them that their Alzheimer's Disease-afflicted mother would have to be relocated so that the nursing home could complete ''renovations.''

As the Mongiovis told me when I met with them and visited their mother in Tampa last March, the real story far exceeded their worst fears. The supposedly temporary relocation was actually a permanent eviction of all 52 residents whose housing and care were paid for by the Medicaid program.

The nursing home chain which owns the Tampa facility and several others across the United States wanted to purge its nursing homes of Medicaid residents, ostensibly to take more private insurance payers and Medicare beneficiaries which pay more per resident.

This may have been a good financial decision in the short run, however, its effects on our nation's senior citizens, if practiced on a widespread basis, would be even more disastrous.

In an April 7, 1998 Wall Street Journal article, several nursing home executives argued that state governments and Congress are to blame for these evictions because they have set Medicaid reimbursement rates too low.

While Medicaid payments to nursing homes may need to be revised, playing Russian roulette with elderly patients' lives is hardly the way to send that message to Congress. And while I am willing to engage in a discussion as to the equity of nursing home reimbursement rates, I and my colleagues are not willing to allow nursing facilities to dump patients indiscriminately.

The fact that some nursing home companies are willing to sacrifice elderly Americans for the sake of their bottom-line is bad enough. What's even worse is their attempt to evade blame for Medicaid evictions.

The starkest evidence of this shirking of responsibility is found in the shell game many companies play to justify evictions. Current law allows nursing homes to discharge patients for inability to pay.

If a facility decreases its number of Medicaid beds, the state and federal governments are no longer allowed to pay the affected residents' bills. They can then be conveniently and unceremoniously dumped for—you guessed it—their inability to pay.

Evictions of nursing home residents have a devastating effect on the health and well-being of some of society's most vulnerable members.

A recent University of Southern California study indicated that those who are uprooted from their homes undergo a phenomenon known as ''transfer trauma.'' For these seniors, the consequences are stark. The death rate among these seniors is two to three times higher than that for individuals who receive continuous care.

Those of us who believe that our mothers, fathers, and grandparents are safe because Medicaid affects only low-income Americans, we need to think again.

A three-year stay in a nursing home can cost upwards of $125,000. As a result, nearly half of all nursing home residents who enter as privately-paying patients exhaust their personal savings and lose health insurance coverage during their stay. Medicaid becomes many retirees' last refuge of financial support.

On April 10, the Florida Medicaid Bureau responded to evidence of Medicaid dumping in Tampa by levying a steep, $260,000 fine against the Tampa nursing home. That was a strong and appropriate action, but it was only a partial solution. Medicaid funding is a shared responsibility of states and the federal government.

And while the most egregious incident occurred in Florida, Medicaid dumping is not just a Florida problem. While nursing homes were once locally-run and family-owned, they are increasingly administered by multi-state, multi-facility corporations that have the power to affect seniors across the United States.

Mr. President, let me also point out that the large majority of nursing homes in America treat their residents well and are responsible community citizens. Our bill is designed solely to prevent potential future abuses by bad actors.

And this new bill is better, simple and fair. It would prohibit current Medicaid beneficiaries or those who ''spend down'' to Medicaid from being evicted from their homes. And that is a crucial point, Mr. President.

Adela Mongiovi is not just a ''beneficiary.'' She is also a mother and grandmother. And to Adela Mongiovi, the Rehabilitation and Health Care Center of Tampa is not an ''assisted living facility.'' To Adela Mongiovi—this is home.

This is the place where she wants—and deserves—like all seniors—to live the rest of her life with the security of knowing that she will not be evicted. And through passage of this bill, Mr. President, we can provide that security to Adela Mongiovi and all of our nation's seniors.

Mr. President, I ask unanimous consent that letters in support of the legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, June 11, 1998.

Hon. BOB GRAHAM,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: I am writing to lend the support of the American Health Care Association to your legislation which helps to ensure a secure environment for residents of nursing facilities which withdraw from the Medicaid program. Understand you will be filing this legislation in the next few days.

We know firsthand that a nursing facility is one's home, and we strive to make sure residents are healthy and secure in their home. We strongly support the clarifications your bill will provide to both current and future nursing facility residents, and do not

believe residents should be discharged because of inadequacies in the Medicaid program.

This bill addresses a troubling symptom of what could be a much larger problem. The desire to end participation in the Medicaid program is a result of the unwillingness of some states to adequately fund the quality of care that residents expect and deserve. Thus, some providers may opt out of the program to maintain a higher level of quality than is possible when relying on inadequate Medicaid rates. Nursing home residents should not be the victims of the inadequacies of their state's Medicaid program.

In 1996, the Congress voted to retain all standards for nursing facilities. We support those standards. In 1997, Congress voted separately to eliminate requirements that states pay for those standards. These two issues are inextricably linked, and must be considered together. Importantly, your legislation mandates the Department of Health and Human Services study the link between payment and the ability to provide quality care. We welcome the opportunity to have this debate as Congress moves forward on this issue.

Again, we appreciate the chance to work with you to provide our residents with quality care in a home-like setting that is safe and secure. We also feel that it would be most effective when considered in the context of the relationship between payment and quality and access to care.

Finally, we greatly appreciate the inclusive manner in which this legislation was crafted, and strengthened. When the views of consumers, providers, and regulators are considered together, the result, as with your bill, is intelligent public policy.

Sincerely yours,

Dr. PAUL R. WILLGING,
Executive Vice President.

NATIONAL SENIOR CITIZENS,
LAW CENTER,
Washington, DC, June 26, 1998.

Senator BOB GRAHAM,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: Earlier this year, the Vencor Corporation began to implement a policy of withdrawing its nursing facilities from participation in the Medicaid program. The abrupt, involuntary transfer of large numbers of Medicaid residents followed. Although Vencor reversed its policy, in light of Congressional concern, state agency action, and adverse publicity, the situation highlighted an issue in need of a federal legislative solution—what happens to Medicaid residents when a nursing facility voluntarily ceases to participate in the federal payment program.

I have read the draft bill that your staff has written to address this issue. The bill protects residents who were admitted at a time when their facility participated in Medicaid by prohibiting the facility from involuntarily transferring them later when it decides to discontinue its participation. As you know, many people in nursing facilities begin their residency paying privately for their care and choose the facility because of promises that they can stay when they exhaust their private funds and become eligible for Medicaid. In essence, the bill requires the facility to honor the promises it made to these residents at admission. It continues to allow facilities to withdraw from the Medicaid program, but any withdrawal is prospective only.

This bill gives peace of mind to older people and their families by affirming that their Medicaid-participating facility cannot abandon them if it later chooses to end its participation in Medicaid.

The National Senior Citizens Law Center supports this legislation. We look forward to working with your staff on this legislation and on other bills to protect the rights and interests of nursing facility residents and other older people.

Sincerely,

TOBY S. EDELMAN.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 2309. A bill to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; to the Committee on Energy and Natural Resources.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1998

● Mr. SPECTER. Mr. President, today I introduce legislation to authorize the Interior Department to enter into an agreement with the nonprofit Gateway Visitor Center Corporation for the construction and operation of the Gateway Visitor Center in Independence National Historical Park in Philadelphia, Pennsylvania.

This legislation is needed because the Visitor Center will provide some services which are beyond the scope of existing National Park Service statutory authority at the Park. As a result, I am advised that construction may not begin until this bill is enacted. I have worked with the National Park Service and the Gateway Visitor Center Corporation to develop this bill and note that similar legislation has been introduced in the House of Representatives by Congressmen JON FOX and ROBERT BORSKI. The bill also has the strong support of Philadelphia Mayor Edward Rendell.

The Gateway Visitor Center is part of the revitalization of Independence Mall and is critical to creating an outstanding visitor experience. It will serve as the gateway into the Park and will orient visitors as to the rich history of the National Historical Park, the city of Philadelphia, and the region as a whole. I was pleased to assist in obtaining funds in the TEA–21 Act for the road and infrastructure improvements necessary for the redevelopment of the Independence Mall and would note that the Senate FY99 Interior Appropriations bill also includes funding for this project.

The legislation is necessary because, in addition to its role as the Park's primary visitor center, the Gateway Visitor Center will be permitted to charge fees, conduct events, and sell merchandise, tickets, and food to visitors to the Center. These activities will allow the Gateway Visitor Center to meet its park-wide, city-wide and regional missions while defraying the operating and management expenses of the Center.

The Gateway Visitor Center holds enormous potential for Independence National Historical Park and the greater Philadelphia region as a whole, and I urge my colleague to support this legislation.●

By Mr. MOYNIHAN (for himself, and Mr. D'AMATO):

S. 2310. A bill to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building''; to the Committee on Governmental Affairs.

JEROME ANTHONY AMBRO, JR. POST OFFICE BUILDING LEGISLATION

Mr. MOYNIHAN. Mr. President, I rise today with my friend and colleague, Senator D'AMATO, to introduce a bill to designate the East Northport, New York Post Office as the ''Jerome Anthony Ambro, Jr. Post Office Building.''

Jerry Ambro's life was one dedicated to serving the people of New York. A Brooklyn native, he was educated in the New York City public schools and was graduated from New York University. After a two-year stint in the United States Army, he began working for the Town of Huntington, New York. He went on to serve on the Suffolk County Board of Supervisors and was elected Town Supervisor of Huntington for four terms.

First elected to Congress in 1974, in the wake of President Nixon's resignation, Jerry Ambro was a leader among leaders. He served as the chairman of the 82-member New Members Caucus, a reform-minded group that instituted campaign finance reform and new procedures for selecting committee chairmen. The Caucus aided in deposing three committee and subcommittee chairmen.

As Chairman of the House Subcommittee on Natural Resources and the Environment, he fought to protect the environment. He prevented the Long Island Lighting Company from converting from oil to coal and he preserved wetlands in Massapequa. As Town Supervisor, he enacted one of the first municipal bans on DDT.

Following his years in Congress, he went on to serve ably as the Washington lobbyist for then-Governor Hugh L. Carey. He died in 1993 from complications from diabetes.

I am pleased to introduce this bill today to name a post office after such a distinguished New Yorker. Congressman GARY L. ACKERMAN has introduced a similar measure in the House. That it has the support of the entire New York delegation demonstrates how widely admired Jerry Ambro was. I urge the swift passage of this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2310

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

SECTION 1. DESIGNATION.

The United States Post Office located at 297 Larkfield Road in East Northport, New York, shall be known and designated as the ''Jerome Anthony Ambro, Jr. Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the

United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the ''Jerome Anthony Ambro, Jr. Post Office Building''.

Mr. D'AMATO. Mr. President, I rise to join my colleague, Senator MOYNIHAN, in introducing this bill that will designate that the U.S. Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building.''

The designation will be a tribute to the life and legacy of a strong and able local and federal representative and I am proud to be a co-sponsor of this bill. In doing so, we join the entire New York delegation in supporting this bill.

The designation will be a tribute to the life and legacy of a strong and able local and federal representative and I am proud to be a co-sponsor of this bill. In doing so, we join the entire New York delegation in supporting this bill.

Anthony Ambro was a full fledge New Yorker. He had his own ideas and his own means of accomplishing his goals—and those goals greatly assisted his constituency. He was a great man from a different political persuasion. But one thing is certain, he put people ahead of politics.

Born in Brooklyn, he attended New York University where he received his Bachelor's degree. He served in the United States Army, Military Police before he began his career in public service. He was budget officer, purchasing and personnel director for the Town of Huntington, served on Suffolk County Board of Supervisors and was elected to four terms as Supervisor of the Town of Huntington. In addition, he was president of the freeholders of the Town of Huntington and co-founder of the New York State Coalition of Suburban Towns.

To reward him for the tremendous accomplishments for the people of Suffolk County, he was elected to the House of Representatives beginning in 1975, for three terms. Beginning in 1981, he operated a consulting business bringing his own brand of humor and sagacity to bear on behalf of hundreds of New Yorkers as they struggled to make sense of Washington's labyrinth.

During his tenure he served as Chairman of the House Subcommittee on Natural Resources and the Environment, working on environmental issues, including the prohibiting the dumping of dredged material in Long Island Sound. As a local official, he supported housing projects for the elderly. He was a free-thinking man whose primary purpose was to represent the needs of his constituency and whose tenacity was driven by his beliefs.

I counted him as a friend and advisor who made many a lunch-time meal at the Monocle a pleasure as well as an education.

Anthony Ambro passed away in March, 1993 from diabetes complications. I am sure he is missed terribly by his wife Antoinette Salatto Ambro, and his children, step children and grandchildren. His qualities endeared him to the people of New York and I hope these sentiments will be reflected in the passage of this measure. I thank the senior Senator from New York and urge its enactment.

By Mr. KOHL (for himself and Mr. SESSIONS):

S. 2311. A bill to amend section 201 of title 18, United States Code, to increase prosecutorial effectiveness and enhance public safety, and for other purposes; to the Committee on the Judiciary.

EFFECTIVE PROSECUTION AND PUBLIC SAFETY ACT OF 1998

● Mr. KOHL. Mr. President, Senator SESSIONS and I today are introducing a bill that guarantees prosecutors can exercise their full power to keep criminals off our streets. The ''Effective Prosecution and Public Safety Act of 1998'' makes clear that prosecutors can offer plea bargains to accomplices in exchange for their testimony—a longstanding, accepted and necessary practice—without tainting a conviction resulting from such testimony. This measure puts to rest any concerns raised by an overwhelmingly disputed decision issued recently by a panel of three appellate court judges. And it makes it less likely that courts could overturn convictions of dangerous criminals like Oklahoma City bomber Timothy McVeigh.

Until a court decision two weeks ago, there was no doubt that prosecutors could build criminal cases by offering leniency to accomplices in exchange for their testimony at trial. But in U.S. versus Singleton, a Tenth Circuit panel held that a federal anti-bribery statute, which had been on the books for over 35 years, barred these kinds of leniency deals. This unprecedented decision has been criticized virtually unanimously. Subsequently, the full Tenth Circuit put the decision on hold, pending a full court rehearing scheduled for November.

There is little doubt that the Tenth Circuit's decision is just plain wrong. Nothing in the legislative history suggests that Congress ever intended to take away a prosecutor's ability to make deals for testimony. And it is no surprise that in 35 years no court ever found the anti-bribery statute to apply to this reasonable exercise of prosecutorial discretion. This decision is simply a case of Scalia-ism taken to the extreme, beyond the bounds of common sense and in the face of established practices. I cannot believe that even Justice Scalia, the high priest of literalism, would agree with this result.

As wrong as this decision is, it still cannot be taken lightly. Prosecutors make deals with cooperating witnesses all the time. So this decision puts tens of thousands of convictions in jeopardy. For an example, we need look no further than the conviction of Timothy McVeigh, which was based in large part on the testimony of Michael Fortier, who was allowed to plea to lesser charges in exchange for his testimony. And McVeigh's conviction is on appeal in the same Tenth Circuit—could that be the next conviction it will try to overturn?

In my view, the risks posed by this decision are too great to leave this issue to the courts—even though I am confident that in the end they would do the right thing. Indeed, until this issue works its way to the Supreme Court, the potential dangers are serious. Prosecutors may feel the need to hold back on cutting deals with potential witnesses, making it tougher to convict dangerous criminals. And criminals behind bars will have a better chance than ever at overturning their convictions. Already, jailhouse lawyers are probably foaming at the mouth anticipating making this argument in courts all over the nation.

Congress can act now to put this issue behind us, to guarantee that prosecutors are not hampered in their efforts to put criminals behind bars, and to make sure that is where criminals stay. This bill is simple and effective. It amends the anti-bribery statute to exempt deals for leniency made by prosecutors in exchange for testimony. And it applies to past as well as future deals, so that no criminal—including the Oklahoma City bomber—can try to use this awful decision as a ''get out of jail card'' at the expense of the safety of the American people.

Mr. President, let me make clear what this proposal does and what it does not do. All it does is reinforce what Congress always intended—to allow plea bargains in exchange for testimony. It does not permit prosecutors to ''buy'' testimony with cash payoffs. That is still illegal. It does not allow prosecutors to knowingly elicit false testimony. That is obstruction of justice. And it does not prevent a defense attorney from raising a deal at trial to try to cast doubt on the credibility of a witness. That is what cross-examination is all about.

Mr. President, prosecutors will be most effective and the public will be safest if we set the Record straight now and correct the Tenth Circuit's outrageous decision. I urge my colleagues to join me in support of this bill. And I offer for the RECORD the following two articles—an editorial from the Washington Post criticizing the decision and a piece from Legal Times explaining its impact and recent developments, and ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[The Washington Post, Wed., July 8, 1998]

JUDICIAL TROUBLE

Every now and then, a federal appeals court issues a ruling that is, at once, so wrongheaded and so sweeping that it results in a brief period of uncertainty in the legal world before being reversed. The decision last week by the U.S. Court of Appeals for

the 10th Circuit in the case of *U.S.* v. *Singleton* is one such bombshell. A unanimous three-judge panel threw out the drug conspiracy and money laundering conviction of a woman named Sonya Singleton, finding that the government had violated a criminal anti-gratuity statute by promising leniency to a witness in exchange for his testimony.

On its face, the decision seems faintly reasonable. There is, after all, a federal law that holds criminally liable anyone who, ''directly or indirectly, gives, offers or promises anything of value to any person, for or because of the testimony under oath or affirmation given . . . by such person as a witness.'' This law contains no explicit exception for the government, and leniency in sentencing is certainly of value to a person who is facing jail. Hence, the court held, the government violated the law by using bought testimony, and Ms. Singleton's conviction must be thrown out.

Logical, perhaps, but dead wrong. What the government actually promised the witness was, in fact, a standard plea agreement of a sort prosecutors rely on every day. Oklahoma City bomber Timothy McVeigh was convicted based, in substantial part, on testimony by Michael Fortier—who was allowed to plead guilty to lesser charges. Many, if not most, significant investigations rely on witnesses who are ''flipped'' by prosecutors in exchange for some sort of special treatment, almost all of which could be considered ''of value.''

This practice can be—self-evidently—corrupting. A witness who knows that his cooperation will get him a cut sentence has a strong incentive to say what prosecutors want to hear. But the traditional remedy is the cross examination of the witness by defense lawyers, and no court has previously deemed a run-of-the-mill plea agreement to be a felony by a prosecutor.

Though the law does not explicitly exempt the government, this appears to reflect only the fact that members of Congress never considered the possibility that they were criminalizing normal prosecutorial practice. In fact, Congress has adjusted the law in question without balking at the behavior of prosecutors. And the Supreme Court, in *Giglio* v. *U.S.*, held that when the government makes a deal with a witness, that a deal must be disclosed to the defense as exculpatory evidence—a holding that seems to concede that the deal-making itself is legitimate. The 10th Circuit's decision is at odds both with assumed prosecutorial practice and—by the judges' own admission—with the other judicial authorities in the books.

[From the Legal Times, Week of July 13, 1998]

FEDERAL COURT WATCH—APPEALS PANEL RETRACTS SNITCH RULING

(By Robert Schmidt)

It was a revolutionary federal appeals court decision—a unanimous ruling by three judges that the time-honored prosecutorial tactic of offering witnesses leniency in exchange for their testimony is illegal—and it sent prosecutors and defense lawyers into a frenzy.

The ruling's sweeping implications also apparently caught the very judges who issued it off guard.

In a highly unusual move late last week, the U.S. Court of Appeals for the 10th Circuit, acting on its own motion, vacated the July 1 opinion in *United States* v. *Singleton* so it could address the issue en banc.

The decision stunned defense lawyers across the nation, some of whom had already filed motions in other federal courts based on the precedent. The 10th Circuit's reversal, however, pleased prosecutors—especially officials at Main Justice, who have been scrambling to develop for U.S. attorneys' offices legal guidelines that take Singleton into account.

On July 9, Justice announced it was planning on asking the 10th Circuit to hear the case en banc, but it had not yet filed the motion when the court acted on its own.

''This does not seem like the kind of case where they would grant en banc sua sponte because they felt that [the decision] was right,'' says a Justice official working on the matters. ''This is a hopeful sign.''

John ''Val'' Wachtel, the Wichita, Kan., lawyer who initially triumphed before the three-judge panel, says he is disappointed but eager to argue before the entire court.

''We plan to write our brief and go out and argue and win this case,'' says Wachtel, a partner of Wichita's Klenda, Mitchell, Austerman & Zuercher. ''The decision of the panel is right.''

The court's unusual move followed a firestorm in federal courts across the six Western states that make up the 10th Circuit. Although the panel noted that its ruling would not ''drastically alter'' prosecutors' tactics, no one else seemed to agree.

Trial lawyers of all stripes predicted that if the opinion's holding stood, it would dramatically change the way prosecutors investigate and try many types of criminal cases, including major conspiracies involving drug trafficking, money laundering, and fraud.

And last week, those predictions were already coming true in the 10th Circuit.

According to press accounts and lawyers who practice in the circuit, ongoing federal criminal cases there were virtually paralyzed as lawyers and even judges tried to decide what to do.

Stephen Saltzburg, a former Justice official who now teaches at George Washington University Law School, says that this type of paralysis plus the widespread media attention likely prompted the 10th Circuit to issue its order late last week.

''They may not have paid careful attention to this when it was lurking,'' posits Saltzburg. ''Once they had the uproar, and focused on it, they realized that every criminal case that went to trial is now at risk.''

Indeed, the court did see that as a potential problem. In its July 10 order, signed by 11 of the 12 judges, the court asked attorneys for both sides to file briefs that ''address whether any opinion reversing the district court would have prospective or retrospective application.''

The Circuit ordered that the briefs be submitted in August and said it would hear oral argument in November.

While criminal law experts like Saltzburg almost all predict that the entire court will reverse Singleton, defense lawyers say they are confident the opinion will be affirmed.

The underlying case involved Sonya Singleton, who was convicted of one count of conspiracy to distribute cocaine and seven counts of money-laundering. The main evidence against Singleton was the testimony of Napoleon Douglas, a fellow alleged conspirator who cut a plea deal with the government.

Singleton's lawyer, Wachtel, argued that Douglas' testimony should be suppressed, claiming that 18 U.S.C. §201(c)(2)—the law governing bribery of public officials and witnesses—applies to prosecutors just as it applies to everyone else.

The section reads: ''Whoever . . . directly or indirectly, gives, offers or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing or other proceeding, before any court . . . shall be fined under this title, or imprisoned for not more than two years, or both.''

The panel did not suggest that prosecutors should go to jail or be fined for violating the law. But it did determine that the statute was broad enough to include federal prosecutors.

The court then noted that Douglas' plea agreement, which incorporated standard boilerplate language used by U.S. attorneys' offices nationwide, made three specific promises to Douglas in exchange for his testimony.

Those promises—not to prosecute him for any other crimes stemming from the investigation and to tell both the sentencing court and his parole board about the extent of his cooperation—constituted ''something of value,'' the court reasoned. Thus, they amounted to an illegal gratuity.

''The obvious purpose of the government's promised actions was to reduce his jail time,'' wrote U.S. Circuit Judge Paul Kelly Jr., ''and it is difficult to imagine anything more valuable than personal physical freedom.''

Despite the 10th Circuit's decision last week, local defense lawyers say they are eager to raise the issue in Washington's federal court.

''I guess, given the attention it received, [the 10th Circuit's action] is not all that surprising, but it is definitely disappointing,'' says L. Barrett Boss, an assistant federal public defender in Washington. ''The argument that is made, that testimony in exchange for leniency violated the bribery statute, is rock solid, so we're definitely going to be pursuing that issue at every opportunity.''●

By Mr. GREGG (for himself, Mr. BREAUX, Mr. THOMPSON, Mr. ROBB, Mr. THOMAS, and Mr. COATS):

S. 2313. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

TWENTY-FIRST CENTURY RETIREMENT ACT

● Mr. GREGG. Mr. President, today I introduce—I believe I can say without exaggeration—a landmark piece of legislation, the Twenty-First Century Retirement Act.

Joining me as principal co-sponsor of this legislation is Senator JOHN BREAUX, with whom I served as co-chair of the National Commission on Retirement Policy during the last year. Also this week, the same legislation will be introduced by our House colleagues, Congressmen JIM KOLBE and CHARLES STENHOLM.

With many pieces of legislation, naming the cosponsors upon introduction is merely a perfunctory exercise. With this one, it is significant. Also as original cosponsors of this legislation, we have Senators FRED THOMPSON, CHUCK ROBB, CRAIG THOMAS, and DAN COATS. Several cosponsors from both sides of the aisle are also joining on the House bill.

This in and of itself is almost an unprecedented accomplishment. This simply does not happen with Social Security, long considered the ''third rail'' of American politics. We are turning this

''third rail'' into a passenger train—a bipartisan, bicameral process for reform.

Two months ago, the National Commission on Retirement Policy voted 24–0 to approve the recommendations that this legislation would implement. Today we are introducing it with several cosponsors from both sides of the aisle. Given the difficulty that most experts see with restoring the Social Security system to balance, our proposal has set a modern record for the most support attracted to any proposal to place Social Security on sound long-term footing.

For several years, we have seen numerous Commissions divide among themselves, breaking into factions, issuing separate minority opinions instead of coming to agreement. We have seen various—many of them visionary and constructive—individual legislators introduce reform proposals that could attract little support beyond the original co-sponsors. But today we stand here with a proposal that has received endorsements that have not been given to other Social Security proposals in recent years.

What have we done that has enabled us to build such support?

The first thing we did was to take careful note of what Social Security has meant to Americans, and what they insist that it mean in the future. Social Security has long been the principal government program lifting senior citizens out of poverty. In addition to providing a basic level of protection against poverty, the program has also been sold to Americans as not a welfare program, but rather a program under which benefits paid will bear a reasonable relationship to the contributions that people have put in.

So we set about to ensure that this remained the case. We wanted to have a system that, in the end, would do an even better job of lifting Americans out of poverty—and would, at the same time, ensure that people received a fair deal for the investment that they made in the program.

Let me step back a bit, Mr. President, and review why action is necessary to achieve this purpose. This requires me to review the projections for Social Security under current law.

It is often said that Social Security faces an actuarial problem. It is said that the program is solvent only through the year 2032. That is true. But it does not begin to describe all of the problems with the program.

Even an actuarially sound Social Security program would face enormous financing problems under its current structure. It is a ''pay as you go'' system. Any surplus assets it holds are invested in the federal government—which then has to pay it back at some date in the future. So, even if the books were balanced—and they are trillions of dollars out of balance—the general taxpayer would still face the problem of paying off more than $4 trillion in Trust Fund assets. This would be needed above and beyond payroll taxes (!) in order to pay the benefits that have been promised to the baby boom generation of retirees.

So what would that mean? It would mean raising taxes on future generations of Americans. The payroll tax would ultimately have to go up by almost 50%! That is because the net cost of the system would ultimately top 18% of payroll, as opposed to today's 12.4% tax rate.

Raising the FICA tax today, immediately, by 2.2% of payroll, would not solve this problem. It would just mean that future taxpayers would have a larger Trust Fund to pay off later on, and that the 50% payroll tax increase would be borne indirectly, through general taxation.

But there would be another dire effect of such a change. Under current law, rates of return under Social Security are dropping. If you are a single male, the chances are very good that you will never get back the value of the contributions that you put in. The situation is comparably grim for single females—and for two-earner couples.

If we were to raise taxes to restore the system to solvency—or, for that matter, if we simply and mindlessly cut benefits—that situation would grow far worse. More and more Americans would be losing money through the program. Ultimately, its political support would be imperiled. The basic societal consensus in favor of Social Security—based on the premise that it treats everyone fairly—would be undermined.

So we must find another way to restore Social Security to health—and to enable it to provide the kind of retirement income that Americans have a right to expect from the program.

I believe that it is imperative that we begin to ''pre-fund'' the future liabilities of Social Security. A ''pay as you go'' system is not built for a demographic shift on the order of the baby boom generation. A ''pay as you go'' system assumes that there is always a demographic pyramid—that each generation coming through at the bottom is more numerous than the generation that they are supporting above them.

But with the baby boomers coming through in such great numbers—and having comparatively fewer kids—the pyramid looks more like a rectangle. And the individuals at the bottom will bear a crushing burden unless we reduce some of it by putting additional funding aside now.

Fortunately, we have an opportunity to do this. We have projections of near-term budget surpluses—and we already have short-term Social Security surpluses. We are collecting money that the government does not need to meet current operations, and we are collecting it through the Social Security system.

The very first thing we should do is to give this extra money directly back to taxpayers, allow them to own it once again, and to fund a portion of their future retirement benefits through those personally-owned retirement accounts.

Our legislation would do that. It would refund 2% of the current payroll tax back to individual Americans, to be used to directly finance some of their future Social Security benefits. We will move that portion of the benefit—and of future unfunded liabilities—off of the federal ledger.

We would set up these personal accounts on the model of the Thrift Savings Plan currently provided to federal employees. We do this because it is an obvious way to reduce administrative costs. We also do it to avoid new mandates on employers. Employers would continue to pay the payroll tax just as they do now, and individuals would decide in which fund they want 2% of the current 12.4% payroll tax to be invested.

The Thrift Savings Plan is a tested, workable way of generating investment wealth for beneficiaries. It strikes a reasonable balance between providing good investment opportunities and limiting individual risk. Perhaps most importantly, all Americans would have the opportunity to save for retirement on a payroll deduction basis—not just those who have pension plans, or who have gone through the trouble of setting up IRAs. This will do a tremendous amount to provide investment wealth to the millions of Americans who have not thus far had the opportunity to share in that wealth.

Our legislation would also permit individuals to make $2,000 in extra voluntary contributions—above the 2% automatically redirected for them—to these personal savings accounts. This means that we have created a vehicle through which net national savings should increase. The more that individuals contribute to their personal accounts—the more retirement income they will have—and the greater the chances that they will be able to retire early, just as is the case with other retirement saving.

This proposal is the most comprehensive one developed to date. It has been scored by the Social Security actuaries as achieving solvency through the next century. Perhaps even more importantly, it eliminates the enormous financing gap under current law. If we enact this legislation, we will remove the need for taxpayers to pony up hundreds of billions of dollars, above payroll taxes, in order to pay current benefits. Each year, the cash flow for the system will be smooth and manageable, and there will be a much closer balance between payroll tax revenue and the benefits that must be paid from it.

Moreover, we have compared the results of our plan with a plan that would simply balance the current system within the existing 12.4% tax rate. In general, beneficiaries will receive much more income from our plan than they would from a plan that simply balanced the old system without personal accounts.

We have also compared the benefits that our plan would provide to beneficiaries relative to current law, presuming that current benefits were made whole with tax increases. A 2.2% payroll tax hike to make the current system actuarially sound was compared with the income that individuals would receive if they made 2.2% voluntary contributions to our personal accounts. Virtually across the board, individuals would do much, much better under our plan.

These are among the reasons why a personal account system is so vital for Social Security reform. Not only will they remove some of the unfunded liabilities of the federal government, but they will provide greater income to individual beneficiaries.

We have also carefully thought through the relationship between personal account income and income through the traditional Social Security system. I would like to comment about some of what our legislation would accomplish in this regard.

Personal accounts, by their nature, are not progressive. There is a direct relationship between money put in and benefits received. It is not redistributed from wealthy beneficiaries to needier ones.

Accordingly, if we move towards a system that includes personal accounts, benefits on the traditional side must be made more progressive if we are ultimately to have a system that is just as progressive, as a whole, as is our current one. We have done this with our plan.

Our plan includes a new ''minimum benefit'' poverty protection that would strengthen the safety net for low-income beneficiaries. If an individual works for a full 40 years, we would guarantee that they will not retire in poverty. An individual becomes eligible for some of the protection after 20 years of work, and receives increased protection for every quarter of work after that.

Thus, for low-income beneficiaries, our plan would provide additional income security, even without the personal accounts. The personal account income would be a pure bonus for them. Even if they invest badly, their basic protections will be secure—not only secure, but strengthened.

In the short term, because of these protections, the Social Security system would become more progressive than it is now. Ultimately, when the personal accounts have built up to be much larger, in the year 2050 or 2060, the progressivity of the system would be essentially what is now—the main difference being that individuals would have much more income.

We also did much to correct the flawed incentives of the current system. We eliminate the earnings test above the normal retirement age—a disincentive for continued work.

We would also increase the delayed retirement credit, and restore the proper relationship between normal retirement and early retirement benefits. Under current law, an individual has little incentive to wait until normal retirement age, because the extra payroll taxes he pays during those years will never fully be received back in benefits. We would change this, so that for each year an individual works, benefits would increase more sharply, and work would be rewarded.

We also would credit an individual for every year of earnings in the benefit formula. Right now, the Social Security system only calculates a benefit based on the average of the highest 35 years of earnings. Many reform proposals would increase this number of years, effectively reducing benefits. Our proposal also recognizes the necessity of increasing the number of computation years in the denominator of this formula—but on the other hand, we would credit an individual in the numerator for every year of earnings, no matter how small.

I am certain that my colleagues have received letters from senior citizens who say, ''I am working part-time at the age of 64, but it is not among my highest years of lifetime earnings. I won't get any credit for this in my Social Security benefits. Why not?'' We believe that we should reward all work, and this proposal would. We even would have the minimum benefit guarantee also depend on the total number of years worked. If we enact this proposal, rewards for continued work would be greatly strengthened, and our country will benefit as a result.

At this point, I feel compelled to point out that there is no ''free lunch'' in Social Security reform. It is essential that we enact personal accounts, but we must enact them in the right way.

Our proposal would explicitly replace unfunded benefits with funded benefits. We move part of the current payroll tax into personal accounts, to fund future benefits. This only makes policy sense if we use such a change to reduce federal liabilities. If we set up personal accounts—but leave all of the old, traditional liabilities in place—we have not achieved anything. Indeed, we could make the financing problem worse.

So we gradually replace unfunded benefits with funded ones. Every responsible proposal to move towards pre-funded benefits will be vulnerable to the attack that it is ''cutting'' benefits, even though in sum, total benefits would be higher than under a ''traditional fix.'' It is imperative that Congress and the public not buy into such misrepresentations as we undertake Social Security reform. If we leave in place all of the unfunded liabilities, and all of the old unfunded benefit promises, then we will leave in place all of the projected tax increases as well.

For example. Our proposal would, in order to prevent the traditional system from posing an ever-increasing burden on taxpayers, gradually raise the age of eligibility for full benefits to 70 in the year 2037 (for individuals turning 62 in the year 2029.) No one over the age of 31 would be affected by the full phase-in of this change.

At the same time, it must be noted—we do not set an age for access to the personal retirement accounts. Our proposal would allow people to retire on these accounts once they are capable of providing a poverty-level annual benefit—even if this earlier than early retirement age. This is an incentive for individuals to put more money into these accounts, and it provides them with flexibility on their age of retirement that they do not have under current law.

We would also require additional reforms to the Consumer Price Index, and adjust the bend points in the Social Security benefit formula in a progressive manner, to gradually phase down the liabilities on the traditional side as we move those benefits over into funded accounts.

I would repeat: Personal accounts are an indispensable component of a Social Security reform program that delivers more retirement income than merely balancing an unreformed system can possibly provide. But they will not solve our long-term financing problems unless we use them to phase down the unfunded liabilities of the old system. This means directly addressing the growth of the unfunded benefits we are promising to pay out, at the same time that we are replacing them with funded benefits.

As a result, we believe our plan is the most fiscally responsible proposal yet devised. The net liabilities upon the federal government in any year during the baby boom retirement period—whether you pick 2020, 2025, 2030, or beyond—would be significantly less than under almost any other proposal. We have avoided any and all tax increases—while at the same time avoided unseen financing costs above and beyond the explicit tax rates.

We have also produced a proposal that will give beneficiaries the opportunity to generate more retirement income through self-directed investments, provide a Social Security system that the economy can sustain, and at the same time enhance protections against the risk of poverty.

