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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 28, 1998.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, 10 days ago our community in Portland, Oregon celebrated an opening of a new light rail line, but what brought together the Vice President of the United States, numerous administration officials and over a quarter million Oregonians was not just an engineering achievement but it was, indeed, to celebrate another chapter in Oregon's success story of livable communities.

It showed the power of careful investments in transportation and land use

planning. For less than the cost of an additional freeway lane, which would have been very hard to build even if we had the extra money, we have been able to move over 25,000 people per day on the new line and, indeed, have the potential to double that capacity for the relatively modest additional investment of buying more rail cars.

The investment has also sparked 6,000 new housing units that have been built, that are under construction or through the permit process along the light rail line and, indeed, has strengthened our downtowns, not just in the city of Portland but smaller communities along the line.

This billion dollar investment in light rail by integrating engineering and artists into the planning process also provided fascinating public art which will enrich the community for decades to come. Vice President GORE clearly articulated the administration's commitment to protect our environment, avoiding sprawl, and giving more choices to families.

That is an important part of why I am in Congress, so that we can deal with what America's families really care about, making sure that children are safe when they go out the door to school in the morning, that the families are economically secure and healthy, physically and environmentally.

It is not too late for this Congress to address ways to promote more livable communities. We can begin by implementing the transit pass rule change that has been finally approved by the House so that we do not just give free parking to our employees, encouraging them to clog our already congested highways and pollute the air, but maybe an incentive to use the \$10 billion transportation system that the Federal Government has helped invest in. The Federal Government can also lead by example, by having higher standards of building design. Maybe

even the House will approve my legislation with an amendment in the Treasury, Postal bill that would require the post office to not build in floodplains, that it would not violate local regional transportation plans, and to work with citizens in the downtowns of our cities, large and small.

Perhaps the national park system could be a laboratory in Yellowstone or Yosemite for how to plan the transportation and land use. Or I would hope that perhaps the Federal Government could address the foolish use of taxpayer dollars like the \$114,000 home in metropolitan Houston that we have already spent over \$800,000 repairing flood damage over the last 20 years.

Every year we make huge expenditures for economic development, crime and education, which are in fact merely spending to fight the symptoms of dysfunctional communities. Last week in Portland we celebrated smart growth of a livable community. My hope is that we in Congress will do everything in our power to give every American community those tools.

TAX CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, we have two weeks left on this legislative calendar this year. I just wanted to report that I am glad to see that we are focusing on doing the people's business.

This last Friday and Saturday the taxpayers of Illinois, the south suburbs, south side of Chicago that I have the privilege of representing, celebrated a great victory when this House adopted the 90-10 plan, a plan that is a twofer, a big win for the folks who pay the bills back home in Illinois.

I am proud that we set aside \$1.4 trillion in extra tax revenue, money that

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

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



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is part of the surplus that resulted from the first balanced budget in 28 years, that we are setting aside \$1.4 trillion to save Social Security.

I am also proud that in the 90-10 plan that we eliminate the marriage tax penalty for the majority of those who suffer it. In fact, 28 million married working couples will benefit. When you think about it, \$1.4 trillion is twice what the President asked for last January when we all stood up and applauded the President in his great speech talking about saving Social Security first. There was \$600 billion available in surplus tax revenue at that time. We have given the American people more than twice what the President asked for, \$1.4 trillion, and we also eliminate the marriage tax penalty for the majority of those who suffer it.

I have often asked over the past year, is it right, is it fair that 28 million married working couples pay higher taxes under our current tax code just because they are married? Is it right, is it fair that a working couple that is married pays higher taxes than an identical couple with identical income that lives together outside of marriage? No, that is wrong.

Last Friday and Saturday, not only did we begin an effort to save Social Security, but we eliminated the marriage tax penalty for the majority of those who suffer it.

Just to give an idea of how this will impact the people of the south suburbs of Illinois, we will take a couple in Joliet, a machinist and a school teacher. They have a combined adjusted gross income of \$50,000. They are middle class. Under our current tax code, after you subtract personal exemptions, use the current standard deduction for those who file jointly of \$6,900, of course they pay about \$5,700 in taxes.

But under the 90-10 plan we double the standard deduction for married working couples to twice what a single person obtains by raising it to \$8,500. This machinist and this school teacher in Joliet, Illinois will see an extra \$240 in higher take-home pay. We eliminate the marriage penalty for the majority of those who suffer it. And not only is this a big victory for married working couples, but I also want to point out, as a result of doubling the standard deduction, that we simplify the tax code for 6 million married working couples, 6 million married working couples who will no longer have to itemize. They will no longer need to use the schedule A. They will only need to use the 1040-EZ.

That is a big victory, when you can help bring fairness to the tax code as well as simplify the tax code. And those who voted against it, of course it is a political season, will say just about anything. We are just a few short weeks from election. They were somehow claiming that our efforts to eliminate the marriage tax penalty and to help 28 million married working couples, that somehow hurts the Social Security Trust Fund. Wait a second.

We just set aside \$1.4 trillion for Social Security in surplus tax revenue.

So we asked in the Committee on Ways and Means, which I am proud to be a member of, the gentleman from Texas (Mr. ARCHER) asked the representative, the Deputy Commissioner of the Social Security Administration, Judith Chesser, the chairman said, "As a result of the tax bill," which I pointed out eliminates the marriage tax penalty for the majority of those who suffer it, "being considered by the Committee on Ways and Means, will there be any impact on the monies in the Social Security Trust Fund?"

Judith Chesser, Deputy Commissioner, Social Security Administration, had a very simple answer, something unusual for somebody who represents a bureaucracy. Usually they talk a lot. Her answer was simple: No, the tax cut has absolutely no impact on the Social Security trust fund.

So we had a big victory, working on our effort to save Social Security and, of course, to eliminate the marriage tax penalty for the majority of those who suffer it.

If we look back over the last several years, I am one of those who came to Washington to change how Washington works. That is why I am so proud that we balanced the budget, first time in 28 years, and cut taxes for the middle class for the first time in 16 years.

In 1996 this House made a commitment, and it became law, to help loving families who would like to provide a home for a child in need of adoption, an adoption tax credit. That is now law, a key part of the Contract with America.

In 1997 another key part of the Contract with America became law as well. That is a \$500 per child tax credit which will benefit 3 million Illinois children, \$1.5 billion in higher take-home pay that will stay home in Illinois rather than going to Washington.

We had a big victory this past weekend. We have a great opportunity as we focus on doing the people's business. Let us save Social Security. Let us eliminate the marriage tax penalty. I hope that the Senate will give the same level of bipartisan support on saving Social Security, eliminating the marriage tax penalty that we gave it in the House.

MANAGED CARE FLIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Mrs. CAPPS) is recognized during morning hour debates for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to bring to the attention of the House a crisis that is looming throughout the country and is happening right now in my district, the central coast of California.

In the past several weeks, many of the managed care companies, primarily in San Luis Obispo County, have announced that they will no longer be of-

fering seniors the option of Medicare HMOs. This pullout could begin as early as January.

Mr. Speaker, these actions are causing tremendous turmoil in my district. Thousands of senior citizens will face extreme hardship, including large increases in out-of-pocket expenses, confusion over benefits and other transition complications. It is estimated that over 50,000 seniors will lose access to Medicare HMOs in San Luis Obispo County and perhaps thousands more in Santa Barbara County. By early next year, only one HMO option may be available for seniors in San Luis Obispo.

Why is this happening? There seem to be two reasons. First and most critically, reimbursement rates for HMOs in my district have historically been among the lowest in California and the country. To be precise, Santa Barbara and San Luis Obispo Counties are the third and fourth lowest in the State. In both counties, HMOs receive less than \$400 per beneficiary per month. However, just next door in Ventura County to the south, managed care companies receive more than \$500. And in Los Angeles County, a few miles away, the reimbursement rate is almost \$650.

While the reimbursement rates are low in my district, the cost of living is anything but. Anyone who has visited the central coast of California knows that housing prices are high, rents are high, and health care costs reflect that reality. We have excellent health care, but it is not cheap.

The second reason for the HMO pullout are the recent rulings by the Health Care Financing Administration which may be exacerbating an already bad situation in my district and across the country, especially in rural and underserved areas. New administrative burdens, higher-than-expected health care inflation, and smaller annual reimbursement increases may be adding to the reasons managed care companies across the country are withdrawing Medicare products from the market.

To address this crisis, I have recently written to the chairman of the Subcommittee on Health. I know that this subcommittee is looking into the nationwide flight of managed care companies from Medicare products. I want the Chair to hear firsthand how this is occurring in my district and to urge the adoption of bipartisan legislation to address this issue.

The bipartisan Medicare Health Plan Fair Payment Act, of which I am proud to be a cosponsor, will address the chronic underpayment of health plans in rural areas.

Low reimbursement rates discourage companies from offering their products in rural areas. That means fewer health care options for seniors and sometimes no options at all. We need to make sure we are paying these companies enough to get them to offer products our seniors clearly want. That is the first step.

Next I have written to HCFA to alert them to the seriousness of this situation for my constituents. I want HCFA to wake up and see what is happening on the central coast of California.

What I see are seniors frightened that their health plans are being taken from them and frustrated that they have to switch plans or go back to basic Medicare with all its high costs and confusing rules. I join the Senate Finance Committee Chairman, BILL ROTH, in urging HCFA to look at its recent actions that may be adding to this crisis in rural America. HCFA needs to be flexible in how these new rules are implemented.

Finally, I have called on the governor of our great State to advise him of the powers of his office in this matter. Many Members may not be aware of a little-known provision in the Balanced Budget Act of 1997. It allows a governor to request that HCFA redefine the service areas that managed care companies must cover within their State. While service areas are now county by county, they could encompass several counties over the entire State.

□ 1045

What that means is that the governor could require that managed care companies cover low-reimbursement, low-profit areas along with the high-reimbursement, high-profit areas. This simple tool, if wielded properly, could provide an incentive for managed care companies to increase coverage throughout States like California that have some high-profit areas and some low-profit areas.

Mr. Speaker, this Congress has made a lot of noise about increasing senior citizens' access to managed care and about controlling Medicare costs through increased use of managed care. Seniors in my district have expressed a desire to join HMOs, and we should make it easier for them to do so. And yet managed care companies are pulling out of my district, and others across the country, like rats deserting a sinking ship, and they are leaving frightened, frustrated and stranded seniors in their wake. This is simply wrong.

We must take action. The actions I have outlined above would ensure that seniors in my district and seniors across the country have access to reliable, quality and affordable health care. There is no excuse for not acting now, before this Congress goes home to campaign, before this Congress renames another post office, before we disintegrate into yet another partisan fight about this issue or that. We need to consider now this bipartisan issue facing seniors with Medicare and HMOs.

PURPOSE OF IMPEACHMENT PROCEEDINGS IN HOUSE

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gen-

tleman from Arkansas (Mr. HUTCHINSON) is recognized during morning hour debates for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, for the last 2 weeks, the House Committee on the Judiciary has worked diligently to review the referral of the Independent Counsel, as directed by the resolution of this House and adopted by a bipartisan majority. Now, after completion of that important task, the committee can focus on its second responsibility: To determine whether there is reasonable cause to believe that impeachable offenses may have been committed.

If the committee, and later the House, says yes, there is reasonable cause to believe, that does not mean there should be an impeachment or that anyone is guilty. It simply says there is enough merit to have a formal inquiry and hearings. That is an effort to get all the facts from all the parties in an attempt to get at the truth. These steps should not be taken lightly, because they have serious ramifications, but it does not represent the final conclusion nor does it indicate the outcome of this constitutional process.

As the committee considers this issue, it is important to make three points.

First of all, there are those that say we need to define what is an impeachable offense before we even consider the referral of the Independent Counsel. But I would say it is not our responsibility to define the term "high crimes and misdemeanors" set forth in our Constitution. Our founding fathers did not define it, previous Congresses did not define it, and it is not our duty to define it for the uncertain future. Indeed, to get some kind of narrow restrictive standard would be an unwise precedent that could hamstring future Congresses from doing their duty.

It is our responsibility not to define it but to reach a conclusion; to conclude whether the allegations and the facts presented to us may constitute impeachable offenses. This point was made very clearly by the staff report of the House Committee on the Judiciary in 1974, prior to the Watergate impeachment hearings. The staff said, "This memorandum offers no fixed standards for determining whether grounds for impeachment exists. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events, the nature and character of which they could not foresee."

That leads me to the second point. Even though we cannot define impeachable offenses to a greater degree than the Constitution, we should recognize the uniqueness of the language "high crimes and misdemeanors". While criminal conduct may constitute an impeachable offense, every crime may not rise to that level. The framers of the Constitution focused on the pub-

lic trust at stake, and impeachment is designed to address conduct that violates that high trust. If the House considers the report from the Independent Counsel in that way, we distinguish the important Constitutional concern from that of conduct which may be personal in character and not violative of the public trust.

Our founding fathers illustrated their intent that "high crimes and misdemeanors" embrace a breach of the public duty. The Constitution itself describes officeholders under the Constitution as those who hold an office of trust or profit, directly associating public office with a notion of trust. In the federalist papers, Alexander Hamilton was quoted as saying, "The subject of its impeachment jurisdiction are those offenses which proceed from the misconduct of public officers."

The third point I would emphasize is that the constitutional idea of impeachment is not about punishment. There are those, including some of my colleagues on the other side of the aisle, who say that impeachment is to punish officers for misconduct, if established. The purpose of an impeachment proceeding is not to punish, but the purpose is to repair the breach. This would occur either from the conclusion that the facts do not merit further inquiry, from an acquittal in the Senate, or from a conviction that may result from removal from office. Certainly there must be consequences to a finding that there has been a breach of the public trust, but pursuit of punishment should not be our motive.

In the end, the question we must ask ourselves is whether we are willing to close down the Constitutional process or whether we will seek out all the facts and bring this matter to a close. It is certainly a difficult time for our country, but if we remind ourselves of the principles established by the drafters of our Constitution, then we will keep our feet on solid ground throughout this proceeding and we will be judged well by history.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the galleries that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings from the gallery is a violation of the rules of the House.

CONGRESS SHOULD PASS D.C. AP- PROPRIATION BILL SO CAPITAL CAN CONTINUE TO MAKE PROGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, October 1st is fast approaching, this Thursday,

and we will be at the end of the fiscal year, with miles to go and much to do in order to fulfill our most basic responsibility, and that is to pass 13 appropriations bills.

As co-chair of the Women's Caucus, along with the gentlewoman from Connecticut (Mrs. NANCY JOHNSON), I am pleased that the House has gotten through four of the seven priority bills chosen by the Women's Caucus. That brings credit to this House. I hope that the House also will bring itself credit by the way it treats the capital of the United States.

The District's appropriation is one of those left hanging and unresolved. The city is not a Federal agency, and when it is on tenterhooks wondering whether its appropriation will go through or, as in the case of the CR, held to last year's spending limits, a living, breathing city suffers.

The problem with our bill comes from 10 hours during which attachments of every kind were put on our bill, attachments at war with the democratically voiced views of the residents of the District of Columbia: Adoption forbidden for unmarried couples, even though we have children languishing in foster care; vouchers once again put on our appropriation, although the President had not 3 months prior vetoed such a bill; a police helicopter of the Park Service funded out of D.C. funds; advisory neighborhood commissions defunded entirely, though they are the lifeline of neighborhood life in the District of Columbia to keep the services coming at the neighborhood level. The District deserves better.

This Friday, the District is about to break ground on a new convention center funded entirely by the private sector. Most such centers in this country are funded with public funds.

The schools have shown enormous progress. We now have perhaps more charter schools per capita than any other jurisdiction in the United States. We had a magnificent summer school called Summer Stars. To make sure that we eliminate social promotion, children went not only to catch up but to get ahead. Test scores were up significantly on the Stanford 9 even before summer school—scores up in every grade.

We have a new vigorous control board that is keeping the District's feet to the fire and preparing the District for the return of home rule. This is a city that has come back. We have just had an election with fresh leadership promised next year, vigorous new leadership committed to getting the city's House in total order, even more than is being done now.

This is the kind of progress that one would think that the Congress would want to encourage. Ten hours of attachments to our appropriation did just the opposite. It dispirited residents who have suffered greatly in the past few years and have taken great pride that their city is coming up and coming alive.

This is a time for the House and the Senate to encourage the capital, it is not the time to punish the residents of the Nation's capital. By October 1st we hope that this body will have shown that it does indeed take pride in the progress the Nation's capital is beginning to make.

ISSUES THAT CONCERN AND SOMETIMES CONFUSE THE AMERICAN PUBLIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. EWING) is recognized during morning hour debates for 5 minutes.

Mr. EWING. Mr. Speaker, I come here today with some concerns. We all, over the weekend, had maybe time to watch the reporting of political events in America, and I come here, I guess, to speak to the people of this great country and to the people in my district about things that concern me; things that are going on in America today that concern all Americans.

There is in the political system today the effort by many, on both sides of the aisle, to put their spin out on what is happening in America. I guess the first point that bothers me is the spinning of all these issues. We want the American people to understand that we are here to do their business and to uphold the law. The American people, I believe, want justice and fairness. They want the laws of this country to be applied to all of us, equally. And sometimes, with all that is going on, we might find that the American public is confused about whether that is happening and whether, in fact, it will happen.

Our system works. We must give it time to work. I would like to say to people that I am talking about the debate here on the House floor, and the political rancor that sometimes seizes the Capitol and the parties. This is where we make our decision. This is where we decide where the compromise is. This is where we decide what is fair. We do not, any of us in this body, worry that we have to look down Pennsylvania Avenue and see tanks rolling up the street because someone in power decides that they are being unfairly treated by this body. This is where our system works.

The bottom line on the first point I want to make is, too much spin from any source, on any side, of what is going on in America today is wrong, and I believe and hope that the American people can see that.

The second point that I thought was brought up a lot on the Sunday talk shows dealt with attacks on the Congress. Some of those attacks came from the First Couple, attacks made mostly at fund-raising events around the country.

A little aside. My wife traveled to Washington on Friday evening, because we were in session, and her plane was delayed for several hours because of the arrival in Chicago of Air Force

One. That is disconcerting. This is one of the major airports in America, and we appear to have an imperialism that affects the chief executive. The rest of the country can cool their heels and wait while the First Family or the President comes in for a fundraiser. I think we should watch that in America.

We do not want an imperial presidency, we do not want maybe 1200 people going to China at the cost of \$40 million or more. We have to watch that. And it is very easy to get into a pattern where that becomes more and more the norm instead of the exception.

□ 1100

But some of the criticisms leveled at the Republican Congress dealt with education, improving education, affordable child care, expanding health care, protecting the environment, stabilizing the international economy.

I would just like to talk about each of those points for just a minute, to answer the criticism of the administration in regard to that.

Improving education. I would like to know what Dollars to the Classroom is, if that is not a big improvement to education. I can imagine that almost every teacher in America will be glad to see \$400 average go to their classroom for education. What we are doing with the reenactment and the renewal of the higher education bill is indeed very important. What we are doing with the \$500 child tax credit certainly makes child care more affordable.

Expanded health care. We passed a bill out of this House that provides more health care for more Americans than ever before, and we hope the Senate will soon move on that.

In closing, there is much been said about attacks on this Congress. I think there is much to be said for what we have done, and I appreciate the time to come here and speak about it.

HIGH CRIMES AND MISDEMEANORS

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I come here on the floor today to talk about the definition and the meaning of "high crimes and misdemeanors." The Constitution states that the "President and all civil officers of the United States shall be removed from office on impeachment for conviction of treason, bribery, or other high crimes and misdemeanors."

This is the standard under which the House Judiciary Committee is currently evaluating Judge Starr's report. But Mr. Speaker, what exactly are high crimes and misdemeanors? To define "high crimes and misdemeanors" is to

get to the heart of the task of the Committee on the Judiciary. Constitutional provisions related to impeachment arise from English practice, wherein impeachment was employed to remove an official who had abused his office but was under the protection of the crown.

To answer that question, I looked to the intent of the framers of the Constitution. They envisioned a government where the only type of person who could achieve the office of the President would, by definition, be a virtuous person. Should a lack of virtue result, the impeachment process was designed to remedy resulting serious offenses against the public trust and our system of government.

In fact, James Madison said that the aim of the Constitution was to "prevent the degeneracy of our leaders. The method of this prevention is the impeachment process."

Our Founding Fathers adopted this view of impeachment from English law. In English law, the phrase "high crimes and misdemeanors" was used since the 14th century to address political crimes. This is over 600 years of history. Thus, the phrase "high crimes and misdemeanors" actually had nothing to do with criminal law. In the Federalist Papers, Hamilton described impeachment crimes as "those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust."

The report of the Committee on the Judiciary in the Nixon impeachment proceedings in 1974 rejected criminality as a necessary element of impeachment. Thus, impeachment is not a criminal proceeding. It charges only "political" crimes and imposes purely political punishments. Thus, one not need commit a crime to have committed an impeachable offense.

In defending the President, some say that the "treason, bribery, or other high crimes and misdemeanors" language in Article II, Section 4 of the Constitution has a very narrow and precise meaning. And Democrats warn us that the framers of the Constitution would be appalled today if Americans deviated from the meaning they had in mind and impeached a President over something as minor, in their opinion, as sex and lies.

The reality is that the definition of "high crimes and misdemeanors" is a term which is open to significant interpretation in light of 600 years of history. So, eventually, the American people had the responsibility to ask themselves whether they are witnessing behavior unbecoming an American President and whether the law and simple decency have rightful places in the conduct of our leaders and public officials.

We work very hard to teach our children the difference between right and wrong. We must, therefore, insist on the same from our leaders. In this case, if impeachable offenses were commit-

ted, the President must be held accountable.

Furthermore, Congress has a constitutional duty to the public to investigate and remedy breaches of the public trust. Mr. Speaker, holding the President accountable would ensure that future holders of the office would also be held accountable. To neglect to do so would debase our Constitution.

In America, no one is above the law. As former Representative Peter Rodino, a Democrat from New Jersey, a House Judiciary Committee chairman during the Watergate hearings, said, "We cannot turn away, out of partisanship or convenience, from problems that are now our responsibility to consider."

Has the President demeaned the Office of the presidency? That is the question. If so, then we must consider impeachment. Let the courts decide after the impeachment process what punishment should apply thereafter.

SEEKING A NEW STRATEGY IN AMERICA'S WAR ON POVERTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. SCARBOROUGH) is recognized during morning hour debates for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, in listening to those who have discussed the matters before Congress regarding the President, I agree these are very pressing constitutional issues before us. Regrettably, the Presidential crisis has magnified the extremes in our political culture.

I have received troubling phone calls from both sides of the political spectrum. Those supporting the President suggest that Congress drop this matter immediately. And on the other side, detractors of the President demand that we force him immediately from office without receiving due process.

Like so many others across America, I believe there is a more reasonable approach that emphasizes the importance of following the Constitution. We must do our job, and at the end of the process, we must prove two things:

First, for the sake of all Americans, we must show that no man is above the law. Secondly, we must show for the sake of the President and the public servants that work in Washington, D.C., no public servant will be held "below the law." We must not hold the President or any official to a legally higher standard than any of us would face. Those are our challenges.

I wanted to come to this chamber today, though, to speak briefly about another Democrat, the gentleman from Ohio (Mr. HALL) who today is holding meetings and going throughout the city of Washington, D.C., to address a crisis that is still press 35 years after the advent of the great society. That crisis is poverty, and that crisis of poverty still exists in Washington, D.C., and still exists across this country.

Sadly, it still is shocking to some people that poverty still exists. Reports suggests that poverty is eradicated, that it has been miraculously wiped away from the face of American civilization. Regrettably, this is not true.

Two forms of poverty still exist today. One is the poverty that we are familiar with, the poverty that we have grown up hearing about, about children living in squalor, experiencing hunger. But a second poverty exists that is a far more dangerous poverty. That is the poverty of indifference.

The situation in Washington, D.C., remains dire. The first time I came to this city I was shocked to see people living in the shadow of the United States Capitol living in poverty, crime-riddled neighborhoods. We were warned not to stray too far from the Capitol or the Mall after dusk. How did we get to such a place in the United States of America, within the shadow of our Nation's Capitol? Such a situation is not acceptable.

Washington has repeated its mistakes over the past 35 years by refusing to dare to make a difference. If inner cities faced a social ill, Washington tried to micromanage each such problem by creating huge, hulking bureaucracies. By taking money from Americans from Maine over to Hawaii, and by bringing that money to Washington, D.C., Congress has long suggested that it knows better than communities how to end the scourge of poverty. The war on poverty has almost exclusively been waged from inside the walls of federal bureaucracies.

Sadly, the centralized, bureaucratic approach has not worked for the past 40 years. It will not work for the next 40 years. Therefore, we have no other choice but to dare to create a new approach for the war on poverty.

"Insanity" is defined as doing the same thing over and over again and expecting a different result. That is what we have been doing in Washington, D.C. We continue to take money from across America, funnel it to bureaucracies, allow bureaucracies to singularly wage the war on poverty, and ignore the failings we have fostered.

Drive through the South Bronx and decide for yourself whether we are better off today than we were 40 years ago. Drive through South Central Los Angeles or Gary, Indiana, and ask that same question. Or drive 5 minutes from the Nation's Capitol and go through Anacostia, and then decide whether Anacostia is better off today than when we started our bureaucratic war on poverty 35 years ago. I would suggest to my colleagues things are not better today.

Bobby Kennedy once said, "This is the violence of institutions: indifference and inaction and slow decay. This is the violence that afflicts the poor, that poisons relations between men because their skins have different colors. This is the slow destruction of a child by hunger, and schools without books

and homes without heat in the winter." And yet, 30 years after Senator Kennedy's death the poverty of indifference still afflicts our institutions.

Last week a small, incremental approach was suggested in a tax bill that passed our House of Representatives. It was a tax incentive-based approach that provided tax incentives for twenty defined renewal communities. While the family development accounts, the commercial revitalization credit and the work opportunity tax credits suggest a hopeful beginning, these tax incentives by themselves are far too incremental to make a difference.

Still, it is a beginning. Congress must be willing to begin the unbridling of the free enterprise system in our center cities, and provide businesses incentives to beat back the effects of poverty.

Waging and winning such a war is good for all Americans, save drug dealers and demagogues. It is good for our soul and good for our economy. Imagine moving through the next century with our center cities emerging as economic engines instead of economic drains. It is a possibility we must consider. Repeating the mistakes of the past 35 years is not an option.

We must seek a new strategy in our war against poverty.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess until 12 noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SUNUNU) at 12 noon.

PRAYER

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

The scriptures exhort us to begin each day with joyful singing and with gladness of heart. The scriptures further proclaim that we should enter God's gates with thanksgiving and his courts with praise. Yet, we know, O loving and gracious God, that for some people there is no singing a new song, nor is there thanksgiving or gladness. Remind each of us, O God, what we can do to alleviate the hurt of others or cause their pain to diminish. May the hungry find food, the lonely know friendship, and those who experience the ravages of war find peace and rest. And may Your blessing, O God, that surrounds us and gives us hope be with us and all Your people now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 4057. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4057) "An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCAIN, Mr. STEVENS, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD, to be the conferees on the part of the Senate.

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

S. 2511. An act to authorize the Secretary of Agriculture to pay employees of the Food Safety and Inspection Service working in establishments subject to the Federal Meat Inspection Act and the Poultry Products Inspection Act for overtime and holiday work performed by the employees.

A TAX CUT, SOCIAL SECURITY COMPROMISE

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

Mr. GUTKNECHT. Mr. Speaker, on Saturday, I was forced to choose between keeping my promise to provide additional tax relief to working families and my pledge that every penny of Social Security taxes should go only to Social Security.

The Democrats' demagoguery rings hollow. For 40 years they raided the trust fund. All of this year's \$80 billion surplus will go towards debt, not new programs. But there was a grain of truth to the arguments that they raised. Ending the marriage penalty and making Social Security solvent are not mutually exclusive. A compromise can be reached so that tax cuts

can be phased in after our obligations to Social Security have been met. This could begin as early as next March.

When Americans allowed Washington to take money from their paychecks to fund Social Security, they never told Washington to keep the change.

PAYING TRIBUTE TO FORGOTTEN BASEBALL HEROES

(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, congratulations to "Big Mac McGwire" and "Slamming Sammy Sosa." Their achievements and their character are in fact role models for all of America's youth.

Today I rise, however, to pay tribute to 2 sort of forgotten past baseball heroes. Josh Gibson of the old Negro leagues hit 85 home runs in the early 1930s. Thank God it was recognized and he was placed into the Hall of Fame. The other forgotten man is the kid from Fargo. He stood right next to Babe Ruth for 37 years. Two-time MVP, home run king, and a good person, Roger Maris.

I say to my colleagues, it is time for baseball to do the right thing like they did with Josh Gibson; it is time to put the kid from Fargo, Roger Maris, in the Hall of Fame. Sammy and Big Mac showed just what a tremendous achievement Roger Maris and Josh Gibson had, in fact, achieved.

CHINA'S FUNDAMENTAL RIGHT TO RELIGIOUS FREEDOM

(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 today to speak on behalf of the imprisoned religious believers in China.

Chinese officials imprisoned Pastor Xu Yongze for setting up a house church and for working with overseas organizations. Reports suggest that since his arrest on March 16, 1997, authorities have beaten and tortured Pasture Xu and prevented his family from seeing him.

Further, the government rearrested 65-year-old Bishop Su Zhimin for sending a letter to Chinese authorities protesting religious freedom violations. Bishop Su spent 20 years in prison for the crime of respecting the authority of the Vatican and refusing to join China's State-sponsored church, the Catholic Patriotic Association.

Mr. Speaker, I urge the Chinese government to release Pastor Xu and Bishop Su, and begin to protect the Chinese people's fundamental right to religious liberty.

DO NOT PROMISE TO BUILD A BRIDGE WHEN THERE IS NO RIVER TO CROSS

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

Mr. GIBBONS. Mr. Speaker, the Democrats and President Clinton have repeatedly stated that every penny of the surplus should be saved for Social Security, every penny. What the Democrats are not saying is that President Clinton is already spending the surplus. That is right. He has already spent \$2.9 billion on our mission in Bosnia, and this fall the Clinton administration is proposing to spend billions more from the surplus.

Bosnia or America? Well, as important as Bosnia may be, the Democrats and the President cannot have it both ways. While the President and his Democratic leadership want to spend the surplus on the people of Bosnia, Republicans want it to be used for taxpayers of America.