I want to thank my co-sponsors—especially Senator JOHN BREAUX, Congressman KOLBE, and Congressman STENHOLM—and their staffs, who have worked so closely with me and with my staff throughout a long and difficult process.

I also want to thank all others who are constructively participating in the Social Security reform debate. We have made it this far without turning this critical issue into a partisan shooting match. I am pleased that the President has remained open to various proposals for reform, and we have been reaching out to him to explain our ideas. I am also appreciative that Senators MOYNIHAN and KERREY have also produced

an actuarially sound proposal, and that discussions of the differences between our proposals have been made on a constructive basis. I would extend a similar appreciation for a number of other Senators who are exploring this issue seriously—everyone from Congressmen MARK SANFORD and NICK SMITH, to Senators ROTH, SANTORUM and PHIL GRAMM in our own chamber.●

● Mr. THOMPSON. Mr. President, I am delighted to join my colleagues today as an original cosponsor of an exciting new proposal to reform Social Security.

We all know that the Social Security program gets in serious financial trouble when the Baby Boomers start retiring early in the next century. The Social Security actuaries tell us that, just 15 years from now, in 2013, Social Security will begin paying out more in benefits than it receives in taxes and will have to begin redeeming the treasury bonds issued to the Trust Funds. By 2032, the Trust Funds will be exhausted, and the program will be running annual cash deficits of hundreds of billions of dollars.

As more and more people become aware of these financial realities, Social Security has quickly ceased to be the untouchable third rail of politics. In my view, it should soon become the brass ring of politics. Entitlement reform is one of the greatest challenges our nation faces, and we should all be reaching for the solution that will enable Social Security to provide for our grandchildren like it did for our grandparents.

Fortunately, right now we have a tremendous window of opportunity for real reform. Our economy is strong; the federal budget is balanced for the first time in 30 years; and the Congressional Budget Office is actually projecting budget surpluses each year for the next decade. Just as important, the 76 million Baby Boomers are still in the workforce paying taxes into the Social Security system. If we wait until this enormous group stops paying taxes and instead begins drawing benefits, the fixes will have to be much more severe.

Over the past 15 months, Senators JUDD GREGG and JOHN BREAUX, along with Congressmen JIM KOLBE and CHARLES STENHOLM, have served as congressional co-chairmen for the National Commission on Retirement Policy, sponsored by the Center for Strategic and International Studies. This 24-member group of politicians, businessmen, and policy experts developed and unanimously approved a broad proposal for reforming Social Security. The Senators and Congressmen then crafted bipartisan legislation based on the commission's recommendations.

The outline of the Gregg-Breaux plan is simple. It would reduce the Social Security payroll tax by 2 percentage points and divert the money into a mandatory savings account for every worker under age 55. The accounts would supplement—not replace—benefits guaranteed through the traditional system. Workers could pick from a limited number of investment funds dealing in stocks, government bonds, or a combination of the two, much like the Thrift Savings Plan available to members of Congress and federal employees. The benefits of current retirees and workers age 55 or older would not be affected by the private accounts, and benefits to survivors of deceased workers and the disabled would also be protected.

Meanwhile, Gregg-Breaux would make changes to the remaining pay-as-you-go system to bring it into actuarial balance. It would accelerate the scheduled increase in the retirement age, raising the age for full benefits to 70 and the age for early retirement benefits to 65 by 2029. It would reduce the Consumer Price Index by half a percentage point so that it more accurately reflects the rate of inflation, and it would scale back benefits to wealthier retirees, who are likely to fare better with their individual accounts. Unlike several of the proposals that are on the table, however, the Gregg-Breaux plan does not raise taxes, period. In fact, the payroll tax is reduced from 12.4 to 10.4 percent and never rises above 10.4 percent again.

Some groups continue to insist that only minor adjustments are needed to put Social Security back on sound financial footing. What they often won't tell you is that all of these adjustments would either raise taxes or cut benefits. For me, it's clear that ''reforming'' Social Security in this way will no longer suffice. These kinds of traditional reforms were last used by the 1983 Greenspan Commission to ''fix'' Social Security for 75 years. Today, we know the program will be in trouble again in 2013, when tax revenues are no longer sufficient to pay promised benefits.

Instead of taxing Americans at ever-higher rates while scaling back their retirement benefits, our goal should be to enable all workers to accumulate a level of wealth that will allow them to retire with a basic level of economic security. That's why private accounts are a central part of the plan I support.

Private accounts would give working-class Americans the same access to the power of compound interest that the rich enjoy today. This notion terrifies those who want to keep workers as dependent on government as possible, but more and more people acknowledge that private accounts are the best way to simultaneously solve the two crises facing Social Security—the impending insolvency of the program due to enormous demographic shifts, and the lower and lower rates of return for each new generation of workers. First, private accounts would allow younger workers to take advantage of the higher returns available to private investment. Second, because these workers would be giving up some of their future claims on traditional Social Security benefits, the unfunded liability of the program would be reduced.

As the American people learn more about the issue of Social Security reform, public opinion on the issue of private accounts has clearly shifted. Depending on how the question is phrased, between 60 and 80 percent of Americans now say they favor letting workers invest some portion of their Social Security tax payments. Most of the current reform plans have an element of private investment, and I am pleased that several of our Democratic colleagues in the Senate have openly endorsed them.

In my view, reforming Social Security is the most significant political issue on the horizon for the foreseeable future, and I am encouraged that the American people and elected officials on both sides of the aisle recognize its importance to our nation's continued prosperity. History has shown us that an issue of this magnitude can only be addressed successfully through a bipartisan process. The Gregg-Breaux plan is a thoughtful approach to reform, and I expect it to wield considerable influence in shaping the important debate that lies ahead.●

● Mr. COATS. Mr. President, I rise today as a cosponsor of the sweeping Social Security Legislation introduced by my colleagues—Senators GREGG and BREAUX. The ''21st Century Retirement Security Plan of 1998'' is designed to strengthen Social Security now, encourage personal savings, and expand the availability of private pension plans.

Senators GREGG and BREAUX recently co-chaired the National Commission on Retirement Policy. This bipartisan commission of lawmakers, economists, pension experts, and businessmen released a report calling for legislation including, among other things, personal savings accounts and a gradual increase in the retirement age. The ''21st Century Retirement Plan'' implements both these provisions and aims to serve a two-fold purpose: It strengthens the Social Security system—ensuring payment to all of the hard-working Americans that have paid into it. And it expands opportunities for private retirement savings—which will provide Americans with more options to save and invest in their future.

As we approach the dawn of the 21st century, it is common knowledge that the aging baby boom will create huge financial problems for future generations. Without changes, the Social Security trust funds will be unable to pay full benefits beginning around the year 2030. Therefore, a thirty-eight year old individual, making an average wage, will have to live until the age of 91 to get back what he paid into the system. This is not the time to propose patchwork solutions to this problem, but rather to seize this unique opportunity to restructure the entire system. I believe that this legislation is a logical first step toward achieving that goal.

President Clinton has also jumped on the save Social Security bandwagon,

although his plan is to sit back and wait until we have three or four ''national town meetings'' to discuss the ramifications of changing the system. Coincidentally, those meetings conclude at the end of this year—which just happens to be an election year. This epitomizes the lack of courage of the part of most of our elected officials.

This legislation will save the Social Security system through the next century without raising taxes. In fact, under this plan, taxpayers would be able to invest 2 percent of their current payroll tax in private savings accounts modeled after the Government's thrift savings plan. This change would not affect current retirees, but would rather assist current tax-paying Americans preparing for their retirement. As a tax-paying American, I trust myself to manage my money much more than I trust the Federal Government to provide for my future.

This allocation of part of the payroll tax would be offset by our current budget surplus and a gradual rise of the retirement age from 67 to 70 by 2029. Further, these accounts would provide a higher rate of return for recipients. This would, as provided by the bill, lower guaranteed Social Security payments and ease the burden on the system.

This plan improves retirement security and protects future generations by strengthening the safety-net aspect of the Social Security system and providing Americans more options for savings and investment. The ''21st Century Retirement Security Plan of 1998'' contains the courage and common sense necessary to save our children and our children's children from the economic strife that is bound to arise if we do not address this impending problem.●

By Mr. LEAHY:

S. 2314. A bill to clarify that prosecutors and other public officials acting in the performance of their official duties may enter into cooperation agreements and make other commitments, assurances, and promises, as provided by law in consideration of truthful testimony; to the Committee on the Judiciary.

PROSECUTORS' COOPERATION AGREEMENTS CLARIFICATION LEGISLATION

Mr. LEAHY. Mr. President, earlier this month, a three-judge panel of the Tenth Circuit decided United States v. Singleton, in which it found that the prosecutor had violated the federal gratuity statute and a state ethics rule by entering a plea agreement with a cooperating defendant that made certain promises in exchange for the cooperator's truthful testimony at trial. The promises in question were the sort of plain vanilla promises that appear in virtually every cooperation agreement, and are the lifeblood of bringing successful prosecutions.

As a former prosecutor, I found this decision bizarre and dangerous. In effect, it makes it illegal—a federal felony—for prosecutors to offer leniency in return for testimony on the theory that leniency is a form of bribery. Defense attorneys across the country have already begun to jump on the Singleton bandwagon. In my state, Vermont, the decision has already triggered new motions in a major drug smuggling case involving a billion dollars worth of hashish. The defendant, Martin Scott, is scheduled to go to trial in September, and the government's evidence includes testimony by cooperating codefendants. Scott has now moved to exclude this testimony on the ground that it was obtained unlawfully in return for government promises of leniency, citing Singleton.

If this controversial decision stands, prosecutors would be exposed to the threat of felony liability and disciplinary action just for doing their jobs. In addition, this decision could result in a tidal wave of reversals and suppression rulings in cases involving cooperator testimony.

I was relieved to see that the Tenth Circuit acted swiftly to vacate the panel decision and set the case down for en banc rehearing in November, and I am confident that the ruling will eventually be thrown out—but not before the issue has been raised and relitigated at every turn in every district and circuit court in the land. At a minimum, this will delay trials, squander scarce judicial resources, and generally waste everyone's time.

We need to insure that prosecutors have the tools they need to do their jobs effectively, and being able to enter into cooperation agreements is critical. That's why I am introducing legislation today to make crystal clear that prosecutors and other public officials acting in the performance of their official duties may enter cooperation agreements and make other such commitments, assurances and promises in return for truthful testimony.

I look forward to working with my colleagues on this matter, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2314

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

SECTION 1. CLARIFICATION OF PROSECUTORIAL AUTHORITY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''Whoever'' and all that follows through ''otherwise than'' and inserting ''Whoever, otherwise than'';

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(D) in paragraph (1), as so designated, by striking ''or'' at the end; and

(2) in subsection (d), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (3) and (4)''.

By Mrs. FEINSTEIN (for herself, Mr. D'AMATO, and Mr. FORD):

S. 2315. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and titles XVIII and XIX of the Social Security Act to require that group and individual health insurance coverage and group health plans and managed care plans under the medicare and medicaid programs provide coverage for hospital lengths of stay as determined by the attending health care provider in consultation with the patient; to the Committee on Labor and Human Resources.

HOSPITAL LENGTH OF STAY ACT OF 1998

Mr. FEINSTEIN. Mr. President, today Senator D'AMATO, Senator FORD and I are introducing a bill to require health insurance plans to cover the length of hospital stay for any procedure or illness as determined by the attending physician, in consultation with the patient, to be medically appropriate.

This bill will return medical decision-making to medical professionals because it is time to stop insurance plans' interference into this important area of physician decision-making.

It is endorsed by the American Medical Association, the American College of Surgeons, the American College of Obstetricians and Gynecologists, the American Academy of Neurology and the American Psychological Association. Only a physician, taking care of the patient who understands the patient's history, medical condition and needs, can make a decision on how much hospital care a person needs. Physicians are trained to evaluate all the unique needs and problems of each individual patient. Every patient is different and the course of illness has great variation.

Lengths of stay should not be determined by insurance company clerks, actuaries or non-medical personnel. It is the attending physician, not a physician or other representative of an insurance company, that should decide when to admit and discharge someone.

Professional physician organizations develop practice guidelines that guide them in determining medical necessity. These are intended as guidance and are medical judgments made by qualified medical people. Physicians know what medical necessity and generally accepted medical practice are.

We are introducing this bill because we have had a virtual parade of doctors come to us and in essence say, ''We are fed up. We spend too much of our time trying to justify our decisions on medical necessity to insurance companies. Insurance company rules have supplanted doctor decision making.''

Donna Damico, a nurse in a Maryland psychiatric unit of a hospital, told National Public Radio on October 1, 1997:

> I spend my days watching the care on my unit be directed by faceless people from insurance companies on the other end of the phone. My hospital employs a full-time nurse whose entire job is to talk to insurance reviewers. . . . The reviewer's background can

range anywhere from high school graduate to nurse, social worker or even actual physicians.

A number of examples have come to my attention:

In 1996, we addressed the problem of ''drive-through'' baby deliveries, insurance plans covering minimal hospital stays for newborns and their mothers because of examples like this: One California new mother was readmitted after a Caesarean section because of severe anemia from excessive blood loss. She didn't know how much blood loss was normal after a delivery. Two California women were readmitted after vaginal deliveries with endometritis, an infection of the uterus.

We've had examples of ''drive-through'' mastectomies, insurance plans shoving women out the door to deal on their own with drainage tubes, pain and disfigurement. S. 249, which I introduced with Senator D'AMATO last year, addresses that abuse and we are trying to get it passed.

A California pediatrician told us of a child with very bad asthma. The insurance plan authorized 3 days in the hospital; the doctor wanted 4–5 days. He told us about a baby with infant botulism (poisoning), a baby with a toxin that had spread from the intestine to the nervous system so that the child could not breathe. The doctor thought a 10–14 day hospital stay was medically necessary for the baby; the insurance plan insisted on one week.

A California neurologist told us about a seven-year-old girl with an ear infection who went to the doctor feverish. When her illness developed into pneumonia, she was admitted to the hospital. After two days she was sent home, but she then returned to the hospital three times because her insurance plan only covered a certain number of days. The third time she returned she had meningitis which can be life threatening. The doctor said that if this girl had stayed in the hospital the first time for five to seven days, the antibiotics would have killed the infection and the meningitis would never have developed.

A 27-year-old man from central California had a heart transplant and was forced out of the hospital after 4 days because his HMO would not pay for more days. He died.

Nurses in St. Luke's Hospital, San Francisco, say that women are being sent home after only two nights after a hysterectomy and two nights for a Caesarean section delivery, both of which are major abdominal surgeries, even though physicians think the women are not ready to go home..

Just last week Lisa Breakey, a San Jose speech pathologist, came to my office and told us that she is providing home healthcare for stroke patients she used to see in the hospital. She sees patients in their homes who have G tubes in their stomachs for feeding and trach tubes in their throats for breathing. The trach tubes have an inflated balloon or cuff which a family members must deflate and inflate by using a needle. Family members are supposed to suction the patient's mouth and throat before they deflate the cuff. Families, she stressed, are providing intensive care, for which they are unprepared and untrained. Bedrooms have become hospital rooms.

Another California physician told us about a patient who needed total hip replacement because her hip had failed. The doctor believed a seven-day stay was warranted; the plan authorized five.

Rep. GREG GANSKE, a physician serving in the House, told the story of a six-year-old child who nearly drowned. The child was put on a ventilator and it appeared that he would not live. The hospital got a call from the insurance company, asking if the doctor had considered sending the boy home because home ventilation is cheaper.

These cases can be summarized in the comments of a Chico, California, maternity ward nurse: ''People's treatment depends on the type of insurance they have rather than what's best for them.''

As these cases illustrate, premature discharges can increase readmissions and medical complications. During the ''drive-through delivery'' debate, we heard about babies who were jaundiced and dehydrated and had to come back to the hospital.

Similarly, as reported in American Medical News on March 23, 1998, according to Dr. David Phillips, ''a shift toward outpatient treatment actually has come at quite a high price . . . an increased loss of lives.'' This University of California study found that medication errors are 3 times higher among outpatients than inpatients; that medications side effects provides limited oversight by medical personnel and that the patient-physician relationships is compromised.

Ms. Damico said, ''Patients return to us in acute states because their insurance will no longer pay the same amount for their outpatient treatment . . . [They] deteriorate to the point of suicidal thoughts or attempts and need to return to the hospital.'' She cited the example of a suicidal woman whose plan denied a hospital admission requested by her physician. After the doctor told her of the denial, she took twenty 50-milligram tabs of Benadryl, was then admitted, and the plan then had to pay for hospital care, an ambulance and emergency room fees.

So not only do premature discharges compromise health, they ultimately cost the insurer more.

Physicians say they battle daily with insurance companies to give patients the hospital care they need and to justify their decisions on medical necessity.

An American Medical Association review of a managed care contract (Aetna US Healthcare) found that the contract gives ''the company the unilateral authority to change material terms of the contract and to make determinations of medical necessity . . . without regard to physician determinations or scientific or clinical protocols . . . .,'' according to the January 19, 1998 American Medical News.

A study by the American College of Surgeons found that guidelines published by Milliman and Robertson and used by many insurers represent a minimum length of stay, compared with surgeons' estimates.

A study by the American Academy of Neurology found that the Milliman and Robertson guidelines on length of stay are ''extraordinarily short in comparison to a large National Library of Medicine database . .. And that [the guidelines] do not relate to anything resembling the average hospital patient or attending physician . . . .'' The neurologists found that these guidelines were ''statistically developed,'' not scientifically sound or clinically relevant.

A study in the April 1997 Bulletin of the American College of Surgeons found that surgeons stated that the appropriate length of stay for an appendectomy is zero to five days, while insurance industry guidelines set a specific coverage limit of one day.

According to 134 interviews reported in the March 15, 1998 Washington Post, 7 in 10 physicians said, in dealing with managed care plans, they have exaggerated the severity of an patient's condition to ''prevent him or her from being sent home from a hospital prematurely.'' Dr. David Schriger, at UCLA Medical Center in Los Angeles, said that he routinely has patients, such as a frail, elderly woman with the flu, who is not in imminent danger, but could encounter serious problems if she is sent home during the night. He told the Post, ''At this point I have to figure out a way to put her in the hospital. . . And typically, I'll come up with a reason acceptable to the insurer,'' and orders a blood test and chest x-ray, to justify admission.

The Post article also cited Kaiser Permanente's Texas division which ''warned doctors in urgent care centers not to tell patients they required hospitalization, as one Kaiser administrator recalled. ''We basically said [to] the UCC doctors, 'If you value your job, you won't say anything about hospitalization. All you'll say is, I think you need further evaluation . . . .'''

Ms. Damico, the psychiatric nurse interviewed on NPR said, ''Our utilization review nurse gives all of us, including the doctors, good advice on how to chart so that our patients' care will be covered . . . We all conspire quietly to make certain the charts look and sound bad enough.''

The American College of Surgeons wrote: ''We believe very strongly that any health care system or plan that removes the surgeon and the patient from the medical decision-making process only undermines the quality of that patient's care and his or her health and well being . . . . specific, single numbers [of days] cannot and should not be used to represent a

length of stay for a given procedure.'' (April 24, 1997) ACS on March 5 wrote, ''We believe very strongly that any health care system or plan that removes the surgeon and the patient from the medical decision making process only undermines the quality of that patient's care and his or her health and well being.''

The American Medical Association wrote on May 20, 1998, ''We are gratified that this bill would promote the fundamental concept, which the AMA has always endorsed that medical decisions should be made by patients and their physicians, rather than by insurers or legislators . . . We appreciate your initiative and ongoing efforts to protect patients by ensuring that physicians may identify medically appropriate lengths of stay, unfettered by third party payers.''

The American Psychological Association, on March 4, 1998 wrote me, ''We are pleased to support this legislation, which will require all health plans to follow the best judgment of the patient and attending provider when determining length of stay for inpatient treatment.''

Americans' faith in their medical system has plummeted as almost daily we hear of more horror stories of care denied and HMO hassles. Arbitrary insurance company rules cannot address the subtleties of medical care. A March 1998 U.S. News and Kaiser Family Foundation survey found that three in four Americans are worried about their health care coverage and half say they are worried that doctors are basing treatment decisions strictly on what insurance plans will pay for.

The bill we introduce today begins to address some of these problems. I am also a cosponsor of the Patient Bills of Rights (S. 1890) and the Patient Access to Responsible Care Act (S. 644), bills proposing comprehensive reforms.

I hope these initiatives will send a strong message to the health insurance industry and return medical decision-making to those medical professionals trained to make those decisions.

Mr. President, I ask unanimous consent that a summary of the bill and letters in support be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUMMARY OF THE HOSPITAL LENGTH OF STAY ACT OF 1998

Requires plans to cover hospital lengths of stay for all illnesses and conditions as determined by the physician, in consultation with the patient, to be medically appropriate.

Prohibits plans from requiring providers (physicians) to obtain a plan's prior authorization for a hospital length of stay.

Prohibits plans from denying eligibility or renewal for the purpose of avoiding these requirements.

Prohibits plans from penalizing or otherwise reducing or limiting reimbursement of the attending physician because the physician provided care in accordance with the requirements of the bill.

Prohibits plans from providing monetary or other incentives to induce a physician to provide care inconsistent with these requirements.

Includes language clarifying that—nothing in the bill requires individuals to stay in the hospital for a fixed period of time for any procedure; plans may require copayments but copayments for a hospital stay determined by the physician cannot exceed copayments for any preceding portion of the stay.

Does not pre-empt state laws that provide greater protection.

Applies to private insurance plans, Medicare, Medicaid and Medigap.

AMERICAN MEDICAL ASSOCIATION,
May 20, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Medical Association (AMA), we would like to express our support for your draft legislation the ''Hospital Length of Stay Act of 1998''. We hope you introduce this legislation that would require coverage of an inpatient's hospital stay to the extent determined medically appropriate by the attending physician in consultation with the patient.

We are gratified that this bill would promote the fundamental concept, which the AMA has always endorsed, that medical decisions should be made by patients and their physicians rather than by insurers or legislators. As you may know, on several occasions the AMA has supported legislative initiatives that would require coverage on a diagnosis by diagnosis basis for medically appropriate minimum lengths of stay. While those bills have moved us in the right direction, this legislation would take us where we want to be.

We appreciate your initiative and ongoing efforts to protect patients by ensuring that physicians may identify medically appropriate lengths of stay, unfettered by third party payors. We offer you our assistance in helping to enact this legislation.

Sincerely,

LYNN E. JENSEN,
Interim Executive Vice President.

AMERICAN COLLEGE OF SURGEONS,
July 15, 1998.

STATEMENT: POSTOPERATIVE LENGTHS OF HOSPITAL STAY

EDWARD R. LAWS, Jr., MD, FACS,
Member of the Board of Regents,
American College of Surgeons.

On behalf of the American College of Surgeons, I would like to commend Senator Feinstein for her continuing concern for high-quality patient care. In particular, I want to praise her and her cosponsor, Senator D'Amato, for their most recent effort to protect patients by introducing legislation to ban the practice of imposing arbitrary coverage limits on hospital length of stay—a practice that is currently being used by some third-party payers.

The issue of ''drive-through'' maternity care, followed more recently by the issue of outpatient mastectomy operations, clearly illustrate the patient care problems that are created when third-party payers set a specific number of days as the appropriate length of stay for a given procedure. For some maternity and breast cancer patients, the outpatient setting may well be medically appropriate and personally preferred, but for many others this certainly is not the case. As many state and federal legislators have come to realize, each of these patients has her own set of unique medical problems and related issues, and it is inappropriate to expect them to conform to cost containment goals that were designed with the ''optimum'' patient in mind.

What few people seem to recognize, however, is that these problems are not limited to new mothers and breast cancer patients. Indeed, thousands of patients whose illnesses do not occupy a high profile on the nation's health care agenda face the same dilemma. A variety of factors—such coexisting illnesses, the optimum treatment method selected, complications arising during the operation, and differences in response to the treatment—can vary significantly among individual patients, making it impossible to accurately or precisely predict the appropriate length of stay for a given procedure. Such factors may also determine the appropriate site for performing a particular operation or procedure. Despite these important considerations, efforts to restrain growth in spending for health care services, although a legitimate concern, are coming into conflict with individual patient needs.

We need to view the issue of length-of-stay coverage limits from a broader perspective than we have in the past. Congress, state legislatures, and the managed care industry have acted on a procedure-specific basis in response to concerns raised about coverage limits placed on maternity care and mastectomy operations. But, it is time to take the next step.

Senator Feinstein's legislation, the ''Hospital Length of Stay Act'' would take this step by proposing to protect medical decisionmaking on behalf of all patients. The legislation specifies that decisions about the medical appropriateness of a hospital length of stay should be determined by the attending physician, in consultation with the patient. Further, the legislation would prohibit health plans from penalizing patients, physicians, or hospitals for following through on these medical decisions.

The American College of Surgeons believes strongly that, for all surgical patients, the responsibility for making the decisions to operate, what type of operation the patient should have, and how long the patient stays in the hospital following the operation must rest with the surgeon and the patient. The College has always encouraged its members to keep their patients' length of stay as short as possible. However, we do believe very strongly that any health care system or plan that removes the surgeon and the patient from the medical decision-making process only undermines the quality of that patient's care and his or her health and well-being.

Once again, we congratulate Senator Feinstein and Senator D'Amato for their courageous efforts on behalf of quality patient care. The College looks forward to working closely with them and their colleagues in the House of Representatives, including Congressman Tom Coburn and Congresswoman Rosa DeLauro, to ensure swift passage of this important legislation.

The American College of Surgeons is a scientific and educational organization of surgeons that was founded in 1913 to raise the standards of surgical practice and to improve the care of the surgical patient. The College is dedicated to the ethical and competent practice of surgery. Its achievements have significantly influenced the course of scientific surgery in America, and have established it as an important advocate for all surgical patients. The College has more than 62,000 members and is the largest organization of surgeons in the world.

AMERICAN COLLEGE OF SURGEONS,
March 5, 1998.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the 62,000 Fellows of the American College of

Surgeons, I want to commend you for introducing the ''Hospital Length of Stay Act of 1998.'' Your legislation will contribute significantly to the effort to educate Congress and the public about the practice of imposing arbitrary coverage limits on hospital length of stay that do not take into account an individual patient's unique health care needs.

For all surgical patients, the responsibility for making the decision to operate, the type of operation, and how long the patient stays in the hospital following the operation must rest with the surgeon and the patient. The College has always encouraged its members to keep their patients' length of stay as short as possible. However, we believe very strongly that any health care system or plan that removes the surgeon and the patient from the medical decisionmaking process only undermines the quality of that patient's care and his or health and well being.

Once again, we appreciate your continuing concern, and congratulate you on introducing legislation that acknowledges the importance of preserving the surgeon-patient relationship and ensuring that they are able to exercise their responsibility for making medical treatment decisions.

Sincerely,

PAUL A. EBERT,
Director.

AMERICAN ACADEMY OF NEUROLOGY®,
April 22, 1998.

Hon. DIANNE FEINSTEIN,
Attn: Glenda Booth and Ann Garcia, Washington, DC.

DEAR SENATOR FEINSTEIN: The American Academy of Neurology, an association of over 15,000 neurologists, has been in the forefront of discussions and debate concerning the necessary protections that should be afforded our patients in a health care environment increasingly dominated by corporate and managed care structures. We believe that it is imperative that patients, who often feel powerless in today's health care environment, be protected through the implementation of basic health care standards including such protections as appropriate health plan disclosure, adequate choice of plans and providers, and appropriate grievance processes.

Your bill, the Hospital Length of Stay Act of 1998, contains many of the elements that we deem important, especially its fundamental premise to protect and preserve the patient and provider relationship. Physicians need to be allowed to exercise their decisionmaking without obstruction when they consult with their patients concerning the appropriate treatment or care for their health care condition.

A survey by the National Coalition on Health Care found that 80% of Americans believe that their quality of care is often compromised to save money. Many Americans feel insecure about their health care plan and question whether or not the plan will take care of them when they really need it such as when they become hospitalized. It is out of this demonstrated national concern that the President of the United States as well as several leading medical societies, such as the Academy, are now calling on members of Congress to implement national health care standards or more commonly known as consumer ''bill of rights''.

The Academy applauds and endorses your bill as a bill of rights component and we hope that this is one of many steps that will be taken by you and your colleagues in helping us to be able to confidently tell our patients that their health care plan will take care of them when they are sick or are in need of health care.

I have included a copy of the Academy's patient protection statement that I hope you will review and consider as the debate on this important issue continues throughout this legislative session.

Sincerely,

STEVEN P. RINGEL,
President.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
March 4, 1998.

Senator DIANNE FEINSTEIN,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Psychological Association, I am writing to thank you for your sponsorship of the Hospital Length of Stay Act of 1998. We are pleased to support this legislation, which will require all health plans to follow the best judgment of the patient and attending provider when determining length of stay for inpatient treatment.

We appreciate your sensitivity to our concerns over the reality that psychologists in many states are attending providers under their state license and scope of practice. Accordingly, your bill extends this quality of care protection to the patients of psychologists as well as ''physicians'', as did the Coburn-Strickland amendment to the House Commerce Committee version of the Balanced Budget Act last year.

There is obviously enormous public interest in having Congress act this year to pass enforceable federal standards of consumer protection in managed care. Our members are also supportive of a bill that you have cosponsored, the Patient Access to Responsible Care Act (S. 644), and we are very appreciative of your visible involvement in this issue. The Hospital Length to Stay Act addresses another important issue that should be addressed in this debate and we commend you for taking it on.

Sincerely,

MARILYN S. RICHMOND,
Assistant Executive Director for Government Relations.

By Mr. MCCONNELL (for himself and Mr. DEWINE):

S. 2316. A bill to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride; read the first time.

UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

Mr. MCCONNELL. Mr. President, I rise today to introduce a must-pass piece of legislation to ensure that the Department of Energy is not stuck with a massive unfunded mandate as a result of privatizing the United States Enrichment Corporation. I am pleased to be joined by Senator DEWINE who is an original cosponsor of this legislation.

Last month, the administration, the Department of Energy, and the USEC Board came to a decision on how they intend to privatize the USEC. This deal, which was struck in secret, is a complicated and confusing matter that I am only just beginning to understand. The facts, I have discovered, are not welcome news to the communities of Paducah, Kentucky, and Portsmouth, Ohio, where the two USEC gaseous diffusion plants are located. These facilities employ approximately 4,000 people, making them the largest employers in those regions.

The most discouraging aspect of this privatization proposal is the impact this deal will have on jobs. The administration has tried to put a positive spin on things by claiming that only 600 jobs would be lost over the next 2 years. Unfortunately, this may be the tip of the iceberg, because after the first 2 years, the administration has made no guarantees on the number of jobs that might be lost. In fact, after reading the fine print of this agreement, union and community leaders feel that closure of one of the two plants is a very real possibility. This could result in the loss of nearly 2,000 jobs. Without some efforts to mitigate the job losses, these communities will be economically devastated.

The second item of concern is that the Department of Energy—and taxpayers—will be stuck with an unfunded environmental liability. As you may know, under the terms of the USEC Privatization Act of 1996, the responsibility for the treatment and disposal of the uranium waste will be transferred from USEC to the Department of Energy. To prepare for this reality, USEC has collected nearly $385 million from its customers for the specific purpose of cleaning up their environmental liability. Unfortunately, the administration's proposal only provides $50 million of that total to be used to address this problem, while the remaining $335 million is due to be deposited into the General Treasury.

Mr. President, there are two problems with this scenario. First, I fail to see the logic behind the decision to use only one-eighth of the money which has been collected for the purpose of addressing the nuclear waste at the USEC plants. Second, the administration's plan calls for the $50 million to be given to USEC, Inc.—the private corporation. Why should we, as legislators, allow the government to give a $50 million handout to a private corporation to clean up a Federal entity's mess when $385 million is already available for environmental clean up? What is worse, the administration's plan will add to the tens of thousands of canisters of depleted uranium hexafluoride already stored at the plants, further expanding the environmental problems of the plants and the cost to clean up this site for the Department of Energy.

Mr. President, I am not one to look a gift horse in the mouth, but this deal is not good for Kentucky and is an abrogation of the Federal Government's responsibility to clean up this nuclear mess. We need to ensure that the taxpayers and the workers at these facilities get a better deal than what is being offered. That is why I have introduced this legislation to ensure that all the funds raised and earmarked for the clean up of USEC's environmental legacy will remain available for that purpsoe—and that purpose only. This bill mandates that the administration hold these earmarked funds until the Secretary of Energy submits a plan and

legislation to implement and operate a facility to cleanup the nuclear waste at Paducah and Portsmouth. Once this plan is submitted, then the funding can flow to clean up this environmental nightmare.

This bill will ensure that taxpayers aren't stuck with an unfunded mandate and makes a commitment to the communities that this toxic hazard will be disposed of in a timely manner. Unlike the administration's plan to simply store additional uranium waste, my bill will create many more jobs to construct and operate this facility. The new facility will convert the depleted uranium from an unstable and toxic hexaflouride form to a stable and non-threatening oxide. During this process many useful commercial by-products can also be recovered and sold.

Mr. President, I have here a letter from the Governors of Kentucky, Ohio, and Tennessee urging Secretary Peña to take immediate steps to convert the toxic uranium hexafluoride into a more stable, non-threatening oxide form. The Governors urge the Secretary to seek the necessary funding to begin this process and they specifically identified the funding I have identified in my amendment. I ask unanimous consent that the letter signed by Governors Patton, Sunquist, and Voinovich be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 27, 1998.

Hon. FEDERICO PEÑA,
Secretary, Department of Energy, Washington, DC.

Re ''Draft PEIS for Alternative Strategies for the Long-Term Management and Use of Depleted Uranium Hexafluoride,'' DOE/EIS–0269 dated December 1997.

DEAR SECRETARY PEÑA: More than forty years ago the U.S. Department of Energy began the uranium enhancement initiative that created a common link between Ohio, Kentucky, and Tennessee. This commonality includes the U.S. Department of Energy's legacy of waste, a significant portion of which is made up of depleted uranium hexafluoride. Today, our three states are working together in order to recommend the selection of an appropriate and lawful alternative for the long-term management and use of depleted uranium hexafluoride. We believe that such an alternative must minimize impacts on human health and the environment, as well as benefit the overall mission of our states and the U.S. Department of Energy (''DOE'').

Ohio, Kentucky, and Tennessee have the following significant concerns regarding the above-referenced document:

DOE should consider the immediate conversion of all depleted uranium hexafluoride (DUF6) to the less hazardous uranium oxide (U308) and provide above ground storage of the U308. We do not believe that waiting for possible market demands for the DUF6 is justification for delaying this project. It is incumbent upon DOE to immediately begin seeking funds from Congress for this conversion. We urge DOE to complete conversion by the year 2018 or earlier and reduce the mortgage of maintaining the cylinders.

A long-term strategy for DUF6 must include DOE's entire cylinder inventory, including heel and small cylinders. The 10,000+ cylinders of DUF6 generated by the United States Enrichment Corporation (USEC), which will revert to DOE ownership upon privatization of USEC, must also be considered in any plans.

An estimated $480 million has been accrued by USEC since 1993 in order to offset the cost of the future conversion of DUF6 generated by USEC. DOE should work with Congress now to ensure this fund is not diverted into the federal treasury for an unrelated use. In addition, DOE might consider partnering with the future owner of USEC in a long-term strategy for managing and converting DUF6, in order to avoid redundancy of efforts. Any partnering effort, however, must not slow progress toward conversion.

Natural phenomena events or accidents may not have been adequately considered in the PEIS. DOE must identify the ''worse-case'' cylinder conditions and explicitly use this information in the hazard modeling descriptions.