Mr. Speaker, I urge the Democratic leadership to come clean, to tell the American people why they do not want hard-working Americans to keep more of their hard-earned money, how they want higher taxes and how they want to spend the resources of hard-working men and women on more and more, bigger and wasteful, unnecessary bureaucracy and government.

I do not doubt for a minute that Americans will see through the illusions of the Democratic rhetoric and demagoguery. Before the November 3 elections, Democrats and the President may want to remember this: Do not promise to build a bridge when there is no river to cross.

DEMOCRATS DISREGARD TRUTH AND ACCURACY

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

Mr. KNOLLENBERG. Mr. Speaker, let us examine for a moment the Republican charge that Democrats had 40 years to do something about Social Security, but did not set aside one dime in all of that time.

Well, the charge is quite true, the proof being, of course, that if they had, where is the money that they put aside? As everyone who knows how Social Security works would attest, there is no real Social Security Trust Fund. And funds that come in for Social Security are paid out as soon as they come in for the reasons that the previous speaker mentioned.

Is there a Democrat that can deny that? Is there a Democrat that can deny that the Democrats controlled this body for 40 years? How truly ironic that the very same Democrats that are attacking Republicans for setting aside over \$1 trillion for Social Security put aside exactly zero when they were in the majority.

This I think is an excellent example of the other side's disregard for the truth and the accuracy. Do not seniors deserve better?

CORPS OF ENGINEERS WORK FOR THE PEOPLE

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

Mr. NORWOOD. Mr. Speaker, I am sure my colleagues can remember the unfortunate boating death that claimed the lives of a couple of Cleveland Indian players a few years ago. One of the contributing factors to their deaths were the guide wires that are used to keep docks in place.

Guide wires are the only authorized method for keeping docks in place at Thurmond Lake in Georgia. Why? Because the Corps of Engineers' Savannah office said so. Spud polls, a much safer and more practical action because of their effectiveness at adjusting to the water fluctuations from Thurmond Dam's releases, are not politically correct. The only thing wrong with spud polls is that some tree-hugging bureaucrats do not like them.

"Do as I say, not as I do." That is the motto of the Corps' Savannah office.

Mr. Speaker, I think it is time the Corps understood that they work for the people and not the other way around. It is also time for the Corps to start obeying Federal laws like the Clean Water Act before it bullies any more of my constituents for being out of compliance.

ETHICAL MELTDOWN IN AMERICA

(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, every day across America patriotic Americans feel frustrated by what they see on the news about White House scandals and the media's reaction to them. These same people who have worked to bring sexual harassment to our attention now say with a straight face that how women are treated in the workplace is a private matter.

Nightly, we are treated to commentaries which seem to suggest that character does not matter, that we must adhere to two different standards, ethical standards for our public officials, one when the Dow is above 9,000, and the other when the economy is in a slump.

The majority of Americans today know the truth and can see through the spin, retractions and the legalisms. Many in my district believe that we are witnessing a moral Chernobyl right before our eyes, an ethical meltdown that sends a message to every child in America that some people do not have to take responsibility for their actions.

A healthy democracy requires not only that leaders take responsibility

for their actions, but a Nation of citizens who demand that they do.

TRIBUTE TO LEE HAMILTON

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

Mr. HOUGHTON. Mr. Speaker, the gentleman from Indiana (Mr. HAMILTON) is retiring from this House at the end of this year. LEE has represented the ninth district of Indiana for 17 terms, 34 years. He is an extraordinary man. I happen to think that the idea of curtailing terms is a good idea, but if there ever is an excuse for not doing it, for not having term limits, it is LEE HAMILTON.

This is a man who has all the characteristics that we want here. He has extraordinary judgment. Whenever I have a problem, he is the first person I like to talk to. He has a sense of history. He has a sense of this place. He has a sense of what service versus self-service is.

Also, he really believes in the Arthur Vandenberg School of Government, which is partisanship stops at the water's edge. In all of the things he has done, he has always reached for bipartisanship. This is a fine man. He is now going to the Woodrow Wilson school, and his goal there will be to try to bridge the gap between the academic and the political policy of the schools of thought.

Mr. Speaker, he is an extraordinary man for an extraordinary time, and we will miss the gentleman from Indiana (Mr. HAMILTON). I say that as a Republican to a Democrat who I admire so much.

ISSUE OF HOSTILE TAKEOVERS NEEDS TO BE EXAMINED

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

Mr. GEKAS. Mr. Speaker, the issue of hostile takeovers has risen in resonance over the last several years whereby one company seeks, by methods that are sometimes not clear to everyone, to take over another entity.

In our own district in Pennsylvania, Amp, Incorporated, which employs thousands of people in our area and which has a tremendous, widely accepted reputation internationally for commercial activity, is now the target of such a hostile takeover. The results of such a move could result in the loss of jobs and in the loss from our community of an entity which has always been community-minded, and which has helped in a thousand different ways the stability, both economic and social, of our area.

We in the Congress owe it to ourselves and to the American public to examine this issue of hostile takeovers, to see how in the long run it can be removed from the scene and normal commercial activity take its place.

WE CAN SAVE SOCIAL SECURITY AND ELIMINATE THE MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, in the next 2 weeks, we have a lot to do, and of course we want to do the people's business.

This past weekend this House of Representatives did the right thing. We set aside \$1.4 trillion in surplus tax revenue for the effort to save Social Security, and we passed legislation which will eliminate the marriage tax personally.

I have often asked in the well of this House over the last year, is it right, is it fair that under our current Tax Code, 28 million married working couples pay higher taxes, just because they are married.

Well, we have addressed that. On Saturday we passed and sent to the Senate legislation whose centerpiece eliminates the marriage tax penalty for the majority of those who suffer. In fact, for 28 million couples they will see an extra \$240, enough money for a car payment in extra take-home pay because of lower taxes.

Now, those who opposed it, particularly those on the Democratic side of the aisle, claim somehow that our effort to eliminate the marriage tax penalty hurts the Social Security trust fund.

Now, on the Committee on Ways and Means, which I am proud to be a member of, we asked a representative of the Social Security Administration, Judy Chesser, the Deputy Commissioner of the Office of Legislation and Congressional Affairs, if this tax cut to eliminate the marriage tax penalty impacts Social Security. She gave us a simple answer: No.

Let us save Social Security. Let us eliminate the marriage tax penalty.

□ 1215

HOSTILE TAKEOVERS WITH A POSITIVE IMPACT

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

Mr. BOEHLERT. Mr. Speaker, a previous speaker talked about a hostile takeover with negative impact. I would like to talk about a hostile takeover with a very positive impact.

Yesterday the New York Yankees won their 114th game, to set an all-time record for an American League club. In addition to that, Bernie Williams won the American League batting championship with a .339 average. In addition to that, David Cone, after 10 years without winning 20 games, won his 20th game.

In addition to that, the wonder boy, Shane Spencer, who came up from the minor leagues and captivated the

hearts of all America, he has more home runs per game at bat ratio than Mark McGuire. He got number 10 yesterday, his third grand slam in 9 days. Joe Torre, that magnificent manager, brought them all together under the leadership of George Steinbrenner.

All America is smiling today. Mark McGuire has his 70 home runs, the New York Yankees are the American League all-time champion, and I invite all the Members to come witness what baseball has to offer America in Cooperstown, New York, that mecca of baseball. Come see it.

TAX CUT PACKAGE UNDER VICIOUS ATTACK BY LIBERALS

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

Mr. SHIMKUS. Mr. Speaker, the House of Representatives passed a tax cut package this past Saturday that, not surprisingly, is under vicious attack by liberals.

Think about that for a second. The very idea that government could get by with a little less so that families could have a little more is so offensive to liberals who worship at the altar of big government, no matter how much it wastes and no matter how dismal its results.

We have heard over and over again that tax cuts are an election year gimmick. This is quite revealing about the different attitudes of conservatives and liberals when it comes to the relationship between the governed and their Washington masters.

Conservatives have a respect for work. They believe that it is a fundamental principal of freedom to have the right to the fruits of your labor. Liberals act like people who work extra hard, who go the extra mile to get extra education and are thereby rewarded for those efforts with a higher income, have something to apologize for.

In their view tax cuts are not even legitimate. They are nothing more than an election year gimmick. Liberalism speaks for itself.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

NUTRIA ERADICATION AND CONTROL PILOT PROGRAM

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4337) to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

The Clerk read as follows:

H.R. 4337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NUTRIA ERADICATION AND CONTROL PILOT PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this section referred to as the "Secretary"), subject to the availability of appropriations, may provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The pilot program shall develop methods to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in other States; and

(3) develop methods to restore marshland damaged by nutria.

(c) ACTIVITIES.—The Secretary shall require that the pilot program consist of management, research, and public education activities carried out in accordance with the document entitled "Marsh Restoration: Nutria Control in Maryland Pilot Program Proposal", dated July 10, 1998.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program may not exceed 75 percent of the total costs of the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there are authorized to be appropriated to the Secretary \$2,900,000 for fiscal years 2000, 2001, and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 4337, a bill that implements the nutria eradication and control pilot program for the State of Maryland. This legislation was introduced by the gentleman from Maryland (Mr. GILCREST), from Kennedyville, a small town on the eastern shore. This bill was the subject of a subcommittee hearing on July 16.

At that time, the subcommittee received testimony from a diverse group of witnesses who strongly supported immediate action. In fact, H.R. 4337 incorporates the recommendations of a

comprehensive report entitled "Marsh Restoration: Nutria Control in Maryland." This report was a consensus document approved by the U.S. Fish and Wildlife Service, the Maryland Department of Natural Resources, the University of Maryland, the Salisbury Zoological Park, and Ducks, Unlimited.

By way of background, nutria are large, semi-aquatic rodents that are native to South America. Nutria may weigh up to 20 pounds and live along the banks of lakes, marshes, ponds, and rivers. These large water rats are surface-feeding mammals that are extremely destructive to marsh vegetation.

Nutria were introduced in Maryland in the 1950s to assist with the clothing industry. Today, there is no market for that fur and no natural predators to control them. As a result, the nutria population has skyrocketed. It has been estimated that there are now between 35,000 and 50,000 nutria living at the Blackwater National Wildlife Refuge in Maryland.

This refuge has 17,000 acres of marsh that are essential habitat to thousands of nesting and migratory birds. Regrettably, this habitat is being systematically destroyed because of the appetites of these South American rodents. This is causing serious problems for native wildlife, fish, plants, and marsh ecosystems.

H.R. 4337 authorizes \$2.9 million over 3 years to help alleviate the nutria problem. While this may not solve the problem entirely, it is a positive step in the right direction. In fact, the refuge manager of Blackwater National Wildlife Refuge testified that "These wetlands, which provide significant ecological, cultural, and economic benefits, will continue to disappear at an increasing rate unless prompt action is taken."

Mr. Speaker, I urge an aye vote on H.R. 4337, and I want to pay special compliments to the gentleman from Kennedyville, Maryland (Mr. GILCHREST) for his leadership in this matter.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, for bringing this legislation to the floor. I also want to commend my good friend, the gentleman from Maryland (Mr. GILCHREST) for his sponsorship of this legislation.

Mr. Speaker, this bill authorizes Federal financial assistance to the State of Maryland to develop methods to eradicate or at least control nutria. These submarine rodents were accidentally released into the wild, and have

wreaked havoc with wetlands in Louisiana, Maryland, and elsewhere.

The foraging habits of nutria are especially destructive to marsh grasses. Nutria have thrived in their newfound homes in our North American swamps and marshes. Given all the other threats to wetlands these days, nutria must be brought under control.

The State of Maryland has developed a comprehensive plan for nutria eradication, and Federal support will greatly expedite its implementation. If we can come up with a method to control these destructive rodents, the plan can be modified and used in other places where nutria are a problem.

Mr. Speaker, this is sound public policy to deal with a strange yet important threat to our vanishing wetlands. I urge my colleagues to support this measure.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Kennedyville, Maryland (Mr. GILCHREST), the author of the bill.

Mr. GILCHREST. Mr. Speaker, I thank the chairman for yielding time to me, and for his generous help on this legislation.

This bill will go far to preserve and restore Blackwater Refuge on the Eastern Shore of Maryland, and to provide a base of information and experience to help other States devise ways to deal with this little critter we call nutria.

The Blackwater National Wildlife Refuge was established in 1933 to protect habitat for migrating and wintering birds. The refuge is currently home to more than 250 species of birds, including bald and golden eagles, cormorants, great blue herons, northern loons, ospreys, and 20 different varieties of ducks.

It is also home to the Delmarva fox squirrel, a critically endangered species that is found almost exclusively in only 4 counties in my district.

Of the 20,000 acres protected by the refuge, almost 17,000 acres are or were marshland. Seven thousand of those marshland acres have been lost to erosion. One of the reasons for the loss is the reason for the bill we are discussing today, the rabid appetite of this little critter from South America known as the nutria.

Nutria are large, semi-aquatic rodents native to South America, and were introduced to Maryland in the 1950s to support the fur industry. As demand for nutria fur dropped off, and with no natural predators, nutria populations took off. From far less than 150 animals in 1968, today we have between 35,000 and 50,000 of them.

Nutria are surface-feeding herbivores that can be extremely destructive to marsh vegetation. They forage directly on the vegetative root mat, leaving the marsh pitted with digging sites, riddled swim canals, and extremely susceptible to erosion associated with tidal currents, wave action, and sea level rise.

While it is impossible to quantify exactly what percentage of marsh loss is due to nutria, recent studies have shown that excluding or controlling nutria substantially slows the rate of erosion. In Louisiana, for example, where there is still some market for nutria, the Department of Wildlife and Fisheries has documented substantial habitat damage in coastal wetlands for every year that the annual harvest falls below 500,000, as it has every year since 1988.

The bill will authorize the Fish and Wildlife Service to work with the State of Maryland and other partners to extensively trap nutria, to develop methods to eradicate or control nutria that may be applied in other affected States, and to begin to restore marshland damaged by the nutria.

The proposal, which is the centerpiece of this bill, was developed jointly by Federal, State, and local and private partners. This bill authorizes \$2.9 million over the next 3 years to implement a pilot program, and requires that nonfederal partners bear 25 percent of the cost of the program. It also includes a limitation that administrative expenses may not be used for more than 10 percent of the Federal share.

This is an important piece of legislation, not only that it is going to reduce the problems nutria have caused in the State of Maryland, and extend some of that information to the State of Louisiana, but we certainly do not want nutria to extend their way up to the State of New Jersey. I am sure the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans would go along with that, along with a brother that I have in the pine barrens up there.

Unless action is taken, seriously, Mr. Speaker, this will only get worse, and the marsh habitat that is so critical to migratory waterfowl will disappear. We know while people need a certain area, a certain habitat, and sometimes suburbs to live in, the migrating waterfowl need a habitat that is not being destroyed.

Again, I would like to thank the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for all of their good work on this legislation, and I urge the support of my colleagues to pass the nutria eradication and control program bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 4337.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4337, the bill just passed.

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

There was no objection.

MIGRATORY BIRD HUNTING AND CONSERVATION STAMP PROMOTION ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4248) to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases, as amended.

The Clerk read as follows:

H.R. 4248

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 "Migratory Bird Hunting and Conservation Stamp Promotion Act".

SEC. 2. PROMOTION OF STAMP SALES.

(a) IN GENERAL.—Section 4 of the Act of March 16, 1934 (chapter 71; 16 U.S.C. 718d), popularly known as the Migratory Bird Hunting Stamp Act, is amended—

(1) in subsection (b) by striking "subsection (c)" and inserting "subsections (c) and (d)"; and

(2) by adding at the end the following:

"(d) PROMOTION OF STAMP SALES.—(1) The Secretary of the Interior may utilize funds from the sale of migratory-bird hunting and conservation stamps, not to exceed \$1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission-approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.

"(2) The Secretary of the Interior shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b) a description of activities conducted under this subsection in the year covered by the report."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

□ 1230

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

Mr. Speaker, I rise in strong support of H.R. 4248, the Migratory Bird Hunting and Conservation Stamp Promotion Act. This bill was introduced primarily by our colleague the gentleman from California (Mr. CUNNINGHAM), who has done such a great job and has been such a great advocate of the bill. He is the primary reason that we are here today.

Joining him is of course the gentleman from Michigan (Mr. DINGELL), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Pennsylvania (Mr. WELDON), who also were very, very hard workers on the bill.

The bill was the subject of a subcommittee hearing on July 16th. At that time, every witness testified in strong support of trying to promote additional duck stamp purchases. In fact, the U.S. Fish and Wildlife Service, which has endorsed the bill, testified that additional opportunities to increase revenues to the Migratory Bird Conservation Fund from increased duck stamp sales do exist, and this bill is a good route to get that done.

Since Congress approved the Migratory Bird Hunting Stamp Act of 1934, every waterfowl hunter 16 years and older has been required to purchase a valid Federal duck stamp. The cost of the stamp has increased from \$1 to its present cost of \$15. These funds, which exceed a total of \$500 million, have been used to purchase some 5 million acres of prime wildlife habitat. This habitat is essential to literally millions of migratory birds.

Unfortunately, the sale of duck stamps has declined in recent years. In fact, nearly 1 million less duck stamps were sold last year than two decades ago.

H.R. 4248 is designed to reverse that trend. Under the terms of this legislation, up to \$1 million per year in duck stamp receipts would be spent to create a promotional program to increase the sale of duck stamps. This promotional program would be crafted to appeal to a growing number of bird watchers, wildlife artists, stamp collectors, and those Americans who simply enjoy wildlife.

If successful, this program will generate millions of dollars in new revenues which would be used to buy additional waterfowl habitat in the United States.

Mr. Speaker, this bill is strongly supported by many conservation organizations, including Ducks Unlimited, the Izaak Walton League, and the Wildlife Legislative Fund of America.

I urge an "aye" vote on the bill.

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

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

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

Mr. Speaker, again, my sincere thanks and appreciation to the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, the gentleman from New Jersey (Mr. SAXTON) for bringing this legislation to the floor. I also want to commend my good friend the gentleman from California (Mr. CUNNINGHAM) for his primary sponsorship of this legislation.

Mr. Speaker, I might add, this does have bipartisan support, especially

friends from this side of the aisle, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Tennessee (Mr. TANNER).

Mr. Speaker, the Migratory Bird Hunting and Conservation Stamp Promotion Act is a sound piece of legislation. This bill will allow the Fish and Wildlife Service to spend \$1 million a year in revenues from the migratory bird hunting stamp to promote sales of those stamps to a broader range of users, including bird watchers, photographers, and other conservationists.

It is estimated that as many as 25 million Americans enjoy observing birds and spend as much as \$20 billion a year to do so. They travel to see over 800 species of birds that reside in the United States. I might add, Mr. Speaker, I invite all my fellow Americans and bird watchers of America to come and observe the only bat that flies during the day like a bird, and it is the flying fox in the Samoan Islands.

Many of these birds are undergoing serious conservation problems. These problems are no less serious than the declines of game birds in the 1920s which inspired hunters, conservationists and Federal lawmakers to pass the Migratory Bird Conservation Act of 1929. That act, Mr. Speaker, authorized the duck stamp program.

Since that time, Mr. Speaker, the program has been enormously successful and has helped protect some 5 million acres of land for habitat. Many waterfowl populations have recovered tremendously. Millions of acres of habitat have been protected. But even as duck stamp sales to hunters have begun to level off, the need to continue to acquire and protect habitat for wildlife has increased tremendously.

Mr. Speaker, an amendment in this bill would encourage the Fish and Wildlife Service to describe the benefits to wildlife which are derived from the sales of these stamps. By demonstrating to bird watchers and conservationists just how these funds contribute to the recovery and relief of some of the many species of wildlife which continue to decline, the Service can be assured of finding a growing number of Americans who are willing to contribute to the protection of habitat for their future.

I am confident that the Fish and Wildlife Service, Mr. Speaker, and the conservation community can work together to make this bill a success and continue to protect valuable habitat for all of those who enjoy this Nation's natural resources.

Mr. Speaker, I urge my colleagues to support this legislation, and, again, I commend my good friend, the gentleman from California, for his prime sponsorship of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from San Diego, California (Mr. CUNNINGHAM) who has worked so hard and in such a dedicated way to

sponsor this bill and bring it to the floor.

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

Mr. CUNNINGHAM. Mr. Speaker, I think if you take a look at what this entire subcommittee and committee has done this year, it is very, very noteworthy; from a disabled bill, to a tuna-dolphin bill, as well as future legislation, in a bipartisan way. It is gratifying when we have so many bad days, "bad hair" days here in Congress, that this subcommittee and committee has "good hair" days for us, and I appreciate it.

The gentleman from American Samoa (Mr. FALEOMAVAEGA), see, that is not bad for an Irish kid from northern L.A., but I would like to thank him for his support for this.

Who I would really like to thank is a staffer named Tim Charters. Tim has poured his life and his lifeblood into this. Here is a young man that knew very little about conservation and the outdoors; and in the last 2 years, I cannot keep him out of the woods, and I cannot keep him out from looking and working in conservation programs. So I would like to thank Tim Charters.

I thank the gentleman from Tennessee (Mr. TANNER), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Pennsylvania (Mr. WELDON), that have helped make this possible, and the gentleman from Maryland (Mr. GILCHREST) in the full committee, along with the gentleman from New Jersey (Mr. PALLONE). It is gratifying.

But I will not reiterate some of the things that my colleague, the gentleman from New Jersey (Mr. SAXTON), chairman of the committee, has said, but this money used from the duck stamp is basically used to buy property for conservation.

In every State, we have lands where there is MSP or whether we are trying to connect lands so that critters can grow and have a quarter to prosper, there is never enough funds. With a dwindling of the duck stamp, we are looking for new ways to generate revenue.

The duck stamp group had, there is precedence for this because what they have done in the past is even made quilts and got a contract to make quilts with the duck stamp on it and other images of it, and we sell that to earn money to buy property for the environment and conservation programs like this one.

So it is a good bill, and it is bipartisan. Very few people know that this entire program started in 1934, the duck stamp. It has been immensely popular and it has been successful and at the same time responsible.

One supporter of this plan is Mr. James Mosher, a conservation director for the Izaak Walton League, who says this legislation will significantly increase revenue from duck sales, consequently leading to the enhancement

of habitat acquisition and migratory bird conservation.

We have some tremendous problems with migratory birds, for example, the Salton Sea in which the gentlewoman from California (Mrs. BONO) is trying to save.

Migratory birds are at risk. We need to protect them. Some of our wetlands are at risk. This bill helps that.

I would like to submit the rest of my statement for the RECORD, and it is with gratification and much happiness that I support this bill, ask my colleagues to support it and want to personally thank them for all their help.

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

Mr. CUNNINGHAM. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to again thank the gentleman for his eloquent statement. Maybe something that our colleagues here in the House and even the American public do not know, but the fact is that watching birds is a \$20 billion industry here in America.

I want to say to my good friend, the gentleman from California (Mr. CUNNINGHAM), for myself, who actually experienced seeing these terns who come all the way from Alaska to Hawaii and even to my islands in Samoa, just to watch these little birds, it is amazing how these little birds can fly for such a tremendous distance.

I am sure that my good friend, who is an excellent jet fighter pilot, can attest to the fact that it is amazing how nature and how these migratory birds can fly for so far and yet be so small in form. It is just amazing.

I think it is an excellent way to promote that we need more funds, and I sincerely hope that this legislation will pass. Again, I want to commend the gentleman for yielding to me.

Mr. CUNNINGHAM. Mr. Speaker, this is a private/public partnership in which we engage, and I thank the gentleman.

Mr. Speaker, I rise today in support of the Migratory Bird Hunting and Conservation Stamp Promotion Act (H.R. 4248). I am proud to be joined in this effort by my fellow Sportsmen's Caucus Co-Chairman JOHN TANNER and Migratory Bird Conservation Committee members, Representative JOHN DINGELL and Representative CURT WELDON.

This legislation will allow the Federal Duck Stamp office to use money from the Migratory Bird Conservation Fund (MBCF) to create an advertising program for the promotion of the federal duck stamp. This promotional program will be similar to the program used by the Postal Service to promote its stamp sales and stamp collecting.

Since Congress created the Federal Duck Stamp in 1934, it has been one of America's most successful conservation initiatives. It has generated more than \$500 million for the conservation of wildlife habitat. This money has permanently protected more than 5 million acres of prime wildlife habitat. This program is successful. It is also responsible, because it focuses 98 percent of the program's revenue to purchase habitat.

H.R. 4248 is important because in recent years duck stamp sales have leveled off. Unless we find new ways to promote the Duck Stamp and generate additional revenues, the MBCF will be unable to keep pace with the increasing costs of purchasing land for conservation. By passing this legislation, the Migratory Bird Conservation Commission will be able to promote the benefits of the Federal Duck Stamp. In doing so, they will sell more stamps and generate more funds for habitat conservation.

One supporter of this plan is Mr. James Mosher, Conservation Director for the Izaak Walton League, says this "legislation will significantly increase revenue from stamp sales, consequently leading to enhancement of habitat acquisition and migratory bird conservation efforts."

This legislation has some precedence. In 1984, Congress allowed the Migratory Bird Conservation Committee to use MBCF funds to administer a program to license the image of the Duck Stamp. Today the Duck Stamp image is printed on products like throw rugs, T-shirts, ties, and other items. These licensing agreements generated \$65 thousand in 1997, and more than \$770 thousand since 1984. This additional funding has been added to the MBCF and used to protect and preserve habitat.

Mr. Chairman, one may ask whether money we use for the Duck Stamp promotion program wouldn't be better invested in habitat conservation. In fact, Ducks Unlimited, one of America's most prominent conservation organizations, addressed that exact issue in its letter of support for this legislation.

Quoting from Mr. Scott Sutherland and Mr. Fred Abraham's letter, "While Ducks Unlimited is always concerned that the maximum amount of funds raised actually go into protecting habitat in the refuge system, we believe that this temporary set-aside for marketing will eventually lead to more funds being available for the refuge system."

This legislation is supported by the U.S. Fish and Wildlife Service Federal Duck Stamp Office, Ducks Unlimited, the Wildlife Legislative Fund of America, and the Izaak Walton League.

I urge my colleagues to join me and pass this legislation and preserve more of our nation's wildlife habitat.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I also have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 4248, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to

revise and extend their remarks on H.R. 4248, the bill just passed.

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

There was no objection.

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4017) to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4017

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 "Energy Conservation Reauthorization Act of 1998".

SEC. 2. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

(a) STATE ENERGY CONSERVATION PROGRAM.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended to read as follows:

"(f) For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1999 through 2003 such sums as may be necessary."

(b) SCHOOLS AND HOSPITALS.—Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1999 through 2003 such sums as may be necessary."

SEC. 3. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal years 1999 through 2003 such sums as may be necessary."

SEC. 4. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) SUNSET.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking "five years after" and all that follows through "subsection (b)" and inserting "on October 1, 2003".

(b) DEFINITION.—Section 804(1) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(1)) is amended to read as follows: "(1) The term 'Federal agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency."

SEC. 5. TECHNICAL AMENDMENTS.

(a) ENERGY POLICY AND CONSERVATION ACT.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents—

(A) by striking "Sec. 301." and all that follows through "Reports to Congress."; and

(B) by striking "efficiency" and inserting "conservation" in the item relating to section 325;

(C) by striking "and private labelers" in the item relating to section 326;

(D) by striking the items relating to part E of title III;

(E) by inserting after the items relating to part I of title III the following:

"PART J—ENCOURAGING THE USE OF ALTERNATIVE FUELS

"Sec. 400AA. Alternative fuel use by light duty Federal vehicles.

"Sec. 400BB. Alternative fuels truck commercial application program.

"Sec. 400CC. Alternative fuels bus program.

"Sec. 400DD. Interagency Commission on Alternative Motor Fuels.

"Sec. 400EE. Studies and reports.";

(F) by inserting "Environmental" after "Energy Supply and" in the item relating to section 505; and

(G) by striking the item relating to section 527;

(2) in section 321(1) (42 U.S.C. 6291(1))—

(A) by striking "section 501(1) of the Motor Vehicle Information and Cost Savings Act" and inserting "section 32901(a)(3) of title 49, United States Code"; and

(B) by striking the second period at the end thereof;

(3) in section 322(b)(2)(A) (42 U.S.C. 6292(b)(2)(A)) by inserting close quotation marks after "type of product";

(4) in section 324(a)(2)(C)(ii) (42 U.S.C. 6294(a)(2)(C)(ii)) by striking "section 325(j)" and inserting "section 325(i)";

(5) in section 325 (42 U.S.C. 6295)—

(A) by striking "paragraphs" in subsection (e)(4)(A) and inserting "paragraph"; and

(B) by striking "BALLASTS;" in the heading of subsection (g) and inserting "BALLASTS";

(6) in section 336(c)(2) (42 U.S.C. 6306(c)(2)) by striking "section 325(k)" and inserting "section 325(n)";

(7) in section 345(c) (42 U.S.C. 6316(c)) by inserting "standard" after "meets the applicable";

(8) in section 362 (42 U.S.C. 6322)—

(A) by inserting "of" after "of the implementation" in subsection (a)(1); and

(B) by striking "subsection (g)" and inserting "subsection (f)(2)" in subsection (d)(12);

(9) in section 391(2)(B) (42 U.S.C. 6371(2)(B)) by striking the period at the end and inserting a semicolon;

(10) in section 394(a) (42 U.S.C. 6371c(a))—

(A) by striking the commas at the end of paragraphs (1), (3), and (5) and inserting semicolons;

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by striking the colon at the end of paragraph (6) and inserting a semicolon;

(11) in section 400 (42 U.S.C. 6371i) by striking "(a)";

(12) in section 400D(a) (42 U.S.C. 6372c(a)) by striking the commas at the end of paragraphs (1), (2), and (3) and inserting semicolons;

(13) in section 400I(b) (42 U.S.C. 6372h(b)) by striking "Secretary shall," and inserting "Secretary shall";

(14) in section 400AA (42 U.S.C. 6374) by redesignating subsection (i) as subsection (h);

(15) in section 503 (42 U.S.C. 6383)—

(A) by striking "with respect to" and inserting "with respect to" in subsection (b); and

(B) by striking "controlling" and inserting "controlling," in subsection (c)(1); and

(16) in section 552(d)(5)(A) (42 U.S.C. 6422(d)(5)(A)) by striking "notion" and inserting "motion".