In order for states to effectively evaluate the potential impact of the preferred alternative DOE must provide information on the location of the sites where conversion would occur and how wastes generated from this process will be managed. In order to avoid the undue risk of transporting deteriorating cylinders, we recommend that DOE evaluate the feasibility of on-site conversion plants.

DOE must ensure that funding for safe storage and maintenance of DUF6 cylinders and storage yards is at an adequate level to protect human health and the environment.

The States welcome the opportunity to work closely with the Department of Energy in addressing these complex issues and moving rapidly toward an alternative that will well serve the public and the environment. In addition we urge DOE to carefully consider the more detailed comments being submitted by each of our states environmental regulatory agencies.

Sincerely,

GOVERNOR PAUL E. PATTON,
GOVERNOR GEORGE V. VOINOVICH,
GOVERNOR DON SUNDQUIS.

Mr. MCCONNELL. Mr. President, I also have a letter from the Oil, Chemical and Atomic Workers Union, which represents 2,200 hourly workers at the Paducah and Portsmouth uranium enrichment facilities. They have also advocated for the use of those funds to begin the clean up of this toxic material. I ask unanimous consent that this letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OIL, CHEMICAL AND ATOMIC WORKERS INTERNATIONAL, UNION, AFL–CIO,

Lakewood, CO,
JULY 14, 1998.

Senator MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: On June 29, 1998 the Administration announced that it will soon privatize the United States Enrichment Corporation (USEC), which operates the two uranium enrichment plants owned by the Department of Energy in Portsmouth, Ohio and Paducah, Kentucky. Coinciding with this announcement, USEC declared that:

(1) ''to the extent commercially practicable'' it will eliminate no more than 600 jobs during over the next two years, consistent with an undisclosed USEC ''Strategic Plan'', and

(2) it will transfer thousands of canisters of its depleted uranium hexaflouride waste to the Department of Energy who will inherit the disposition responsibility for wastes that were created by USEC between July 1, 1993 and the date of privatization. USEC has accrued approximately $400 million on its balance sheet to cover the disposition costs of this waste.

Approximately $1.2 billion is presently in a revolving fund account in USEC's name at the Treasury Department—a fund which was created pursuant to Section 1308 of the Energy Policy Act of 1992. Of that amount, $400 million represents the funds collected from utility customers for enrichment services to cover the costs for disposition of these wastes. The Administration has advised us that, absent legislation, these funds will be swept out of this revolving fund immediately after privatization.

To date, Treasury Department officials have been unwilling to secure these funds for the purpose of which they were reserved; to threat the massive quantities of waste left by USEC for the government to clean up. If the funds accrued on USEC's pre-privatization balance sheet were transferred into a dedicated fund at the Department of Energy, these extremely corrosive radioactive wastes would not sit untreated and approximately 240 displaced workers could be re-employed preforming waste treatment activity at Paducah and Portsmouth.

We understand that you are planning legislation which will secure the $400 million in USEC's account at Treasury for the purpose for which it was reserved: to treat waste generated by USEC. Your legislation will fence these funds until the Administration submits a waste treatment plan to Congress with its FY 2000 budget request. The plan will include the construction of two treatment plants—one in Ohio and one in Kentucky. This approach will reduce the hazards associated with the transport of radioactive wastes.

In April of this year the Governors from Kentucky, Ohio and Tennessee wrote to Secretary of Energy Federico Pena endorsing the concept of using the funds from USEC's balance sheet for the treatment and disposition of the depleted uranium hexaflouride tails.

The Oil, Chemical & Atomic Workers Union (OCAW), which represents 2,200 hourly workers at the two gaseous diffusion plants in Paducah and Portsmouth, applauds your efforts to pass legislation which will fence these funds prior to the privatization of USEC.

As you deliberate this legislation, we urge you to ensure that the Department of Energy will require the cleanup contractor(s) to provide a right of first refusal to displaced workers from the gaseous diffusion plants, and to require the contractor(s) to minimize the social and economic impacts by bridging health and pension benefits. Such an arrangement is consistent with the amendment you proposed to offer as part of the FY 99 Energy and Water Development Appropriations Act.

We look forward to working with you and other members to ensure swift passage of this legislation in the House and Senate prior to the privatization date.

Sincerely,

RICHARD MILLER,
Policy Analyst.

Mr. MCCONNELL. Mr. President, I have also cleared this bill with Chairman MURKOWSKI of the Energy Committee and Senator DOMENICI, who is the chairman of the relevant subcommittee on the Appropriations Committee. Neither Senator has any objection to the immediate passage of this

legislation. Finally, I have cleared this proposal with the Congressional Budget Office and they have scored this bill as having zero budget impact.

Mr. President, we need to ensure that the people, economies and environment of Western Kentucky and Southeastern Ohio are not sacrificed to make a quick buck off the sale of the uranium enrichment facilities, especially when funding is available. I urge my colleagues to approve this legislation and protect taxpayers from paying an additional cost for clean up.

Mr. DEWINE. Mr. President, I rise in strong support of the legislation offered by our distinguished friend from Kentucky, Senator MCCONNELL, to ensure that the Energy Department has the resources to address an important public health issue and is not saddled with a massive unfunded mandate in the wake of the privatization of the United States Enrichment Corporation (USEC).

This privatization will entail the purchase of nuclear material from the Russians—material which it is clearly in our national security interest to have removed from the international market. There is currently a fund within USEC which deals with the ''disposition of depleted uranium hexafluoride''—and this fund contains an estimated $400 million. If no changes are made, this money will go to the U.S. Treasury when the Initial Public Offering occurs, possibly as soon as next week.

This fund was created explicitly to handle the disposition of this kind of material. But if the law isn't changed, the Department of Energy (DOE) would have to find new funding sources in order to treat the material—and it may not be able to come up with the money.

This would be a vary undesirable result. The material under discussion is highly toxic—and disposing of it is and should remain an important national security priority. That $400 million is needed to stabilize this material, and to process it so that parts of it can be recycled and other parts can be safely secured.

This bill would provide that, ''the Secretary of Energy shall prepare, and the President shall include in the budget request for fiscal 2000, a plan and proposed legislation to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to commence construction of, not later than January 31, 2004, and to operate, an onsite facility at each of the gaseous diffusion plants at Paducah, Kentucky, and Portsmouth, Ohio, to treat and recycle depleted uranium hexafluoride.''

The bill will address this key challenge. And it will also prevent a major economic dislocation in two communities—Portsmouth, OH (whose USEC plant has 2,400 employees) and Paducah, KY (whose USEC plant has 2,000 employees). This bill will support new decontamination and decommissioning jobs at these plants, which may experience limited job loss through the privatization.

It is an important investment in these two communities—and in a sensible toxic-materials disposal policy for America. I thank Senator MCCONNELL for his leadership on this legislation, and I am proud to be an original cosponsor of this effort.

ADDITIONAL COSPONSORS

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1413

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1459

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1647

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1734

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1734, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 1759

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1759, a bill to grant a Federal charter to the American GI Forum of the United States.

S. 1890

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 2001

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2001, a bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2151

At the request of Mr. NICKLES, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 2151, a bill to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, euthanasia, or mercy killing of any individual.

S. 2208

At the request of Mr. FRIST, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2208, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 2213

At the request of Mr. FRIST, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 2213, a bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

S. 2256

At the request of Mr. KERRY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2256, a bill to provide an authorized strength for commissioned officers of the National Oceanic and Atmospheric Administration Corps, and for other purposes.

S. 2271

At the request of Mr. HATCH, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2271, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of Senate Concurrent Resolution 105, a concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

AMENDMENT NO. 3004

At the request of Mr. DODD the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of Amendment No. 3004 proposed to S. 2057, an original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3136

At the request of Mr. COCHRAN the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of amendment No. 3136 proposed to S. 2159, an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BAUCUS AMENDMENT NO. 3154

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (S. 2159) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 67, after line 23, add the following:

SEC. 7___. EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

''(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity for 1 6-month period.''.

BROWNBACK (AND OTHERS) AMENDMENT NO. 3155

Mr. COCHRAN (for Mr. BROWNBACK for himself, Mr. ROBERTS, Mr. HAGEL, Mr. GORTON, Mr. ROBB, Mr. SMITH of Oregon, and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2159, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE ___—INDIA-PAKISTAN RELIEF ACT

SEC. ___01. SHORT TITLE.

This Act may be cited as the ''India-Pakistan Relief Act of 1998''.

SEC. ___02. WAIVER AUTHORITY.

(a) AUTHORITY.—The President may waive for a period not to exceed one year upon enactment of this Act with respect to India or Pakistan the application of any sanction or prohibition (or portion thereof) contained in section 101 or 102 of the Arms Export Control Act, section 620E(e) of the Foreign Assistance Act of 1961, or section 2(b)(4) of the Export Import Bank Act of 1945.

(b) EXCEPTION.—The authority provided in subsection (a) shall not apply to any restriction in section 102(b)(2) (B), (C), or (G) of the Arms Export Control Act.

(c) Amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended: *Provided*, That such amounts shall be available only to the extent that an official budget request 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.

SEC. ___03. CONSULTATION.

Prior to each exercise of the authority provided in section ___02, the President shall consult with the appropriate congressional committees.

SEC. ___04. REPORTING REQUIREMENT.

Not later than 30 days prior to the expiration of a one-year period described in section ___02, the Secretary of State shall submit a report to the appropriate congressional committees on economic and national security developments in India and Pakistan.

SEC. ___05. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives and the Committees on Appropriations of the House of Representatives and the Senate.

LUGAR (AND OTHERS) AMENDMENT NO. 3156

Mr. LUGAR (for himself, Mr. HAGEL, Mr. DORGAN, Mr. DOMENICI, Mr. ROBERTS, Mr. CHAFEE, Mr. DODD, Mr. CRAIG, Mr. WARNER, Mr. MURKOWSKI, and Mr. SANTORUM) proposed an amendment to the bill, S. 2159, supra; as follows:

At the end of the bill, insert the following new title:

TITLE VIII—SANCTIONS POLICY REFORM ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Sanctions Policy Reform Act''.

SEC. 802. PURPOSE.

It is the purpose of this title to establish an effective framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

SEC. 803. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to pursue United States interests through vigorous and effective diplomatic, political, commercial, charitable, educational, cultural, and strategic engagement with other countries, while recognizing that the national security interests of the United States may sometimes require the imposition of economic sanctions on other countries;

(2) to foster multilateral cooperation on vital matters of United States foreign policy, including promoting human rights and democracy, combating international terrorism, proliferation of weapons of mass destruction, and international narcotics trafficking, and ensuring adequate environmental protection;

(3) to promote United States economic growth and job creation by expanding exports of goods, services, and agricultural commodities, and by encouraging investment that supports the sale abroad of products and services of the United States;

(4) to maintain the reputation of United States businesses and farmers as reliable suppliers to international customers of quality products and services, including United States manufactures, technology products, financial services, and agricultural commodities;

(5) to avoid the use of restrictions on exports of agricultural commodities as a foreign policy weapon;

(6) to oppose policies of other countries designed to discourage economic interaction with countries friendly to the United States or with any United States national, and to

avoid use of such policies as instruments of United States foreign policy; and

(7) when economic sanctions are necessary—

(A) to target them as narrowly as possible on those foreign governments, entities, and officials that are responsible for the conduct being targeted, thereby minimizing unnecessary or disproportionate harm to individuals who are not responsible for such conduct; and

(B) to the extent feasible, to avoid any adverse impact of economic sanctions on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which sanctions are imposed.

SEC. 804. DEFINITIONS.

As used in this title:

(1) UNILATERAL ECONOMIC SANCTION.—

(A) IN GENERAL.—The term ''unilateral economic sanction'' means any prohibition, restriction, or condition on economic activity, including economic assistance, with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, including any of the measures described in subparagraph (B), except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

(B) PARTICULAR MEASURES.—The measures referred to in subparagraph (A) are the following:

(i) The suspension, restriction, or prohibition of exports or imports of any product, technology, or service to or from a foreign country or entity.

(ii) The suspension of, or any restriction or prohibition on, financial transactions with a foreign country or entity.

(iii) The suspension of, or any restriction or prohibition on, direct or indirect investment in or from a foreign country or entity.

(iv) The imposition of increased tariffs on, or other restrictions on imports of, products of a foreign country or entity, including the denial, revocation, or conditioning of nondiscriminatory (most-favored-nation) trade treatment.

(v) The suspension of, or any restriction or prohibition on—

(I) the authority of the Export-Import Bank of the United States to give approval to the issuance of any guarantee, insurance, or extension of credit in connection with the export of goods or services to a foreign country or entity;

(II) the authority of the Trade and Development Agency to provide assistance in connection with projects in a foreign country or in which a particular foreign entity participates; or

(III) the authority of the Overseas Private Investment Corporation to provide insurance, reinsurance, financing, or conduct other activities in connection with projects in a foreign country or in which a particular foreign entity participates.

(vi) A requirement that the United States representative to an international financial institution vote against any loan or other utilization of funds to, for, or in a foreign country or particular foreign entity.

(vii) A measure imposing any restriction or condition on economic activity on any foreign government or entity on the ground that such government or entity does business in or with a foreign country.

(viii) A measure imposing any restriction or condition on economic activity on any person that is a national of a foreign country, or on any government or other entity of a foreign country, on the ground that the government of that country has not taken measures in cooperation with, or similar to, sanctions imposed by the United States on a third country.

(ix) The suspension of, or any restriction or prohibition on, travel rights or air transportation to or from a foreign country.

(x) Any restriction on the filing or maintenance in a foreign country of any proprietary interest in intellectual property rights (including patents, copyrights, and trademarks), including payment of patent maintenance fees.

(C) MULTILATERAL REGIME.—As used in this paragraph, the term ''multilateral regime'' means an agreement, arrangement, or obligation under which the United States cooperates with other countries in restricting commerce for reasons of foreign policy or national security, including—

(i) obligations under resolutions of the United Nations;

(ii) nonproliferation and export control arrangements, such as the Australia Group, the Nuclear Supplier's Group, the Missile Technology Control Regime, and the Wassenaar Arrangement;

(iii) treaty obligations, such as under the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons, and the Biological Weapons Convention; and

(iv) agreements concerning protection of the environment, such as the International Convention for the Conservation of Atlantic Tunas, the Declaration of Panama referred to in section 2(a)(1) of the International Dolphin Conservation Act (16 U.S.C. 1361 note), the Convention on International Trade in Endangered Species, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes.

(D) ECONOMIC ASSISTANCE.—The term ''economic assistance'' means—

(i) any assistance under part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation), other than—

(I) assistance under chapter 8 of part I of that Act,

(II) disaster relief assistance, including any assistance under chapter 9 of part I of that Act,

(III) assistance which involves the provision of food (including monetization of food) or medicine, or

(IV) assistance for refugees; and

(ii) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(E) FINANCIAL TRANSACTION.—As used in this paragraph, the term ''financial transaction'' has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(F) INVESTMENT.—As used in this paragraph, the term ''investment'' means any contribution or commitment of funds, commodities, services, patents, or other forms of intellectual property, processes, or techniques, including—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing or commodities or services pursuant to a lease or other contract.

(G) EXCLUSIONS.—The term ''unilateral economic sanction'' does not include—

(i) any measure imposed to remedy unfair trade practices or to enforce United States rights under a trade agreement, including under section 337 of the Tariff Act of 1930, title VII of that Act, title III of the Trade Act of 1974, sections 1374 and 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3103 and 3106), and section 3 of the Act of March 3, 1933 (41 U.S.C. 10b–1);

(ii) any measure imposed to remedy market disruption or to respond to injury to a domestic industry for which increased imports are a substantial cause or threat thereof, including remedies under sections 201 and 406 of the Trade Act of 1974, and textile import restrictions (including those imposed under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1784));

(iii) any action taken under title IV of the Trade Act of 1974, including the enactment of a joint resolution under section 402(d)(2) of that Act;

(iv) any measure imposed to restrict imports of agricultural commodities to protect food safety or to ensure the orderly marketing of commodities in the United States, including actions taken under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624);

(v) any measure imposed to restrict imports of any other products in order to protect domestic health or safety;

(vi) any measure authorized by, or imposed under, a multilateral or bilateral trade agreement to which the United States is a signatory, including the Uruguay Round Agreements, the North American Free Trade Agreement, the United States-Israel Free Trade Agreement, and the United States-Canada Free Trade Agreement; and

(vii) any prohibition or restriction on the sale, export, lease, or other transfer of any defense article, defense service, or design and construction service under the Arms Export Control Act, or on any financing provided under that Act.

(2) NATIONAL EMERGENCY.—The term ''national emergency'' means any unusual or extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.

(3) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Agriculture, the Committee on International Relations, the Committee on Ways and Means, and the Committee on Banking and Financial Services of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Finance, and the Committee on Foreign Relations of the Senate.

(5) CONTRACT SANCTITY.—The term ''contract sanctity'', with respect to a unilateral economic sanction, refers to the inapplicability of the sanction to—

(A) a contract or agreement entered into before the sanction is imposed, or to a valid export license or other authorization to export; and

(B) actions taken to enforce the right to maintain intellectual property rights, in the foreign country against which the sanction is imposed, which existed before the imposition of the sanction.

(6) UNILATERAL ECONOMIC SANCTION LEGISLATION.—The term ''unilateral economic sanction legislation'' means a bill or joint resolution that imposes, or authorizes the imposition of, any unilateral economic sanction.

SEC. 805. GUIDELINES FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

It is the sense of Congress that any unilateral economic sanction legislation that is introduced in or reported to a House of Congress on or after the date of enactment of this Act should—

(1) state the foreign policy or national security objective or objectives of the United

States that the economic sanction is intended to achieve;

(2) provide that the economic sanction terminate 2 years after it is imposed, unless specifically reauthorized by Congress;

(3) provide for contract sanctity;

(4) provide authority for the President both to adjust the timing and scope of the sanction and to waive the sanction, if the President determines it is in the national interest to do so;

(5)(A) target the sanction as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted;

(B) not include restrictions on the provision of medicine, medical equipment, or food; and

(C) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in any country against which the sanction may be imposed; and

(6) provide, to the extent that the Secretary of Agriculture finds, that—

(A) the proposed sanction is likely to restrict exports of any agricultural commodity or is likely to result in retaliation against exports of any agricultural commodity from the United States, and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity,

that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity or commodities, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 806. REQUIREMENTS FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

(a) PUBLIC COMMENT.—Not later than 15 days prior to the consideration by the committee of primary jurisdiction of any unilateral economic sanction legislation, the chairman of the committee shall cause to be printed in the Congressional Record a notice that provides an opportunity for interested members of the public to submit comments to the committee on the proposed sanction.

(b) COMMITTEE REPORTS.—In the case of any unilateral economic sanction legislation that is reported by a committee of the House of Representatives or the Senate, the committee report accompanying the legislation shall contain a statement of whether the legislation meets all the guidelines specified in paragraphs (1) through (6) of section 805 and, if the legislation does not, an explanation of why it does not. The report shall also include a specific statement of whether the legislation includes any restrictions on the provision of medicine, medical equipment, or food.

(c) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES AND SENATE.—

(1) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—A motion in the House of Representatives to proceed to the consideration of any unilateral economic sanctions legislation shall not be in order unless the House has received in advance the appropriate report or reports under subsection (d).

(2) CONSIDERATION IN THE SENATE.—A motion in the Senate to proceed to the consideration of any unilateral economic sanctions legislation shall not be in order unless the Senate has received in advance the appropriate report or reports under subsection (d).

(d) REPORTS.—

(1) REPORT BY THE PRESIDENT.—Not later than 30 days after a committee of the House of Representatives or the Senate reports any unilateral economic sanction legislation or the House of Representatives or the Senate receives such legislation from the other House of Congress, the President shall submit to the House receiving the legislation a report containing—

(A) an assessment of—

(i) the likelihood that the proposed unilateral economic sanction will achieve its stated objective within a reasonable period of time; and

(ii) the impact of the proposed unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be or may be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies;

(IV) other United States national security and foreign policy interests; and

(V) countries and entities other than those on which the sanction is proposed to be or may be imposed;

(B) a description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the unilateral sanction legislation;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) REPORT BY THE SECRETARY OF AGRICULTURE.—Not later than 30 days after a committee of the House of Representatives or the Senate reports any unilateral economic sanction legislation affecting the export of agricultural commodities from the United States or the House of Representatives or the Senate receives such legislation from the other House of Congress, the Secretary of Agriculture shall submit to the House receiving the legislation a report containing an assessment of—

(A) the extent to which any country or countries proposed to be sanctioned or likely to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(B) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned or likely to be sanctioned, and specific commodities which are most likely to be affected;

(C) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(D) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(E) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(e) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such these rules are deemed a part of the rules of each House, respectively, and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 807. REQUIREMENTS FOR EXECUTIVE ACTION.

(a) IN GENERAL.—

(1) ANNOUNCEMENT OF INTENT.—Notwithstanding any other provision of law, the President may not implement any new unilateral economic sanction under any provision of law with respect to a foreign country or foreign entity, unless at least 45 days in advance of such implementation, the President publishes notice in the Federal Register of the President's intention to implement such sanction.

(2) NEW UNILATERAL ECONOMIC SANCTION.—For purposes of this section, the term ''new unilateral economic sanction'' means a unilateral economic sanction imposed pursuant to a law enacted after the date of enactment of this Act or a sanction imposed after such date of enactment pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) CONSULTATION.—The President shall consult with the appropriate congressional committees regarding a proposed new unilateral economic sanction, including consultations regarding efforts to achieve or increase multilateral cooperation on the issues or problems prompting the proposed sanction.

(c) PUBLIC HEARINGS; RECORD.—The President shall publish a notice in the Federal Register of the opportunity for interested persons to submit comments on the proposed new unilateral economic sanction.

(d) REQUIREMENTS FOR EXECUTIVE BRANCH SANCTIONS.—Any new unilateral economic sanction imposed by the President—

(1) shall—

(A) include an assessment of whether—

(i) the sanction is likely to achieve a specific United States foreign policy or national security objective within a reasonable period of time, which shall be specified; and

(ii) the achievement of the objectives of the sanction outweighs any costs to United States national interests;

(B) provide for contract sanctity;

(C) terminate not later than 2 years after the sanction is imposed, unless specifically extended by the President in accordance with the procedures of this section;

(D)(i) be targeted as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted; and

(ii) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which the sanction may be imposed; and

(E) not include any restriction on the provision of medicine, medical equipment, or food, other than restrictions imposed in response to national security threats, where multilateral sanctions are in place, or restrictions involving a country where the United States is engaged in armed conflict; and

(2) should provide, to the extent that the Secretary of Agriculture finds, that—

(A) a new unilateral economic sanction is likely to restrict exports of any agricultural commodity from the United States or is likely to result in retaliation against exports of any agricultural commodity from the United States, and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity,

that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity or commodities, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(e) REPORT BY THE PRESIDENT.—

(1) IN GENERAL.—Prior to imposing any new unilateral economic sanction, the President shall provide a report to the appropriate congressional committees on the proposed sanction. The report shall include the report of the International Trade Commission under subsection (g) (if timely submitted prior to the filing of the report). The President's report shall contain the following:

(A) An explanation of the foreign policy or national security objective or objectives intended to be achieved through the proposed sanction.

(B) An assessment of—

(i) the likelihood that the proposed new unilateral economic sanction will achieve its stated objectives within the stated period of time; and

(ii) the impact of the proposed new unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies;

(IV) other United States national security and foreign policy interests; and

(V) countries and entities other than those on which the sanction is proposed to be imposed.

(C) A description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the proposed sanction;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) REPORT ON OTHER SANCTIONS.—In the case of any unilateral economic sanction that is imposed after the date of enactment of this Act, other than a new unilateral economic sanction described in subsection (a)(1) or a sanction that is a continuation of a sanction in effect on the date of enactment of this Act, the President shall not later than 30 days after imposing such sanction submit to Congress a report described in paragraph (1) relating to such sanction.

(f) REPORT BY THE SECRETARY OF AGRICULTURE.—Prior to the imposition of a new unilateral economic sanction by the President, the Secretary of Agriculture shall submit to the appropriate congressional committees a report that shall contain an assessment of—

(1) the extent to which any country or countries proposed to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(2) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned, including specific commodities which are most likely to be affected;

(3) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(4) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(5) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(g) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Before imposing a new unilateral economic sanction, the President shall make a timely request to the United States International Trade Commission for a report on the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(h) WAIVER IN CASE OF NATIONAL EMERGENCY.—The President may waive any of the requirements of subsections (a), (b), (c), (d)(1)(B), (e)(1), (f), and (g), in the event that the President determines that there exists a national emergency that requires the exercise of the waiver. In the event of such a waiver, the requirements waived shall be met during the 60-day period immediately following the imposition of the new unilateral economic sanction, and the sanction shall terminate 90 days after being imposed unless such requirements are met. The President may waive any of the requirements of paragraphs (1)(B), (1)(D), (1)(E), and (2) of subsection (d) in the event that the President determines that the new unilateral economic sanction is related to actual or imminent armed conflict involving the United States.

(i) SANCTIONS REVIEW COMMITTEE.—

(1) ESTABLISHMENT.—There is established within the executive branch of Government an interagency committee, which shall be known as the Sanctions Review Committee, which shall have the responsibility of coordinating United States policy regarding unilateral economic sanctions and of providing appropriate recommendations to the President prior to any decision regarding the implementation of any unilateral economic sanction. The Committee shall be composed of the following 11 members, and any other member the President deems appropriate:

(A) The Secretary of State.

(B) The Secretary of the Treasury.

(C) The Secretary of Defense.

(D) The Secretary of Agriculture.

(E) The Secretary of Commerce.

(F) The Secretary of Energy.

(G) The United States Trade Representative.

(H) The Director of the Office of Management and Budget.

(I) The Chairman of the Council of Economic Advisers.

(J) The Assistant to the President for National Security Affairs.

(K) The Assistant to the President for Economic Policy.

(2) CHAIR.—The President shall designate one of the members specified in paragraph (1) to serve as Chair of the Sanctions Review Committee.

(j) INAPPLICABILITY OF OTHER PROVISIONS.—This section applies notwithstanding any other provision of law.

(k) WAIVER OF ADVANCE ANNOUNCEMENT REQUIREMENT.—The President may waive the provisions of subsections (a)(1) and (c) in the case of any new unilateral economic sanction that involves freezing the assets of a foreign country or entity (or in the case of any other sanction) if the President determines that the national interest would be jeopardized by the requirements of this section.

SEC. 808. ANNUAL REPORTS.

(a) ANNUAL REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, unless otherwise required under existing law, the President shall submit to the appropriate congressional committees a report detailing with respect to each country or entity against which a unilateral economic sanction has been imposed—

(1) the extent to which the sanction has achieved foreign policy or national security objectives of the United States with respect to that country or entity;

(2) the extent to which the sanction has harmed humanitarian interests in that country, the country in which that entity is located, or in other countries; and

(3) the impact of the sanction on other national security and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

(b) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the United States International Trade Commission shall report to the appropriate congressional committees on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under United States law, regulation, or Executive order. The calculation of such costs shall include an assessment of the impact of such measures on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services.

On page 60, strike lines 4 through 11 and insert the following:

SEC. 717. None of the funds made available by this Act may be used to provide assistance under, or to pay the salaries of personnel who carry out, a market promotion or market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

BRYAN (AND OTHERS) AMENDMENT NO. 3157

Mr. BRYAN (for himself, Mr. REID, Mr. GREGG, Mr. FEINGOLD, and Mr. KERRY) proposed an amendment to the bill, S. 2159, supra; as follows:

DODD (AND OTHERS) AMENDMENT NO. 3158

Mr. DODD (for himself, Mr. WARNER, Mr. ROBERTS, Mr. HAGEL, Mr. DORGAN, Mr. GRAMS, and Mr. HARKIN) proposed an amendment to the bill, S. 2159, supra; as follows:

At the appropriate place in the bill at the following new section:

SEC. (A) FINDINGS.—(1) Prohibiting or otherwise restricting the donations or sales of food, other agricultural products, medicines or medical equipment in order to sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targetted country and rarely causes the sanctioned government to alter its actions or policies.

(2) For the United States as a matter of U.S. policy to deny access to United States food, other agricultural products, medicines, and medical equipment by innocent men, women and children in other countries weakens the international leadership and moral authority of the United States.

(3) Sanctions on the sale or donations of American food, other agricultural products, medicine or medical equipment needlessly harm American farmers and workers employed in these sectors by foreclosing markets for these United States products.

(B)(1) EXCLUSION FROM SANCTIONS. Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing) of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

(2) EXCEPTIONS. Section (B)(1) of this section shall not apply to any regulations or restrictions of such products for health or safety purposes or during periods of domestic shortages of such products.

(C) EFFECTIVE DATE. This section shall take effect on the date of enactment of this act.

ROBERTS AMENDMENT NO. 3159

Mr. ROBERTS proposed an amendment to amendment No. 3158 proposed by Mr. DODD to the bill, S. 2159, supra; as follows:

Strike all after the first word in the pending amendment and insert in lieu thereof the following:

''(A) FINDINGS.—(1) Prohibiting or otherwise restricting the donations or sales of food, other agricultural products, medicines or medical equipment in order to sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targetted country and rarely causes the sanctioned government to alter its actions or policies.

(2) For the United States as a matter of U.S. policy to deny access to United States food, other agricultural products, medicines and medical equipment by innocent men, women and children in other countries weakens the international leadership and moral authority of the United States.

(3) Sanctions on the sale or donations of American food, other agricultural products, medicine or medical equipment needlessly harm American farmers and workers employed in these sectors by foreclosing markets for these United States products.

(B)(1) EXCLUSION FROM SANCTIONS.—Notwithstanding any other provision of law, the President shall not restrict or otherwise prohibit any exports (including financing) of food, other agricultural products (including fertilizer), medicines or medical equipment as part of any policy of existing or future unilateral economic sanctions imposed against a foreign government.

(2) EXCEPTIONS.—Section (B)(1) of this section shall not apply to any regulations or restrictions with respect to such products for health or safety purposes or during periods of domestic shortages of such products.

(C) EFFECTIVE DATE.—This section shall take effect one day after the date of enactment of this section into law.''.

TORRICELLI (AND GRAHAM) AMENDMENT NO. 3160

Mr. TORRICELLI (for himself and Mr. GRAHAM) proposed an amendment to amendment No. 3158 proposed by Mr. DODD to the bill, S. 2159, supra; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this section Section B(2) shall read as follows:

(2) Exceptions. Section (B)(1) of this section shall not apply to any country that—

(1) repeatedly provided support for acts of international terrorism, within the meaning of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)); or

(2) systematically denies access to food, medicine, or medical care to persons on the basis of political beliefs or as a means of coercion or punishment; or to

(3)

KERREY (AND OTHERS) AMENDMENT NO. 3161

Mr. KERREY (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. CONRAD, Mr. DORGAN, Mr. WELLSTONE, Mr. BAUCUS, and Mr. HARKIN) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23 add the following:

SEC. 7___. LIVESTOCK INDUSTRY IMPROVEMENT.

(a) DOMESTIC MARKET REPORTING.—

(1) IN GENERAL.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(A) by striking ''(g) To'' and inserting the following:

''(g) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.—

''(1) IN GENERAL.—The Secretary shall''; and

(B) by adding at the end the following:

''(2) DOMESTIC MARKET REPORTING.—

''(A) MANDATORY REPORTING PILOT PROGRAM.—

''(i) IN GENERAL.—The Secretary shall conduct a 3-year pilot program under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to report to the Secretary in such manner as the Secretary shall require, such information relating to prices and the terms of sale for the procurement of livestock, livestock products, meat, or meat products in an unmanufactured form as the Secretary determines is necessary to carry out this subsection.

''(ii) NONCOMPLIANCE.—It shall be unlawful for a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to knowingly fail or refuse to provide to the Secretary information required to be reported under subparagraph (A).

''(iii) CEASE AND DESIST AND CIVIL PENALTY.—

''(I) IN GENERAL.—If the Secretary has reason to believe that a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form is violating the provisions of subparagraph (A) (or regulation promulgated under subparagraph (A)), the Secretary after notice and opportunity for hearing, may make an order to cease and desist from continuing the violation and assess a civil penalty of not more than $10,000 for each violation.

''(II) CONSIDERATIONS.—In determining the amount of a civil penalty to be assessed under clause (i), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person to continue in business.

''(iv) REFERRAL TO ATTORNEY GENERAL.—If, after expiration of the period for appeal or after the affirmance of a civil penalty assessed under clause (iii), the person against whom the civil penalty is assessed fails to pay the civil penalty, the Secretary may refer the matter to the Attorney General, who may recover the amount of the civil penalty in a civil action in United States district court.

''(B) VOLUNTARY REPORTING.—The Secretary shall encourage voluntary reporting by persons engaged in the business of buying, selling, or marketing livestock, livestock products, meats, or meat products in an unmanufactured form that are not subjected to a mandatory reporting requirement under subparagraph (A).

''(C) AVAILABILITY OF INFORMATION.—The Secretary shall make information received under this paragraph available to the public only in a form that ensures that—

''(i) the identity of the person submitting a report is not disclosed; and

''(ii) the confidentiality of proprietary business information is otherwise protected.

''(D) EFFECT ON OTHER LAWS.—Nothing in this paragraph restricts or modifies the authority of the Secretary to collect voluntary reports in accordance with other provisions of law.''.

(2) TECHNICAL AMENDMENT.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(A) by striking ''The Secretary is directed and authorized:''; and

(B) in the first sentence of each of subsections (a) through (f) and subsections (h) through (n), by striking ''To'' and inserting ''The Secretary shall''.

(b) PROHIBITION ON NONCOMPETITIVE PRACTICES.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.''.

(c) PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.—

(1) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(A) by striking ''or subject'' and inserting ''subject''; and

(B) by inserting before the semicolon at the end the following: '', or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer''.

(2) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

''(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

''(1) CONSIDERATION BY SPECIAL PANEL.—The President shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

''(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

''(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.''.

(3) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

''(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

''(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

''(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

''(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.''.

(d) REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.—

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

GRAHAM (AND MACK) AMENDMENT NO. 3162

Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 29, after line 21, add the following:

DISASTER ASSISTANCE

For necessary expenses to provide assistance to agricultural producers in a county with respect to which a disaster or emergency was declared by the President or the Secretary of Agriculture by July 15, 1998, as a result of drought and fire, through—

(1) the forestry incentives program established under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.), $9,000,000;

(2) a livestock indemnity program carried out in accordance with part 1439 of title 7, Code of Federal Regulations, $300,000;

(3) the emergency conservation program authorized under sections 401, 402, and 404 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202, 2204), $2,000,000; and

(4) the disaster reserve assistance program established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), $10,000,000; to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount of funds necessary to carry out this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

COVERDELL AMENDMENT NO. 3163

Mr. COCHRAN (for Mr. COVERDELL) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 14, line 17 before the period, insert the following:

'': *Provided*, That of the $2,000,000 made available for a food safety competitive research program at least $550,000 shall be available for research on E.coli:0157H7.

DEWINE (AND HUTCHINSON) AMENDMENT NO. 3164

Mr. COCHRAN (for Mr. DEWINE for himself and Mr. HUTCHINSON) proposed an amendment to the bill, S. 2159, supra; as follows:

At the appropriate place in title VII, insert the following:

SEC. ___. METERED-DOSE INHALERS.