(b) ENERGY CONSERVATION AND PRODUCTION ACT.—The Energy Conservation and Production Act is amended—

(1) in the table of contents—

(A) by striking "rules and regulations" and inserting "regulations and rulings" in the item relating to section 106; and

(B) by striking the item relating to section 207 and inserting the following:

"Sec. 207. State utility regulatory assistance.

"Sec. 208. Authorization of appropriations."; and

(2) in section 202 (42 U.S.C. 6802) by striking "(b) DEFINITIONS.—"

(c) NATIONAL ENERGY CONSERVATION POLICY ACT.—The National Energy Conservation Policy Act is amended—

(1) in the table of contents—

(A) by striking "installation, and financing" and inserting "and installation" in the item relating to section 216;

(B) by striking "Ratings" and inserting "Rating Guidelines" in the item relating to part 6 of title II;

(C) by striking the item relating to section 304; and

(D) by striking "goals" and inserting "requirements" in the item relating to section 543;

(2) in section 216(d)(1)(C) (42 U.S.C. 8217(d)(1)(C)) by striking "explicitly" and inserting "explicitly";

(3) in section 251(b)(1) (42 U.S.C. 8231(b)(1))—

(A) by striking "National Housing Act to projects" and inserting "National Housing Act" to projects"; and

(B) by striking "accure" and inserting "accrue";

(4) in section 266 (42 U.S.C. 8235e) by striking "(17 U.S.C.)" and inserting "(15 U.S.C.)"; and

(5) in section 551(8) (42 U.S.C. 8259(8)) by striking "goethermal" and inserting "geothermal".

SEC. 6. MATERIALS ALLOCATION AUTHORITY EXTENSION.

Section 104(b) of the Energy Policy and Conservation Act is amended by striking "(1) The authority" and all that follows through "(2)".

SEC. 7. BIODIESEL FUEL USE CREDITS.

(a) AMENDMENT.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211-13219) is amended by adding at the end the following new section:

"SEC. 312. BIODIESEL FUEL USE CREDITS.

"(a) ALLOCATION OF CREDITS.—

"(1) IN GENERAL.—The Secretary shall allocate one credit under this section to a fleet or covered person for each qualifying volume of the biodiesel component of fuel containing at least 20 percent biodiesel by volume purchased after the date of the enactment of this section for use by the fleet or covered person in vehicles owned or operated by the fleet or covered person that weigh more than 8,500 pounds gross vehicle weight rating.

"(2) EXCEPTIONS.—No credits shall be allocated under paragraph (1) for a purchase of biodiesel—

"(A) for use in alternative fueled vehicles; or

"(B) that is required by Federal or State law.

"(3) AUTHORITY TO MODIFY PERCENTAGE.—The Secretary may, by rule, lower the 20 percent biodiesel volume requirement in paragraph (1) for reasons related to cold start, safety, or vehicle function considerations.

"(4) DOCUMENTATION.—A fleet or covered person seeking a credit under this section shall provide written documentation to the Secretary supporting the allocation of a credit to such fleet or covered person under paragraph (1).

"(b) USE OF CREDITS.—

"(1) IN GENERAL.—At the request of a fleet or covered person allocated a credit under subsection (a), the Secretary shall, for the year in which the purchase of a qualifying volume is made, treat that purchase as the acquisition of one alternative fueled vehicle the fleet or covered person is required to acquire under this title, title IV, or title V.

"(2) LIMITATION.—Credits allocated under subsection (a) may not be used to satisfy

more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V. This paragraph shall not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).

“(c) CREDIT NOT A SECTION 508 CREDIT.—A credit under this section shall not be considered a credit under section 508.

“(d) ISSUANCE OF RULE.—The Secretary shall, before January 1, 1999, issue a rule establishing procedures for the implementation of this section.

“(e) COLLECTION OF DATA.—The Secretary shall collect such data as are required to make a determination described in subsection (f)(2)(B).

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘biodiesel’ means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act; and

“(2) the term ‘qualifying volume’ means—

“(A) 450 gallons; or

“(B) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of such average annual alternative fuel use.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 is amended by adding at the end of the items relating to title III the following new item:

“Sec. 312. Biodiesel fuel use credits.”.

SEC. 8. REPORT CONCERNING COMPLIANCE WITH ALTERNATIVE FUEL VEHICLE PURCHASING REQUIREMENTS.

(a) IN GENERAL.—Section 310 of the Energy Policy Act of 1992 (42 U.S.C. 13218) is amended—

(1) by striking the heading and inserting the following:

“SEC. 310. REPORTS.”;

(2) by inserting “(a) GENERAL SERVICE ADMINISTRATION PROGRAM REPORT.—” before “Not later than”; and

(3) by adding at the end the following:

“(b) COMPLIANCE REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter for the next 14 years, the head of each Federal agency which is subject to this Act and Executive Order No. 13031 shall prepare, and submit to Congress, a report that—

“(A) summarizes the compliance by such Federal agency with the alternative fuel purchasing requirements for Federal fleets under this Act and Executive Order No. 13031; and

“(B) includes a plan of compliance that contains specific dates for achieving compliance using reasonable means.

“(2) CONTENTS.—

“(A) IN GENERAL.—Each report submitted under paragraph (1) shall include—

“(i) any information on any failure to meet statutory requirements or requirements under Executive Order No. 13031;

“(ii)(I) any plan of compliance that the agency head is required to submit under Executive Order No. 13031; or

“(II) if a plan of compliance referred to in subclause (I) does not contain specific dates by which the Federal agency is to achieve compliance, a revised plan of compliance that contains specific dates for achieving compliance; and

“(iii) any related information the agency head is required to submit to the Director of

the Office of Management and Budget under Executive Order 13031.

“(B) PENULTIMATE REPORT.—The penultimate report submitted under paragraph (1) shall include an announcement that the report for the next year shall be the final report submitted under paragraph (1).

“(3) PUBLIC DISSEMINATION OF REPORT.—Each report submitted under paragraph (1) shall be made public, including—

“(A) placing such report on a publicly available website on the Internet; and

“(B) publishing the availability of the report, including such website address, in the Federal Register.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Energy Policy Act of 1992 contained in section 1(b) of that Act (106 Stat. 2776 et. seq.) is amended by striking the item relating to section 310 and inserting the following:

“Sec. 310. Reports.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentlewoman from Missouri (Ms. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill under consideration.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 4017, the Energy Conservation Reauthorization Act of 1998. The bill reauthorizes various conservation programs authorized by the Energy Policy and Conservation Act of 1975 and the Energy Conservation Production Act of 1976. It reduces the energy bills paid by low income consumers, cuts the energy bills paid by the taxpayers by improving the energy efficiency of Federal legislative and judicial facilities, and promotes energy security by encouraging the use of biodiesel fuel to reduce dependence on petroleum motor fuels.

H.R. 4017 has three main parts. First, the bill reauthorizes three conservation programs through the fiscal year of 2003. The bill reauthorizes two Energy Policy and Conservation Act conservation programs, the State Energy Conservation Program and Institutional Conservation Program, and an Energy Conservation and Production Act conservation program, the weatherization assistance program.

These are real vital programs. The weatherization assistance program reduces the burden of energy costs to low income families, particularly the elderly, persons with disabilities and families with children. Weatherization grant awards are provided to all States, the District of Columbia and, under certain circumstances, the Indian tribal organizations.

Between 60,000 and 70,000 households are served every year. There are about 750 local community action agencies participating in this weatherization program. Based on priorities established through energy audits, the program provides for installation of cost-effective weatherization measures such as caulking and weather-stripping, wall and attic insulation and heating system improvements.

The Subcommittee on Energy and Power of the Committee on Commerce held a hearing on reauthorization of these programs on September 16, 1997. That hearing demonstrated broad public support for reauthorization of these programs. The weatherization program is particularly important to low income consumers in the Northeast and the Midwest. There is a need for the House to act, since authorization for all these programs has long since expired, in some cases as long ago as fiscal year 1993.

Second, H.R. 4017 permits greater use of energy savings performance contracts under the National Energy Conservation Policy Act. NECPA, which we call it, authorizes Federal agencies to enter into energy savings performance contracts with energy service companies to improve the energy efficiency of Federal facilities.

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These contracts allow contractors to pay for the cost of acquiring and installing energy efficient equipment at Federal facilities, services which are being paid for through shared energy savings. However, authority to enter into these contracts is limited to Federal executive branch agencies. The bill amends the definition of Federal agency. In this particular legislation, it includes the legislative and the judicial branches. That change could result in significant energy savings at legislative and judicial agency facilities and further cut the Federal energy bills paid by our American taxpayers.

Third, the bill promotes energy security by encouraging the use of biodiesel fuel to displace reliance on petroleum motor fuel. The DOE alternative fuels program was established by the Energy Policy Act of 1992 in order to displace petroleum motor fuels and reduce U.S. dependence on motor oil. Under the act, the Federal Government, State governments, and alternative fuel providers were required to purchase alternative fueled vehicles. That was the hope, that these alternative fueled vehicles would use alternative fuels and displace petroleum fuel.

The act directed DOE to develop a program to replace 10 percent of our petroleum motor fuels by the year 2000, and 30 percent by the year 2010. However, alternative fuels currently account for only .2 percent of motor fuel usage. DOE is nowhere near achieving the goals established by the Energy Policy Act for the alternative fuels program.

One reason alternative fuels represent such a small share of motor fuel

use is that many alternative fueled vehicles do not run on alternative fuels. Two-thirds of alternative fuels can use either petroleum motor fuels or alternative fuels, and it is apparent that many of these vehicles run largely on petroleum fuels. This bill is an important step in the right direction. It introduces incentives for replacement fuel use by providing credits for use of biodiesel.

I want to take a moment to commend the authors of the biodiesel provisions, the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY), for their leadership and determination on this issue. They have pushed hard for action to help the biodiesel industry and soybean farmers. The gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY) have also heard the concerns of their colleagues who had problems with an earlier version of this legislation and have developed an approach that represents a consensus opinion. They deserve very much credit for going the extra mile to build a broad support.

H.R. 4017 was introduced jointly by myself and the ranking member of the Subcommittee on Energy and Power the gentleman from Texas (Mr. HALL). The bill was drafted jointly by majority and minority committee staff. This legislation is also supported by the Department of Energy, energy efficiency and consumer organizations, and the biodiesel and natural gas vehicle industry. The bill includes an amendment that reflects an understanding with the Committee on Science.

The bill reported by the committee would have reauthorized two export promotion programs. The Committee on Renewable Energy Commerce and Trade, and the Committee on Energy Efficiency Commerce and Trade.

CORECT is an interagency working group chaired by DOE, composed of representatives of 14 agencies, whose mission is to promote the export of U.S. renewable energy technology. CORECT is also an interagency working group whose mission is to promote the export of energy efficiency.

I will enter into the RECORD the exchange of letters between the Committee on Commerce and the Committee on Science on this particular issue.

H.R. 4017 is not controversial and was proved by the Committee on Commerce by a voice vote. I urge my colleagues to support this very important legislation.

COMMITTEE ON COMMERCE

Washington, DC, September 28, 1998.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on Science,
Washington, DC.

DEAR JIM: Thank you for your September 17, 1998 letter concerning H.R. 4017, the Energy Conservation Reauthorization Act of 1998.

As your letter indicates, in response to some concerns of you and your Members, we have agreed to delete certain provisions of the bill relating to export promotion programs.

Again, thank you for your interest in H.R. 4017. As requested, I will ensure that a copy of this exchange of letters is inserted into the Record during the consideration of the legislation.

Sincerely,

TOM BLILEY,
Chairman.

COMMITTEE ON SCIENCE,

Washington, DC, September 17, 1998.

Hon. THOMAS BLILEY,

Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: After our phone conversation staff was able to work out an agreement on H.R. 4017, the Energy Conservation Reauthorization Act of 1998.

The Committee on Science will not seek a referral on the bill. By doing so we are not waiving any of our jurisdictional claims and reserve the right to seek conferees on this legislation for provisions which may fall within the jurisdiction of the Science Committee should the House passage of H.R. 4017 result in a House-Senate Conference.

I would ask that this letter be placed in the Record at the appropriate place during the consideration of H.R. 4017.

I look forward to working with you on this and other legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

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

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join in support of H.R. 4017, the Energy Conservation and Reauthorization Act. The act contains an amendment which I have sponsored along with the gentleman from Illinois (Mr. SHIMKUS).

I want to thank the chairman of the subcommittee, the gentleman from Colorado (Mr. DAN SCHAEFER) who is retiring after long and distinguished service to this body and to this Nation and who will be sorely missed by those on the subcommittee, and the ranking member of the subcommittee, the gentleman from Texas (Mr. HALL) for all of their assistance in perfecting this legislation.

H.R. 4017, as amended, would change the Energy Policy Act of 1992, by allowing covered fleets to meet a portion of their annual vehicle acquisition requirements under the act through the purchase and use of a 20/80 blend of biodiesel fuel, usually called B-20, that is produced from domestic renewable resources such as soybean oil, rapeseed, cottonseed, sunflower oil, beef tallow, pork lard, yellow grease and corn oil.

The amendment incorporated into the bill establishes this as a pilot program that can be used to evaluate new means to meet those standards in the EPACT program that our Nation seeks in order to reduce our dependence on imported petroleum and improve our air quality.

This amendment provides more choice and greater flexibility to fleet operators throughout this Nation, and I wanted to talk a little about my com-

munity of Kansas City because we are now in our own pilot program to try to see how biodiesel will work and whether indeed it will help us reduce our air emissions so that we meet those quality standards we seek.

This year in Kansas City we have had 5 instances of air quality rising above Federal pollution limits of 125 parts per billion. Any more occurrences and stricter air pollution limits for Kansas City businesses will trigger sanctions, and this is certainly something that no one in our community seeks.

We know that biodiesel is an alternative, along with the others in the national act, that can help us meet those goals. An ozone red alert is issued when ozone levels are expected to rise above 110 parts per billion. Those are the alerts that we seek to avoid in Kansas City.

Mr. Robert Sellers, who maintains our Kansas City Area Transportation Authority fleet, testified before the Subcommittee on Energy and Power meetings and told us that in our efforts in Kansas City to meet these environmental goals, we have put four buses in use in a 10-month test using B-20 biodiesel. They have traveled over 90,000 miles and consumed over 28,000 gallons of B-20. And we made a comparison with those using regular diesel fuel, and the results were outstanding.

One important point to note for other communities as they seek this alternative is that no modifications are necessary to tanks or pumps or other fueling infrastructure in order to use B-20 fuel. No changes needed to be made to the engines of the buses or their refueling systems. No additional maintenance or service requirements are necessary for B-20 buses. The fuel economy we found in our pilot program in Kansas City of the B-20 buses was similar to the pure diesel buses.

Further, I observed this myself firsthand, black exhaust smoke was visibly reduced. I did not see any in the buses that I traveled on, and exhaust odor was noticeably improved in the B-20 buses. Most importantly, I think, Mr. Speaker, the project generated a really positive response from the citizens in the area and the local media.

Therefore, I really do appreciate the good work of all individuals in reaching a compromise so that B-20 fuel can be used throughout this Nation in a pilot program to help all of us meet the broader goals that H.R. 4017 seeks; again, cleaning up our environment, getting creative solutions to that difficult problem, and also making sure that we are reducing our import of foreign oil.