(a) FINDINGS.—Congress finds that—

(1) the Montreal Protocol on Substances That Deplete the Ozone Layer (referred to in this section as the ''Montreal Protocol'') requires the phaseout of products containing ozone-depleting substances, including chloroflourocarbons;

(2) the primary remaining legal use in the United States of newly produced chloroflourocarbons is in metered-dose inhalers;

(3) treatment with metered-dose inhalers is the preferred treatment for many patients with asthma and chronic obstructive pulmonary disease;

(4) the incidence of asthma and chronic obstructive pulmonary disease is increasing in children and is most prevalent among low-income persons in the United States;

(5) the Parties to the Montreal Protocol have called for development of national transition strategies to non-chloroflourocarbon metered-dose inhalers;

(6) the Commissioner of Food and Drugs published an advance notice of proposed rulemaking that suggested a tentative framework for how to phase out the use of metered-dose inhalers that contain chloroflourocarbons in the Federal Register on March 6, 1997, 62 Fed. Reg. 10242 (referred to in this section as the ''proposal''); and

(7) the medical and patient communities, while calling for a formal transition strategy issued by the Food and Drug Administration by rulemaking, have expressed serious concerns that the proposal, if implemented without change, could potentially place some patients at risk by causing the removal of metered-dose inhalers containing chloroflourocarbons from the market before adequate non-chlorofluorocarbon replacements are available.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Food and Drug Administration should, in consultation with the Environmental Protection Agency, assess the risks and benefits to the environment and to patient health of the proposal and any alternatives;

(2) in conducting such assessments, the Food and Drug Administration should consult with patients, physicians, other health care providers, manufacturers of metered-dose inhalers, and other interested parties;

(3) using the results of these assessments and the information contained in the comments FDA has received on the proposal, the Food and Drug Administration should promptly issue a rule ensuring that a range of non-chloroflourocarbon metered-dose inhaler alternatives is available for users, comparable to existing treatments in terms of safety, efficacy, and other appropriate parameters necessary to meet patient needs, which rule should not be based on a therapeutic class phaseout approach; and

(4) the Food and Drug Administration should issue a proposed rule described in paragraph (3) not later than May 1, 1999.

HARKIN (AND GRASSLEY) AMENDMENT NO. 3165

Mr. COCHRAN (for Mr. HARKIN for himself and Mr. GRASSLEY) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 20, line 7, strike ''expended'' and insert: ''expended: *Provided*, That the Animal and Plant Health Inspection Service shall enter into a cooperative agreement for construction of a Federal large animal biosafety level-3 containment facility in Iowa''.

COCHRAN AMENDMENT NO. 3166

Mr. COCHRAN proposed an amendment to the bill, S. 2159, supra; as follows:

On page 31, line 4, after strike ''$638,231,000'' and inset in lieu thereof ''$638,664,000''.

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 3167

Mr. COCHRAN (for Mr. KEMPTHORNE for himself, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, Mr. THOMAS, Mr. FAIRCLOTH,

and Mr. DORGAN) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 14, line 5, after the semicolon, insert ''$1,000,000 for a secondary agriculture education program (7 U.S.C. 3152(h));''.

On page 14, line 17, strike ''$436,082,000'' and insert ''$437,082,000.''

On page 35, line 7, strike ''$703,601,000'' and insert ''$702,601,000.''

BRYAN AMENDMENT NO. 3168

Mr. COCHRAN (for Mr. BRYAN) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23, add the following:

SEC. 7___. REPORT ON MARKET ACCESS PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Comptroller General of the United States, shall submit to the committees of Congress specified in subsection (c) a report that, as determined by the Secretary—

(1)(A) analyzes the costs and benefits of programs carried out under that section in compliance with the cost-benefit analysis guidelines established by the Office of Management and Budget in Circular A–94, dated October 29, 1992; and

(B) in any macroeconomic studies, treats resources in the United States as if the resources were likely to be fully employed;

(2) considers all potential costs and benefits of the programs carried out under that section, specifically noting potential distortions in the economy that could lower national output of goods and services and employment;

(3) estimates the impact of programs carried out under that section on the agricultural sector and on consumers and other sectors of the economy in the United States;

(4) considers costs and benefits of operations relating to alternative uses of the budget for the programs under that section;

(5)(A) analyzes the relation between the priorities and spending levels of programs carried out under that section and the privately funded market promotion activities undertaken by participants in the programs; and

(B) evaluates the spending additionality for participants resulting from the program;

(6) conducts an analysis of the amount of export additionality for activities financed under programs carried out under that section in sponsored countries controlling for relevant variables, including—

(A) information on the levels of private expenditures for promotion;

(B) government promotion by competitor nations;

(C) changes in foreign and domestic supply conditions;

(D) changes in exchange rates; and

(E) the effect of ongoing trade liberalization;

(7) provides an evaluation of the sustainability of promotional effort in sponsored markets for recipients in the absence of government subsidies.

(b) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit an evaluation of the report to the committees specified in subsection (C).

(c) COMMITTEES OF CONGRESS.—The committees of Congress referred to in subsection (a) are—

(1) the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(2) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GRAHAM (AND MACK) AMENDMENT NO. 3169

Mr. COCHRAN (for Mr. GRAHAM, for himself and Mr. MACK) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 19, line 10, before the period, insert the following: '': *Provided further,* That, of the amounts made available under this heading, not less than $22,970,000 shall be used for fruit fly exclusion and detection''.

On page 19, line 23, strike ''$95,000,000'' and insert ''$93,000,000''.

JOHNSON (AND BURNS) AMENDMENT NO. 3170

Mr. COCHRAN (for Mr. JOHNSON for himself and Mr. BURNS) proposed an amendment to the bill, S. 2159, supra; as follows:

On page 67, after line 23 add the following:

TITLE VIII—MEAT LABELING

SEC. 801. DEFINITIONS.

Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

''(w) BEEF.—The term 'beef'' means meat produced from cattle (including veal).

''(x) LAMB.—The term 'lamb' means meat, other than mutton, produced from sheep.

''(y) BEEF BLENDED WITH IMPORTED MEAT.—The term 'beef blended with imported meat' means ground beef, or beef in another meat food product that contains United States beef and any imported meat.

''(z) LAMB BLENDED WITH IMPORTED MEAT.—The term 'lamb blended with imported meat' means ground meat, or lamb in another meat food product, that contains United States lamb and any imported meat.

''(aa) IMPORTED BEEF.—The term 'imported beef' means any beef, including any fresh muscle cuts, ground meat, trimmings, and beef in another meat food product, that is not United States beef, whether or not the beef is graded with a quality grade issued by the Secretary.

''(bb) IMPORTED LAMB.—The term 'imported lamb' means any lamb, including any fresh muscle cuts, ground meat, trimmings, and lamb in another meat food product, that is not United States lamb, whether or not the lamb is graded with a quality grade issued by the Secretary.

''(cc) UNITED STATES BEEF.—

''(1) IN GENERAL.—The term 'United States beef' means beef produced from cattle slaughtered in the United States.

''(2) EXCLUSIONS.—The term 'United States beef' does not include—

''(A) beef produced from cattle imported into the United States in sealed trucks for slaughter;

''(B) beef produced from imported carcasses;

''(C) imported beef trimmings; or

''(D) imported boxed beef.

''(dd) UNITED STATES LAMB.—

''(1) IN GENERAL.—The term 'United States lamb' means lamb, except mutton, produced from sheep slaughtered in the United States.

''(2) EXCLUSIONS.—The term 'United States lamb' does not include—

''(A) lamb produced from sheep imported into the United States in sealed trucks for slaughter;

''(B) lamb produced from an imported carcass;

''(C) imported lamb trimmings; or

''(D) imported boxed lamb.''.

SEC. 802. LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIREMENT.—

(1) IN GENERAL.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

''(13)(A) If it is imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb and is not accompanied by labeling that identifies it as imported beef or imported lamb.

''(B) If it is United States beef or United States lamb offered for retail sale, or offered and intended for export as fresh muscle cuts of beef or lamb, and is not accompanied by labeling that identifies it as United States beef or United States lamb.

''(C) If it is United States or imported ground beef or other processed beef or lamb product and is not accompanied by labeling that identifies it as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the percentage content of United States beef and imported beef United States lamb and imported lamb or contained in the product, as determined by the Secretary under section 7(g).''.

(2) CONFORMING AMENDMENT.—Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by adding at the end the following: ''All imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb shall be plainly and conspicuously marked, labeled, or otherwise identified as imported beef or imported lamb.''.

(b) GROUND OR PROCESSED BEEF AND LAMB.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

''(g) GROUND OR PROCESSED BEEF AND LAMB.—

''(1) VOLUNTARY LABELING.—Subject to paragraph (2), the Secretary shall provide by regulation for the voluntary labeling or identification of ground beef or lamb, other processed beef or lamb products as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the percentage content of United States and imported beef or imported lamb contained in the product, as determined by the Secretary.

''(2) MANDATORY LABELING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 18 months after the date of enactment of this subsection, the Secretary shall provide by regulation for the mandatory labeling or identification of ground beef or lamb, other processed beef or lamb products as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the percentage content of United States and imported beef or imported lamb contained in the product, as determined by the Secretary.

''(B) APPLICATION.—Subparagraph (A) shall not apply to the extent the Secretary determines that the costs associated with labeling under subparagraph (A) would result in an unreasonable burden on producers, processors, retailers, or consumers.''.

(c) GROUND BEEF AND GROUND LAMB LABELING STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the effects of the mandatory use of imported, blended, or percentage content labeling on ground beef, ground lamb, and other processed beef or lamb products made from imported beef or imported lamb.

(2) COSTS AND RESPONSES.—The study shall be designed to evaluate the costs associated with and consumer response toward the mandatory use of labeling described in paragraph (1).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report the findings of the study conducted under paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 803. REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to carry out the amendments made by this title.

HOMEOWNERS PROTECTION ACT OF 1998

SANTORUM (AND SPECTER) AMENDMENT NO. 3171

Mr. DEWINE (for Mr. SANTORUM for himself and Mr. SPECTER) proposed an amendment to the bill (S. 318) to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes; as follows:

SEC. . Section 481(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(4)) is amended by—

(1) inserting the subparagraph designation ''(A)'' immediately after the paragraph designation ''(4)'';

(2) redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) adding at the end thereof the following new subparagraph:

''(B) Subparagraph (A)(i) shall not apply to a nonprofit institution whose primary function is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under Chapter 11 of Title 11 of the United States Code between July 1 and December 31, 1998.''

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, July 22, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Bill Richardson to be Secretary of the Department of Energy.

For further information, please contact Gary Ellsworth of the Committee staff at (202) 224–7141.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the full committee business meeting of the Committee on Energy and Natural Resources originally scheduled for Wednesday, July 22, 1998 has been rescheduled for Wednesday, July 29, 1998.

The business meeting will take place at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Gary Ellsworth of the Committee staff at (202) 224–7141.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. 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, July 15, 1998, to conduct a hearing on the practice of automated teller machine surcharging.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 15, 1998, at 2:00 p.m. on S. 2107—Government Paperwork Elimination Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 15, for purposes of conducting a full committee hearing which is scheduled to begin at 9:00 a.m. The purpose of this hearing is to receive testimony on H.R. 856, a bill to provide a process leading to full self-government for Puerto Rico; and S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, July 15, 11:00 a.m., Hearing Room (SD–406), to receive testimony from Nikki L. Tinsley, nominated by the President to be Inspector General, Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, July 15, 1998 at 10:30 am for a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, July 15, 1998 at 9:30 a.m. to Mark-Up the following: S. 1905, Cheyenne River Sioux Compensation; S. 391, Mississippi Sioux Judgment Funds; H.R. 700, Agua Caliente and S. 109, Native Hawaiian Housing. Immediately following the Mark-Up the Committee will hold a HEARING on S. 2097, Indian Tribal Conflict Resolution and Tort Claims and Risk Management Act of 1998. The meeting/hearing will be held in room G–50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 15, 1998 at 9:00A.M. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Department of Justice Oversight.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''Home Health Care: Can Small Agencies Survive New Regulations?'' the hearing will begin at 9:45 a.m. on Wednesday, July 15, 1998, in room 428A Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 15, 1998 at 2:30 p.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on July 15, 1998 at 1:30 to 5:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 1998 at 2:00 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EARTH SCIENCE WEEK

● Mr. WYDEN. Mr. President, in the nineteenth century, Merriwether Lewis and William Clark explored the western reaches of our expanding country. As they explored my home region of the Pacific Northwest, Lewis and Clark cataloged the mineral and natural resources of the land. In particular, they spoke of a mighty river known to the local inhabitants as Nch'i Wana, the Great River. We know it today as the Columbia River and its importance as a reliable source of water and power to the people of the Pacific Northwest is undeniable.

When Twentieth Century American explorers embarked on a similar journey to explore the Moon, one of their earliest actions was to bend down to the surface and pick up a rock. That simple movement framed an ancient reflex that underscores the basic imperative to explore our surroundings. Today, I want to recognize the important role played by the earth sciences in expanding our economy, supporting our national goals, and increasing our knowledge of the larger world.

Modern geophysical research reveals that ours is a dynamic planet. On the Earth's surface, great tectonic plates shift continental positions with terrific force. On the ocean's surface, microscopic plants and animals help regulate global atmospheric gases and serve as the foundation of our planet's food web. In the deep ocean abyss, mysterious and wondrous animal communities thrive in endless darkness by deriving life-sustaining nutrients from active volcanic vents.

Earth science is a global science that speaks a global language and unites people by promoting sustainable development. The study of earth science provides the skills necessary for locating and utilizing natural resources, understanding natural processes that often conflict with human designs, and comprehending our natural heritage through the unusual perspective of geologic time. The unique panorama of geologic time allows us to observe the full range of natural processes on Earth and aids in developing a comprehensive view of the natural world beyond a perspective limited only to that of human influence.

In my home state of Oregon, we celebrate the land and respect the power of nature. We have learned to protect our citizens and expand our economy by working with nature and prudently mitigating natural hazards. In consideration of the importance of the earth sciences in the daily lives of all Americans, I submit, for the RECORD, the resolution issued by the Association of American State Geologists.

The resolution follows:

Whereas the earth sciences are fundamental to society; and

Whereas the earth sciences are integral to finding, developing, and conserving mineral, energy, and water resources needed for society; and

Whereas the earth sciences promote public safety by preparing for and mitigating natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and

Whereas the earth sciences are crucial to environmental and ecological issues ranging from climate change and water and air quality to waste disposal; and

Whereas geological factors of resources, hazards, and environment are vital to land management and land use decisions at local, state, regional, national, and international levels; and

Whereas the earth sciences contribute critical information that enhances our understanding of Nature,

Therefore, be it resolved that the second full week of October henceforth be designated as Earth Science Week.●

DR. BOB LEFTWICH

● Mr. COVERDELL. Mr. President, I rise today to commend the exemplary efforts of Dr. Bob Leftwich, a school councelor in Ellijay, Georgia. Over the past years, Dr. Leftwich has worked with students in his area by talking to them about life and their futures. In his discussions, he has urged students to be the very best they can be and to make firm commitments to excellence.

Dr. Leftwich is a prime example of a hero in my book. He is a committed advocate for young people and the freedoms they can achieve through hard work and perseverance.

It is people like Bob, with the motivation he brings to our students, who will be remembered when these students are the leaders of our great nation. They will no doubt look back and remember the impact that this individual had on their lives. And hopefully they will follow his lead by getting involved with young people themselves.

Once again, Mr. President, I would like to thank Dr. Leftwich for his dedication to excellence. His work should serve as an encouragement to others to become more involved with the education of our nation's youth.●

NEBRASKA GIRL SCOUT GOLD AWARD RECIPIENTS

● Mr. KERREY. Mr. President, I would like to recognize seventeen outstanding young Nebraska women who have been honored with the Girl Scout Gold Award, the highest achievement award a U.S. Girl Scout can attain.

The Girl Scout Gold Award symbolizes outstanding accomplishment in leadership, community service, career planning, and personal development. This year's winners completed projects such as creating a multicultural mural at a local school; cleaning, rust-proofing, and painting bathhouses at Two Rivers State Park; and building a large scale doll house that will teach independent living skills to children at the Hattie B. Munroe Center. The Nebraska recipients were honored by the Great Plains Girl Scout Council in Omaha, Nebraska.

Girl Scouts of the U.S.A., an organization serving over two and a half million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girls Scouts since the inception of the program in 1980. The Gold Award represents the culmination of the achievement of many goals.

I would today like to honor these Nebraskans for their exceptional efforts in attaining the Gold Award: Megan Rachel Adams, Alyssa Ann Arthur, Gina R. Dowis, Elizabeth Ann Holland, Melody E. Jones, Sara Anne Jones, Kjirsten R. Kellogg, Stefanie Kudera, Tera R. Maeder, Katie Michalski, Stephanie Jane Patton, Kelly Peters, Marie Roscoe, Melissa Jo Scurlock, Elizabeth A. Sigler, Karianne Sis, and Samantha Waterman. I salute them for their significant service to their community and our country.●

NELSON MANDELA CONGRESSIONAL GOLD MEDAL ACT

● Mr. D'AMATO. Mr. President, I rise to make a few comments regarding the passage of H.R. 3156 late yesterday. This bill authorizes the President to present, on behalf of Congress, the Congressional Gold Medal to Nelson Mandela. I am very pleased that the Senate has acted swiftly to pass this legislation.

The Congressional Gold Medal is the highest honor that the United States Congress may bestow on a civilian. This prestigious award has been bestowed on a variety of people whose leadership and lives have left an indelible impression on our great nation. President Mandela is without a doubt, one of those persons who has earned our recognition through his leadership in the quest for freedom and equality.

His ongoing struggle for such noble causes has carried the people of South Africa into a new era. And, his compassion for the downtrodden has been felt around the world uplifting all people suffering from oppression.

Mr. President, I would like to thank the ranking member of the Senate Banking Committee, Senator SARBANES for his efforts in seeing this legislation through the Senate in an expedited manner. I would also like to thank Congressman HOUGHTON for first introducing this bill, H.R. 3156, in the House and for all of his hard work and leadership.●

TRIBUTE TO ED WILLIAMS

● Mr. CLELAND. Mr. President, I rise today to honor Ed Williams of Valdosta, Georgia, a man who has dedicated more than three decades of his life to bringing a Veterans Clinic to the Valdosta area. His dreams and hard work were realized with the April 28, 1998 opening and dedication of the new Valdosta Veterans Health Care Clinic.

Ed is one of the few survivors of the original group of veterans who began working to bring a veterans clinic to Valdosta 35 years ago. I commend and

graciously thank Ed Williams for all of his determination and hard work over the years in bringing this clinic to Valdosta.

The Valdosta Veterans Health Care Clinic, located at 2123 N. Ashley St. in Valdosta, will serve the 7,000 veterans in Lowndes County and almost 5,000 veterans in the surrounding counties. The veterans of Georgia owe Mr. Williams the deepest gratitude and appreciation for his tireless efforts to secure the new facility.

Mr. President, I would like to acknowledge and honor Ed Williams for his outstanding and innumerable contributions over the years to the Valdosta area, to the State of Georgia and to our Nation. He has dedicated his life to inspiring and improving us all, and I ask my colleagues to join me in saluting and congratulating Ed Williams on the opening of the Valdosta Veterans Health Care Clinic. It is great to see all of Ed's hard work pay off!●

CHILD CUSTODY PROTECTION

● Mr. ABRAHAM. Mr. President, I rise to bring to my colleagues' attention an opinion piece from the New York Times by Bruce A. Lucero. Mr. Lucero until recently owned and operated the ''New Woman, All Women Health Care'' abortion clinic and remains, in his words, ''staunchly pro-choice.'' He also supports my Child Custody Protection Act, S. 1645, currently being marked-up in the Judiciary Committee. This article shows, I believe, that even strong pro-choice advocates have good reason to join with those of us who are pro-life in supporting parental involvement in their daughters' decision whether or not to have an abortion.

In his article, Mr. President, Mr. Lucero points out that the Child Custody Protection Act is important for the health of teen-age girls across America. By making it illegal for anyone to take a minor across state lines for an abortion without first meeting the home state's parental notification requirements, this Act sees to it that parents are involved in their daughter's critical medical decision of whether to have an abortion. Where teen-agers cannot consult their parents, for example because of abuse, a judge may waive the parental notification requirement. But as Mr. Lucero points out, parents almost always are the best source of emotional support and financial assistance for girls facing unplanned pregnancies. In addition, teen-age girls who avoid consulting their parents too often end up having later term, more dangerous procedures and avoiding necessary follow-up care. These factors combine to increase medical risks significantly for teen-age girls who undergo secret abortions.

Mr. Lucero calls for people on both sides of the abortion issue to join in supporting the Child Custody Protection Act. As he states, ''The only way we can and should keep abortions legal is to keep them safe. To fight laws that would achieve this does no one any good—not the pregnant teen-agers, the parents or the pro-choice movement.''

I hope my colleagues on both sides of the aisle and on both sides of the abortion issue will take seriously Mr. Lucero's point, that the health and well-being of the teen-age girls of America is too important to allow ideology to keep their parents from fully participating in crucial decisions such as whether or not to have an abortion, and I urge them to support S. 1645, the Child Custody Protection Act.

I ask that the full text of Mr. Lucero's article be printed in the RECORD.

The article follows:

[From the New York Times, July 12, 1998]

PARENTAL GUIDANCE NEEDED

(By Bruce A. Lucero)

Alexandria, VA.—I am a doctor who performed some 45,000 abortions during 15 years in practice in Alabama. Even though I no longer perform abortions, I am still staunchly pro-choice.

But I find that I disagree with many in the pro-choice movement on the issue of parental notification laws for teen-agers. Specifically, I support the Child Custody Protection bill now being considered by Congress. Under the legislation, it would be illegal for anyone to accompany a minor across state lines for an abortion if that minor failed to meet the requirement for parental consent or notification in her home state.

The legislation, which the House is scheduled to vote on this week, is important not only to the health of teen-age girls, but to the pro-choice movement as well.

Opponents of the measure believe that the bill would simply extend the reach of a state's parental notification or consent law to other states. And they claim that teen-agers would resort to unsafe abortions rather than tell their parents.

In truth, however, in most cases a parent's input is the best guarantee that a teen-ager will make a decision that is correct for her—be it abortion, adoption or keeping the baby. And it helps guarantee that if a teen-ager chooses an abortion, she will receive appropriate medical care.

In cases where teen-agers can't tell their parents—because of abuse, for instance—parental notification laws allow teen-agers to petition a judge for a waiver.

Society has always decided at what age teen-agers should have certain rights—be it the right to drive a car or the right to vote. In the same way, society should determine at what age a minor has the right to an abortion without notifying their parents.

In almost all cases, the only reason that a teen-age girl doesn't want to tell her parents about her pregnancy is that she feels ashamed and doesn't want to let her parents down.

But parents are usually the ones who can best help that teen-ager consider her options. And whatever the girl's decision, parents can provide the necessary emotional support and financial assistance. Even in a conservative state like Alabama, I found that parents were almost always supportive.

If a teen-ager seeks an abortion out of state, however, things become infinitely more complicated. Instead of telling her parents, she may delay her abortion and try to scrape together enough money—usually $150 to $300—herself. As a result, she often waits too long and then has to turn to her parents for help to pay for a more expensive and riskier second-trimester abortion.

Also, patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications. And a teen-ager who has an abortion across state lines without her parents' knowledge is even more unlikely to tell them that she is having complications.

Ultimately, the pro-choice movement hurts itself by opposing these kinds of laws. I have had many parents sit in my office with their teen-age daughter and say, ''We never thought this would happen to us'' or, ''We were against abortion, but now it is different.''

The hard truth is that people often become pro-choice only when they experience an unwanted pregnancy or when their daughter does. Too often, pro-choice advocates oppose laws that make common sense simply because the opposition supports or promotes them. The only way we can and should keep abortions legal is to keep them safe. To fight laws that would achieve this end does no one any good—not the pregnant teen-agers, the parents or the pro-choice movement.●

Y2K PROBLEM

● Mr. MOYNIHAN. Mr. President, President Clinton yesterday called for urgent action regarding the Year 2000 (Y2K) problem in a speech at the National Academy of Sciences. The President stated ''This is clearly one of the most complex management challenges in history.'' He cited progress in American business and the Federal Government in preparing for the Y2K problem, while simultaneously noting ''far too many businesses, especially small-and medium-sized firms, will not be ready unless they begin to act.''

I am pleased to see that President Clinton is speaking openly about the seriousness of the Y2K computer problem. Over two years ago I stated ''that the Year 2000 problem is indeed serious, and that fixing it will be costly and time-consuming. The problem deserves the careful and coordinated attention of the Federal Government, as well as the private sector, in order to avert major disruptions on January 1, 2000.'' On July 31, 1996 I sent President Clinton a letter expressing my views and concerns about Y2K. I warned him of the ''extreme negative economic consequences of the Y2K Time Bomb,'' and suggested that ''a presidential aide be appointed to take responsibility for assuring that all Federal Agencies, including the military, be Y2K compliant by January 1, 1999 [leaving a year for 'testing'] and that all commercial and industrial firms doing business with the federal government must also be compliant by that date.''

I trust the President's acknowledgment of the Y2K issue as a grave and pervasive problem will prompt the agencies and private sector to act quickly. Yet having spent two years studying the problem and warning of the lagging progress of federal agencies in addressing it, I must state that combating the millennium bug at this late date ''looks to be the 13th labor of Hercules.'' I can only hope that both American businesses and the Federal Government follow the President's

warnings and begin to give this problem the attention it deserves.●

GERARD AND MYRIAM UBAGHS

● Mr. BREAUX. Mr. President, I rise today to commemorate the efforts of Gerard and Myriam Ubaghs of Margraten, Netherlands, who have cared for the graves of American servicemen killed in the line of duty during World War II. In September of 1944, the United States Army reached the German frontier and entered the Netherlands near the city of Maastricht. By September 13, 1944, the troops of the U.S. 30th Infantry Division liberated part of eastern Holland, freeing the area from the grip of Nazi Germany. During the battle, 8,302 soldiers lost their lives including American servicemen from every state in the Union.

I, as well as all American citizens, am truly thankful for the bravery, valor, and patriotism shown by our soldiers who fought and died for their country on that day and every day of World War II. These servicemen not only gave their lives for their country, but also died for the people of the Netherlands. For this, the citizens of the Netherlands have been and remain truly grateful to the fallen soldiers of the U.S. Army.

One manifestation of their appreciation is their care for the Netherlands American Cemetery in the town of Margraten, in the Limburg Province of the Netherlands. This cemetery is the only one of its kind in the Netherlands. It was established in November of 1944 and free use of the land as a permanent burial ground was granted, without charge or taxation by the government of the Netherlands. The cemetery occupies 65.5 acres and includes a 101 foot-tall tower, a Court of Honor, a chapel and a reflecting pool. Among the 8,302 graves lie the remains of American, English, Canadian and Mexican troops.

I would like to thank not only the people of the Netherlands for this cemetery, but two individuals in particular who have honored our fallen servicemen for fifty-three years. They are Gerard and Myriam Ubaghs. As children, after the liberation of their town by American troops, they adopted and cared for two graves until the bodies were identified and returned to the United States. To this day, they continue to honor our fallen soldiers and express much gratitude to America.

I would like to officially acknowledge the Ubaghs and the people of Margraten, and thank them for their gracious deeds and for honoring our fallen soldiers. Their service is a reminder to all of us how the efforts of such brave soldiers on a day more than fifty years ago effects people around the world even today.●

CONGRESSIONAL GOLD MEDALS TO THE ''LITTLE ROCK NINE''

Mr. BUMPERS. Mr. President, in just a moment, staff will have a bill that I introduced several months ago. I would like to just discuss it briefly so we can get that behind us before I offer it.

But this is an amendment that would award the Congressional Gold Medal to the nine African American children who integrated Little Rock Central High during probably the greatest threat to the Constitution since the Civil War. I lived through it. I was in a small town in western Arkansas called Charleston. That is my hometown, where I was born and reared.

My hometown had integrated in 1954, very quietly and very peacefully, a town of 1,200 people at the time. Our schools had successfully integrated from the fall of 1954 until Governor Faubus called out the Guard to block integration at Little Rock Central High School in Little Rock.

Let me also say that Charleston, this little hometown of mine which I am seeking to get designated a national commemorative site by the Park Service this year, was the first school to integrate following the Brown v. Board of Education decision in May of 1954. I was on the school board during that time, and we integrated the school that fall. There is still some controversy because good records were not kept about how many African American children were integrated into the school system.

It went along smoothly. There were some schools that wouldn't play us in football, and there were some schools that wouldn't allow our band to participate, because we had African Americans on the football team and in the band. We lived with that as best we could. There was a lot of seething undercurrent. Even though it had gone peacefully for 3 years, there was still an unrest among some.

After the turmoil in Little Rock, that seething unrest surfaced. I will never forget, Mr. President, I was trying a lawsuit on the third floor of Logan County Courthouse in Paris, AR, and I heard these rumbling trucks going down Highway 22 from Fort Chaffee which came through my hometown to Little Rock to provide the logistical support for the 101st Airborne which President Eisenhower had sent in to Little Rock to enforce the integration of that school.

It was a very ominous, frankly, rather terrifying time. I was not as concerned about what was going on in Little Rock—though that was terrifying and certainly to the people in Little Rock it was terrifying—as I was with the certain knowledge in my own mind that we were in for big trouble in my hometown, too, because I knew, as I say, that seething unrest was going to be fortified and encouraged to try to do the same thing, and sure enough it happened.

We had a big knock-down-drag-out election in March of 1958, and the whole issue was: Shall we stay integrated or shall we re-segregate?

I convinced a friend of mine to run to fill one of the vacancies that had been created because things got so hot a couple of board members resigned. I think there were about 600 votes cast in that election, probably five times more than ever had been cast in a school election in Charleston, AR, in its history. In any event, the so-called ''moderates'' won overwhelmingly, and that put the issue to rest in my hometown.

Back to the Little Rock Nine. Ernie Green testified in the Energy Committee the other day in support of a bill to make Central High School in Little Rock a unit of the Park Service. He was one of the Little Rock Nine, later was Assistant Secretary of Labor when Jimmy Carter was President.

Anybody who didn't live through that time can never understand what a traumatic period that was for my State. We didn't attract a single industry in the State of Arkansas for almost 10 years after the Little Rock High School integration crisis. But those nine young black children who were escorted into that school in the fall of 1957 by paratroopers from the 101st Airborne showed more bravery than anybody I have ever seen in my life. It was absolutely unbelievable.

They have been recognized in a lot of ways, but S. 1283 would provide them with the Congressional Gold Medal. It is an honor that they are due and that is long overdue. This bill was recently reported out of the Banking Committee and is now on the Calendar. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 465, S. 1283.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1283) to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment on page 4, so as to make the bill read:

S. 1283

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

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress hereby finds the following:

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the ''Little Rock Nine'', voluntarily subjected themselves to the bitter stinging pains of racial bigotry.

(2) The Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country.

(3) The Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation.

(4) The Little Rock Nine sacrificed their innocence to protect the American principle that we are all ''one nation, under God, indivisible''.

(5) The Little Rock Nine have indelibly left their mark on the history of this Nation.

(6) The Little Rock Nine have continued to work toward equality for all Americans.

SEC. 2. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to as the ''Little Rock Nine'', gold medals of appropriate design, in recognition of the selfless heroism such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(c) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1997, there are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. COMMEMORATIVE COINS.

(a) IN GENERAL.—Section 101(7)(D) of the United States Commemorative Coin Act of 1996 (Public Law 104–329, 110 Stat. 4009) is amended to read as follows:

''(D) MINTING AND ISSUANCE OF COINS.—The Secretary—

''(i) may not mint coins under this paragraph after July 1, 1998; and

''(ii) may not issue coins minted under this paragraph after December 31, 1998.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be construed to have the same effective date as section 101 of the United States Commemorative Coin Act of 1996.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the bill, as amended, be read for the third time, passed and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1283), as amended, was considered read the third time and passed.

Mr. BUMPERS. 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. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUSTICE DEPARTMENT TRAVEL OVERSEAS

Mr. GORTON. Mr. President, the Justice Department is out of control. Evidence is mounting that officials at the Department's Antitrust Division has been traveling around the world urging foreign governments to join them in their witch hunt against Microsoft.

The Administration is offering a helping hand to U.S. competitors overseas. While foreign governments work hard to protect their most important industries, our Justice Department is assisting those foreign governments in their efforts to keep one of America's most vibrant, innovative, and successful companies out of their markets.

In a letter sent yesterday to Attorney General Janet Reno, my colleagues Senators SESSIONS, ABRAHAM, and KYL raised provocative questions about the activities of Justice Department officials overseas. They have learned that Joel Klein and his staff at the Department's Antitrust Division are busily recruiting their foreign counterparts to join in their war against Microsoft.

First and foremost, Mr. President, I would like to know what Justice Department officials, whose work focuses exclusively on issues here at home, are doing traveling overseas at taxpayer's expense. According to the letter, in the last 6 months, Joel Klein has traveled to Japan, Russell Pittman, chief of the Competition Policy Section of the Antitrust Division has visited Brazil, Dan Rubinfeld, chief economist for the Antitrust Division has gone to Israel, and Deputy Assistant Attorney General Douglas Melamed spent a week in Paris in June.

At a time when Joel Klein has been complaining that his division does not have enough money or people to do its job effectively, he and his staff are traveling around the world on the Justice Department's dime. And they are using those foreign visits as a bully pulpit to tout the merits of their case against Microsoft and to encourage foreign governments to join in the attack.

This activity is reprehensible. It is even more egregious when one notes that it is being financed by the American people—many of whom may wind up losing their jobs and their livelihoods if Joel Klein is successful.

We need some answers, Mr. President. Does the Attorney General consider such activities on the part of the Antitrust Division legitimate? Is Joel Klein working on behalf of U.S. taxpayers or against them? How much is the antitrust division spending to send its employees around the world? Which foreign competitors have benefited?

Here is the evidence my colleagues have compiled to date:

Joel Klein visited Japan to meet with the Japanese Fair Trade Commission last December. A month later, the Trade Commission raided Microsoft's Tokyo offices, confiscating thousands of company documents.

When Russell Pittman went to Brazil in May, he spoke publicly to senior Brazilian government officials responsible for antitrust enforcement in that country, outlining the Justice Department's case against Microsoft in detail. Nine days later, the Brazilian government announced its intention to begin legal proceedings against the company.

A quote from Mr. Pittman at this event is particularly troubling, and, I might add, somewhat ironic. He accused Microsoft of behaving ''like an arrogant monopolist, even acting arrogantly in its relations with the antitrust authorities. It will receive from these agencies what it deserves.'' Who is calling whom arrogant? A Government bureaucrat on a taxpayer-funded jaunt to Brazil? If the situation were not so serious, I would find this quote to be quite ironic, Mr. President.

In Israel in May, Dan Rubinfeld gave a public speech on the department's case against Microsoft to an audience that included Israeli public officials responsible for antitrust enforcement. He later met privately, along with his sidekicks from the Federal Trade Commission, with a group of Israeli Government officials to outline the Department of Justice's complaint against Microsoft.

Not surprisingly, the Israeli Government is now in discussions with Microsoft concerning its business practices in that country.

And finally, on June 8, Douglas Melamed briefed the OECD's Competition Law and Policy Committee in Paris on the strengths of the department's case against Microsoft. The OECD Committee includes officials from Europe, Japan, Canada, and Brazil.

I applaud Senators SESSIONS, ABRAHAM, and KYL for bringing this issue to light, Mr. President. It is just one in a series of steps by the administration to tie the hands of successful U.S. companies.

The American people deserve to know how and why the administration is using their money and why thousands of jobs in my home State of Washington and across the United States are being put on the line by a contemptuous group of bureaucrats over at the Justice Department.

I demand that Attorney General Reno do right and answer the questions raised by my colleagues promptly and completely.

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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

HEALTH CARE

Mr. DEWINE. Mr. President, I rise tonight to talk about health care, managed care, and the several proposals in Congress that attempt to address these issues.

Mr. President, just this morning, the assistant Republican leader, Senator NICKLES, and his Republican working group, unveiled an outline of a bill they are developing, a bill that they intend to shortly introduce.