The market that will be created, by the way, in Missouri alone, when we move to B-20 throughout our urban areas, is a very positive one, and I know others will speak to that today. Our top cash crop is soybean, and that is a major use for B-20 fuels in the State and throughout the Midwest. The market that will be created for all agricultural waste produced on soybean

farms and all of our farms can be put to good use, B-20 fuel, and will really create jobs and a stronger economy for our agriculture communities throughout the Midwest and the Nation.

I urge everyone to support 4017, show their commitment to clean air and a strong economy.

As amended, HR 4017 provides more choice and greater flexibility for fleet operators who want to comply with the requirements of EPACT but may find this compliance difficult. HR 4017 is a "win-win" solution to the problem of compliance for communities like my own all over America.

B20 biodiesel fuel substantially reduces air emissions from motor vehicles. Testing results reported in March 1998, but the United States Environmental Protection Agency show that the use of biodiesel fuel reduces particulate matter emissions by 30%, hydrocarbon emissions by 95%, and carbon monoxide emissions by 50%, when compared to normal diesel fuel.

According to this study, the overall ozone-, or smog-forming potential of exhaust emissions from biodiesel is one-half that of conventional diesel fuel. The air quality benefits of biodiesel are especially relevant for my hometown, Kansas City, Missouri. This year alone, Kansas City has had five instances of air quality rising above federal pollution limits of 125 part-per-billion. Any more occurrences and stricter air pollution limits on Kansas City businesses will be triggered. For example, public utilities in the area may have to increase rates on customers to clean up their generation process.

Biodiesel is going to improve air quality in our city. An ozone "Red Alert" is issued when ozone levels are expected to rise above 100 parts-per-billion in a one-hour time period. Red Alerts are a cautionary measure, intended to warn people with lung conditions to avoid heavy outdoor activities. In Kansas City, ozone levels have topped 110 parts-per-billion on nine days this summer. Using biodiesel fuel can greatly reduce ozone levels and thus improve our air quality.

Biodiesel fuel is biodegradable and non-toxic, and it is a renewable fuel, which makes it an option for long-term use. The blending of diesel and biodiesel fuel does not affect the performance or emissions of the fuel, and economic research conducted both by Booz-Allen and Hamilton and the University of Georgia indicates that when all capital, operating, and maintenance costs are considered, a 20% blend of biodiesel—B20—has the lowest annualized cost on a "per gallon consumed" basis versus other alternative fuels.

The Clean Air Act sets standards to move toward a healthier and more aesthetically pleasing environment. However, as our nation moves toward these admirable goals, we must recognize that some areas of the country—because of population density, geographic characteristics, and industrial concentrations—will find it more difficult to meet the new standards. We must look for creative solutions to the difficult problem of cleaning up our environment. HR 4017 provides such a solution.

Because Missouri's top cash crop is soybeans, the use of B20 fuel in this state would not only help to meet the Clean Air Act standards, but it would also positively impact the state's economy, by creating a market for the agricultural waste. This market would create

opportunities for agriculture, industry, and government to work together toward a sustainable future.

I urge my colleagues to join me in voting for HR 4017, and to show their commitment to clean air and a strong economy. Thank you. I yield back the balance of my time.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), key sponsor of the bill, who has worked so hard on this, along with the gentlewoman from Missouri (Ms. MCCARTHY).

Mr. SHIMKUS. Mr. Speaker, I rise today in support of H.R. 4017, because there is a very important policy change that will benefit the soybean farmers in my district and across the Nation.

This legislation allows biodiesel to participate in the energy markets of this oil addicted Nation. To begin, biodiesel is a renewable alternative fuel, primarily derived from agricultural feedstock such as soybeans, conola, rapeseed, and can even be made out of used deep fryer fat from fast food restaurants. In fact, already Columbus Foods in Chicago, a fuel supplier of biodiesel, processes used restaurant grease to make this fuel.

This is grease that would otherwise be sent to the local land fill. The Shimkus-McCarthy biodiesel provision of H.R. 4017 would amend the Energy Policy Act of 1992 and would allow fleet managers to purchase and use biodiesel in vehicles that are owned and operated by their fleets.

This legislation is significant, because EPACT is a failure and for the first time we are providing a strong incentive for fleet managers to actually use alternative fuel rather than simply acquire additional alternative fueled vehicles which may never run on the alternative fuel they were designed for.

This legislation provides fleet managers the flexibility to operate their heavy-duty diesel vehicles on blends of biodiesel, where the biodiesel component of the blend is at least 20 percent of the volume of the fuel. Fleets may count the biodiesel portion of that blend toward a portion of their annual vehicle purchase requirement.

A minimum of 450 gallons of biodiesel must be purchased and consumed by a covered fleet to qualify the use of fuel as a substitute for one vehicle acquisition. No credit is given for the nonbiodiesel portion of the fuel blend. No credit is given for the vehicles operating on the biodiesel blended full. Only the purchase and consumption of biodiesel is rewarded.

This bill contains several safeguards to protect the integrity of the existing EPACT alternative fuel vehicle program and to assure full compliance with the fuel purchase provisions of the amendment. Fleets seeking to substitute their biodiesel fuel use for vehicle purchases must provide written documentation to the secretary establishing the total volume of biodiesel blended fuel consumed in fleet vehicles.

No credits will be given for biodiesel used in vehicles that have already been counted by a fleet toward its alternative fuel vehicle acquisition requirements in that or any previous year. In addition, no credits will be given for use of biodiesel in any vehicles where the use of that fuel is otherwise required by any other State or Federal laws. Finally to maintain a diversified market for alternative fuel vehicles, fleets may only substitute their accumulated annual biodiesel fuel consumption for up to one half of their total annual alternative fueled vehicle fuel purchases requirements.

It is intention of this legislation to establish this program as a pilot that can be used to evaluate new means to utilize the EPACT program to meet its goals of helping our Nation reduce its dependence on imported petroleum.

This bill does not create any new mandates or impose any new requirements on covered fleets. Instead it provides more choice and greater flexibility for fleet operators who already are burdened with the responsibility of complying with the requirements of EPACT. It simply rearranges the existing EPACT purchase requirement program to directly reward the use of alternative fuels.

With that, Mr. Speaker, I will conclude by thanking the coach, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Virginia (Mr. BLILEY) for their support and encouragement, and my colleagues, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Missouri (Ms. MCCARTHY), for helping me craft this bipartisan common sense legislation, and to my staff, Dan Blankenbust and Matt Johnson.

As a former high school teacher, I have found that teaching how a bill becomes law is a little more tricky than I could have ever guessed. They helped steer me through the political and governmental mind fields. They deserve enormous credit and thanks.

I ask all my colleagues to vote yes. Ms. MCCARTHY of Missouri. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, I rise today to speak in favor of the Energy Conservation Reauthorization Act. I am particularly pleased that this bill contains the biodiesel provision sponsored by the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY).

Under the 1992 Energy Policy Act, Federal, State and local government automobile fleets are required to purchase alternatively fueled vehicles in order to reduce both American dependence on foreign oil and reduce harmful automobile emissions. The Shimkus-McCarthy provision will accomplish these goals while also providing America's soybean farmers with a new market.

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This will be accomplished without any new Federal mandates and at no

expense to the Federal Treasury. In fact, the Congressional Budget Office estimates that it will save \$40 million over the next 5 years. These savings result from the fact that bio-diesel can be used in vehicles designed to run on standard diesel fuel produced solely from petroleum, while most other alternative fuels require fleets to purchase new vehicles specifically designed to burn an alternative fuel.

As previous speakers have indicated, the Shimkus-McCarthy language will amend the Energy Policy Act to include bio-diesel as an approved alternative fuel. Because bio-diesel burns more cleanly than traditional diesel fuel, its use will reduce emissions of particulate matter, carbon monoxide, hydrocarbons, and sulfur oxides. At the same time, because the fuel is derived in part from soybeans, it creates a new market for farmers who are suffering through a period of extremely low prices.

In short, Mr. Speaker, this provision advances the national security and environmental goals of the Energy Policy Act, helps our farmers, and saves the government millions of dollars. Clearly, this is a change much to be desired.

In closing, I wish to commend my friends and colleagues who introduced and promoted this legislation and I look forward to having it become law.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the chairman for yielding me this time, and I want to wish him well in his plans after he leaves this House. It has been a real pleasure to serve with him.

And I also want to salute my colleagues, one of our new members of the Illinois delegation, the gentleman from Illinois (Mr. JOHN SHIMKUS), and his partner in this process, the gentlewoman from Missouri (Ms. KAREN MCCARTHY), for their leadership on an important issue.

It is not often that we have an initiative that is before the House that is a two-fer and even a three-fer, and today we have an issue before the House that is good for the environment and good for Illinois farmers. That is why I think this legislation is so very, very important, because we have an opportunity to help Illinois agriculture, we have an opportunity to help air in Illinois, and to help our environment, whether we live in the city, the suburbs, or the country, and I represent all three.

Today we have an opportunity to promote something called bio-diesel. And the definition of bio-diesel is that it is a renewable alternative fuel, primarily derived from agricultural feedstock, such as soybeans, canola, rapeseed and even deep fryer fat. Well, the big winners, clearly, in this legislation are Illinois farmers who grow soybeans.

As we look back over the last year, I remember almost a year ago that we

had \$6 soybeans at the local grain elevator in Illinois. Today the cash price for soybeans is \$4.78. Farm prices have plummeted, as we have lost the Asian market, and we need markets back.

It is initiatives like this, thanks to the initiative of the gentleman from Illinois (Mr. JOHN SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY) that we will help Illinois farmers. It is estimated this legislation will help raise the price of Illinois soybeans from 7 to 14 cents because of the market this legislation will create for Illinois soybeans. Greater demand raises prices. This will not only be good for those on the farm, but those in town, where farmers spend their money.

I also want to point out the other benefit of this legislation. This legislation will help clear the air. All of us have followed a city bus and smelled the air. And this, of course, will help clear the air. It is good for the environment, it is good for Illinois farmers, and I ask for an "aye" vote.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also join the preceding speakers in strongly supporting this legislation.

Those of us representing farm country know we are in the middle of a deep crisis, because commodity prices have collapsed. We need to pass disaster relief responding to the production and price collapse that we see throughout farm country. In addition, though, we need to work on structural issues that build markets for the long haul, and certainly increasing our effort at renewable fuels, such as bio-diesel, is a step in that right direction.

By allowing vehicle fleet managers that use diesel the ability to use bio-diesel in their fleets and earn the required credits under EPACT, we clean the air and we bolster prices. It is a very good move, and my congratulations to the sponsors of this legislation. Please vote for it.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I stand in strong support as cosponsor of this legislation.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank my colleague from Missouri for yielding me this time and I wish to compliment the gentleman from Illinois on the bio-diesel provision to H.R. 4017.

Let us do something that really makes sense, and this bill, this effort does just that. Among other things, it helps increase the market for farmers for soybeans. We need to do this as part

of the Freedom to Farm Act, which phases out, as my colleagues know, the Federal payment to farmers. It helps expand and develop our rural economies.

I ask my colleagues to please come with me in their mind's eye to the 4th Congressional District of Missouri and look at the acres and acres and fields and fields of soybeans. It adds as much as 7 cents to the value of a bushel of soybeans. But more than that, as the gentlewoman from Kansas City, Missouri, pointed out, the fact that there have been some environmental problems in the city that she represents, it helps clean the environment. Using bio-diesel can cut emissions of particulate matter and hydrocarbons in half.

It provides fleet managers, as has already been mentioned by the gentleman from Illinois, with the flexibility to comply with Federal mandates and reduces their natural reliance on foreign oil. That is most important. Our addiction to foreign oil must be reduced.

According to a 1996 Department of Agriculture study, a modest national market for bio-diesel of 50 to 100 million gallons a year could increase soybean producers' incomes in the State that I represent, the State of Missouri, by over \$15 million annually.

Since 1992, soybean producers have spent over \$20 million in research and education to develop a bio-diesel industry. It is here, it makes sense, it makes absolute sense to adopt this, and I urge that this be a union unanimous vote in favor of this provision.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield myself the balance of my time to close.

I rise once again, Mr. Speaker, to urge my colleagues to vote for H.R. 4017, because it represents a bipartisan agreement that helps our environment, is good for our economy, aids our farmers and our metropolitan areas in their quest to meet Federal air quality standards, improve the quality of life for their residents and keep our agriculture strong in this country.

H.R. 4017 reauthorizes several small but important energy conservation and export promotion programs for 5 years. I worked on these programs, Mr. Speaker, before coming to this august body as a member of the State Legislature in Missouri, so I know of their worth and their value to communities and States throughout the Nation.

The State Energy Conservation Program and Institutional Conservation Program is one such component. The programs to enhance renewable energy, commerce and trade, as well as programs on energy efficiency, and weatherization conservation reauthorized in this Energy Conservation and Production Act are all valuable components to meeting those goals set forth in the national policy that we are reauthorizing today.

Mr. Speaker, it also makes congressional and judicial branch agencies eligible to enter into energy saving performance contracts. That is good for

our national budget. That is good for America. Mr. Speaker, bio-diesel presents a chance for us to make a choice that is good for our country and good for our environment. I urge all my colleagues to vote for H.R. 4017.

Biodiesel makes sense. Allowing biodiesel to be used to meet up to 50 percent of the alternative fueled vehicle requirements under EPAct will help metropolitan areas to meet the goals outlined in EPAct. According to the Department of Energy's own analysis from July 1997, our Nation will not reach the petroleum displacement goals as outlined in EPAct—10 percent by 2000 and 30 percent by 2010. The Department's latest numbers indicate that since 1992 only about 3.1 percent displacement has occurred. Most of this, 2.9 percent was due to oxygenates which were required by the Clean Air Act. Only about 0.2 percent was due to alternative fuel use by Alternatively Fueled Vehicles. Further, the Natural Gas Vehicle Coalition supports this legislation.

Biodiesel is good for the environment. Biodiesel has been tested by the Department of Energy, the United States Department of Agriculture, and the Environmental Protection Agency, and they have all found that biodiesel provides substantial energy benefits. If I may quote from the lifecycle analysis conducted by the EPA:

Biodiesel can play a role in reducing emissions of many air pollutants, especially those targeted by the EPA in urban areas. These include particulate matter, carbon monoxide, hydrocarbons, sulfur oxides . . . and air toxics.

Biodiesel is economically feasible. Not only will using biodiesel reduce our dependence on foreign petroleum supplies, it will also create new domestic markets for agricultural waste products.

This Act is significant for our country. Improving on the Energy Policy Act is critical for energy efficiency, clean air and trade through promoting agribusiness. Throughout my career in public service I have championed initiatives which strike a balance between industry and the environment.

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

Mr. DAN SCHAEFER of Colorado. May I ask the Speaker how much time I have remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Colorado has 6½ minutes remaining.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I rise today in strong support of H.R. 4017, the Energy Conservation Reauthorization Act, and I especially want to commend the distinguished chairman, the gentleman from Colorado (Mr. DAN SCHAEFER), and the ranking member, the gentleman from Texas (Mr. HALL), for their bipartisan cooperation in bringing this bill to the floor.

We have heard this bill reauthorizes a number of important programs, two I want to focus on just briefly. One of those important programs is the weatherization assistance. This program really helps families with lower incomes, particularly the elderly.