This is clearly an issue that affects all Americans. Back home in Ohio, I hear constantly from my constituents about the issues involving managed care and the new world of health care that we all live in.

Mr. President, I recognize and share the concerns that many Americans have with the cost and the quality of health care and of managed care. As the father of eight children, I visited emergency rooms and I visited pediatricians' offices. I hear and I understand parents' concerns about all the new hurdles in health care. I understand the problems of parents struggling to try to get a doctor's appointment for their children, the difficulty in trying to get managed care plans to authorize care, and the concern that their children will not get needed care if that care is not authorized.

Mr. President, these are problems shared by millions of American families. They are problems Congress must deal with. But as we look at this issue, and all the problems and concerns that go with them, we need to be careful. We need to be careful that we do not create solutions that are really worse than the problems.

For example, as we look at regulating managed care, we have to be careful about the impact of proposed regulations on the availability of that care. Certainly I do not believe any of us wants to see fewer people being able to get health insurance as a result of our good intentions. That is why we need to be sure that whatever Congress does, we do not cause health care costs to significantly increase. We know that the only result of higher costs will be a health care system that many companies and individuals will simply not be able to afford, meaning more Americans will be denied quality health insurance.

So where do things stand right now? Obviously, several health care proposals already have been introduced and talked about, such as the Patient Access to Responsible Care Act, or PARCA, and also the Democrat's Patients' Bill of Rights. Other options are being developed. I already mentioned the legislation being developed by my colleague from Oklahoma, Senator NICKLES, and a Republican working group. The House of Representatives is considering their own proposals as well.

The bottom line is this: It is clear that Congress needs to consider managed care reform legislation. I am eager to work with my colleagues to make sure some crucial issues, particularly the issues that face America's children, are in fact addressed.

Mr. President, while I would like to see specific language—after all, as we always say, the devil is always in the details—I believe that the legislation unveiled today by the Senator from Oklahoma, Senator NICKLES, and the rest of the working group, represents a positive—a positive—start on the road to reform.

I am particularly pleased that the bill includes a guarantee that children will have direct access to pediatricians. I have said it many, many times on this floor, but let me say it again this evening—children are not just little adults. Their health care needs are unique. When a child goes to a doctor's office, that child needs to see someone who has been specifically trained to deal with the unique issues of pediatric care; that child needs to see a pediatrician.

I am very pleased that my discussions with Republican task force members on pediatric issues has helped produce a provision in the working group bill that would guarantee our children will be, in fact, treated by pediatricians.

Mr. President, there are several additional ways that we can further improve the quality of children's health care as a part of this overall managed care reform effort. I would like to talk about these additional ways right now.

Specifically, Mr. President, I believe there are three key issues that would go a long way to addressing the health care needs of our children: No. 1, additional pediatric protections beyond what is already now in the bill. In addition to guaranteeing access to pediatricians, other basic protections for children should be addressed to help make sure that health plans are addressing specific pediatric needs.

The most important of these is making sure that when a child faces a serious health problem that calls for specialty care, that that child has access to a health care provider with pediatric training or experience. This could mean that a child with a heart murmur would be guaranteed access to a pediatric cardiologist. It could also mean that a baby in need of intensive hospital care and monitoring has access to a children's hospital, a children's hospital to make sure that pediatrics-specific equipment and care is available for that baby.

Mr. President, my wife Fran and I have personal experiences with our children and with children's hospitals. When your child—my child—has a serious medical problem, you want the best care, you want the best specialists. Many times, quite bluntly, that means going to a children's hospital.

Specialists trained to treat adults often do not have the expertise that children need. That is not their specialty. I would hope that our efforts of managed care reform include making sure children have access to the necessary pediatric expertise, whether that be from the initial treating physician being a pediatrician, or whether it means ultimately going to a children's hospital.

Mr. President, it is important that these basic protections are in place for children, because pediatric care is probably the part of managed care that we really know the least about. The truth is, we just don't know how well managed care takes care of our kids. The measures of quality and studies we have that evaluate managed care simply have not looked at children. In the absence of this evidence, I think that some basic protections for children are required, and they certainly make sense.

I also don't believe the cost of these pediatric protections will amount to a great deal. As we all know, children comprise about 30 percent of our population, but a much smaller part of the cost of health care, a much smaller. I don't believe that making sure children can see pediatricians and pediatric specialists will have an increase on health care costs. In fact, it should have the opposite effect. It could and should reduce costs. This kind of access could cut down on unnecessary trips to doctors, emergency rooms, and work as a good avenue for preventive medicine. Preventive medicine is important for all of us, but nowhere is it as important as it is in dealing with our children. Let me say that again. As the father of eight, I think anyone who has had children knows that and understands that preventive care is the key.

Let me move to the second point and the second suggestion, that is pediatric quality-related research. One important trend we have seen lately in our health care system is the effort to measure quality and improve the science of health care quality. The ability to measure this is vitally significant. But as with many parts of our health care system, not enough attention has focused on children. It is reported that only about 5 percent of this research is aimed at our kids. What is the result? We just haven't had the same type of advances and quality improvements for our children that we have seen for adults.

I have introduced a bill that tries to fix this by focusing attention on pediatric quality-related research. Among other things, our bill includes dedicated funding to make up for the lack of health care outcomes and quality-related information for children. The legislation being developed by the Republican working group already includes a

significant focus on health care quality research. My friend from Tennessee, Senator BILL FRIST, has worked very hard on this part of the bill and he has done an excellent job. I believe we should build on that effort to focus specifically on children. I believe that would be an excellent and an important addition to managed care reform.

Let me turn to the third item. The third area where I believe we can improve this bill, the third item with which I think this Congress must deal, the other improvement I would like to see considered, is language to strengthen the services provided by our Nation's poison control centers. Other than preventive care, much of the health care our children receive is based on emergencies, occurs when emergencies happen. One of the more common emergencies in children, of course, is poison. Each year more than 2 million poisonings are reported—2 million—over half of which occur in children younger than 6 years of age.

While our Nation's poison control centers do a very good job, a very good job responding to these crises, they do face funding problems. Many of these centers have been financed through unstable arrangements from a variety of public and private sources. Funding difficulties are the primary reason that about half of our poison control centers are not certified, meaning that they may not be operating at all times or that fully qualified experts may not be available around the clock.

I have written legislation that would deal with this problem by providing Federal supplemental assistance to poison control centers. In addition, the bill that I have sponsored, and is cosponsored by Senator ABRAHAM, would create a single, simple, toll-free number so parents will always know who to call in the event of a poisoning emergency, so that they always know what number they can call. These measures not only would improve the quality of health care services available for children's health, they would be lifesavers as well.

We have before the Senate a very important debate dealing with the quality and availability of health care. As always, when we talk about health care, we need to be sure we are meeting the needs of children as well as adults. So, as we begin the debate and consider the legislation, we have a great opportunity, a great opportunity to take action that improves the lives of our young people. This Congress already has enacted a number of important pieces of legislation that will save lives, that will save young lives.

Last year, for example, we passed important bipartisan legislation to improve the quality and the availability of health care for low-income children. We also passed bipartisan legislation to reform our foster care system, vitally important legislation to reform our foster care system that will save lives and is saving lives.

This Congress clearly has taken the opportunity to improve the lives of our children. I am hopeful we will take advantage of this opportunity that we face this week and next week, the opportunity that is before us, to find the solution that best provides for health care quality for our children and for all Americans.

HOMEOWNERS PROTECTION ACT OF 1998

Mr. DEWINE. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 318) to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 318) entitled ''An Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as a condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, and for other purposes'', do pass with the following amendments:

(1) Page 1, line 5, strike [1997] and insert: *1998*

(2) Page 12, after line 16 insert the following:

(4) GAO REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report describing the volume and characteristics of residential mortgages and residential mortgage transactions that, pursuant to paragraph (1) of this subsection, are exempt from the application of subsections (a) and (b). The report shall—

(A) determine the number or volume of such mortgages and transactions compared to residential mortgages and residential mortgage transactions that are not classified as high-risk for purposes of paragraph (1); and

(B) identify the characteristics of such mortgages and transactions that result in their classification (for purposes of paragraph (1)) as having high risks associated with the extension of the loan and describe such characteristics, including—

(i) the income levels and races of the mortgagors involved;

(ii) the amount of the downpayments involved and the downpayments expressed as percentages of the acquisition costs of the properties involved;

(iii) the types and locations of the properties involved;

(iv) the mortgage principal amounts; and

(v) any other characteristics of such mortgages and transactions that may contribute to their classification as high risk for purposes of paragraph (1), including whether such mortgages are purchase-money mortgages or refinancings and whether and to what extent such loans are low-documentation loans.

(3) Page 24, strike lines 15 through 23 and insert:

(2) PROTECTION OF EXISTING STATE LAWS.—

(A) IN GENERAL.—The provisions of this Act do not supersede protected State laws, except to the extent that the protected State laws are inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(B) INCONSISTENCIES.—A protected State law shall not be considered to be inconsistent with a provision of this Act if the protected State law—

(i) requires termination of private mortgage insurance or other mortgage guaranty insurance—

(I) at a date earlier than as provided in this Act; or

(II) when a mortgage principal balance is achieved that is higher than as provided in this Act; or

(ii) requires disclosure of information—

(I) that provides more information than the information required by this Act; or

(II) more often or at a date earlier than is required by this Act.

(C) PROTECTED STATE LAWS.—For purposes of this paragraph, the term ''protected State law'' means a State law—

(i) regarding any requirements relating to private mortgage insurance in connection with residential mortgage transactions;

(ii) that was enacted not later than 2 years after the date of the enactment of this Act; and

(iii) that is the law of a State that had in effect, on or before January 2, 1998, any State law described in clause (i).

(4) Page 27, line 21 before ''Nothing'' insert:

(a) PMI NOT REQUIRED.—

(5) Page 27, after line 23 insert the following:

(b) NO PRECLUSION OF CANCELLATION OR TERMINATION AGREEMENTS.—Nothing in this Act shall be construed to preclude cancellation or termination, by agreement between a mortgagor and the holder of the mortgage, of a requirement for private mortgage insurance in connection with a residential mortgage transaction before the cancellation or termination date established by this Act for the mortgage.

Ms. MOSELEY-BRAUN. Mr. President, I am glad that the Senate is considering S. 318, the Homeowners Protection Act. I thank my colleagues on the Banking Committee for working so hard to come to a final agreement on this legislation. I am pleased with the result, and I believe that our final product is a good balance which will both benefit consumers and protect the industry. The Senate passed S. 318 last November and this version, which has been passed by the House, contains all of the key provisions of the bill as it first passed the Senate.

Private Mortgage Insurance or PMI is a property insurance line that protects lenders from mortgage default risk. Homeowners pay the premiums, but the lender is the beneficary. PMI is generally used to facilitate loans in which the borrower makes a down payment of less than 20 percent, and the lender usually seeks coverage of the initial 20 percent of the loan value.

However, a number of homeowners currently continue to pay premiums well pass the point of reaching 20 percent equity in their home, and sometimes for the entire life of the loan. This excessive PMI coverage is not only expensive for the consumer, but provides little added protection to the lender. In many cases, homeowners are never informed of their right to cancel PMI, or are faced with significant obstacles when they do attempt to cancel the coverage. This legislation will end that predatory practice. It gives homeowners the right to cancel PMI when they have accummulated sufficient equity in their home to protect the lender from default. It will also provide for automatic cancellation of the mortgage insurance when the mortgagor's

payments meet the defined loan to value ratio of 78 percent or less. Finally, the bill generally prohibits lenders from requiring that consumers obtain PMI when they have a 20 percent or more down payment, with certain exceptions.

S. 318 also ensures that lenders can continue to offer a product called lender paid mortgage insurance or LPMI, where the mortgage insurance is paid by the lender. LPMI folds the insurance payment into a slightly higher interest rate. The product provides an economic benefit for consumers for the early part of the loan, and becomes less beneficial over time if the loan is not refinanced for the life of the loan. When the legislation was considered in the Banking Committee I authored an amendment, along with my colleague, Senator GRAMS, which preserves LPMI. Our amendment, which is a part of this legislation, provides for strong disclosures that ensure the consumer is aware of the way that LPMI works, and can assess the benefits and drawbacks of this product. I would like to thank my colleagues for accepting my amendment, which ensures that this product will continue to provide benefit to consumers.

Again, Mr. President, I would like to express my strong support for S. 318, the Homeowners' Protection Act, and I urge my colleagues to support its quick enactment.

AMENDMENT NO. 3171

Mr. DEWINE. I ask unanimous consent the Senate concur in the amendments of the House with an amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] for Mr. SANTORUM, for himself and Mr. SPECTER, proposes an amendment numbered 3171 to the amendments of the House to the bill S. 318.

The amendment is as follows:

At the end of the House amendments, add the following:

SEC. . Section 481(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(4)) is amended by—

(1) inserting the subparagraph designation ''(A)'' immediately after the paragraph designation ''(4)'';

(2) redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) adding at the end thereof the following new subparagraph:

''(B) Subparagraph (A)(i) shall not apply to a nonprofit institution whose primary function is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankrupcy under Chapter 11 of Title 11 of the United States Code between July 1 and December 31, 1998.''

Mr. DEWINE. Mr. President, I move that the Senate concur in the amendments of the House with the amendment I have sent to the desk.

The motion was agreed to.

MEASURE READ THE FIRST TIME—S. 2316

Mr. DEWINE. Mr. President, on behalf of the majority leader, I understand that S. 2316, introduced earlier today by Senator MCCONNELL, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2316) to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States and Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle the depleted uranium hexafluoride.

Mr. DEWINE. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 16, 1998

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, July 16.

I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of S. 2159, the agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, again, on behalf of Majority Leader LOTT, for the information of all Senators, the Senate will reconvene tomorrow morning at 10 a.m. and immediately resume consideration of the agriculture appropriations bill.

It is hoped that Members will come to the floor to offer and debate any remaining amendments to the agriculture appropriations bill so that the Senate can complete action on this legislation by early afternoon tomorrow.

Following disposition of the agriculture appropriations bill, the Senate may resume consideration of the VA–HUD appropriations bill, or may begin the legislative branch appropriations bill.

The Senate may also consider any other legislative or executive items cleared for action. Therefore, Senators should expect rollcall votes throughout the day and into the evening during Thursday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:48 p.m., adjourned until Thursday, July 16, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1998:

DEPARTMENT OF AGRICULTURE

CHARLES R. RAWLS, OF NORTH CAROLINA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE JAMES S. GILLILAND, RESIGNED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ROBERT M. WALKER, OF TENNESSEE, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE HARVEY G. RYLAND, RESIGNED.

DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROBERT JAMES BIGART, JR., OF NEW YORK
THOMAS J. KRAL, OF MARYLAND
CAROL J. URBAN, OF THE DISTRICT OF COLUMBIA

EXTENSIONS OF REMARKS

TRIBUTE TO ROMANIAN PRESIDENT EMIL CONSTANTINESCU

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. PARKER. Mr. Speaker, for the RECORD I would like to submit a statement of tribute by my former House colleague David Funderburk to Romania's President who is visiting Washington this week.

A TRIBUTE TO ROMANIAN PRESIDENT EMIL CONSTANTINESCU ON THE OCCASION OF HIS VISIT TO WASHINGTON IN JULY 1998

(By David Funderburk)

Emil Constantinescu has been described as Romania's ''Vaclav Havel.'' There are many reasons why Constantinescu should be classed together with Vaclav Havel the Czech dissident hero of the communist era.

Admittedly as a friend of Constantinescu I am not a completely unbiased observer. And after spending two years living in Romania during the 1970's and four years during the 1980's in Ceausescu's time, I never thought I would see a democratic President of Romania. For a few years following the end of the Ceausescus I looked with skepticism on some of the transitional figures of the country. Also I wondered how many of those new voices who seemed to be jumping on the democratic reform and free market bandwagon were for real. Emil Constantinescu has proven that he is for real.

Emil Constantinescu is the first truly democratic President of Romania after 42 years of harsh communism and 7 years of stagnation following the demise of Nicolae and Elena Ceausescu.

Constantinescu is enlightened, well educated, pro-American, and a man of integrity with a historical sense of purpose for his people and their future.

The leading interwar political party—the National Peasant & Christian Democrats—emerged from the ashes of communism under the leadership of Corneliu Coposu, a giant figure who had been imprisoned under Ceausescu. Coposu, who was a national symbol of integrity and sacrifice for freedom, designated as the party's standard-bearer in both 1992 and 1996 the little known Geology professor and Rector of the University of Bucharest, Dr. Emil Constantinescu. During the transition period in Romania under Iliescu, Constantinescu gained political experience in his role as a leader of the opposition.

Romania's ''Havel'' Emil Constantinescu has in fact accomplished the following:

Led Romania to its first real democratic election victory in 1996 and peaceful transition with a platform incorporating the core values of Western civilization. And Constantinescu initiated the coalition Democratic Convention program called the ''Contract with Romania.''

Presided as a populist President living a spartan existence and working long hours in the midst of hardship for many workers in the country. He receives only a token salary and drives a small inconspicuous car without the motorcade fanfare of his predecessors;

Led an activist campaign to permanently tie Romania to the West, NATO and the U.S. (whose support Romania needs for its NATO aspirations). He has helped ensure that romania takes a leadership role in the Partnership for Peace collaboration. He helped lead the Romanians in giving U.S. President Bill Clinton in 1997 his biggest reception anywhere up to that time. And the same Romanians have indicated the highest level of support for NATO and partnership with America of any of the peoples of Eastern Europe;

Met with regional and other world leaders to demonstrate his determination to make Romania a peaceful island of stability in the volatile region. His outreach to the Hungarian minority and to neighboring Hungary as well as to neighboring Ukraine have been models of cooperation in the region;

Helped guide Romania through its most difficult economic crisis in the post-communist period by calmly accentuating the positive, and focusing on the big picture of Romania's goals of Western partnership and peace. His leadership has helped produce political stability and project optimism in the face of a not-always-supportive coalition government.

There is no doubt that Romania has some distance to travel before it's on a par with the West in terms of economic reform and even political stability. More needs to be done to make the investment climate attractive to U.S. companies and to complete the implementation of the economic reforms.

But change has been coming—gradually, steadily, inexorably. And most remarkably Romania has come a very long way since Ceausescu. Romania was left in about the worst possible position to reform with a Stalinist command economy, central planning and virtually no private sector.

The steady hand of Constantinescu's leadership has helped guide Romania as it goes through the toughest transition in Eastern Europe, without bloodshed, revolt or diversion from the NATO-integration course. Constantinescu is a visionary leader who focuses on the big picture of Romania's place in the world, and strives to help fulfill the dreams of ordinary Romanians to be given recognition, acceptance and respect by the West particularly by the U.S. Since we have the benefit of such a leader in Bucharest, we should move quickly during this visit to assist Constantinescu and Romania.

Washington—from the White House to Capitol Hill to the business community and media—has a special moment in history to do the right thing by this new Romania. Let's show our appreciation to President Emil Constantinescu and Romania and show our recognition for their historic longings, their geopolitical and strategical value to peace, and political stability in the region.

Let's take advantage of this special opportunity and welcome the new democratic President Emil Constantinescu—''Romania's Havel''—to Congress, the White House and America. It's something we will not regret.

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 15, 1998 into the CONGRESSIONAL RECORD.

MANAGED CARE REFORM

The most important political issue today, and for the past decade, is health care. Several prominent publications have identified health care as the defining issue of the 1990s. I agree. In meeting after meeting in southern Indiana I have noticed how persistently the question of health care comes forward in discussions. It is the issue that bubbles and seethes beneath the surface at all times simply because it is the most personal and real issue that touches the hopes and fears of every American.

POPULAR VIEWS ON HEALTH CARE

I find Hoosiers overwhelmingly want everyone to have access to health care services but they split on how to pay for that access. Hoosiers are usually skeptical of government action but I do not find them objecting to a prominent role for government to play in health care. They do not want a comprehensive plan like the one President Clinton proposed in 1994, but they do want to see the government assuring access to affordable health care, vigorously policing the providers of health care such as insurance companies, demanding more generous coverage from employers, and ensuring that their existing benefits are not cut back. Futhermore, they do not want to see any interference with the doctor-patient relationship.

When it comes to the issue of managed care, most people recognize that managed care plans have helped to hold down costs and provide preventive health care. But they also worry that managed care can sometimes interfere with the doctor-patient relationship and impede access to medical treatment. They want government to hold managed care plans accountable. The general view seems to be that Hoosiers will support tougher government oversight of managed care plans but they do not want the government to come in and take over health care.

MIXED SUCCESS

In light of widespread support for changes in the health care system, I am struck by the number of Hoosiers who say to me that they are quite satisfied with their own health care. Their personal experiences have largely been positive. They recognize the successes of the American health care system. Vaccination rates are up, premature births are down, more women are getting mammograms, and the move to managed care has saved billions of dollars in health care spending. They and their families are probably as healthy today as they ever were and for the most part they have affordable health coverage.

Nonetheless, underlying these successes is the fear that the system will not continue to work for them and be there in times of crisis. Hoosiers really worry about how they would handle a major illness, and they tell me again and again of acquaintances who were simply wiped out financially by a major medical problem. Many feel overwhelmed by the red tape and bureaucracy in today's health care system. They are uncomfortable that power has shifted in the health care system from the physicians to the insurance companies and managed care plan administrators.

CONGRESSIONAL OUTLOOK

President Clinton made health care a central theme of his first term in office when he

put forward his sweeping health care proposal which featured universal coverage and a mandate on employers to provide health insurance for their employees. But his plan was decisively rejected and led, in large part, to the change of control in Congress in 1994. The Clinton health care proposal was rejected because people felt it was too massive, too complex, and its consequences too uncertain. The bill was about 1300 pages in length.

Although the rejection of Clinton's proposal made both the Congress and the President wary of comprehensive health care reform, the issue did not die. Today, members of Congress are keenly aware of the intensity of their constituents feelings on health care. The public is demanding better care for less money. They do not like the high cost of health care or the restrictions on its availability. They know the shortcomings in today's system: too many Americans, especially children, do not have adequate health care coverage; long-term care for older persons is unaffordable to most Americans; and many feel that managed care plans focus more on holding costs down than providing quality care.

INCREMENTAL REFORM

On health care, as on many issues, Americans are more comfortable with incremental steps and skeptical of massive changes in one swoop. For the next few years, my guess is that the Congress will proceed with improvements in health care on a step-by-step basis. That's what it tried to do two years ago with the Kennedy-Kassenbaum legislation which mandated portability in most insurance plans, enabling workers to change jobs and not be dropped for preexisting conditions, and last year when it expanded coverage for children.

In the Congress, both parties are proposing plans to patch up managed care with such measures as expanding a patient's ability to choose a doctor and to receive emergency care and to appeal plan decisions to a neutral third party.

It is quite possible that the Congress will approve this year a sensible, but modest, health care reform package which I would expect to support. The elements of the package would likely include new opportunities for patients to appeal to a neutral third party when their health plans deny them care, give more information to help them select doctors and health plans, provide women the right to see a gynecologist, guarantee emergency room access without prior approval from managed care plans, protect personal medical information, and allow doctors to discuss with their patients a full range of medical options.

CONCLUSION

We are in the midst of major changes in health care coverage. A decade ago, the majority of Americans received health care through traditional fee-for-service plans. Today most Americans receive their health care through managed care, usually through HMOs. Lower costs and a wider array of benefits, including prescription drug benefits, are often seen as advantages of managed care plans. As the reform debate goes forward it is important to build on the success of what is developing into a more efficient health care system, while improving both the quality of care and patient satisfaction with their health care services. My guess is that health care reform will be on the agenda of the Congress for many years to come.

TRIBUTE TO LISA MENDOSA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Lisa Mendosa. Lisa Mendosa, an accomplished woman of the '90s, has added the title of Community Relations Coordinator of Borders Books to her credit. Having worked in numerous fields, Lisa Mendosa is in many respects, considered a renaissance woman.

Lisa Mendosa has had an impressive career, yet still has much of her life ahead of her. In 1987, she was named one of America's top 100 women in Communications/Hispanic USA. In the same year she also won an award in the Associated Press television-radio competition. In 1989, she was named one of America's top 100 junior college graduates. In 1995, Lisa Mendosa received an Emmy Award for her coverage of the Leer Jet crash in Fresno.

Lisa Mendosa has also published a number of books on animals and children. She has a great love for animals and has raised two dogs from the age of eight weeks and studied their development for more than 8 years. Lisa Mendosa spent 17 years working in TV news researching, writing, producing and presenting thousands of news stories. At Channel 24, Lisa went from management to producer. After winning her Emmy, Lisa was offered a position by Channel 30, which she took. Currently, she is a Community Relations Coordinator for Borders Books. Today, she works harder than ever to establish a close community relationship with the Borders Book's staff.

Mr. Speaker, it is with great honor that I pay tribute to Lisa Mendosa. Already being an accomplished woman of the '90's and considered a renaissance woman, Lisa Mendosa continues to be dedicated to her work. Her dedication and exemplary efforts should serve as an inspiration to all. I ask my colleagues to join me in wishing Lisa Mendosa continued success for the future.

CONGRATULATING THE PARK RIDGE ROTARY CLUB

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Park Ridge (New Jersey) Rotary Club on its 70th anniversary. This group of business men and women is a cornerstone of public service in our community. Their dedication and hard work have helped groups ranging from the Boy Scouts to the handicapped. They help keep alive the old-fashioned value of neighbor helping neighbor—the type of value that makes a community a community.

The Park Ridge Rotary Club was chartered November 19, 1928, and held its first meeting December 14, 1928, at the Masonic Hall in Park Ridge. Of the 25 charter members present at that meeting, one—Charlie Grey—is still active at age 96. There are 63 members in today's club, which serves the Tri-Boro area of Park Ridge, Montvale and Woodcliff Lake.

The Rotary had its beginnings in February 1905, when Chicago attorney Paul P. Harris called three businessmen friends to a meeting. He proposed a club that would kindle fellowship among members of the business community and by the end of the year, the club had 30 members. The name Rotary was adopted because meetings were rotated among the members' place of business. Rotary Clubs were formed in San Francisco, Seattle, Washington, Los Angeles and New York in the next few years. By 1921, the organization was represented on every continent and the name Rotary International was adopted in 1922. Today, there are more than 24,000 Rotary Clubs with a membership of 1.1 million in 167 countries.

At the international level, Rotary is involved in many humanitarian projects, including educational grants for overseas study, a $200 million program to eradicate polio worldwide, youth and group exchanges between nations to foster international understanding, hunger and health programs in developing countries, and financial aid to disaster relief programs.

At the local level, the Park Ridge Rotary is involved in a wide variety of community service programs. The Rotary distributes annual holiday food baskets to the handicapped, sponsors a holiday party for the handicapped, sponsors the Rotary Youth Leadership Awards and an exchange student program. It supports the Tri-Boro Ambulance, Meals on Wheels, the Park Ridge High School and Pascack Valley High School Interact Clubs, the Park Ridge and Montvale Eagle Scout Awards, the Park Ridge Public Library and many other organizations, events and programs.

The Park Ridge Rotary Club has helped make Park Ridge—along with Montvale and Woodcliff Lake—a better place to live, work and raise a family for 70 years. I join with my colleagues in the House of Representatives to wish the Club and its members many more years of continued success.

PROMPT COMPENSATION ACT OF 1998

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. HUNTER. Mr. Speaker, I rise today to discuss an issue that is extremely important, private property rights. All of us have heard from constituents in our districts who are frustrated with the process by which the government provides compensation to landowners for the private property it acquires. As you know, the federal government obtains private property for all types of reasons, from community and infrastructure development to environmental concerns. Unfortunately, it is common for this process to take several years, during which, the property owner is discouraged from conducting any type of development or improvement activity upon their land. It is for this reason that I will soon be introducing The Prompt Compensation Act of 1998.

Currently, the federal government has two alternatives available in acquiring private property. The first is termed as a ''straight condemnation'' procedure where a landowner receives notification that a federal agency has requested the Justice Department to file a complaint in condemnation in an attempt to

acquire their property. The complaint is filed with the district court of the district where the land is located and the appropriate compensation is ascertained. Once this process is completed, the federal government is afforded the option of paying this amount and assuming the title of the land or moving for dismissal, in which case, the title of the property remains with the original owner. It is important to remember that during this process, the landowner's opportunity to conduct any type of development is severely limited, depriving these individuals of time, revenue and, in some cases, overall value in their land.

The second alternative is termed a ''quick-take'' procedure where the title of the property is immediately transferred to the federal government and an amount, which the government presumes the land is worth, is provided to the owner. Normal protocol is then followed, a condemnation complaint is filed and the court determines just compensation. If this amount is more than that originally provided, the federal government is required to pay the difference with interest.

The Prompt Compensation Act of 1998 will require the federal government to provide just compensation to the property owner within 90 days or forfeit its interest. In other words, this legislation will simply make the ''quick-take'' procedure the only option available to the federal government. The Prompt Compensation Act of 1998 will require the federal government to strongly consider all viable alternatives before attempting to acquire new land and prevent landowners from losing valuable time in developing their property. I urge all my colleagues to become a cosponsor of this bill and to strongly consider the significant impact this legislation will have in curbing the taking authority of the federal government, while at the same time, strengthening the private property rights of America's landowners.

IN PRAISE OF INGHAM COUNTY'S EFFORTS TO REDUCE TEEN SMOKING

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Ms. STABENOW. Mr. Speaker, I rise today to commend the outstanding work of the Ingham County Board of Commissioners and the Ingham County Health Department in restricting the sale of tobacco to minors. The Ingham County Board of Commissioners passed an ordinance effective January 1, 1993 requiring that tobacco could only be sold through establishments licensed by the county. For violations, the Health Department can issue citations and for repeated violations have the license to sell tobacco revoked.

These enforcement provisions are similar to many used for enforcing liquor laws in communities which have been very effective in curbing the sale of liquor to minors. The possibility of losing a license to sell liquor or tobacco for a violation of law has proven to have a significant impact on the business community's self monitoring activities.

In 1992, 78% of minors who attempted to purchase cigarettes in Ingham County were successfully able to make a purchase. In other words, only 22% of all minors were refused the sale. Since the ordinance was instituted in the county in 1993, that number has declined dramatically. In a recent investigation conducted in Ingham county, 85% of all minors who attempted to purchase cigarettes were denied the sale. These are impressive statistics that I would like to see repeated across the nation.

The war against teen smoking will only be successful if it is fought on many fronts. Tough, comprehensive laws must be passed at the federal level. And, we must work in partnership with states and local governments if we are to be successful. I encourage state and local governments across our country to join the fight and follow the example set by Ingham County by instituting laws in their communities that prevent minors from purchasing cigarettes. I commend the efforts of the Ingham County Board of Commissioners and the Ingham County Health Department for making a bold effort to improve the health and welfare of our community's youngest citizens.

BALINT VAZSONYI: TRUE AMERICAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise to commend Dr. Balint Vazsonyi as a true American. Balint Vazsonyi knows first-hand what it means to live in fear, as he has done so under Nazi occupation then under Communist oppression in his native Hungary.

Overcoming the barriers to human expression put up by authoritarian states, Dr. Vazsonyi has since become a world-renowned concert pianist, and a well-respected historian and ultimately a United States citizen.

Dr. Vazsonyi, or just plain ''Balint'', is a regular op-ed contributor to the Washington Times as well as several other newspapers around the country. He sits on the boards of many community groups and is the Director of the Center for the American Founding. As a child he lived under Nazi terror and as an adolescent he participated in the Hungarian uprising against the Soviet occupiers.

Balint's musical career is well known. He received his Artist Diploma at Budapest's famed Liszt Academy. Just recently, the Hungarian Embassy in Washington, DC presented him a gala piano recital in celebration of the 50th anniversary of his first concert appearance in Hungary. Balint also has a Ph.D. in history.

I highly recommend to my colleagues, and all Americans, his new book, ''America's 30 Years War: Who is Winning?'' Drawing on his own life experiences he describes how our hard-won freedoms are gradually being eroded. Vazsonyi traces the essence of what makes America unique, from the Founding until today, and exposes how ideas imported from European socialist states are undermining America's distinct political and moral culture.

In a witty and personal style, Balint documents how the founding principles of the rule of law, individual rights, secure ownership of property and common American identity are being deliberately supplanted by the alien notions of group rights, forced redistribution of private possessions, and multiculturalism.

In ''America's 30 Years War: Who is Winning?'' Dr. Vazsonyi shows, with unmistakably clarity, how every time we move away from America's founding principles we move toward the failed model of European socialism.

Please take time to read this seminal and through-provoking book.

Mr. Speaker, I congratulate Dr. Balint Vazsonyi on his many accomplishments and I ask my colleagues to join me in wishing him many more years of success.

SOCIAL SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 8, 1998 into the CONGRESSIONAL RECORD.

SOCIAL SECURITY REFORM

In recent months, much attention has been focused in Congress on the status of the Social Security program. Following President Clinton's State of the Union address this past January in which he recommended that saving Social Security be a top priority, reform proposals have become a hot topic. The most widely discussed proposals include investing some of the Social Security Trust Fund in the stock market, adding a meanstest requirement, or enacting a combination of tax cuts and benefit reductions.

SUCCESSES OF SOCIAL SECURITY

Social Security is not only a very popular program but has also proven to be an extremely successful program in providing a safety net for our nation's elderly.

Since the program began under President Franklin Roosevelt in 1935, Social Security has provided benefits to generations of workers and their families, with the number of beneficiaries over the last half century in excess of 160 million Americans. With almost 92% of Americans over the age of 65 receiving Social Security benefits, this program provides nearly universal coverage. In Indiana, over 960,000 Hoosiers are beneficiaries, covering over 17% of our state's population. Therefore, Social Security has played, and continues to play, an important role in the lives of many beneficiaries and their families.

In addition to serving as a broad safety net for millions of Americans, Social Security is also the largest anti-poverty program. By some estimates, half of our nation's elderly (about 18 million people) would live in poverty if Social Security did not exist. Last year, two-thirds of the elderly in America were provided benefits from Social Security that represented at least half of their income. Social Security is more than simply a retirement program. More than a third of benefits go to widows or widowers, children, and the disabled.

LONG—TERM SOLVENCY

Social Security is our largest domestic social program. In 1996, the benefits paid out exceeded $347 billion. Social Security has been able to pay these benefits with great efficiency. Administration costs for Social Security are about 1% of benefits, compared to the 12–14% that is typical for private insurance plans. But while the program has operated with relative efficiency over the years, there still remain significant challenges to the long-term financial health of Social Security. In particular, the impending increase in the number of retirees and the increase in

the life span of Americans both present other sets of challenges for the long-term solvency of Social Security.

The Social Security Trust Fund is currently solvent and is projected to remain solvent well into the next century. But the long-term changes in the workforce will place a major strain on its ability to pay full benefits for the baby boomers' retirement. Social Security will be able to pay all promised benefits including cost-of-living adjustments until the year 2032. After 2032, the trust fund will still be able to pay 75% of promised benefits. Thus if no adjustments are made between now and then, the trust fund will experience a shortfall, but will not be exhausted. Our current economic prosperity, and projected budget surpluses, though, offer a great opportunity to act now to avert the depletion of the trust fund.

REFORM PROPOSALS

The reform debate is focusing on three broad approaches to shore up Social Security.

Incremental reform: The first approach is to make modest adjustments to the existing program by reducing benefits and altering the taxation of benefits. For example, the working period over which a retiree's benefits are computed could be increased from 35 to 38 years. By taking into account the additional three years, a worker's earlier, and usually lower-paying, employment years would figure into her wage history, thereby lowering the level of benefits. Another proposal on the benefits side calls for adjusting the consumer price index so that it more accurately reflects the rate of inflation. On the tax side, the income threshold for taxation of Social Security benefits could be raised. Currently, only beneficiaries with incomes above certain annual thresholds, $32,000 for married couples and $25,000 for single people, owe taxes on their benefits.

Means-testing: A second basic approach to reform entails means-testing Social Security. This approach would involve reducing payments to beneficiaries who earn more than a specified income threshold. Advocates of means-testing argue that Social Security was designed to protect the elderly from financial adversity in old age, and that benefits could be reduced for those who are better off and have less of a need for benefits. Critics respond that means-testing might transform the public's perception of the program from one that benefits everyone to one that serves only low-income beneficiaries. This opens up the possibility of undermining the broad political base of support for the program.

Privatization: A third approach is to privatize the Social Security system. The main proposal would establish a system of Individual Retirement Accounts. These accounts would allow workers to invest their savings directly into higher yielding assets than government securities. Most proposals which include some type of private account would maintain a minimum level of benefits, lower than today's benefit level, while allowing an additional amount to be invested in the stock market. Both components would continue to be financed by payroll taxes. One major advantage of privatization would come from the potential higher returns that beneficiaries could obtain from the stock market. A down turn on the market, on the other hand, presents significant risks for any privatization plans.

CONCLUSION

Social Security has been a very successful program. The program provides nearly universal coverage of American workers and their dependents, as well as helping a significant number of the disabled and children. The program is progressive in offering larger benefits relative to lifetime earnings for lower earners than for higher earnings. It is an efficient program and is an important means to eliminating poverty. The program, however, clearly requires reform so that we can provide benefits to future generations of retirees. The challenge will be to enact reforms which build on the successes of the program, enjoy broad public support, and put the program on firm financial footing for generations to come.

J.J. ''JAKE'' PICKLE FEDERAL BUILDING

SPEECH OF

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. SMITH of Texas. Mr. Speaker, I strongly support H.R. 3223, a bill designating the J.J. ''Jake'' Pickle Federal Building in Austin, Texas.

Though Jake has been out of office for 5 years, his former constituents and fellow Texans still call on him and respect him because they all know what everyone knows about Jake—he really cares.

Throughout his 30 years in Washington he never forgot who sent him or why he was there—to make the lives of his constituents and all Americans better.

Of course no building named after Jake would be complete without the words ''Howdy, Howdy, Howdy'' inscribed over the entryway! Surely he is the quintessential Texan.

All of us—Republicans and Democrats—continue to admire and appreciate Jake Pickle.

THANK YOU TO THE CREW OF ''JOHN C. STENNIS''

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. GILMAN. Mr. Speaker, today the men and women of the U.S. Armed Forces stand guard in defense of our vital interests in the Persian Gulf. These dedicated men and women stand ready to respond to the latest crisis in the Middle East with the most advanced and capable weapons systems available. A few months ago as the United States prepared to strike Iraq, the news media flooded the airwaves with stories about our military personnel in the Gulf. After the crisis, the media left but thousands of our soldiers, sailors and airmen remained—on guard and at their posts.

One of the most difficult assignments in the Gulf is service at sea aboard the many naval vessels that ensure the U.S. retains a unilateral ability to defend our interests in a crisis. Much of the work is long, tedious and boring but let us make no mistake about it—the fate of the world's economy and our national security depend on these men and women in uniform.

I want to take this moment to thank the men and women of our armed services who are currently serving in the Gulf for their dedication to duty and their commitment to their country. I also want to send a specific thank you to the crew of the U.S.S. *JOHN C. STENNIS* (CVN 74) who form the backbone of our commitment to Gulf security. Under the able leadership of the Battlegroup Commander, RADM Ralph Suggs, the ship's Commanding Officer, Captain Douglas Roulstone, and the Executive Officer, CDR Wade Tallman, our newest aircraft carrier and pride of the fleet is the reason why Saddam Hussein and the Iraqi leadership are kept at bay. These Navy leaders took a brand new ship and crew and welded them into a team that is now a cornerstone in our nation's security.

A member of my staff recently served with this crew as they prepared for the Gulf. He reminded me that long after CNN and the other networks left the Gulf, our people in the nation's sea service remained on duty in the Gulf. While I cannot read the names of the whole crew, I wanted to send a special thank you from the Congress to the ship's intelligence staff who are the eyes and ears of the Battlegroup, watching any threat which may intend harm for America and her allies. In specific, I want to thank the following sailors for their service.

CDR Paula L. Moore, LCDR William P. Hamblet, LCDR Cecil R. Johnson, LT Claudio C. Biltoc, LT Wayne S. Grazio, LT Constance M. Greene, LT Amy L. Halin, LT Michael C. McMahon, LT Michael S. Prather, LTJG Jason S. Alznauer, LTJG Kwame O. Cooke, LTJG Joe A. Earnst, LTJG Ben H. Eu, LTJG Neil A. Harmon, LTJG Kevin J. McHale, LTJG Alexander W. Miller, LTJG Eric C. Mostoller, LTJG Kevin E. Nelson, LTJG John M. Schmidt, ENS Curtis D. Dewitt, ENS Joseph M. Spahn, CWO2 Robert G. Stephens, ISCS(SW) Mary B. Buzuma, CTIC Andrea C. Elwyn, CTRC(SW/AW) Leroy Dowdy, ISC Nancy A. Heaney, PHC(AW) Troy D. Summers, CTO1 William L. Beitz, IS1 Janice E. Bevel, CTR1 Theresa L. Covert, CTR1 Charlene Duplanter, PH1 Lewis E. Everett, CTA1 Jennifer L. Fojtik, IS1 Matthew E. Hatcher, CTM1(SW) Susan C. Kehner, IS1(AW) Kevin E. King, CTT1 John E. Schappert, CTT1 Marx A. Warren, CTR1(SW/AW) Kevin R. Webb, PH1(AW) James M. Williams, CTR2 Francis E. Algers, IS2 Zachary C. Alyea, PH2 Clinton C. Beaird, IS2 Brandon G. Brooks, DM2 Chad A. Dulac, IS2 Sean M. Fitzgerald, PH2(AW) Brain D. Forsmo, CTR2 Sarah A. Fuselier, IS2 Brent L. George, IS2 Richard M. Gierbolini, IS2 Christopher S. Holloman, CTR2 Kevin J. Hubbard, PH2 Leah J. Kanak, CTI2(NAC) Paula C. Keefe, IS2 Angel Morales, IS2 Matthew W. Nace, CTI2(NAC) Eric S. Newton, CTO2 Milton T. Pritchett, IS2 Richard J. Quinn, IS2 Lee E. Redenbo, CTR2 Michael A. Santichi, IS2 Bryan S. Stanley, IS2 Mark A. Szypula, PH2(AW) Jadye A. Theobald, CTI2 Sarah A. Vogel, PH3(SW) Robert M. Baker, IS3 Gere L. Beason, IS3 Michael J. Barrenchea, PH3 Richard J. Brunson, CTO3 Michael H. Buxton, PH3 Jomo K. Coffea, IS3 Terry D. Cooper, IS3 Trinity A. Durrell, CTR3 Angel Garay-Guzman, CTR3 George W. Hall, PH3 Sandra Harrison, CTO3 Yacha C. Hodge, IS3 Mark T. Kenny, CTT3 David E. Kozacek, PH3 Michael L. Larson, PH3(SW) Stephen E. Massone, CTI3 Dennis M. Paquet, IS3 Christopher P. Petrofski, IS3 Christopher D. Ross, IS3 John C. Shirah, CTT3 Gus Smalls, PH3 Alicia C. Thompson, CTM3 Jonathan R. Thompson, PH3 Kevin R. Tidwell, CTR3 Malina N. Townsend, IS3 William T. Tyre, CTR3 Thomas J.

Wilgus, PH3 Robin R. Williams, ISSN Sa,uel J. Abernathy, PHAN Emily A. Baker, ISNN Kevin L. Bolden, CTRSN Stacey L. Bowman, ISSN Daniel F. Cady, ISSN Charles E. Fischer, ISSN Gene H. Gregory, ISSN Stephen W. Hedrick, AN Thomas E. Kossman, CTOSN Melissa A. Oliver, PHAN Jamie Snodgrass, ISSN Michael D. Spiller, ISSN Arther C. Twyman, ISSN Travis L. Veal, PHAR James A. Farraly, and PHAR Quinton D. Jackson.

In August, we plan to welcome these fine sailors and their crewmates back to the United States at their new home port in San Diego, California. Until then and on behalf of the whole Congress, I want to thank the crew of the *JOHN C. STENNIS* and their families for their pride, service and dedication to their country. God Speed and come home safely.

ON THE 50TH ANNIVERSARY OF THE NATIONAL INSTITUTE OF DENTAL RESEARCH

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. BONILLA. Mr. Speaker, I rise today to recognize the 50th anniversary of the National Institute of Dental Research. NIDR was established in response to the deplorable oral health of our recruits during World War II. As the third oldest institute of the prestigious National Institutes of Health, NIDR was entrusted with a leadership role designed to improve and promote the oral health of the American people.

In this capacity, NIDR supports biomedical and behavioral research in its laboratories and in public, private and academic research centers throughout the nation. The far-reaching results of these efforts have greatly improved the oral health status of the nation and reduced America's dental expenditures by $4 billion annually.

While NIDR continues to support research to further understand and prevent conditions that lead to tooth loss, its focus has broadened over the years to embrace studies of the entire craniofacial-oral-dental complex. Critical areas of investigation include infectious diseases, such as HIV/AIDS; inherited diseases; oral cancers; and autoimmune diseases. There is avid interest in studying tissue repair and regeneration and the interactive roles of various factors involved in the generation of craniofacial-oral-dental diseases.

I commend the National Institute of Dental Research on its accomplishments over the past 50 years. I am confident that over the next 50 years, NIDR will continue to greatly improve America's oral health through its outstanding oral health research.

CONGRATULATIONS TO BOB HOULDING, SR.

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Bob Houlding, Sr., for being recognized as the 1998 Senior Farmer of the Year. Mr. Houlding has been dedicated to providing services to the agricultural community of Madera County since the 1920's and is very deserving of this honor.

Mr. Houlding's family connection to Madera goes back to the 1800s. Bob Houlding, Sr., is the son of William and Ludema Houlding. William Houlding came with his family from Nebraska to Madera in 1891. Bob Houlding, Sr.'s brothers are Frank, Bill and Vigil, and he has a sister, Ludema (Houlding) Weis.

Mr. Houlding started school in 1922 at Howard School, the year it was built, and graduated from Madera High School in 1934. In 1939, Bob Sr. joined the Army Air Corps to serve his country, staying in until 1946. He initially signed up for a three-year hitch, but just as his first tour was nearing its end, World War II broke out and he continued to serve. In the Air Corps (later the Air Force) he worked as an engineer, repairing B–24s and B–29s in the 21st Bomb Squadron and serving in places such as New Orleans, LA; Riverside, CA; Kansas; and the Aleutian Islands.

In 1942 he married Mildred Sonier. After marrying, the couple raised three sons, Bob Jr., Jerry, and Mike. Mr. Houlding continued to farm once he returned to Madera, growing cotton, alfalfa, wheat, and potatoes. As the years passed, Bob Houlding, Sr., involved his sons in the family business and now together they own 3,500 acres in Madera and on the west side of the San Joaquin Valley. His grandchildren and their spouses are also involved in farming. All of the grandchildren are graduates, current students, or have aspirations of attending Cal Poly—San Luis Obispo.

Mr. Houlding began by farming row crops, but since 1976, has moved into growing tomatoes, cotton, wheat, and almonds on the west side of Madera and Fresno counties. Mr. Houlding's action plan for farming has always been to diversify the kinds of crops he grows and to use modern farming techniques such as micro-sprinklers. Mr. Houlding has been a great proponent of reduced pesticide usage through the introduction of predator insects and of water conservation through the installation of drip and sprinkler irrigation systems.

Mr. Houlding has always been supportive to his community and of youth involvement in agriculture. He was a member of the board of directors of the Golden State Gin, a member of the Trade Club, and a charter member of the Reel and Gun Club.

Mr. Speaker, it is with great honor that I congratulate Bob Houlding, Sr., for receiving the Senior Farmer 1998 Award for Madera County. I applaud Mr. Houlding's dedicated service to, and leadership of, the agricultural community. I ask my colleagues to join me in wishing Mr. Houlding many more years of success.

IN MEMORY OF SISTER ADELAIDE CANELAS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to offer my condolences to the family of Sr. Adelaide Canelas, whose recent passing has meant a loss to her family, her friends, and the entire State of Rhode Island. It is with the deepest respect for her life's work, and in her memory, that I offer this resolution for the RECORD.

SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF SISTER ADELAIDE CANELAS

Whereas, Sister Adelaide Canelas, S.S.D. of Our Lady of Fatima Convent in Warren, R.I., died unexpectedly on Saturday, July 11, 1998; and

Whereas, Born in Lisbon, Portugal, a daughter of the late Eusebio and Albertina (Vazco) Canelas, Sister Adelaide entered the congregation of the Sisters of St. Dorothy in Lisbon in 1937 and was missioned to the United States in 1948; and

Whereas, After receiving a Bachelor's degree in Education, she taught in New Bedford, East Providence, Newport, and Bristol, at St. Francis Xavier School, St. Elizabeth School, and Our Lady of Mount Carmel School. In 1973, she dedicated herself to helping immigrants, especially the poor and under privileged; and

Whereas, Among the many programs Sister Adelaide worked with were Citizens Concerned for Human Progress, Coalition for Consumer Justice, R.I. Azorean Relief Fund and the George Wiley Center. She was also a member of the St. Vincent De Paul Society of St. Francis Xavier Church and was employed by them as Social Action Coordinator and Senior Aide of Self Help Inc.; and

Whereas, A very unique and determined individual, Sister Adelaide didn't exactly fit into the Pre-Vatican mold religious women were supposed to fit. She had strong convictions and was very stubborn, way ahead of her times; and

Whereas, Her determination was never more evident than when she met family after family, desperately poor and in need. She began by researching groups involved with helping poor people and went from there. Between transporting, fighting, picketing, finding jobs, and spending time in jail, Sister Adelaide put common sense and logic before the bureaucracy which was stifling her efforts to put food on their tables and clothing on their backs; and

Whereas, This ''Robin Hood of Rhode Island'' brought color to our lives, along with laughter, love, and kindness and we know that she has found a place in God's heart. Godspeed, Sister, and may you hear God say to you, ''Come my beloved into the heavenly court for you have found the gift I value most—compassion and love for all in need, enter into my Heavenly Kingdom'' now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby extends its sincerest condolences on the passing of Sister Adelaide Canelas and also extends condolences to her sister, Gloria; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit a duly certified copy of this resolution to Gloria Canelas.

CIVIC PARTICIPATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 1, 1998 into the CONGRESSIONAL RECORD.

CIVIC PARTICIPATION

One of our country's most noteworthy characteristics has been the variety of organizations to which Americans belong, like

churches, PTAs, unions, fraternal organizations, service clubs, and political parties, just to name a few. A belief in the power of collective action has shaped the history of our nation from the American Revolution to the civil rights movement. Alexis de Tocqueville, who studied American life in the 1830s, wrote that ''Americans of all ages, all stations in life, and all types of disposition are forever forming associations.'' I am always impressed by how these organizations bring out the energy and talents in people. Every problem in the country I encounter is being addressed and ameliorated by some group.

But I am concerned about declining involvement of citizens in the community. In recent decades, many traditional community organizations have suffered declines in membership and participation. For example, the number of volunteers for the Boy Scouts and the Red Cross has dropped substantially since 1970; labor union participation has dropped by half since the mid-1950s; the League of Women Voters, Jaycees, and Lions have all seen double-digit drops in membership levels in the last 20 or 30 years. Anyone who has worked in an enterprise that depends on volunteers knows how difficult it is to recruit and keep them.

Several possible explanations for this change have been suggested. Some say that stagnant wages and a rapidly changing economy, coupled with the movement of women into the labor force, mean that citizens don't have the time to devote to community causes they once did. Americans now tend to move more often, hindering their ability to put down roots. In addition, adults are marrying later, divorcing more, and having fewer children than they did a generation ago—significant factors given that married, middle-class parents are the most likely to be civically involved.

Others note that technology, particularly the advent of the TV, has dramatically changed the way we spend our leisure time. Instead of going to a dance at the local lodge or gathering at the coffee shop, we may watch a movie on the VCR or log on to an Internet chat room. Technology allows us to spend less time in face-to-face contact with our neighbors. Americans' civic involvement seems to parallel the change in leisure activities. Although traditional civic organizations are less popular now, other groups, like the Sierra Club and the American Association of Retired Persons, have grown in recent years. For many, though, membership consists primarily of paying dues and reading a newsletter, rather than attending regular meetings and planning events. Many professional associations have also grown, and for some of us the workplace has supplanted the neighborhood as our primary focus for social interaction.

Why civic involvement matters: Communities benefit in a number of ways from the active involvement of citizens. First, citizens come to feel a greater stake in the community's welfare. I visit many schools in southern Indiana every year, and it is clear that one of the strongest factors in the quality of the school is the involvement of the parents. Many anti-crime programs have become successful only because citizens came together to address the problem.

Second, civic organizations have always sought to address problems the government didn't or couldn't solve. Voluntary efforts continue to play a huge role in the provision of services to needy Americans—from food banks to pre-school programs. Americans have always been suspicious of big government, but they also have a strong sense of compassion. Civic organizations allow them to reach out to those who need help.

Third, civic participation can act as a buffer against the potent forces of individualism—which sometimes devolves into selfishness—and allow us to exercise other important values, like cooperation, altruism, and negotiation. I often find Americans emphasizing freedom almost to the exclusion of responsibility, and expressing their gratitude for being citizens of the best country in the world while failing to perceive the need to fulfill the duties of good citizenship. Civic participation can remind us that along with the individual liberties we prize comes responsibility to seek the common good. Working with others toward a shared goal also helps build bonds of trust, thus serving as an antidote to cynicism.

Fourth, civic participation also fosters participation in the political process. In southern Indiana the people who come to my public meetings are often also the same people who are active in civic organizations. They take seriously their right and responsibility to participate in government. And the skills of negotiation and compromise learned through civic involvement are the lifeblood of democracy.

Conclusion: Fortunately, we still have many groups that have a remarkably salutary effect, channeling the energy and talents of individuals into public service for the betterment of the community. Civic participation is not obsolete, but an essential part of improving the quality of life in the nation. Americans, I believe, retain their desire to help their families and communities, but they must do it within the realities of two-career families, hectic lifestyles, and rapid changes in the economy and in their careers.

We have to work to strengthen civil society. Ultimately, this will depend not on government, but the acts of individuals. We do have to be sensitive to the way in which government can impinge on the activities of civil society and to the manner in which the workings of our government and economy can disrupt the good efforts of individuals and families. Dismantling the government is not the answer, but neither is more government. Both a prudent but limited role for government and a strengthened civil society are needed.

I am not suggesting that we could or should try to turn back the clock to the 1950s, or that all hope is lost. A recent poll of young adults showed high levels of interest in public service. We should, however, think about ways to reinvigorate civic life in light of the realities of the 1990s, and try harder to find ways to encourage Americans to become full participants in the civic life of the nation.

NATIONAL SCIENCE FOUNDATION REAUTHORIZATION

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mrs. CAPPS. Mr. Speaker, I rise in favor of this bill to reauthorize the National Science Foundation.

I am particularly pleased that this bill is finally moving to completion. I know that my late husband, Walter Capps, worked on this legislation last year and I share his dedication to ensuring the continuation of the good work of NSF. I want to commend and to thank Chairman SENSENBRENNER and my colleague from California, Mr. BROWN, for their outstanding work on this legislation.

This bill authorizes $3.8 billion for Fiscal Year 1999 and $3.9 billion in FY2000 in funding for the NSF, worthy and much needed increases in funding for math and science research. This bill also contains a provision to encourage the NSF to donate equipment to schools to enhance science and math programs. I believe strongly that we must ensure that all of our schools have access to the latest in high tech equipment to give our kids the skills they need to compete in the 21st century.

I have spent my professional life in the fields of health care and education. I know full well the value of research in these areas and can personally attest to the value of math, science and engineering education in our schools. In my district, for example, the University of California, Santa Barbara, has received numerous NSF education grants. One of the grants helped fund a 4-year Teacher Enhancement program to assist 750 K–8 math teachers in several local counties. California Polytechnic State University, in San Luis Obispo, has done some great work on math curriculum development and building interactive math models on the Web with NSF grants.

Much is said today about the need to educate our children for the increasingly competitive environment of the 21st century. I agree with that viewpoint. However, I also believe that education inspires individual and personal growth, which inevitably leads to a more civilized and prosperous society. That is also what these NSF programs achieve. The National Science Foundation's mission to sponsor research and encourage new thinking in education is a critical element for our economic growth as we move into the 21st century.

I urge my colleagues to support this legislation.

TRIBUTE TO GENERAL GEORGE WILLIAMS

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. RIGGS. Mr. Speaker, I rise today to say a special thank you to Brigadier General George ''Nick'' Williams, U.S. Air Force, for the complete professionalism he always displayed while Commander of the 60th Air Mobility Wing (AMC) at Travis Air Force Base, California.

During his two years at Travis, Brig. Gen. Williams has overseen a great deal of change. One of our most vivid memories of his tenure as base commander, will be the massive construction program that is making Travis the showcase of the Air Force.

Especially noteworthy has been his emphasis on projects which have improved the quality of life of the troops he was responsible for. He has overseen the completion of over $140 million in infrastructure improvement projects, including: A modern maintenance squadron building; a fire station; a state-of-the-art KC–10 hangar; a KC–10 simulator facility; four squadron operations buildings; a first class Health & Wellness Center; two Child Development Centers; five improved dorms; sixty-two military family housing units; a new officer and enlisted club; and, the largest BX in the Air Force. He has also helped to plan an ambitious expansion of the commissary schedule for next year.

Running the largest wing in AMC is a daunting task, Brig. Gen. Williams made an incredible contribution to the defense of the Nation. He maintained the highest operations tempo in AMC, with over 600 departures per month. He also had the highest command departure reliability rates for the two major weapon systems based at Travis—the C–5 at 83%, and the KC–10 at over 94%. This was accomplished, while facing a serious management challenge concerning pilot manning. The Travis Team flying units lost more than a third of their pilot manning in a matter of 18 months.

Under Brigadier General Williams tenure, Travis led participation in Southern Watch, Joint Endeavor, Deny Flight, Desert Strike, Guardian Assistance, Joint Guard, Decisive Endeavor, AEF 97–2, AEF 97–3, Deep Freeze, Centrazbat, Phoenix Scorpion I & II. Stellar performance on all South West Asia contingencies and Air Expeditionary Force deployments earned Travis an unprecedented AMC/CC full ORI credit in 1998.

Brigadier General Williams led the Travis Team to 14 trophy wins during Phoenix Rodeo international air mobility competition, including ''Best C–5 Wing'' and ''Best Airland Wing;'' an ''Excellent'' Nuclear Surety Inspection; 15 AF Aircrew Standardization Evaluation Visit ''best seen.''

I am pleased and privileged to have worked with this outstanding officer. I consider him a friend. As he heads to Scott AFB to become Director of Plans and Programs at Headquarters, Air Mobility Command, I wish him and his wife, Mary Ann, a successful assignment and a THANK YOU for a job well-done.

TRIBUTE TO FLOOD VICTIMS OF LAWRENCE COUNTY, TN

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. HILLEARY. Mr. Speaker, I rise today to send my thoughts and prayers out to the citizens of Lawrence County in my district in Tennessee.

On Monday evening, a strong storm dumped four inches of rain on the County within an hour, which set off a devastating flash flood which killed at least two people and left an estimated 15,000 people in Lawrenceburg and the outlying areas without drinking water and sewage service. As of Wednesday morning, two people are still missing, and 123 homes were damaged or destroyed by the flood.

I went to Lawrence Country yesterday afternoon to meet with local officials, survey the damage and offer any help I could. I'm hopeful that federal disaster aid will be approved, and I urge my colleagues to support our cleanup effort any way they can.

Unfortunately, my emergency trip to Lawrence Country prevented me from being present for floor votes in the House of Representatives on Tuesday night. I regret not being able to be in Washington for those votes, but when there is an emergency or disaster in my district which affect my constituents, that's where my responsibilities lie.

I want to close by once again sending my prayers out to everybody who has had their lives affected by the horrible flood. Hard times bring out the best in people and communities, and I know Lawrence County is already pulling together to get back on its feet as soon as possible.

RECONCILIATION IN GUYANA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. GALLEGLY. Mr. Speaker, in December 1997, the people of Guyana, exercising their strong support for democracy went to the polls to vote for a new President. In numbers reportedly as high as 88 percent of the electorate they cast their votes and elected the candidate of the People's Progressive Party/Civic or PPP. This election which was observed by representatives of the international community, including Americans, was judged to be free and fair. Despite the transparency of the overall election, there were some problems involving the counting of certain ballot boxes. As a result, the newly elected government of Guyana asked the nations of CARICOM to conduct an impartial audit to determine if the alleged irregularities in the vote count were of a fraudulent nature as to cast doubt on the outcome of the election.

Recognizing the extremely important process of democracy of Guyana, as demonstrated by the election, the House International Relations Committee marked-up and adopted a Resolution introduced by our Colleague from New Jersey, DONALD PAYNE. This resolution congratulated the people of Guyana for their strong expression of support for democracy, expressed support for the CARICOM audit, called on both the PPP and the People's National Congress (PNC) to abide by the outcome of that audit and to commit to peace and stability in the post-election period. Subsequently, the House overwhelmingly passed this resolution.

On June 2, the CARICOM audit was completed and declared that the recount of the more than 400,000 ballots cast, varied only slightly from the original results. Thus, the election of President Jagan was determined to be fair.

Today, however, Guyana is in the midst of a civil disobedience campaign led by the supporters of the opposition PNC. Despite the fact that PNC Presidential candidate Desmond Hoyte said that he accepted the results of the audit, he has stated that acceptance did not mean that his party accepted Mrs. Jagan as President. Fair enough. But ever since, Mr. Hoyte and his followers have been engaged in a systematic anti-government movement which has employed violent mob protests, arson and physical assaults on representatives of the government, the PPP, and even the press to vent their frustration at their electoral loss. Unfortunately, these actions are close to constituting a direct threat to democracy in Guyana.

Mr. Speaker, the feuding parties in Guyana must stop the violence, accusations and name-calling and must begin a period of reconciliation for the stability of the nation and the good of the people. The opposition leader, Mr. Hoyte should accept his electoral defeat, publicly call for an end to the mob violence and assume the role of opposition leader in the halls of the political arena rather than in the streets. The PNC members of the Guyana National Assembly who have refused to take their seats and allow the business of the country to go forward should assume their democratic responsibilities and make their case through the legislative process. For her part, President Jagan should appoint, in consultation with the opposition, the Constitutional Reform Commission called for in the Herdmanston agreement of January, 1998. This Commission should consist of representatives of all political parties and a broad range of citizens which would review the major issues of disagreement, disparity and discrimination within the country and which would make recommendations to the National Assembly for action. And finally, the leaders of the PPP and PNC in the Assembly should appoint a joint committee of their own to establish a dialogue on the major issues the country needs to address with respect to political and economic reform and then to work with each other through the legislative process to enact necessary changes.

In sum, Mr. Speaker, democracy in Guyana must prevail and must grow stronger. In any truly democratic society, there are those who win elections and those who lose and the losers must peacefully respect the wishes of the electorate, however distasteful, and take up their role of the opposition in a statesmen-like manner and work with the government to provide a more stable, strong and prosperous nation for all the people.

Reconciliation must happen now so that Guyana can move forward in the true sense of a free and democratic nation.

RECOGNITION OF UPPER SANDUSKY, OH, SESQUICENTENNIAL CELEBRATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. OXLEY. Mr. Speaker, I rise to offer my congratulations to the community of Upper Sandusky which celebrated its sesquicentennial. This celebration is a time to reflect on the attributes which have made Upper Sandusky the strong city it is today, while focusing on the stepping stones of the future to ensure continued growth and prosperity.

What officially became known as Upper Sandusky in July, 1848, was once an area occupied by the Wyandott Indians. This location was attractive to the pioneers that arrived after the Wyandotts moved Westward because it offered fertile land and all the opportunities of starting a new life without traveling to the new frontier out west.

While keeping up with the expansion of the village, the early leaders and citizens of Upper Sandusky began to build churches, schools, libraries, a courthouse, and a post office. Furthermore, railroads, bridges, roads, and a phone system were all in place by the mid 1850's which aided the rapid development of the area. Following this pattern of growth, Upper Sandusky was the first village in Wyandot County to be granted a city charter in 1966.

Contributing to the vitality of Upper Sandusky was the early establishment of an industrial base. While the surrounding area was

ideal for agriculture, the village also had brickmakers, steam pump works, cabinet making, and saw mills, just to name a few. Today, Upper Sandusky continues its tradition of being a rich agricultural and industrial center.

Even more important than the growth of commerce has been Upper Sandusky's tradition of community based values. Much of this can be attributed to early German Irish immigrants to the area who trusted in God and esteemed ones family. I know the positive effects of a small town that values each of its citizens. There is a feeling of security and reassurance that comes from calling your community your home; a place where your neighbors, classmates, coworkers are not only your friends, but become an extension of your family. Continuing to develop in an enriching environment, I have no doubt that Upper Sandusky will prosper for another 150 years.

CONGRATULATING THE BUEHLER CHALLENGER AND SCIENCE CENTER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to draw the attention of my colleagues to the Buehler Challenger and Science Center in Paramus, New Jersey. This is a highly educational facility that provides excellent hands-on learning opportunities for thousands of young people. It is a wonderful example of how to make learning fun!

The Buehler Challenger and Science Center was dedicated September 6, 1994. It is a mockup of the NASA space shuttle and its control centers and allows students who dream of the stars to come as close to space flight as they can without leaving the ground. In the process, it teaches a myriad of lessons about science, math, thinking, problem-solving, teamwork and self-confidence.

The center is named for Emil Buehler, an aviation pioneer whose experience ranged from the biplanes and dogfights of World War I to the beginnings of the shuttle program before his death in 1983.

This center presents the young people of New Jersey with a taste of the many challenges in science and technology that await them as we enter the 21st Century. The children who visit this center will see advances in science and technology during their lifetimes we cannot begin to imagine. Our children are our future and this center helps ensure their future is a bright one.

Students who have taken the Buehler center's ''fantastic voyage'' are transported into a whole new world. And, like astronauts returning from space, they bring back with them invaluable knowledge about themselves and the world around them. This knowledge will help them aim for the stars as they pursue new heights in math, science and technology.

Inspiring children through facilities such as this is essential to initiate and maintain interest in technology among our young people to enable them to meet the demands of citizens will face in the next century. This is essential to maintain our position in the global economy of the future.

Unfortunately, but true, many children decide as early as elementary school that they have no interest in science. Too many believe they can't ''do'' science or that math is ''too hard.'' The result, according to some estimates, is that America will have a shortage of half a million chemists, biologists, physicists and engineers by the year 2000. The Challenger Center is helping reverse that trend. Fortunately, these same students are fascinated by space subjects, especially astronauts. This unique, hands-on experience can raise students' expectations of success, foster in them a long-term interest in math and science, and motivate them to pursue careers in these fields.

It is only natural that the Challenger Center can be a way to reach students uncertain about science. Since the inception of the space program, NASA and the nation's education system have traveled parallel paths. They share the same goals—exploration, discovery, the pursuit of new knowledge and the achievement of those goals is interdependent. NASA depends on the education system to produce a skilled and knowledgeable work force. The education community, in turn, has used the space program to motivate and encourage students to study science, engineering and technology.

If the United States is to remain at the forefront of space science and aerospace technology and research, then we must provide students with the skills they will need in a highly complex and technical workplace. The next generation of science and technology achievements can only be as good as the education and challenges we give our children in those subjects today.

The children who visit this center today could easily turn out to be the scientists of tomorrow. Who knows what discoveries they will make or new technologies they will develop? Their work could be as dramatic as the airplane was to our grandparents or the space shuttle to us.

Even for those who don't enter the world of science, this center offers an insight into the technological world around them. If we think it's vital to be computer literate today, imagine the skills that will be required in another generation.

An important aspect of this challenge to learn is that some believe the United States is no longer challenged. With the demise of the Soviet Union and the end of the Cold War, we no longer have the type of outside challenge that pushed us to the moon. Remember, it was the insult and shock of Sputnik that led President Kennedy to launch the space program.

If we are not to be challenged by another nation, we must challenge ourselves. We must make a commitment to go where no one has gone before, to explore and learn and never be satisfied that there are no challenges left to meet.

Today I'd like to challenge our young people to continue the record of meeting challenges that our nation has exhibited in the past. The Buehler Center is part of the highway to a future where the American thirst for knowledge will keep our nation the world's leader in science and technology.

THE U.S. AND PANAMA BEYOND 1999

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. GALLEGLY. Mr. Speaker, over the July Fourth district work period some very disturbing and disheartening news reached us regarding negotiations between the United States and Panama as to the presence of the United States in Panama beyond 1999. And now, our State Department is about to inform the Government of Panama that talks may just be over. This could be a mistake and both sides should agree to take a time out and enter into a cooling off period.

As my colleagues know, next year, on December 31, 1999, the Panama Canal Zone will be turned over to Panamanian control and all United States forces are to withdraw from that nation. However, for over a year, the United States and the Government of Panama, largely at the suggestion of the Panamanian President, Perez Balladares, have been negotiating a compromise which would permit a limited number of U.S. military personnel to remain in Panama.

The negotiations were over the creation of a new multinational anti-narcotics center which would be located at the Howard Air Force Base. Under the agreement, which was largely completed last January, some 2,000 U.S. military personnel would be permitted to remain in Panama to staff the center which would provide regional air surveillance, intelligence information and direct counter-narcotics assistance to nations participating in the center. At the time, there was a good deal of optimism expressed by both sides that the agreement would satisfy each nation's specific needs. Panama would see the end of U.S. control of the Canal and would gain what it considered its final and total national sovereignty. The U.S. would retain a presence in Panama while not appearing to be retaining a strictly defined military base. For the United States, the retention of a small military profile in Panama would allow us to maintain our commitment to the preservation of democracy and stability in Central America and to continue the fight against the drug trade essentially in region. For Panama, the continued presence of U.S. personnel would serve as a confidence builder for foreign investors and those concerned over the future security of the canal.

Interestingly, Panamanian public opinion seemed to favor such an agreement for largely the same reasons.

Unfortunately, and despite the initial optimism, the agreement now appears to be in serious jeopardy as both sides seem to be having difficulty deciding what it is they really want. The Government of Panama, for its part, can't seem to make up its mind as to whether it really wants a continued U.S. presence beyond 1999 or for that matter, a counter-drug center on its territory. All of this is wrapped around internal political and Presidential politics with President Perez Balladares unable to determine whether such a center helps or hurts his standing within his own political party and whether it hurts or helps his reelection chances.

The United States, for its part, cannot seem to decide whether it wants a military base or

an anti-narcotics center in Panama. The whole premise for supporting an anti-drug center was to reassure those in this country that wanted the U.S. to remain in Panama that it was possible to do so and to avoid the controversy within Panama of retaining a bona fide military base in that country beyond 1999 and in violation of the Panama Canal Treaties. A multinational, anti-drug center seemed to fit the bill with at least a wink and a nod. Even the other nations of the region, while supporting the concept of an anti-narcotics center, were not about to sign on if the center was simply a cover for a U.S. military base.

Yet, the negotiations have broken down at least in part due to the Clinton Administration's insistence that it be allowed to conduct additional operations out of the center which are more closely associated with military operations than counter-narcotics operations. One can argue the finer points of search and rescue or humanitarian resupply, but to insist on them being part of a non-military base, anti-drug center, does give the Panamanian government a legitimate issue to argue over. It seems that both sides could compromise on this issue. The U.S. side could temporarily drop its insistence on the inclusion of other missions and just work on the anti-drug center, provided of course that the anti-drug center is the priority. The Government of Panama could commit, preferably in a side note, to take up the question of the other missions once the anti-drug center agreement is finalized, if it really wants such a center in Panama.