Don Patrick, the director of the Northeast Community Action Center in Missouri, in the 9th congressional district, allowed me to tag along to see firsthand some of the weatherization projects that they were actually doing for some of the elderly citizens in the 9th Congressional District. This clearly is a program that needs to be continued, and I give it my full support.

But, secondly, this bill, and a lot of the discussion, has focused on the alternative fuel of bio-diesel. And as the Speaker knows, I have tried to be a champion on alternative fuels in this body, and so I am proud to lend my support to bio-diesel. It is environmentally friendly and something that not only, as has been talked about, helps clear the air but helps promote our agriculture products.

The thing that is especially good about this bill, Mr. Speaker, if we look back in 1992, the Energy Policy Act actually imposed requirements on the managers of motor vehicle fleets that before they could make new vehicle acquisitions, that they would have to go through certain requirements each year. And what this bill does is strongly encourage those fleet managers to include the purchase or use of bio-diesel in those cars and trucks.

One reason that I think this is so good is we are using the carrot rather than the stick approach. We are rewarding the use of alternative fuels to achieve the goals of EPACT to displace imported petroleum rather than the stick approach. This is not a Federal mandate. We are not creating or complicating the Tax Code with new tax breaks, nor are we increasing Federal spending.

As has been touched on before, by increasing markets, in fact, the gentleman from North Dakota who was here to speak talked about in this difficult time for America's farmers and ranchers that if we can not only strengthen our export markets, but if we can look within our own borders and try to strengthen domestic markets, and this bill does that, by increasing markets for soybeans, we are directly helping each and every soybean producer across the country.

Now, in the State of Missouri, we have over 32,000 soybean producers that plant 4.9 million acres of soybeans in fields all across the State. And by inclusion of bio-diesel, we could see as much as 7 cents a bushel added to the value of soybeans that they are selling at the grain elevator.

I had occasion just this morning to speak with a soybean producer on the phone from Missouri, my father, who was extremely excited that we are looking for ways to expand markets, because clearly farmers and ranchers across the country are having a difficult time.

Mr. Speaker, in conclusion, at a time when American agriculture, where our critically important foreign markets are sagging, there can be no clearer reason for moving forward in the ex-

pansion of markets. We should do that in any way we can. And I think due credit should go not only to my freshman colleague, the gentleman from Illinois (Mr. SHIMKUS), but also the gentlewoman from Missouri (Ms. MCCARTHY), a neighbor; and I wish to thank them for their work in bringing this bill together.

Let us pass this bill, because it is right for the environment and it is right for our farmers. I urge every Member of this body to vote "aye" on H.R. 4017.

Mr. MARKEY. Mr. Speaker, I rise in opposition to H.R. 4017.

While all of us would support a clean reauthorization of the Energy Policy and Conservation Act, I must reluctantly oppose this bill because of the serious concerns I have regarding the Shimkus amendment that was adopted during the Commerce Committee's markup of this legislation. In its present form, this provision would have a negative impact on efforts to promote development of cleaner alternative fueled vehicles and reduce our nation's dependence on imported oil. For this reason, I, along with the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), the gentlelady from Oregon (Ms. FURSE) and the gentlelady from Colorado (Ms. DEGETTE) all were opposed to the Shimkus amendment when it was considered in the Committee.

One of the primary goals of the Energy Policy Act of 1992 (or "EPAct") was to enact a comprehensive national energy policy that strengthens U.S. energy security by reducing dependence on imported oil. Currently, the United States consumes seven million barrels of oil more per day than it produces. EPAct establishes goals of a 10 percent displacement in U.S. motor fuel consumption by the year 2000 and a 30 percent displacement in U.S. motor fuel consumption by the year 2010 through the production and increased use of replacement fuels. The Act also allows the Secretary to revise these goals downward. According to the latest projections by the Energy Information Administration, the transportation sector will consume 15.8 million barrels per day of petroleum in 2010. Of this total, about 9.2 million barrels per day of petroleum are projected to be used by light duty vehicles. The Energy Information Administration also estimates that 60 percent of our total petroleum demand will be imported in 2010.

Significant gains in displacing petroleum motor fuel consumption by the year 2010 are expected to occur by replacing gasoline with alternative fuels such as electricity, ethanol, hydrogen, methanol, natural gas and propane, in a portion of the U.S. car and truck population, which is projected to be in excess of 200 million vehicles in the year 2010. Currently, alternative fueled vehicles comprise a small fraction of the total U.S. vehicle stock. To enable the Act's displacement goals to be met, alternative fuels must be readily accessible and motor vehicles that operate on these alternative fuels must be available for purchase. Thus, two important elements of reducing petroleum motor fuel consumption are: a nationwide alternative fuels infrastructure and the availability of alternative fueled vehicles for purchase at a reasonable cost by the general public in a wide variety of vehicle types and fueling options. Under EPAct, a motor fuel

must meet three requirements to be considered to be an alternative fuel. First, it must foster substantial environmental benefits. Second, it must be substantially non-petroleum. Third, it must promote energy security goals of the Act.

While I share the stated concern of some supporters of the Shimkus amendment that many alternative fueled vehicles acquired in response to EPAct do not actually operate on alternative fuels, the Shimkus amendment doesn't even adopt this shortcoming in current law. The amendment would allow the Secretary of Energy to allocate credits for each qualifying volume of the biodiesel fuel purchased for heavy vehicles to satisfy EPAct requirements imposed on certain covered persons and fleets. The sponsors of the Shimkus amendment agreed to make certain modifications in this amendment prior to the Committee markup, such as striking the transferability of these credits, making certain modifications in the definition of biodiesel that clarifies that it covers only fuel substitutes produced from non-petroleum renewable resources, and making certain clarifications in the DOE authority to lower the percentage of qualifying biodiesel volume for reasons relating to cold start, safety and vehicle function considerations. While these changes have helped to improve the amendment, and I commend the gentleman from Illinois (Mr. SHIMKUS) and the gentlelady from Missouri (Ms. MCCARTHY) for agreeing to make them I still have significant concerns about the language adopted by the Committee.

First, I question whether it makes sense to allow biodiesel fuel to be used to meet up to 50 percent of the alternative fueled vehicle requirements under EPAct. The purpose of the alternative fuels program was to create incentives for private sector investments in new and more environmentally benign technologies which could meet our nation's long term energy and transportation needs without reliance on imported oil—much of which comes from the Middle East. The Shimkus amendment could undermine this important energy security goal by reducing by up to half the number of alternative fueled vehicles acquired in this country each year. Congress decided in 1992 to encourage the shift from petroleum by first getting alternative fueled vehicles on the road so that the infrastructure for alternative fuels could be supported. Allowing use of a fuel which is 80% petroleum to displace the acquisition of vehicles which don't rely on petroleum-based fuels will do little to help the U.S. achieve energy independence from oil imports. In fact, according to DOE staff, switching every single diesel vehicle in the United States to B-20 would only displace 4.2% of petroleum usage.

Second, alternative fuels under EPAct are required to foster substantial environmental benefits. It is my understanding that NO_x emissions, a leading source of health-threatening smog, are not reduced in biodiesel blends with less than 35 percent bio-mass derived fuel. Moreover, I note that diesel-fueled vehicles are the source of more than 40 percent of the pollutants from motor vehicles and are also the primary transportation source of fine particulate matter (PM), which has been determined to be a major public health problem. Additionally, in August 1998 the California Air Resources Board designated diesel particulates as carcinogenic toxic air contaminants.

The decision means that California state regulators must examine strategies to limit human exposure to the chemicals and illustrates the growing consensus on the need to further reduce dangerous diesel emissions.

Allowing a fuel which is largely petroleum-based to receive credits to meet up to 50 percent of the alternative fuels requirements of EPAct will complicate efforts to achieve the fundamental purposes of the alternative fuels program. Therefore, if this legislation moves forward, I and others on this side of the aisle would be far more comfortable if biodiesel credits were limited to a much lower level of between 20 to 30 percent.

Third, I have concerns about the definition of "qualifying volume" of biodiesel fuel. Under the amendment, a minimum of 450 gallons of biodiesel fuel qualifies for one credit. I think this quantity is far too low. Under current law, the purchase of an alternative fueled vehicle—which may serve in a fleet for an average of 5 or 6 years—is worth one credit. Under the Shimkus amendment, a vehicle which burns 450 gallons of biodiesel per year would receive one credit for every year it is in service, or 5–6 credits.

Mr. ABERCROMBIE. I would like to express my strong support for the Shimkus-McCarthy Biodiesel Provision in H.R. 4017.

Biodiesel fuel is a renewable alternative fuel primarily derived from agricultural feedstock such as soybeans, canola, rapeseed, and even deep fryer fat. Biodiesel has many advantages as a renewable fuel resource. It reduces tailpipe emissions, visible smoke, and noxious odors and can be operated in conventional diesel engines with no engine modifications. Biodiesel can be blended with conventional diesel fuel and still achieve substantial emission reductions. Another advantage is that the primary by product of biodiesel is glycerine, which has numerous commercial applications from toothpaste to cough syrup.

One example of the utility of biodiesel can be seen on the island of Maui, Hawaii. Maui was faced with used cooking oil disposal problems because of the shortage of landfill space. Pacific Biodiesel, a fuel manufacturing company on Maui, worked with island officials to identify ways to meet this challenge.

Pacific Biodiesel processes recycled cooking oil into cleaner, safer diesel fuel. The Pacific Biodiesel plant has a production capability of 200,000 gallons of premium biodiesel fuel per year. All the fuel they process is derived from recycled vegetable oil and is biodegradable. On Maui, this fuel is used for transportation, heating, and air-conditioning. Boats and tourist hotel buses on the island use biodiesel as their fuel.

The success of Pacific Biodiesel has potential as a model for other islands. It also shows that, by using biodiesel, we can reduce the environmental impact of diesel-powered vehicles, provide new outlets for agriculture, and create new jobs. Produced and used throughout Europe and in parts of Japan, this renewable energy source offers a host of environmental advantages that are gaining worldwide attention.

I urge the House to pass H.R. 4017 and recommend it for quick consideration in the Senate.

Mr. GUTKNECHT. Mr. Speaker, I strongly support H.R. 4017 because it is a win-win-win proposition. Americans win with cleaner air. We win with greater energy independence.

And, we win with higher farm income and a stronger rural economy.

As one who fought for the 5.4 cent ethanol blenders' tax credit and as one who originally cosponsored H.R. 4017, I want to commend my colleagues in the 105th Congress for their outstanding record of achievement in the advancement of renewable fuels. It was the 105th Congress that extended the critical ethanol blenders' tax credit to the year 2007, and it is this Congress which now proposes to formally recognize biodiesel as an alternative fuel.

Biodiesel is proven to reduce harmful air pollutants—and does it without imposing costly and burdensome regulations. Biodiesel will build on ethanol's success by further reducing our dependence on foreign energy making America's future more secure. And, biodiesel promises to add between seven and ten cents per bushel to the price of soybeans. That's good news if you come from Mankato, Minnesota where we crush more beans each day than anywhere else on Earth.

Mr. Speaker, this is an especially good day for Minnesota farmers and I want to compliment my good friend and colleague, Congressman JOHN SHIMKUS, for his leadership throughout the 105th Congress in making it possible. I am proud to be an original sponsor of this legislation and I urge its adoption.

Mr. DREIER. Mr. Speaker, it's no secret that air quality has long been a major problem in Los Angeles. We've attempted to fight the problem in a variety of ways, including construction of a metrorail system, improvements in bus transportation through the region, reduction in pollutants emitted by cars and business, and other methods. While we have made progress, there is no question that it remains a challenge in need of innovative, market-based solutions.

One such approach is to encourage the increased use of cleaner-burning fuels like biodiesel, as Congress sought to do when it passed the Energy Policy Act of 1992 (EPACT). As compared to conventional fuels, biodiesel can cut emissions of particulate matter and hydrocarbons in half. But while the Act prompted fleet managers to purchase alternative-fuel vehicles, it did not provide meaningful incentives to actually use cleaner fuels, such as biodiesel. As a result, fleet managers currently must purchase vehicles that are designed to run on alternative fuels, but have no reason to actually use alternative fuels in them.

H.R. 4017, the Energy Conservation Reauthorization Act, addresses that problem, providing that the purchase and consumption of biodiesel fuel counts toward fulfilling EPACT requirements. By making it sensible to actually use clean-burning fuels, this legislation will make it possible to realize the most important goal of EPACT—cleaner air.

Besides its value as a relatively clean-burning fuel, an important advantage of biodiesel fuel is that it is renewable. It can be made from agricultural feedstock, such as soybean and canola, and even from used deep-fryer fat from fast-food restaurants. As a substitute for gasoline or petroleum-based diesel fuel, the increased use of this type of renewable fuel not only contributes to cleaner air, it also reduces U.S. dependence on imported oil.

As an early cosponsor of Mr. SHIMKUS' legislation to amend the Energy Policy Act, I want to commend both him and Ms. MCCARTHY, the

original authors of the legislation, as well as Mr. SCHAEFER, the Chairman of the Energy and Power Subcommittee, for bringing this commonsense bipartisan legislation to the House floor. I encourage all Members to support its adoption.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 4017, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) at the end of section 154 by adding the following new subsection:

“(f) No later than October 1, 1997, the Secretary shall prepare a statement of policy on Strategic Petroleum Reserve development, maintenance and drawdown. The statement of policy shall evaluate the effect of sales of petroleum from the Strategic Petroleum Reserve under authorities other than those provided by this Act on the ability of the United States to fulfill its obligations under the international energy program. The statement of policy shall evaluate the effectiveness of the Strategic petroleum Reserve at reducing the impact of severe energy supply interruptions, in light of existing quantities of petroleum in the Strategic Petroleum Reserve, and the likelihood of purchases of additional petroleum for storage. The statement of policy shall set forth alternative strategies for drawdown and the criteria to be employed at the time of drawdown to select among such strategies. The statement of policy shall be published in the Federal Register and be subject to public comment, and may be prepared without regard to the requirements of section 553 of title 5, United States Code, section 501 of the Department of Energy Organization Act (42 U.S.C. 7191), and section 523 of this Act.”;

(2) by amending section 166 (42 U.S.C. 6246) to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated for each of fiscal years 1998 through 2000 such sums as may be necessary to implement this part.”;

(3) at the end of part B of title I by adding the following new section:

“USE OF UNDERUTILIZED FACILITIES

“SEC. 168. (a) Notwithstanding section 649(b) of the Department of Energy Organiza-

tion Act (42 U.S.C. 7259(b)), the Secretary is authorized to store in underutilized Strategic Petroleum Reserve facilities, by lease or otherwise, petroleum product owned by a foreign government or its representatives. Petroleum product stored under this section is not part of the Strategic Petroleum Reserve, is not subject to part C of this title, and notwithstanding any provision of this Act, may be exported from the United States.