Mr. Speaker, the bottom line is that both sides must determine what it really wants. President Balladares must face the voters. The Clinton Administration must face the American people. If the drug center is that important, and in many respects it is. And if the ability to retain some element of the U.S. military in Panama beyond 1999 is a political necessity, and it could be, then the Administration must decide the price in throwing away this opportunity solely because we may not be able to write into the agreement whether or not search and rescue training can be conducted once in a while in Panama over the next twelve years.

A TRIBUTE TO ERIC BACHMANN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. PORTMAN. Mr. Speaker, today I rise to celebrate the life of Eric Bachmann, a remarkable young man who was working to preserve an important chapter in our nation's history. Tragically, Eric died on Saturday, July 11, one day before his 27th birthday.

Eric was the Assistant to the President and CEO at the National Underground Railroad Freedom Center in Cincinnati, Ohio. He also helped us develop the National Underground Railroad Network to Freedom Act which will be signed into law soon. As we move forward to promote racial cooperation, we will continue to be motivated by Eric's spirit.

Eric graduated from Texas Tech in 1993 with a degree in history. Eric then moved on to the National Conference for Community and Justice (formerly the NCCJ), before beginning his service as an official of the National Underground Railroad Freedom Center.

Healing the wounds of racial and social injustice was one of Eric's true passions, and he admired those who worked for freedom. These ideals led him to work diligently to honor the courage of those involved with the Underground Railroad.

Eric was loyal and dedicated. He served his community and country through his good work. All of us in Cincinnati will miss him as a colleague and friend.

PERSONAL EXPLANATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. WOLF. Mr. Speaker, I was unable to be present for rollcall 266 on Wednesday, June 24. Had I been present, I would have voted ''yea'' on passage of H.R. 4103, the fiscal year 1999 defense appropriations bill.

THE FREEDOM AND PRIVACY RESTORATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. PAUL. Mr. Speaker, I rise today to introduce the Freedom and Privacy Restoration Act, which repeals those sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizing the establishment of federal standards for birth certificates and drivers' licenses. This obscure provision, which was part of a major piece of legislation passed at the end of the 104th Congress, represents a major power grab by the federal government and a threat to the liberties of every American, for it would transform state drivers' licenses into national ID cards.

If this scheme is not stopped, no American will be able to get a job; open a bank account; apply for Social Security or Medicare; exercise their Second Amendment rights; or even take an airplane flight unless they can produce a state drivers' license, or its equivalent, that conforms to federal specifications. Under the 1996 Kennedy-Kassebaum health care reform law, Americans may even be forced to present a federally-approved drivers' license before consulting their physicians for medical treatment!

Mr. Speaker, the Federal Government has no constitutional authority to require Americans to present any form of identification before engaging in any private transaction such as opening a bank account, seeing a doctor, or seeking employment.

The establishment of a national standard for drivers' licenses and birth certificates makes a mockery of the 10th amendment and the principles of federalism. While no state is forced to conform their birth certificates or drivers' licenses to federal standards, it is unlikely they will not comply when failure to conform to federal specifications means none of that state's residents may get a job, receive Social Security, or even leave the state by plane? Thus, rather than imposing a direct mandate on the states, the federal government is blackmailing states into complying with federal dictates.

Of course, the most important reason to support the Freedom and Privacy Restoration Act is because any uniform, national system of identification would allow the federal government to inappropriately monitor the movements and transactions of every citizen. History shows that when government gains the power to monitor the actions of the people, it eventually uses that power to impose totalitarian controls on the populace.

I ask my colleagues what would the founders of this country say if they knew the limited federal government they bequeathed to America would soon have the power to demand that all Americans obtain a federally-approved ID?

If the disapproval of the Founders is not sufficient to cause my colleagues to support this legislation, then perhaps they should consider the reaction of the American people when they discover that they must produce a federally-approved ID in order to get a job or open a bank account. Already many offices are being flooded with complaints about the movement toward a national ID card. If this scheme is not halted, Congress and the entire political establishment could drown in the backlash from the American people.

National ID cards are a trademark of totalitarianism and are thus incompatible with a free society. In order to preserve some semblance of American liberty and republican government I am proud to introduce the Freedom and Privacy Restoration Act. I thank Congressman BARR for joining me in cosponsoring this legislation. I urge my colleagues to stand up for the rights of American people by cosponsoring the Freedom and Privacy Restoration Act.

J.J. ''JAKE'' PICKLE FEDERAL BUILDING

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. EDWARDS. Mr. Speaker, I rise today to tip my hat and pay tribute to former Congressman Jake Pickle for his service to the state of Texas and the people of the 10th Congressional District. Jake Pickle served with distinction and honor during his 31 years in Congress. I consider it a great privilege to have served with him. I now find it an honor to support H.R. 3223 which names the Federal Building in Austin, Texas, as the J.J. ''Jake'' Pickle Building. The bill has my wholehearted support and the man has my deepest respect.

Jake Pickle's legacy extends far beyond the naming of a building in his honor. His legacy lies in his many years of public service and the millions of Americans who have been touched by his devotion and dedication. Jake Pickle was an independent minded man who never shied from a fight, but who was always ready to listen to a problem and lend a helping hand. Jake Pickle looked beyond partisan politics to help insure that Social Security is solvent today and that the elderly have Medicare. He was instrumental in a wholesale reform of the tax code and in fostering government programs that spurred small business and created jobs for working families.

Jake began to develop his political expertise at the University of Texas at Austin where he served as student body president. His political journey began in the early 1930s when he became a friend and political ally of Lyndon B. Johnson. Jake Pickle was a student of the New Deal era which taught that a person has an individual responsibility and that the government should be responsible for its citizens.

Jake Pickle answered the call of his country and served in the U.S. Navy during World War II. After the war, Jake returned to Austin and was a business partner in a local radio station. He maintained his political ties, stayed involved in the community and continued to practice his philosophy of individual and governmental responsibility.

He brought that philosophy with him to Washington when he took his seat in the U.S. House of Representatives in December 1963, less than a month after LBJ assumed the presidency. Jake immediately got to work for the country and the constituents of his Hill Country congressional district.

Jake Pickle cast important ground breaking votes for the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These votes were politically difficult for a new member from the South, but Jake Pickle made the right decision.

Jake served on the powerful House Ways and Means Committee, where he was a leader on many important issues and willing to take a stand for working families. He worked tirelessly on Social Security reform and on programs that provided a better life for this nation's senior citizens.

I am proud to have served in this House with Congressman Jake Pickle. His service to the State of Texas and the people of the 10th district will be remembered for many years to come. It is appropriate and quite fitting that the federal building in Austin is designated in Jake Pickle's honor.

GENERAL MOTORS EXPORTS AMERICAN JOBS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. LIPINSKI. Mr. Speaker, GM, America's largest auto manufacturer, is embroiled in a costly and expensive showdown with the United Auto Workers. The strike is expected to cost GM around $1 billion in second quarter profits. This strike has nearly paralyzed GM's North American operations.

Since NAFTA was signed into law by President Clinton, GM has aggressively shifted manufacturing jobs to places like Silao, Mexico. That's not the only GM plant in Mexico. At last count, GM has one car assembly plant, two truck assembly plants and 29 parts plants in Mexico employing a total of 70,000 Mexican workers. Unfortunately, it is not too far of a jump to conclude that these 70,000 jobs in Mexico came at the expense of 70,000 American workers.

GM contends that these cost-saving measures are necessary for it to stay competitive in this global economy. In the unrelenting drive to fatten the bottom line, GM has thrown American workers to the side of the road.

Free trade does not equal fair trade, especially when American working families suffer the consequences of our misguided trade policies that throws American workers out of work and only fattens the multinational corporations' bottom line. Corporations are in the black with record profits while American workers stand in the unemployment lines.

The UAW is right on target in placing this at the core of their negotiations with GM. It is a valid issue that is of vital concern to all American workers in the manufacturing industry. I believe that it is fair to say that the outcome of this strike will highlight what is to come in the future. Will multinational corporations continue to move their manufacturing operations to foreign nations? Will they continue to export American jobs overseas?

I urge my colleagues to consider these questions as this chamber is expected to consider MFM for China and fast track renewal authority later this year. With foreign trade equal to 30 percent of our gross domestic product, it is inextricably intertwined with our national economy. The dream of global free trade has been marred by realistic facts: the spiralling U.S. trade deficit, stagnant wages, and the export of American jobs.

Wake up, America! It's time we stop this relentless, blind march toward the so-called ''global economy'' and embrace effective trade policies, and yes, perhaps even industrial policies, that will ensure a rising standard of living for the American people and protect vital economic interests. We can—and we must—do more for American workers by embracing trade policies that embraces American workers.

It's time to stop representing the multinational corporations and time to start working for the American people.

IMPROVING COST RECOVERY FOR THE COAST GUARD'S INTERNATIONAL PATROL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. GEJDENSON. Mr. Speaker, in the ''Year of the *Titanic*,'' I rise to salute the brave men and women of the United States Coast Guard who are engaged in important life-saving work of the International Ice Patrol. The Ice Patrol is headquartered in my district of Groton, Connecticut.

As a direct result of the sinking of the *Titanic,* the Ice Patrol was established in 1914 as part of the International Maritime Organization's first convention of the Safety of Life at Sea. Over eighty years later, icebergs still pose a significant threat to commercial navigation. The Coast Guard Ice Patrol program provides a vital and internationally-recognized contribution to maritime safety.

The Coast Guard uses C–130 aircraft equipped with side-looking airborne radar to overfly North Atlantic shipping lanes during the annual ''ice season.'' Radar observations are combined with ocean current and water temperature information to produce computer-generated predictions of the southern-most limits of floating ice for each day of the season. The resulting information is broadcast on open radio frequencies to all ships transiting the North Atlantic.

The great circle route past Newfoundland and Nova Scotia is the shortest distance to North America from all European and Mediterranean ports. Operators of commercial vessels save tens of thousands of dollars per year in fuel costs and voyage time by relying on the Coast Guard's radio broadcasts to determine how far north they may safely sail and at what speed. In addition, knowledge of ice zone limits over time allows ships to pass farther north than they would otherwise travel. Without this information, voyages would take longer and be more expensive.

Ice Patrol activities cost the U.S. Coast Guard an average of $3.5 million per year, not including fixed capital costs. Under a 1956 International Maritime Organization financial support agreement, the U.S. Government collects and tabulates national flag and tonnage data, bills other parties to the Agreement, and remits collections to the U.S. Treasury.

When the Agreement about costs was established, most maritime nations which used the North Atlantic routes were located in the North Atlantic region or were flag states with large amounts of traffic on the route. The seventeen current members of the Agreement are: the United States, Greece, Germany, Belgium, Denmark, Finland, the United Kingdom, Spain, Norway, Canada, Panama, France, Italy, Sweden, the Netherlands, Japan and Poland. The Agreement operates on the honor system: membership is voluntary, and, because it involves safety of life at sea, the information generated by the Coast Guard is broadcast to all North Atlantic mariners free-of-charge.

In recent years, the 1950s-era handshake approach has become inequitable for paying members. In short, it is no longer fair. Non-contributing countries represent a growing share of North Atlantic shipping, and as a result, the seventeen Agreement members are becoming increasingly unwilling to pick up all non-member costs while using a shrinking share of the service. Currently, only about 53 percent of the total benefiting tonnage belongs to vessels flagged to contributing states. The remaining 47 percent is flagged to ships that use the service but do not pay. I would call them ''free riders.'' The United States must pay almost $250,000 per year more than it would pay if every nation contributed its fair share.

Another growing problem is the accumulated debt to the United States by member countries who are not settling their Ice Patrol accounts. Liberia, which dropped out of the agreement in 1990, still owes $1.9 million in pre-1990 arrearages. All told, current and former Agreement members owe the U.S. Treasury over $7.3 million. Unfortunately, this balance continues to grow every year.

At a meeting of member states in late 1996, there was unanimous consensus that the Ice Patrol is a valuable navigation safety service which should be continued. There was also general agreement that the financing system was not working, due to the increasing use of the service by non-contributing states. Members authorized the United States to explore other collection options. Accordingly, the United States Coast Guard intends to raise the issue at the next meeting of the International Maritime Organization later this month. They will be seeking changes in the agreements that would permit the U.S. to recover all costs of the Ice Patrol on a equitable basis.

Mr. Speaker, for the record, I would like to lend my full support to the efforts of the Coast

Guard and other U.S. government agencies engaged in the provision of this valuable safety service. I also encourage the Administration to continue vigorously its efforts to replace the current inequitable financing system with one that reflects national costs more closely tied to the benefits enjoyed by the users involved.

50TH ANNIVERSARY OF THE BOROUGH OF RARITAN, SOMERSET COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to congratulate the people of the Borough of Raritan, Somerset County, New Jersey, as they commemorate the 50th Anniversary of the incorporation of their community. While Raritan has been incorporated as a self-governing municipality for only fifty years, its history dates back to the 1600's.

The Borough of Raritan is situated on the river bearing the same name, about one mile southwest of Somerville, New Jersey. Early records indicate that in 1846 or 1848 a group of residents gathered to decide upon a name for the village. After some discussion, it was decided to name the village after the Raritan River.

As we look back in time, we find a place rich in history and culture. In 1734, George Middaugh, one of the early settlers, built a tavern at the corner of Glaser Avenue and Granetz Place. This tavern became the first meeting place for the colonists of the village of Raritan. One of the oldest historic houses in Somerset County is also located in Raritan. The Central Railroad of New Jersey, with the first bridge built across the Raritan River, provided excellent transportation for the citizens of Raritan.

In 1844, there were four houses and a gristmill in Raritan. The first store was opened by J.V.D. Kelly, who owned the gristmill. The first Sunday School was established in 1845 in the blacksmith shop on Somerset Street, owned by John A. Staats. Religious services were held for several years at private residences by members of different denominations until the building of the old school-house on Wall Street.

During the ministry of Gulliam Bertholf, and while he was on a missionary tour of northwest New Jersey, the First Reformed Church of Raritan was formed. Records indicate that written material of the church was in the Dutch language and the first record, dated March 8, 1699, is of the baptism of the children of Jeronimus Van Neste, Cornelius Theunissen and Pieter Van Neste. In 1872, a group of people united and formed the Methodist Church and in, 1854, St. Bernard's Church was established.

The year 1850 saw the opening of a new post office for the residents of Raritan. The population of the village at that time was approximately 2,240 people. Additionally, the first school-house was 25 by 36 feet, and two stories high. In December 1871, the school and lot were sold to the Methodist Society. This is just a glimpse of Raritan's development as a community.

The Borough of Raritan also has a very special place in our nation's history. Raritan has become a landmark of freedom and independence. The Reformed Church is proud of the fact that General George Washington spent the winter of 1779 in a home in Raritan. Another historical fact notes that, in 1778, General Lafayette made his headquarters in the ''Cojeman House'' in Raritan.

Raritan gave its all to the World War I effort and the sacrifice of the people was acknowledged by the United States Congress when they decided that a ship be built and named after the Borough. The S.S. Natirar (Raritan spelled backwards), was launched at Wilmington, Delaware in 1920. This was a high honor bestowed upon a town, but Raritan received another distinction when President Warren G. Harding signed the Treaty of Raritan at the home of United States Senator Joseph S. Frelinghuysen of Raritan on July 20, 1921, officially ending World War I.

During World War II, thousands of citizens from Raritan also served with distinction and honor and one in particular is remembered each year. Marine Sergeant John Basilone was awarded the first Congressional Medal of Honor for his heroic actions on Guadalcanal. He was later killed in Iwo Jima in 1945. Today, his memory is celebrated by the annual Basilone Parade, held each September.

Mr. Speaker, I ask that you join me and our colleagues, in congratulating the citizens of the Borough of Raritan as they celebrate this historic milestone.

A SALUTE TO THE WOMEN'S RIGHTS MOVEMENT

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. FROST. Mr. Speaker, I rise today in recognition of the 150th anniversary of the Women's Rights Movement.

In Seneca Falls, New York in the summer of 1848, the first convention of American women was held. It was there that the women of America officially began their struggle toward empowerment. On the 150th anniversary of the landmark Seneca Falls convention, the history of the United States is indelibly marked with the amazing accomplishments of its women. As Congress prepares to salute the women of our nation on this important anniversary, I would like to take this opportunity to celebrate 150 years of women's achievement.

The Seneca Falls participants, led by women's rights pioneers Lucretia Mott and Elizabeth Cady Stanton, shared a hopeful vision of the future of women in America. The women came together to demand fair treatment in every aspect of American life. In their Declaration Sentiments, the Seneca Falls women offered a new vision of equality in America: ''We hold these truths to be self-evident: that all men and women are created equal.''

As women's leaders fought for equal property and voting rights, American women busily achieved in other areas. In 1872, Charlotte E. Ray became the first American woman to graduate law school. In 1916, Jeannette Rankin of Montana became the first woman elected to the Congress of the United States. In 1920, women celebrated a major victory as the 19th Amendment was signed into law, guaranteeing the women of America the right to vote.

American women have displayed remarkable talent in almost every imaginable field of endeavor. Authors such as Louisa May Alcott, Harriet Beecher Stowe, and Toni Morrison have contributed great works to American literature. In 1932, Amelia Earhart became the first woman to fly solo across the Atlantic Ocean; fifty-two years later, Dr. Kathryn Sullivan became the first woman to walk in space.

One hundred and fifty years after the Seneca Falls convention, we see just how far women have come in America. Today, Justice Sandra Day O'Connor and Justice Ruth Bader Ginsburg both sit on the Supreme Court, and Secretary of State Madeline Albright is the first woman to hold that prestigious office. I salute those women, past and present, who fought and continue to fight to achieve their goals of freedom.

THE GRADUATE MEDICAL EDUCATION TECHNICAL AMENDMENTS ACT OF 1998

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. BALDACCI. Mr. Speaker, I rise today to introduce the Graduate Medical Education Technical Amendments Act of 1998. This bill addresses the serious, albeit unintended consequences of reimbursement changes for Graduate Medical Education residency programs, particularly rural family practice residency programs, resulting from the Balanced Budget Act of 1997.

Various adjustments in the Graduate Medical Education program (GME) resulted from last year's Balanced Budget Act (BBA). In an attempt to reign in costs and address a nationwide glut of physicians, reimbursement levels have been capped for all hospitals, including those in rural and underserved areas. While there may be an overabundance of physicians willing to serve in cities like Boston or New York or Los Angeles, towns like Lewiston in my district in Maine lack an adequate number of physicians, especially family practice physicians. The bill that I am introducing with the support of Congressman ALLEN will ensure that rural areas maintain the flexibility needed to react to primary physician shortages. This legislation also clarifies the definition of rural facilities allowed ''special consideration'' under the GME reimbursement caps. These changes are essential for my state, and for many others around the country.

The Balanced Budget Act of 1997 places a cap on the number of residents ''in the hospital'' as of December 31, 1996, as opposed to the number of residents enrolled in the GME program. Due to instances of residents on leave from the hospital or in training at ambulatory care facilities in the base cost reporting period, many hospitals are facing a lowered cap. This cap does not reflect the true number of residents enrolled in their programs. The problem is acute for family practice residency programs, which rely heavily on site training of their residents.

Also lost in the GME reimbursement changes in the Balanced Budget Act of 1997 is the definition of rural programs given flexibility under the cap. Clarification is needed in order to recognize the innovative programs

being established in many districts in which urban institutions provide a ''rural track'', training residents to serve in rural communities. The definition of facilities allowed ''special consideration'' under the cap restrictions should be expanded to include programs that are targeting rural communities, even if the hospital itself is located in a non-rural area. Many small community hospitals offer only one residency program, and these are primarily family practice programs. Those hospitals with only a single residency program should be exempt from the cap in order to allow the facilities the flexibility to adapt to the needs of their community.

Another shortfall of the GME reimbursement changes effects new primary care residency programs which were in the process of expanding their programs to meet the needs of their rural communities when the Balanced Budget Act became law. The published interim final rule arbitrarily utilizes August 5, 1997 as the date by which all new residency programs had to fill their allocation of residency slots. There are programs that were recently accredited which did not have time to meet their full allotment of residency slots. For this reason, the legislation I am introducing today would change the cut-off date to September 30, 1999. These developing programs should be allowed to come to fruition.

Mr. Speaker, similar legislation has been introduced in the other body of my colleagues and friend, Senator SUSAN COLLINS. I ask that Members of the House examine how their rural residency programs will be affected by the GME changes mandated by the Balanced Budget Act, and that they support this legislation which seeks only to give rural communities an opportunity to meet the health care needs of their citizens.

A TRIBUTE TO JOHN E. LOBBIA

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. UPTON. Mr. Speaker, a good friend is retiring in Michigan and I wanted to share a letter that the Michigan delegation sent to John Lobbia, CEO of Detroit Edison Company.

MR. JOHN E. LOBBIA

Chairman and Chief Executive Officer, The Detroit Edison Company, 2000 2nd Avenue, Detroit, Michigan

DEAR MR. LOBBIA. On behalf of the entire Michigan Congressional Delegation, it is a great honor for us to wish you a long, healthy, and happy retirement. Congratulations on the completion of an outstanding career.

Under your guidance, Detroit Edison has emerged as a national leader, known for its quality, competitiveness, and innovation. More than two million Michigan homes and businesses count on Detroit Edison for their energy needs. Your success at meeting those demands has helped to power Michigan through its economic renaissance and emerge as one of the nation's most successful states.

But we recognize that many of the milestones of your career occurred outside Detroit Edison. Your unwavering support for a number of civic and community organizations has left an indelible mark on our state. Clearly, your caring and support of our community runs deep—the mark of a true leader.

Again, congratulations on your many years of service to Detroit Edison and to Michigan. With respect and admiration we remain,

Very truly yours,

FRED UPTON,
Member of Congress.

JOHN DINGELL,
Member of Congress.

HONORING LAKESIDE FAMILY AND CHILDREN'S SERVICES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. GILMAN. Mr. Speaker, I rise today to honor the Lakeside Family and Children's Services on their Seventy-fifth Anniversary. Lakeside Family and Children's Services has been a shining example of what a community together can accomplish and what effect the selfless service of individuals can have on children.

On October 1, 1998 Lakeside Family and Children's Services will celebrate this special anniversary. The Gala Dinner will be held at the New York Hilton Hotel and Towers, and will celebrate the ''Jewels of Lakeside,'' the children and the families that it serves.

Three individuals deserve special recognition for the care and love they have shown as foster parents. Rufina Rodriguez, Felix and Ingrid Simeon have each provided warm loving homes to children and are being honored by Lakeside for the tremendous service that they have performed. Nothing can be more difficult than to open your life to a child and act as a parent for a short time. Giving your entire heart to the child, who in many cases has gone without the love of a parent for far too long, is one of the most trying experiences an individual can face. Rufina, Felix and Ingrid must be commended for their accomplishment, and for the love that they have given to such deserving children.

Seventy-five years is a very long time for an organization to maintain a high quality service, yet Lakeside Family & Children's Services has accomplished just that. Lakeside was a beacon of light to countless children during the darkest hours of the Depression, a home to children while the world was torn by war, and a launching pad for children today as they reach the 21st century.

When Lakeside first began in 1923 it was an orphanage, providing a home to children who had lost their parents and had no family to turn to. Orphanages played a very important role in that era as many children were left by parents who had to search for work and eke out an existence during one of the darkest times in our nation's history.

Today Lakeside Family and Children's Services provides so much more. Lakeside matches children to foster parents so that a child can have the feeling of a real home. For many fortunate children Lakeside is able to find adoptive parents who take a child in as their own. Lakeside also provides adolescents with group homes and greater chances for independent living. As Lakeside has grown, so have the options available to the children it serves.

Lakeside has also become an active service to children with disabilities. Today, Lakeside offers residential alternatives for mentally retarded and developmentally disabled children. This specific service shows how the role Lakeside has undertaken has grown over 75 years. Lakeside Family and Children's Services has adapted to the community as our needs change. Today it is as critical to the youths in our community as it was 75 years ago.

Lakeside Family and Children's Services must be commended for the superb job that it has done for our society. Life has changed in many ways over the last 75 years, but one thing has remained constant, the need for caring individuals. Our children are the most vulnerable to the dangers of our society, and are in critical need of the services provided by Lakeside and organizations like it throughout our nation.

Mr. Speaker, I urge all of my colleagues to join in honoring Lakeside Family and Children's Services and foster parent honorees Rufina Rodriguez, Felix and Ingrid Simeon. We should encourage more individuals to be like them and to help extraordinary organizations like Lakeside.

REMARKS CONCERNING RULE 30 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND RESTORATION OF THE STENOGRAPHIC PREFERENCE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. COBLE. Mr. Speaker, I rise to introduce legislation that will restore the stenographic preference for depositions taken in federal court proceedings. This bill is similar to S. 1352, which Senator GRASSLEY sponsored on October 31, 1997.

For 23 years, Rule 30 of the Federal Rules of Civil Procedure permitted the use of nonstenographic means to record depositions, but only pursuant to court order or the written stipulation of the parties. In December of 1993, however, the Chief Justice submitted a recommendation pursuant to the Rules Enabling Act that eliminated the old Rule 30 requirement of a court order or stipulation. The revision also afforded each party the right to arrange for recording of a deposition by nonstenographic means.

When representatives of the Judicial Conference testified on the subject in 1993, they could not provide the Subcommittee on Courts and Intellectual Property with a single justification for their recommendation. As a result, the Subcommittee unanimously approved legislation, H.R. 2814, to prevent implementation of the change. The full House of Representatives followed suit by passing the bill under suspension of the rules on November 3, 1993.

It is my understanding that the Senate Judiciary Subcommittee on Courts and Administrative Practice also held hearings on Rule 30 during the 103d Congress. I believe the members who participated in those hearings received testimony which generated concerns about the reliability and durability of video or audio tape alternatives to stenographic depositions. Then and since, court reporters have complained of increased difficulty in identifying speakers, deciphering unintelligible passages, and reconstructing accurate testimony from

''blank'' passages when relying on mechanical recordings. In contrast, information was also submitted at this time which suggested that the stenographic method will become even more cost-effective in the future as a result of improvements in recording technology.

These findings from the 103d Congress were confirmed last term when the Subcommittee on Courts and Intellectual Property again conducted its own hearing on H.R. 1445, the precursor to the bill I am introducing today; and later, when the Committee on the Judiciary reported H.R. 1445 to the full House.

Mr. Speaker, I have never entirely understood why Rule 30 was changed in the first place. Like many others, I have found that experience is the best teacher; and it has been my experience that no one in my district was displeased with the application of the law prior to 1993. I visit my district frequently and maintain good relations with members of the bench and bar, and not one attorney or judge ever complained about the operation of Rule 30 to me before 1993.

I am pleased to continue my ongoing support for reinstating the pre-1993 law on Rule 30 by sponsoring this bill.

STARR SUBPOENAS THE PRESIDENT'S MEN WHO STAND IN THE LINE OF FIRE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. CONYERS. Mr. Speaker, today we have learned that the Independent Counsel Ken Starr has issued a new subpoena for the testimony of Special Agent Larry Cockell, a plainclothes Secret Service officer who is in charge of the President's personal security detail. This new turn in Mr. Starr's endless investigation raises an important question: why didn't he subpoena this plainclothes agent earlier this year before he went to court over whether the Secret Service should give confidential information to the grand jury.

Perhaps Mr. Starr was concerned that the court might take a different view of his arguments against the Secret Service's privilege if it knew the full scope of his intentions with respect to questioning the Secret Service. It is disturbing that two courts have had to examine the issue of a secret service privilege without being informed that Mr. Starr also intended to question plainclothes Secret Service agents in addition to the uniformed Secret Service agents.

Plainclothes Secret Service agents are unique in that they enjoy intimate access to the President and are responsible for his physical safety in public crowds and other places where the risk of harm is the greatest. In the event of an assassination attempt, they are truly in the line of fire.

Seeking to question those agents raises a different set of issues which the courts have not yet been confronted with. Mr. Starr's latest subpoenas frustrate the orderly judicial resolution of the important issues raised by his unprecedented requests for the testimony of uniformed Secret Service agents.

The Secret Service argument in support of a privilege against testifying seems more reasonable than Starr's argument that the attorney-client privilege did not survive the death of the client. In both cases, there was little available precedent and the arguments were based on policy considerations. If Starr's attorney-client privilege argument was not frivolous and deserved Supreme Court review, it must be said that the Secret Service's sincere arguments in support of their protective function is just as legitimate.

It seems Mr. Starr is determined to deny the Secret Service the same opportunity for Supreme Court review that he has sought for himself. He has already forced the Secret Service to seek a stay of his subpoena in court while it pursues its request for judicial review.

It has been reported that Starr may ask Secret Service personnel to testify about conversations between President Clinton and his attorney Robert Bennett concerning the Paula Jones case. This would create a potentially tragic Catch-22 situation in which the Secret Service has an obligation to guard the President, but Mr. Starr argues that their presence eliminates the President's attorney-client privilege. It is unreasonable, unfair and unprecedented for Mr. Starr to force the President to compromise his Secret Service protection in order to receive confidential advice from his private attorney.

To its credit, the Secret Service strongly believes that their duty to protect the President is far more important than Mr. Starr's inquiry into what any of them may or may not have witnessed in the course of carrying out their responsibilities.

It is unseemly and inappropriate for Mr. Starr to continue to force the Secret Service to forego the judicial review that it believes is absolutely appropriate in order to carry out its mission of protecting the President. Mr. Starr got to go to the Supreme Court on his privilege issue and he lost. Why doesn't the Secret Service, which is trying to protect the life of this and future Presidents, get to go to the Supreme Court? What Mr. Starr is trying to do with this latest subpoena is to get the testimony he wants before the arguments about privilege can reach the Supreme Court. This new subpoena is a tactical maneuver to avoid the full judicial review of these issues of enormous national importance. They are legal maneuvers that violate a fundamental sense of fairness and are really unnecessary to the execution of his statutory responsibilities.

It is obvious to everyone that any further review will be handled in an expeditious manner, just as the courts have already done. A fair-minded prosecutor would welcome a complete Supreme Court review of the privilege asserted by the Secret Service and efforts to thwart such review only serves to increase the doubts that many have about the legitimacy of this investigation.

A TRIBUTE TO MIDDLE SCHOOL 45

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. SERRANO. Mr. Speaker, on July 7, 1998 while the House was in recess, I had the privilege of receiving, in my district office, a group of thirteen students from Middle School 45 who won first place in the K–8th grade category in the National Chess Tournament held in Phoenix, Arizona from April 30 to May 2. I am submitting for the RECORD some remarks I made during their visit.

It gives me great pleasure to be with such a wonderful group of gifted and talented South Bronx students from Middle School 45.

Oscar Bedoya, Ariel Uriarte, Bianey Morillo, Rafael Ortiz, Eliexer De Jesús, Joel Nolasco, Juan De Jesús, Jorge Peréz, Trung Nguyen, Sarun Sin, Trung Bui, Granit Gjonbalaj and Reasy Suon, under the leadership of coach Félix López, you won first place in the K–8th grade category among 62 teams who participated in the National Chess Tournament held in Phoenix, Arizona from April 30 to May 2.

You have demonstrated an outstanding skill, for which you have become role models in our community. We are proud of your accomplishments and I hope that you will continue succeeding in chess and also in academics. I also encourage you to take full advantage of the possible opportunity that some universities offer to chess champions to earn scholarships for their higher education. You are terrific examples for future chess players.

I would like to applaud teachers César Solís and Georgina Pierre for being with us today but, more important, for their tireless work in helping these students reach their potential.

I also would like to commend the National Scholastic Chess Foundation for sponsoring the chess program at Middle School 45, which includes weekly chess classes for 500 students. Their teaching and support were invaluable for what you have achieved.

I have the privilege of representing the 16th district of New York where Middle School 45 is located, and I am delighted by your chess team's success.

All of us here congratulate Middle School 45, the administration and faculty, and you, the students whose ambition and hard work will make this great institution a tremendous source of price and success for years to come.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Middle School 45, to the administration and faculty, and to the students whose ambition and hard work will make this great institution a tremendous source of pride and success for years to come.

CONFERENCE REPORT ON H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998

SPEECH OF

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. DOYLE. Mr. Speaker, I rise today in support of the Internal Revenue Service Restructuring and Reform Act Conference Report (H.R. 2676).

Continuously, I hear from my constituents who ask this Congress to address ways to simplify filing, and improve IRS customer assistance and service. I have long advocated that the IRS should be overhauled to better serve taxpayers and run more like a business. I believe that the Conference Report we are voting on today effectively addresses these concerns.

This landmark legislation establishes an independent review board which will oversee

IRS administration, management and execution of IRS laws, which should help the agency run more effectively. Six of the nine members of this review board will come from the private sector with expertise in customer service, federal tax laws and organizational development. The remaining three members would be the Secretary of the Treasury, the IRS Commissioner and a representative from the National Treasury Employees Union (NTEU). Their goal will be to recommend options which will improve overall effectiveness in customer service.

I also want to highlight several provisions of the Conference Report which are aimed at protecting taxpayers rights. This bipartisan Conference Report now places the burden of proof on the IRS rather than the taxpayer in tax disputes that come before a U.S. Tax Court judge. This agreement also requires the IRS to make available to taxpayers clarifications, definitions and explanations on a variety of matters. Also falsification or destruction of documents, or violating the civil rights of a taxpayer will now result in the dismissal of the individual responsible, and will permit taxpayers to sue the government if any of these charges can be proven.

Often, I hear from my constituents that filing federal taxes is too complex, and as a former small business owner I agree that filing federal taxes is unnecessarily confusing and time consuming. The Conference Report addresses this concern by calling on the Secretary of the Treasury to establish an electronic commerce advisory group policy that promotes paper-less filing. Under the Conference Report, the advisory group will study ways to increase taxpayer use of electronic filing and work on a plan to meet the goal of 80 percent electronic filing by 2007. I am especially pleased that this tax simplification provision was included in H.R. 2676.

This bill, which requires the IRS to be more accountable to all taxpayers, is a step in the right direction. Let us move forward on the widespread agreements that exist to substantially reform the IRS. That is why I urge my colleagues to vote for passage of this Conference Report today.

HOMEOWNERS PROTECTION ACT OF 1998

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 1998

Mr. GILMAN. Mr. Speaker, I rise today in support of the Homeowners Insurance Protection Act which will amend the Truth in Lending Act and stop the abusive practice of overcharging homeowners for private mortgage insurance.

Private mortgage insurance has given millions of Americans the opportunity to become homeowners. This is a valuable service that mortgage industry provides, however, most homeowners are unclear about their rights under this insurance. Many Americans believe that private mortgage insurance insures them, when in fact it insures the lender while the homeowner pays the premium. As the practice stands, homeowners who have paid off 20 percent of their loan no longer need the insurance, but they do not realize it and continue to pay the premium throughout the life of their mortgage. In some cases, 20 to 30 extra years of payments. For an individual who pays $350 per year on a 30-year mortgage, that can mean paying an extra $7,000 to $10,000 of unnecessary premiums.

This legislation will bring about two simple reforms. It will require full disclosure of a homeowners' right to cancel the insurance once they have down 20 percent on their home. It will also require the mortgage lenders to inform consumers at least once a year of their cancellation rights. Both of these requirements must be provided by the credtitor at no extra cost to the consumer.

This bill will protect the rights of homeowners from overpaying unnecessary premiums while maintaining the important role of private mortgage insurance in promoting home ownership. Accordingly, I strongly urge my colleagues to join me in supporting this important legislation.

COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. FAZIO of California. Mr. Speaker, as my colleagues know all too well, some of our most contentious public policy debates concern the management of natural resources. We have all spent many, many hours arguing over conflicting economic and environmental needs, especially in the West.

Fortunately, a new approach to natural resources management has emerged. It emphasizes compatibility rather than conflict. It relies on consensus to develop solutions. It seeks to provide multiple benefits to the environment and to urban and rural communities.

The Colusa Basin Watershed Integrated Resources Management Plan embodies this new approach. It is a comprehensive water management program that will provide flood protection and increase surface and groundwater supplies while enhancing wetland and riparian habitat for wildlife in a million-acre watershed in the Sacramento Valley of California.

I am pleased today to introduce the Colusa Basin Watershed Integrated Resources Management Act, which will authorize the Secretary of the Interior to participate in this innovative program.

Over many decades, devastating floods have repeatedly struck the Colusa Basin, resulting in the loss of life and costly damages to public and private property. In 1995, the Basin suffered an estimated $100 million in flood damage. Flooding in early 1997 again caused serious losses, and today the region is counting the cost of flooding caused by recent storms.

Local authorities know that reducing peak storm flows is the key to preventing widespread damage. A few years ago, they began to bring together representatives of the agricultural and urban communities, environmental interests, and state and federal agencies to develop a plan that would control peak storm flows, increase water supplies and enhance the environment.

The initial plan was outlined in October 1993, a reconnaissance study was completed the following year, and a stakeholder's task force conducted a series of public workshops to identify goals for the program. What emerged from this collaborative process is a plan for construction of several small-scale, environmentally-sound flood control and groundwater recharge projects. Site selection and environmental analysis for these projects are underway.

The legislation that I am introducing today will authorize the Secretary of the Interior to provide financial assistance to the program in the form of cost-sharing with local authorities. The Colusa Basin Watershed Integrated Resources Plan is strongly supported by local governments, and it is compatible with other federal environmental restoration and water management programs in the region.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

''EVERYONE WINS WITH THE A.D.A.!''

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise to celebrate the eight anniversary of the Americans with Disabilities Act, the most sweeping nondiscrimination legislation since the Civil Rights Act of 1964. The Americans with Disabilities Act (A.D.A.) has opened doors for 49 million Americans, providing hope that they will one day achieve complete social and economic integration. To celebrate this achievement, hundreds of people will gather in San Diego's Balboa Park on July 25, 1998 as part of our region's Disability Independence Day.

The theme of the San Diego observance is apt—''Everyone Wins with the A.D.A.!'' The A.D.A. has created jobs and ensured access to public buildings—basic human rights that should be guaranteed to all Americans. We have all benefited, now that people with disabilities can access the workplace, can shop at their local stores, and can visit museums and other public places. We no longer have to be ashamed, now that government buildings or health care centers are open to all citizens. And we can all feel protected—because any one of us could become disabled at any time.

Although Congress passed this historic law that prohibits discrimination against people with disabilities, the real heroes are the women and men who fought for the most basic rights in the years and decades before the A.D.A. was passed and those who have challenged the capacity of their communities' infrastructure since its passage. Disabled Americans continually demonstrate how successful people can be once barriers are knocked down!

The victory of the passage of the Americans with Disabilities Act belongs to thousands of disabled Americans in San Diego and all over the nation, who fought a courageous and commendable fight along with their families, friends and advocates. But the celebration belongs to all Americans because we now have the ability to celebrate together!

As a society with the promise of equal access for all, we must unite to root out areas where this promise is not yet a reality. In honor of Disability Independence Day, let us rededicate ourselves to ensuring that, truly, ''everyone wins with the A.D.A.''

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, July 16, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

10:30 a.m.

Banking, Housing, and Urban Affairs

Financial Institutions and Regulatory Relief Subcommittee

Housing Opportunity and Community Development Subcommittee

To hold joint hearings to review a report on the Real Estate Settlements Procedure Act and the Truth in Lending Act from the Department of Housing and Urban Development and the Federal Reserve.

SD–538

JULY 21

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine discretionary spending activities within the Department of Transportation and the Department of Commerce.

SR–253

10:00 a.m.

Budget

To hold hearings to examine issues associated with implementing personal savings accounts as part of social security reform.

SD–608

Labor and Human Resources

To hold hearings on S.766, to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

SD–430

JULY 22

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how the Year 2000 computer conversion will affect agricultural businesses.

SR–332

Environment and Public Works

Business meeting, to consider pending calendar business.

SD–406

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine China's missile transfer issues.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Finance

To hold hearings to examine new directions in retirement security policy, focusing on social security, pensions, personal savings and work.

SD–215

Judiciary

To hold oversight hearings to examine the Department of Justice's implementation of the Violence Against Women Act.

SD–226

Labor and Human Resources

Business meeting, to mark up S. 1380, to amend the Elementary and Secondary Education Act of 1965 regarding charter schools, S. 2112, to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer, and S. 2213, to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

SD–430

Indian Affairs

To hold joint hearings with the House Resources Committee on S. 1770, to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and H.R. 3782, to compensate certain Indian tribes for known errors in their tribal trust fund accounts, and to establish a process for settling other disputes regarding tribal trust fund accounts.

SD–106

10:00 a.m.

Governmental Affairs

To hold hearings on S. 2161, to provide Government-wide accounting of regulatory costs and benefits, and S. 1675, to establish a Congressional Office of Regulatory Analysis.

SD–342

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2136, to provide for the exchange of certain land in the State of Washington, S. 2226, to amend the Idaho Admission Act regarding the sale or lease of school land, H.R. 2886, to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System, and H.R. 3796, to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

SD–366

JULY 23

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 2238, to reform unfair and anticompetitive practices in the professional boxing industry.

SR–253

Energy and Natural Resources

To hold oversight hearings to examine the results of the Arctic National Wildlife Refuge, 1002 Area, Petroleum Assessment, 1998, conducted by the United States Geological Survey.

SD–366

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the problem of telephone cramming-the billing of unauthorized charges on a consumer's telephone bill.

SD–342

Special on SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

To hold hearings to examine the Year 2000 computer conversion as related to the health care industry.

SD–192

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 2109, to provide for an exchange of lands located near Gustavus, Alaska, S. 2257, to reauthorize the National Historic Preservation Act, S. 2276, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, S. 2272, to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana, S. 2284, to establish the Minuteman Missile National Historic Site in the State of South Dakota, and H.R. 1522, to extend the authorization for the National Historic Preservation Fund.

SD–366

3:00 p.m.

Armed Services

To hold hearings on the nominations of Patrick T. Henry, of Virginia, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, Carolyn H. Becraft, of Virginia, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, and Ruby Butler DeMesme, of Virginia, to be Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment.

SR–222

JULY 27

1:00 p.m.

Special on Aging

To hold hearings to examine allegations of neglect in certain California nursing homes and the overall infrastructure that regulates these homes.

SH–216

JULY 28

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine why cable rates continue to increase.

SR–253

Energy and Natural Resources

To hold hearings to examine the March 31, 1998 Government Accounting Office report on the Forest Service, focusing on Alaska region operating costs.

SD–366

10:00 a.m.

Special on Aging

To continue hearings to examine allegations of neglect in certain California nursing homes and the overall infrastructure that regulates these homes.

SH–216

JULY 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings on the Department of Agriculture's progress in consolidating and downsizing its opearations.
SR–332

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 1405, to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, and to provide for improved consumer credit disclosure.
SD–538

JULY 30

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review a recent concept release by the Commodity Futures Trading Commission on over-th-counter derivatives, and on related proposals by the Treasury Department, the Board of Governors of the Federal Reserve System and the Securities and Exchange Commission.
SD–106

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine international satellite reform.
SR–253

SEPTEMBER 10

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to examine international satellite reform.
SR–253

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

POSTPONEMENTS

JULY 21

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1964, to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation, and S. 1509, to authorize the Bureau of Land Management to use vegetation sales contracts in managing land at Fort Stanton and certain nearby acquired land along the Rio Bonita in Lincoln County, New Mexico.
SD–36

Daily Digest

HIGHLIGHTS

House Committees ordered reported three sundry measures, including the Commerce, Justice, State, and Judiciary appropriations for fiscal year 1999.

Senate

Chamber Action

Routine Proceedings, pages S8161–S8268

Measures Introduced: Ten bills were introduced, as follows: S. 2307–2316. **Pages S8240–41**

Measures Reported: Reports were made as follows:

S. 2307, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999. (S. Rept. No. 105–249)

S. 2176, to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act'') to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes, with amendments. (S. Rept. No. 105–250)

S. 2312, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes. (S. Rept. No. 105–251) **Page S8240**

Measures Passed:

Congressional Gold Medal: Senate passed S. 1283, to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas, after agreeing to a committee amendment. **Pages S8264–65**

Agriculture Appropriations, 1999: Senate resumed consideration of S. 2159, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, taking action on amendments proposed thereto, as follows: **Pages S8161–S8236**

Adopted:

Cochran (for Brownback/Roberts) Amendment No. 3155, to amend the Arms Export Control Act to provide waiver authority on certain sanctions applicable to India or Pakistan. **Page S8183**

Dodd Amendment No. 3158, to exempt agricultural products, medicine, and medical equipment from U.S. economic sanctions. (By 38 yeas to 60 nays (Vote No. 203), Senate earlier failed to table the amendment.) **Pages S8214–28**

Roberts Modified Amendment No. 3159 (to Amendment No. 3158), of a perfecting nature. **Pages S8214–26**

Torricelli Amendment No. 3160 (to Amendment No. 3158), to exclude the application of Amendment No. 3158 to any country that repeatedly provided support for acts of terrorism. (By 30 yeas to 67 nays (Vote No. 204), Senate earlier failed to table the amendment.) **Pages S8226–27**

Kerrey/Burns Amendment No. 3161, to ensure the continued viability of livestock producers and the livestock industry in the United States. (By 49 yeas to 49 nays (Vote No. 205), Senate earlier failed to table the amendment.) **Pages S8228–32**

Graham Amendment No. 3162, to provide assistance to agricultural producers for losses resulting from drought or fire. **Pages S8232–33**

Cochran (for Coverdell) Amendment No. 3163, to make food safety competitive research program funds available for research on E.coli:0157H7. **Pages S8233–36**

Cochran (for DeWine/Hutchinson) Amendment No. 3164, to require the Commissioner of Food and Drugs to conduct assessments and take other actions relating to the transition from use of chlorofluorocarbons in metered-dose inhalers. **Pages S8233–36**

Cochran (for Harkin/Grassley) Amendment No. 3165, to provide for the construction of a Federal animal biosafety level-3 containment center. **Pages S8233–36**

Cochran Amendment No. 3166, to provide additional funds for conservation operations. **Pages S8233–36**

Cochran (for Kempthorne/Baucus) Amendment No. 3167, to provide funding for a secondary agriculture education program. **Pages S8233–36**

Cochran (for Bryan) Amendment No. 3168, to require the Secretary of Agriculture to submit to Congress a report concerning the market access program. **Pages S8233–36**

Cochran (for Graham/Mack) Amendment No. 3169, to provide additional funding for fruit fly exclusion and detection. **Pages S8233–36**

Cochran (for Johnson/Burns) Amendment No. 3170, to require that beef or lamb be labeled as United States beef or lamb or imported beef or lamb. **Pages S8233–36**

Rejected:

Daschle Amendment No. 3146, to provide a safety net for farmers and consumers regarding marketing assistance loans. (By 56 yeas to 43 nays (Vote No. 200), Senate tabled the amendment.) **Pages S8164–83**

Lugar Amendment No. 3156, to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights. (By 53 yeas to 46 nays (Vote No. 201), Senate tabled the amendment.) **Pages S8185–S8203, S8211–12**

Bryan Amendment No. 3157, to eliminate funding for the market access program for fiscal year 1999. (By 70 yeas to 29 nays (Vote No. 202), Senate tabled the amendment.) **Pages S8203–13**

Senate will continue consideration of the bill and amendments to be proposed thereto, on Thursday, July 16, 1998.

(During consideration of this measure on Tuesday, July 14, the Senate also took the following action):

Amendments adopted:

By a unanimous vote of 99 yeas (Vote No. 199), Modified Daschle (for Harkin/Daschle) Amendment No. 3127, to express the sense of the Senate that emergency action is necessary to respond to the economic hardships facing agricultural producers and their communities. **Pages S8093–94, S8100–23, S8128**

Bumpers/Cochran Amendment No. 3142, to clarify a budget request submission regarding spending based on assumed revenues of unauthorized user fees. **Pages S8123–24**

Bumpers (for Daschle) Amendment No. 3143, to establish a pilot program to permit certain owners and operators to hay and graze on land that is subject to conservation reserve contracts. **Page S8124**

Bumpers (for Durbin) Amendment No. 3144, to prohibit the previous shipment of shell eggs under the voluntary grading program of the Department of Agriculture and to require the Secretary of Agriculture to submit a report on egg safety and repackaging. **Pages S8124–25**

Bumpers (for Byrd) Amendment No. 3145, to provide funding for completion of construction of the Alderson Plant Materials Center in Alderson, West Virginia. **Page S8125**

Bumpers (for Lieberman/Dodd) Amendment No. 3146, to clarify the eligibility of State agricultural experiment stations for certain agricultural research programs. **Pages S8128–29**

Homeowners Protection Act: Senate concurred in the amendments of the House to S. 318, to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required as condition for entering into a residential mortgage transaction, to abolish the Thrift Depositor Protection Oversight Board, with an amendment, as follows: **Pages S8267–68**

DeWine (for Santorum/Specter) Amendment No. 3171, to establish that certain provisions shall not apply to a nonprofit institution whose primary function is to provide health care educational services that files for bankruptcy. **Page S8268**

Nominations Received: Senate received the following nominations:

Charles R. Rawls, of North Carolina, to be General Counsel of the Department of Agriculture.

Robert M. Walker, of Tennessee, to be Deputy Director of the Federal Emergency Management Agency.

George McDade Staples, of Kentucky, to be Ambassador to the Republic of Rwanda.

A routine list in the Foreign Service. **Page S8268**

Messages From the House: **Page S8239**

Measures Referred: **Page S8239**

Petitions: **Pages S8239–40**

Executive Reports of Committees: **Page S8240**

Statements on Introduced Bills: **Pages S8241–53**

Additional Cosponsors: **Pages S8253–54**

Amendments Submitted: **Pages S8254–61**

Notices of Hearings: **Page S8261**

Authority for Committees: **Page S8261**

Additional Statements: **Pages S8262–64**

Record Votes: Six record votes were taken today. (Total—205) **Pages S8183, S8212–13, S8226–28, S8232**

Adjournment: Senate convened at 9 a.m., and adjourned at 10:48 p.m., until 10 a.m., on Thursday, July 16, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8268.)

Committee Meetings

(Committees not listed did not meet)

ATM SURCHARGING

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine a Federal Government study on the status of automated teller machine deployment and surcharge fees assessed by banks and thrift institutions, after receiving testimony from Susan S. Westin, Associate Director, Financial Institutions and Markets Issues, General Government Division, General Accounting Office; Jan Paul Acton, Assistant Director, Natural Resources and Commerce Division, Congressional Budget Office; Connecticut Attorney General Richard Blumenthal, Hartford; Edmund Mierzwinski, U.S. Public Interest Research Group, Washington, D.C.; Wayne A. Cottle, Dean Co-operative Bank, Franklin, Massachusetts, on behalf of the Community Bank League of New England; Raymond Curtin, Empire Federal Credit Union, Syracuse, New York, on behalf of the National Association of Federal Credit Unions; Linda Echard, IBAA Bancard, Arlington, Virginia, on behalf of the Independent Bankers Association of America; Richard E. Bolton, Jr., Charter Bank, Waltham, Massachusetts, on behalf of the American Bankers Association and the Massachusetts Bankers Association; and John Ward, First American Bank, Elk Grove, Illinois, on behalf of the Consumer Bankers Association.

ELECTRONIC COMMERCE

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 2107, to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, after receiving testimony from Representative Eshoo; Andrew J. Pincus, General Counsel, Department of Commerce; Scott Cooper, Hewlett-Packard Company, Washington, D.C.; Kirk LeCompte, PenOp, Inc., New York, New York; and Daniel Greenwood, Commonwealth of Massachusetts Information Technology Division, Boston.

PUERTO RICO

Committee on Energy and Natural Resources: Committee continued hearings on H.R. 856, to provide a process leading to full self-government for Puerto Rico, and S. 472, to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, receiving testimony from Senators D'Amato and Lieberman; Representatives Velazquez, Serrano, and Gutierrez; Puerto Rico Resident Commissioner Carlos A. Romero-Barcelo; and Jeffrey L. Farrow, Co-Chair, The President's Interagency Group on Puerto Rico.

Hearings were recessed subject to call.

NOMINATION

Committee on Environment and Public Works: Committee concluded hearings on the nomination of Nikki Rush Tinsley, of Maryland, to be Inspector General, Environmental Protection Agency, after the nominee testified and answered questions in her own behalf.

U.S. BALTIC POLICY

Committee on Foreign Relations: Subcommittee on European Affairs concluded hearings to examine United States policy towards the Republics of Estonia, Latvia, and Lithuania, focusing on developments in these countries seven years after they regained their independence pending membership in the European Union and the North Atlantic Treaty Organization, after receiving testimony from Marc Grossman, Assistant Secretary of State for European and Canadian Affairs; Richard J. Krickus, Mary Washington College, Fredericksburg, Virginia; Andrejs Plakans, Iowa State University, Ames; and Toivo Raun, Indiana University, Bloomington.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 389, to improve congressional deliberation on proposed Federal private sector mandates, with amendments;

S. 2228, to amend the Federal Advisory Committee Act to modify termination and reauthorization requirements or advisory committees;

S. 314, to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, with an amendment in the nature of a substitute;

S. 1397, authorizing funds for fiscal years 1999 through 2004 to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers, with an amendment in the nature of a substitute; and

The nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Committee held oversight hearings on activities of the Department of Justice, receiving testimony from Janet Reno, Attorney General, and Eric H. Holder, Jr., Deputy Attorney General, both of the Department of Justice.

Hearings were recessed subject to call.

HOME HEALTH CARE

Committee on Small Business: Committee held hearings to examine how the Health Care Financing Administration's interim payment system and surety bond regulations are affecting small home health care agencies, receiving testimony from Senators Grassley and Baucus; Jere W. Glover, Chief Counsel for Advocacy, Small Business Administration; Carole Burkemper, Great Rivers Home Care, Inc., St. Peters, Missouri; Delia Young, Delia Young & Associates, Kansas City, Missouri; Marty C. Hoelscher, Superior Home Care, Inc., Salt Lake City, Utah; Lynn Hardy, Duplin Home Care and Hospice, Kenansville, North Carolina; Bonnie Matthews, South Shore Health System, Braintree, Massachusetts, on behalf of the South Shore Visiting Nurse Association; and Bob Reynolds, Franey, Parr & Associates, Inc., Lanham, Maryland, on behalf of the National Association of Surety Bond Producers.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, with an amendment in the nature of a substitute; and

S. 109, to provide Federal housing assistance to Native Hawaiians, with an amendment in the nature of a substitute.

INDIAN TRIBAL CONFLICT RESOLUTION

Committee on Indian Affairs: Committee concluded hearings on S. 2097, to encourage and facilitate the resolution of conflicts involving Indian tribes, after receiving testimony from Kevin Gover, Assistant Secretary of the Interior for Indian Affairs; Charles R. Barnes, Acting Director, Federal Mediation and Conciliation Service; William C. Canby, Jr., United States Circuit Judge for the Ninth Circuit Court of Appeals; Renny Fagan, Colorado Department of Revenue, Denver; R. Timothy Columbus, Collier, Shannon, Rill and Scott, on behalf of the National Association of Convenience Stores and the Society of Independent Gasoline Marketers of America, Phyllis C. Borzi, George Washington University Medical Center, and W. Ron Allen, National Congress of American Indians, all of Washington, D.C.; Billy Frank, Jr., Northwest Indian Fisheries Commission, Olympia, Washington; Apesanahkwat, Menominee Indian Tribe of Wisconsin, Keshena; and Philip S. Deloria, American Indian Law Center, Inc., Albuquerque, New Mexico.

TECHNOLOGY TRANSFERS TO CHINA

Select Committee on Intelligence: Committee held hearings to examine the safeguards and monitoring process established to ensure that no prohibited technology transfers occur before, during, or after launches of United States commercial satellites on Chinese boosters, receiving testimony from David Tarbell, Director, Defense Technology Security Administration, Department of Defense.

Hearings were recessed subject to call.

SOCIAL SECURITY RETIREMENT AGE

Special Committee on Aging: Committee concluded hearings to examine how an increase in the retirement age will affect the long-term solvency of the Social Security system and the United States economy, the labor market for older workers, and the Disability Insurance and Supplemental Security Income programs, receiving testimony from Barbara D. Bovbjerg, Associate Director, Income Security Issues, Health, Education, and Human Services Division, General Accounting Office; David A. Smith, AFL-CIO Public Policy Department, Gary Burtless, Brookings Institution, Paul R. Huard, National Association of Manufacturers, and Carolyn J. Lukensmeyer, Americans Discuss Social Security, all of Washington, D.C.; and Donna L. Wagner, Center for Productive Aging/Towson University, Towson, Maryland.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 4217–4234, and 1 resolution, H. Res. 502, were introduced.

Pages H5592–93

Reports Filed: Reports were filed as follows:

H.R. 3980, to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, amended (H. Rept. 105–626);

H.R. 4110, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs (H. Rept. 105–627); and

H. Res. 501, providing for consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999 (H. Rept. 105–628). Page H5592

Recess: The House recessed at 9:07 a.m. and reconvened at 11:15 a.m. Page H5499

Joint Meeting To Receive the President of Romania: The House and Senate met in a joint meeting to receive an address by His Excellency Emil Constantinescu, President of Romania. It was made in order that the proceedings during the recess be printed in the Record. Representatives Armey, Cox of California, Gilman, Bereuter, Solomon, Dunn, and Fox of Pennsylvania and Senators Mack, Coats, Lugar, Smith of Oregon, Daschle, and Biden were appointed as members of the committee to escort the President of Romania into the House Chamber by the Speaker and President pro tempore of the Senate, respectively. Pages H5499–H5502

Tropical Forest Conservation Act: The House agreed to the Senate amendment to 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—clearing the measure for the President.

Pages H5507–11

Child Custody Protection Act: The House passed H.R. 3682, to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions, by a recorded vote of 276 ayes to 150 noes, Roll No. 280. Pages H5521–40

Rejected the Scott motion to recommit the bill back to the committee on the Judiciary with instructions to report it back forthwith with an amendment in the nature of a substitute that makes it illegal to use force or coerce a minor across State lines to obtain an abortion by a yea and nay vote of 158 yeas to 269 nays, Roll No. 279. Pages H5538–40

H. Res. 499, the rule that provided for consideration of the bill, was agreed to by a yea and nay vote of 247 yeas to 173 nays, Roll No. 278. Earlier, agreed to order the previous question by a yea and nay vote of 252 yeas to 174 nays, Roll No. 277.

Pages H5511–21

Sonny Bono Memorial Salton Sea Reclamation Act: The House passed H.R. 3267, to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, by a yea and nay vote of 221 yeas to 200 nays, Roll No. 282. Pages H5546–64

Agreed by unanimous consent to the Boehlert amendment that specifies that funding will not be derived from the land and water conservation fund.

Pages H5555, H5557–58

Rejected the Miller of California amendment in the nature of a substitute that authorizes a study of alternatives for restoring the Salton Sea by a yea and nay vote of 202 yeas to 218 nays, Roll No. 281.

Pages H5555–64

H. Res. 500, the rule that provided for consideration of the bill, was agreed to by a voice vote. Pursuant to the rule the amendment in the nature of a substitute printed in H. Rept. 105–624 was considered as adopted. Pages H5540–46

Treasury, Postal Service Appropriations Act: The House completed general debate on H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999. Consideration will resume on July 16. Pages H5573–81

H. Res. 498, the rule that is providing for consideration of the bill, was agreed to earlier by a recorded vote of 218 ayes to 201 noes with 1 voting "present", Roll No. 284. Earlier, agreed to order the

previous question by a yea and nay vote of 231 yeas to 185 nays, Roll No. 283. **Pages H5564–73**

Senate Messages: Message received from the Senate appears on page H5502.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5594–H5635.

Quorum Calls—Votes: Five yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H5520, H5520–21, H5539–40, H5540, H5563–64, H5564, H5572, and H5572–73. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 11:50 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Ordered reported the Commerce, Justice, State, and Judiciary appropriations for fiscal year 1999.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs approved for full committee action the Foreign Operations, Export Financing and Relations appropriations for fiscal year 1999.

HOMEOWNERS' INSURANCE AVAILABILITY ACT

Committee on Banking and Financial Services: Ordered reported amended H.R. 219, Homeowners' Insurance Availability Act of 1997.

ELECTRONIC COMMERCE

Committee on Commerce: Subcommittee on Energy and Power held a hearing on Electronic Commerce: The Energy Industry in the Electronic Age. Testimony was heard from public witnesses.

NBA PIONEERS—PENSION FAIRNESS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Pension Fairness for NBA Pioneers. Testimony was heard from public witnesses.

WASHINGTON CONVENTION CENTER AUTHORITY

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held a hearing on Washington Convention Center Authority. Testimony was heard from Andrew Brimmer, Chairman, District of Columbia Financial Responsibility and Management Assistance Authority; the following officials of the District of Columbia: Marion Barry, Mayor; and Linda Cropp, Chairman, City Council; Gloria Jarmon, Director, Health, Education, and Human Services Accounting and Financial Management Issues, GAO; Rick Hendricks, Director, Project Development, National Capital Division, GSA; and Terry Golden, Chairman, Washington Convention Center Authority.

KYOTO PROTOCOL

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs continued hearings on "The Kyoto-Protocol: Is the Clinton-Gore Administration Selling Out Americans?" (Part V). Testimony was heard from John C. Horsley, Associate Deputy Secretary and Director, Office of Intermodalism, Department of Transportation; and public witnesses.

AFRICA—COMBATING INTERNATIONAL CRIME

Committee on International Relations: Subcommittee on Africa held a hearing on Combating International Crime in Africa. Testimony was heard from the following officials of the Department of Justice: Tom Kneir, Deputy Assistant Director, Criminal Investigative Division, FBI; and Michael Horn, Chief, Foreign Operations, DEA; and public witnesses.

MISCELLANEOUS MEASURE; OVERSIGHT—ENDANGERED SPECIES ACT

Committee on Resources: Ordered reported amended H.R. 4111, to provide for outlet modifications to Folsom Dam, a study for reconstruction of the Northfork American River Cofferdam, and to transfer to the State of California all right, title, and interest in and to the Auburn Dam.

The Committee also held an oversight hearing on the Endangered Species Act. Testimony was heard from Michael Anable, Deputy State Land Commissioner, Land Department, State of Arizona; Renne Lohoefener, Assistant Regional Director, Region 2, U.S. Fish and Wildlife Service, Department of the Interior; Peter Coppelman, Deputy Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Eleanor S. Towns, Regional Forester, USDA; and public witnesses.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 4194, making appropriations for the Department of Veterans

and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998. The rule waives section 306 (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) of the Congressional Budget Act against consideration of the bill.

The rule provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as adopted. The rule waives clause 6 (prohibiting reappropriations in an appropriation bill) of rule XXI against provisions in the bill and clause 2 of rule XXI (prohibiting unauthorized and legislative provisions in an appropriations bill) against provisions in the bill as amended, except as otherwise specified in the rule.

The rule makes in order the amendment printed in the Congressional Record and numbered 12, which may be offered only by Representative Leach or a designee, shall be considered as read, shall be debatable for 40 minutes 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 waives all points of order against the amendment numbered 12.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes 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 Lewis of California, Tiahrt, Leach, Lazio of New York, Kelly, Stokes, Obey, Kennedy of Massachusetts, Engel and Gutierrez.

INTERIOR APPROPRIATIONS

Committee on Rules: Heard testimony from Representatives Regula, Johnson of Connecticut, Stearns, Greenwood, Yates and Gutierrez, but action was deferred on H. R. 4193, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

OVERSIGHT—SCIENCE OF RISK ASSESSMENT

Committee on Science: Subcommittee on Energy and Environment held an oversight hearing on the Science of Risk Assessment: Implications for Federal Regulation. Testimony was heard from public witnesses.

SMALL BUSINESSES—YEAR 2000 COMPUTER PROBLEM

Committee on Small Business: Held a hearing on the Impact of the Year 2000 (Y2K) Computer Problem on Small Businesses. Testimony was heard from Fred Hochberg, Deputy Administrator, SBA; and public witnesses.

OVERSIGHT—COAST GUARD MARINE ENVIRONMENTAL PROTECTION AND COMPLIANCE PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the U.S. Coast Guard Marine Environmental Protection and Compliance Programs. Testimony was heard from Capt. Thomas H. Gilmour, USCG, Director, Field Activities, Office of Marine Safety and Environmental Protection, U.S. Coast Guard, Department of Transportation; and public witnesses.

U.S.-JAPAN TRADE RELATIONS

Committee on Ways and Means: Subcommittee on Trade held a hearing on United States-Japan Trade Relations. Testimony was heard from Representatives Levin, Bereuter and Graham; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D733*)

H.R. 651, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington Signed July 14, 1998. (P.L. 105–189)

H.R. 652, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington. Signed July 14, 1998. (P.L. 105–190)

H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York. Signed July 14, 1998. (P.L. 105–191)

H.R. 1184, to extend the deadline under the Federal Power Act for the construction of the Bear Creek Hydroelectric Project in the State of Washington. Signed July 14, 1998. (P.L. 105–192)

H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington. Signed July 14, 1998. (P.L. 105–193)

S. 2282, to amend the Arms Export Control Act. Signed July 14, 1998. (P.L. 105–194)

COMMITTEE MEETINGS FOR THURSDAY, JULY 16, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to resume hearings on the nomination of Daryl L. Jones, of Florida, to be Secretary of the Air Force, 9:30 a.m., SH–216.

Committee on Commerce, Science, and Transportation, to hold hearings to examine the General Accounting Office's investigation of the Universal Service, Schools and Libraries program, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 155, to redesignate General Grant National Memorial as Grant's Tomb National Monument, S. 1408, to establish the Lower East Side Tenement National Historic Site, S. 1718, to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize appropriation of additional amounts for the acquisition of real and personal property, and S. 1990, to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, 2 p.m., SD–366.

Committee on Finance, to hold hearings to examine tax and trade issues related to the internet, including related provisions of S. 442 and H.R. 4105, proposed Internet Tax Freedom Acts, 9:30 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nominations of Hugh Q. Parmer, of Texas, to be an Assistant Administrator of the Agency for International Development, and Mary Beth West, of the District of Columbia, for the rank of Ambassador during her tenure of service as Deputy Assistant Secretary of State for Oceans and Space, 10 a.m., SD–419.

Full Committee, to hold hearings on the nominations of John Bruce Craig, of Pennsylvania, to be Ambassador to the Sultanate of Oman, Theodore H. Kattouf, of Maryland, to be Ambassador to the United Arab Emirates, Elizabeth Davenport McKune, of Virginia, to be Ambassador to the State of Qatar, and David Michael Satterfield, of Virginia, to be Ambassador to the Republic of Lebanon, 2 p.m., SD–419.

Full Committee, to hold hearings on the nominations of James Howard Holmes, of Virginia, to be Ambassador to the Republic of Latvia, Steven Robert Mann, of Pennsylvania, to be Ambassador to the Republic of Turkmenistan, Richard Nelson Swett, of New Hampshire, to be Ambassador to Denmark, and Melissa Foelsch Wells, of Connecticut, to be Ambassador to the Republic of Estonia, 4 p.m., SD–419.

Committee on the Judiciary, business meeting, to consider pending calendar business, 9:30 a.m., SD–226.

Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1315–16 in today's Record.

House

Committee on Appropriations, Subcommittee on Transportation, to mark up appropriations for fiscal year 1999, 10 a.m., 2358 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on streamlining bank regulatory oversight, 9:30 a.m., 2128 Rayburn.

Committee on Commerce, to mark up H.R. 2281, Digital Millennium Copyright Act of 1998, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on H.R. 2710, Rewarding Performance in Compensation Act, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources, oversight hearing on Early Childhood Interventions: Public-Private Partnerships, 9:30 a.m., 2154 Rayburn.

Committee on International Relations, hearing on U.S. and Russia: Assessing the Relationship, 10 a.m., 2172 Rayburn.

Subcommittee on Asia, to mark up H. Res. 459, commemorating 50 years of relations between the United States and the Republic of Korea, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 2592, Private Trustee Reform Act of 1997; H.R. 3891, Trademark Anticounterfeiting Act of 1998; H.R. 3898, Speed Trafficking Life in Prison Act of 1998; H.R. 2070, Correction Officers Health and Safety Act of 1997; H.R. 4090, Public Safety Act Officer Medal of Valor Act of 1998; H.R. 3789, Class Action Jurisdiction Act of 1998; and private immigration bills, 10 a.m., 2141 Rayburn.

Committee on National Security, hearing on the findings and conclusions of the Commission to Assess the Ballistic Missile Threat to the United States, 9:30 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 1481, Great Lakes Fish and Wildlife Restoration Act of 1997; and to hold an oversight hearing on Pilot Program to Control Non-Indigenous Species Nutria at the Blackwater National Wildlife Refuge in Maryland, 2 p.m., 1334 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Regional Haze, 10 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, hearing on the following bills: H.R. 3981, to modify the boundaries of the George Washington Birthplace National Monument; H.R. 4109, to authorize the Gateway Visitor Center at Independence National Historical Park; H.R. 4141, to amend the Act authorizing the establishment of the Chattahoochee River National Recreation

Area to modify the boundaries of the Area, and to provide for the protection of lands, waters, and natural, cultural, and scenic resources within the national recreation area; and H.R. 4158, National Park Enhancement and Protection Act, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, to mark up the following bills: H.R. 2161, to direct the Secretary of the Interior to convey the Palmetto Bend Project to the State of Texas; H.R. 3677, to authorize and direct the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and Designated Lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District; H.R. 3706, Clear Creek Distribution System Conveyance Act; H.R. 3715, Pine Ridge Project Conveyance Act; and H.R. 2506, Collbran Project Unit Conveyance Act, 2 p.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Empowerment, hearing on the social and economic costs of teenage pregnancy, 10 a.m., 2360 Rayburn.

Subcommittee on Government Programs and Oversight, hearing with respect to the SBA's Proposed New Automated Loan Monitoring System, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, hearing on the Status of the Courthouse Construction Program, U.S. Mission to the United Nations Construction Request and comments on H.R. 2751, General Services Administration Improvement Act of 1997, 9 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, oversight hearing on the standards for adjudicating claims presented by veterans suffering from hepatitis C, cerebral malaria and Persian Gulf illnesses, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on the Administration's Plan to Delay Implementation of the Balanced Budget Act of 1997, 11 a.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Thursday, July 16

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 2159, Agriculture Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 16

House Chamber

Program for Thursday: Completed Consideration of H.R. 4104, Treasury, Postal Service and General Government Appropriations Act, 1999 (open rule, one hour of general debate); and

Consideration of H.R. 4194, Departments of Veterans' Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Coble, Howard, N.C., E1312
Conyers, John, Jr., Mich., E1313
Doyle, Michael F., Pa., E1313
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Fazio, Vic, Calif., E1314
Filner, Bob, Calif., E1314
Frelinghuysen, Rodney P., N.J., E1311
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Serrano, José E., N.Y., E1313
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Stabenow, Debbie, Mich., E1303
Upton, Fred, Mich., E1312
Wolf, Frank R., Va., E1309

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