“(b) Beginning on October 1, 2002, funds resulting from the leasing or other use of a Reserve facility under subsection (a) shall be available to the Secretary, without further appropriation, for the purchase of petroleum products for the Reserve.”;

(4) in section 181 (42 U.S.C. 6251) by striking “1997” other places it appears and inserting in lieu thereof “2000”;

(5) by striking “section 252(l)(1)” in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting “section 252(k)(1)”;

(6) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking “allocation and information provisions of the international energy program” and inserting “international emergency response provisions”;

(B) in subsection (d)(3), by striking “known” and inserting after “circumstances” “known at the time of approval”;

(C) in subsection (e)(2) by striking “shall” and inserting “may”;

(D) in subsection (f)(2) by inserting “voluntary agreement or” after “approved”;

(E) by amending subsection (h) to read as follows:

“(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

“(1) the international energy program, or

“(2) any allocation, price control, or similar program with respect to petroleum products under this Act.”;

(F) in subsection (k) by amending paragraph (2) to read as follows:

“(2) The term ‘international emergency response provisions’ means—

“(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

“(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on ‘Stocks and Supply Disruptions’) for—

“(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

“(ii) complementary actions taken by governments during an existing or impending international oil supply disruption”;

(G) by amending subsection (l) to read as follows:

“(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.”;

(7) by amending the last sentence of section 256(h) (42 U.S.C. 6276(h)) to read as follows: “There are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary to carry out this part.”;

(8) in section 281 (42 U.S.C. 6285) by striking “1997” both places it appears and inserting in lieu thereof “2002”;

(9) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking “not to exceed” and all that follows through “fiscal year 1993” and inserting in lieu thereof “for each of fiscal years 1998

through 2002 such sums as may be necessary”;

(10) by amending section 397 (42 U.S.C. 6371f) to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary.”; and

(11) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

“(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for each of fiscal years 1998 through 2002, to remain available until expended.”.

SEC. 2. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

“(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BINDING OFFER.—The term ‘binding offer’ means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to paragraph (2) of this subsection, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

“(B) CATEGORY OF PETROLEUM PRODUCT.—The term ‘category of petroleum product’ means a master line item within a notice of sale.

“(C) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity that owns or controls a refinery that is located within the State of Hawaii.

“(D) FULL TANKER LOAD.—The term ‘full tanker load’ means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

“(E) INSULAR AREA.—The term ‘insular area’ means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and the Freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(F) OFFERING.—The term ‘offering’ means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

“(G) NOTICE OF SALE.—The term ‘notice of sale’ means the document that announces—

“(i) the sale of Strategic Petroleum Reserve products;

“(ii) the quantity, characteristics, and location of the petroleum product being sold;

“(iii) the delivery period for the sale; and

“(iv) the procedures for submitting offers.

“(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

“(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

“(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

“(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

“(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

“(3) LIMITATION ON QUANTITY.—

“(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that result in the purchase of the lesser quantity of petroleum product.

“(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to $\frac{1}{12}$ of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

“(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

“(4) ADJUSTMENTS.—

“(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

“(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

“(i) less than 1 full tanker load; or

“(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

“(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

“(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

“(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

“(7) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

“(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

“(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall

not certify the company under this paragraph.

“(8) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the governor of an insular area, or President of a Freely Associated State, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area in its efforts to maintain adequate supplies of petroleum products from traditional and non-traditional suppliers.”.

(b) REGULATIONS.—

“(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

“(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under subsection (b).

SEC. 3. ENERGY POLICY ACT OF 1992 AMENDMENT.

Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended in subsection (c) by striking “and 1997” each place it appears and inserting “1997, 1998, 1999, and 2000” in lieu thereof.

SEC. 4. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appointed for each of fiscal years 1998 through 2002 such sums as may be necessary.

□ 1315

MOTION OFFERED BY MR. DAN SCHAEFER OF COLORADO

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. SUNUNU). The Clerk will report the motion.

The Clerk read as follows:

Mr. DAN SCHAEFER, of Colorado moves to strike out all after the enacting clause of S. 417, and insert in lieu thereof the provisions of H.R. 4017 as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: “A bill to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.”

The motion to reconsider was laid on the table.

A similar House bill (H.R. 4017) was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legisla-

tive days within which to revise and extend their remarks on S. 417.

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

There was no objection.

EXTENDING DEADLINE UNDER FEDERAL POWER ACT APPLICABLE TO CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ARKANSAS

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

The Clerk read as follows:

H.R. 4081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINES.

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 10455 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentlewoman from Missouri (Ms. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4081 extends the construction period for a hydroelectric project in the State of Arkansas.

Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not begun by that time, FERC cannot extend the deadline and must terminate the license. H.R. 4081 provides up to 6 additional years to commence construction if the sponsor pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards, but merely extends the construction deadline.

There is a need to act on this, since the construction deadline for the River Mountain Pumped Storage Project expires next month. If Congress does not act, FERC will terminate the license, the project sponsor will lose \$8 million

they have invested in the project, and the local community will lose the prospect of significant job creation and added revenues. According to the project sponsor, construction of the River Mountain project will create 585 jobs and generate \$1 billion for the local economy. If we do not act, the local community will lose these jobs and these revenues.

These extension bills have not proved controversial in the past. H.R. 4081 was approved by the Committee on Commerce by unanimous voice vote. I would ask its full support.

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

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield myself such time as I may consume.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, today we are considering H.R. 4081, legislation to extend the deadline under the Federal Power Act applicable to construction of a hydroelectric project in the State of Arkansas.

H.R. 4081 would authorize FERC, upon the request of the licensee and in accordance with the requirements of section 13 of the Federal Power Act, to extend the deadline for commencement of construction for three consecutive two-year periods. FERC does not object to the enactment of this legislation.

Mr. Speaker, this legislation is not controversial. A companion Senate bill has been approved by their Energy and Natural Resources Committee. I urge my colleagues to support this bill.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I do not have any other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 4081.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4081.

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

There was no objection.

AFRICA SEEDS OF HOPE ACT OF 1998

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4283) to support sustainable and

broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

The Clerk read as follows:

H.R. 4283

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 “Africa: Seeds of Hope Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and declaration of policy.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

Sec. 101. Africa Food Security Initiative.

Sec. 102. Microenterprise assistance.

Sec. 103. Support for producer-owned cooperative marketing associations.

Sec. 104. Agricultural and rural development activities of the Overseas Private Investment Corporation.

Sec. 105. Agricultural research and extension activities.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

Sec. 201. Nonemergency food assistance programs.

Subtitle B—Bill Emerson Humanitarian International Food Security Trust Act of 1998

Sec. 211. Short title.

Sec. 212. Amendments to the Food Security Commodity Reserve Act of 1996.

Subtitle C—International Fund for Agricultural Development

Sec. 221. Review of the International Fund for Agricultural Development.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Report.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based public and private sector agricultural and rural development in each of the African nations. The United States should support such development.

(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term “under nutrition” means inadequate consumption of nutrients, often adversely affecting children’s physical and mental development, undermining their future as productive and creative members of their communities.

(3)(A) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

(B) Africa’s food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the year 2020.

(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

(5) The most effective way to improve conditions of the poor is to increase the produc-

tivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

(6)(A) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

(B) Since then, several agencies of the United Nations, including the International Fund for Agricultural Development (IFAD), whose mission is to provide the rural poor and women in the developing world with cost-effective ways of overcoming hunger, poverty, and malnutrition, have undertaken a cooperative initiative on Africa.

(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or \$1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

(8)(A) The future prosperity of the United States food processing and agricultural sector is increasingly dependent on exports and the liberalization of global trade.

(B) Africa represents a huge potential market for United States food and agricultural products.

(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

(B) Development assistance, technical assistance, and training from bilateral governmental and multilateral entities, as well as nongovernmental organizations and land-grant universities, can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

(B) Rural business associations, owned and controlled by farmer shareholders, also greatly aid agricultural producers to increase their household incomes.

(11)(A) Over a decade ago, the Development Fund for Africa (DFA) was enacted into law “to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is equitable, participatory, environmentally sustainable, and self-reliant.”

(B) In recent years, political change and economic recovery in Africa have amplified the importance of this policy objective while generating new opportunities for its advancement.

(C) Despite these developments, funding for the Development Fund for Africa has declined from a high of \$811,000,000 for 1993 to approximately \$635,000,000 for 1997.

(12)(A) United States bilateral development and humanitarian assistance to sub-Saharan Africa is approximately one-tenth of 1 percent of the total annual budget of the United States Government.

(B) Funding for agricultural development worldwide by the United States Agency for International Development has declined from 36 percent of its total budget in 1988 to 15 percent in 1997.

(13) The United States Agency for International Development has initiated an Africa Food Security Initiative in an effort to improve child nutrition and increase agricultural income in Africa.

(b) **DECLARATION OF POLICY.**—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961, to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

(a) **ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.**—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

SEC. 102. MICROENTERPRISE ASSISTANCE.

(a) **BILATERAL ASSISTANCE.**—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

(b) **MULTILATERAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

(2) **ADDITIONAL REQUIREMENT.**—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

(a) **PURPOSES.**—The purposes of this section are—

(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

(b) **SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.**—

(1) **ACTIVITIES.**—

(A) **IN GENERAL.**—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

(B) **ADDITIONAL REQUIREMENTS.**—In carrying out subparagraph (A), the Administrator—

(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities;

(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)); and

(iii) should take into consideration the needs of women.

(2) **OTHER ACTIVITIES.**—In addition to carrying out paragraph (1), the Administrator is encouraged—

(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) **PURPOSE.**—The purpose of this section is to encourage the Overseas Private Investment Corporation to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa,

particularly to support intermediary organizations that—

(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(B) have a clear track record of support for sound business management practices; and

(C) have demonstrated experience with participatory development methods; and

(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) **DEVELOPMENT OF PLAN.**—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) **ADDITIONAL REQUIREMENTS.**—Such plan shall seek to ensure that—

(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted to widely varying climates within sub-Saharan Africa.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

SEC. 201. NONEMERGENCY FOOD ASSISTANCE PROGRAMS.

(a) **IN GENERAL.**—In providing non-emergency assistance under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), the Administrator of the United States Agency for International Development shall ensure that—

(1) in planning, decisionmaking, and implementation in providing such assistance, the Administrator takes into consideration local input and participation directly and through United States and indigenous private and voluntary organizations;

(2) each of the nonemergency activities described in paragraphs (2) through (6) of section 201 of such Act (7 U.S.C. 1721), including programs that provide assistance to people of any age group who are otherwise unable to meet their basic food needs (including feeding programs for the disabled, orphaned, elderly, sick and dying), are carried out; and

(3) greater flexibility is provided for program and evaluation plans so that such assistance may be developed to meet local needs, as provided for in section 202(f) of such Act (7 U.S.C. 1722(f)).

(b) **OTHER REQUIREMENTS.**—In providing assistance under the Agriculture Trade Development and Assistance Act of 1954, the Secretary of Agriculture and the Administrator of United States Agency for International Development shall ensure that commodities are provided in a manner that is consistent

with sections 403 (a) and (b) of such Act (7 U.S.C. 1733 (a) and (b)).

Subtitle B—Bill Emerson Humanitarian International Food Security Trust Act of 1998

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Bill Emerson Humanitarian International Food Security Trust Act of 1998".

SEC. 212. BILL EMERSON HUMANITARIAN TRUST ACT.

(a) IN GENERAL.—Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f-1) is amended—

(1) in subsection (b)—
(A) in the subsection heading, by inserting "OR FUNDS" after "COMMODITIES";

(B) in paragraph (1)—
(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and
(iii) by adding at the end the following:

"(D) funds made available under paragraph (2)(B)."; and

(C) in paragraph (2)—
(i) in subparagraph (A), by striking "Subject to subsection (h), commodities" and inserting "Commodities"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) FUNDS.—Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

"(i) with respect to fiscal year 2000 and subsequent fiscal years, from funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(2) and (f)(2), except that, of such funds, not more than \$20,000,000 may be expended for this purpose in each of the fiscal years 2000 through 2003 and any such funds not expended for the fiscal year allocated shall be available for expenditure in subsequent fiscal years; and
(ii) from funds authorized for that use by an appropriations Act.;"

(2) in subsection (c)(2)—

(A) by striking "ASSISTANCE.—Notwithstanding" and inserting the following: "ASSISTANCE.—

"(A) IN GENERAL.—Notwithstanding"; and
(B) by adding at the end the following:

"(B) LIMITATION.—The Secretary may release eligible commodities under subparagraph (A) only to the extent such release is consistent with maintaining the long-term value of the trust.;"

(3) in subsection (d)—
(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and
(C) by adding at the end the following:

"(3) subject to the need for release of commodities from the trust under subsection (c)(1), for the management of the trust to preserve the value of the trust through acquisitions under subsection (b)(2).;"

(4) in subsection (f)—
(A) in paragraph (2), by inserting "OF THE TRUST" after "REIMBURSEMENT" in the heading; and

(B) in paragraph (2)(A), by inserting "and the funds shall be available to replenish the trust under subsection (b)" before the end period; and

(5) by striking subsection (h).

(b) CONFORMING AMENDMENTS.—
(1) Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f-1 et seq.) is amended by striking the title heading and inserting the following:

"TITLE III—BILL EMERSON HUMANITARIAN TRUST".

(2) Section 301 of the Agricultural Act of 1980 (7 U.S.C. 1736f-1 note) is amended to read as follows:

"SEC. 301. SHORT TITLE.

"This title may be cited as the 'Bill Emerson Humanitarian Trust Act'."

(3) Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f-1) is amended—

(A) in the section heading, by striking "RESERVE" and inserting "TRUST";

(B) by striking "reserve" each place it appears (other than in subparagraphs (A) and (B) of subsection (b)(1)) and inserting "trust";

(C) in subsection (b)—
(i) in the subsection heading, by striking "RESERVE" and inserting "TRUST";

(ii) in paragraph (1)(B), by striking "reserve," and inserting "trust.,"; and

(iii) in the paragraph heading of paragraph (2), by striking "RESERVE" and inserting "TRUST"; and

(D) in the subsection heading of subsection (e), by striking "RESERVE" and inserting "TRUST".

(4) Section 208(d)(2) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended by striking "Food Security Commodity Reserve Act of 1996" and inserting "Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1 et seq.)".

(5) Section 901b(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(b)(3)), is amended by striking "Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1)" and inserting "Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1 et seq.)".

TITLE III—MISCELLANEOUS PROVISIONS
SEC. 301. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on how the Agency plans to implement sections 101, 102, 103, 105, and 201 of this Act, the steps that have been taken toward such implementation, and an estimate of all amounts expended or to be expended on related activities during the current and previous 4 fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

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

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of the Africa Seeds of Hope Act, H.R. 4283, which was introduced by this Member and the gentleman from Indiana (Mr. HAMILTON), the distinguished ranking member of the full committee, and the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and many others.

This legislation was overwhelmingly passed by the House Committee on International Relations on July 22, 1998, and it was discharged by the House Committee on Agriculture on September 11, 1998. It currently has over 100 bipartisan cosponsors.

Additionally, an earlier version of the legislation, H.R. 3636, has other cosponsors. The bills are very much similar. A companion bill was introduced by the junior Senator from Ohio, Mr. DEWINE, and the senior Senator from Maryland, Mr. SARBANES, on July 9, 1998. That legislation currently has 16 bipartisan cosponsors.

The Africa Seeds of Hope Act helps U.S. agriculture while promoting sustainable development in sub-Saharan Africa so Africans can be less dependent on U.S. humanitarian assistance in the future. That is why H.R. 4283 has the support of both agricultural and humanitarian organizations and the U.S. Department of Agriculture. This win-win combination of grassroots supporters has been the foundation of America's long-term, goodwill-building, humanitarian food aid efforts since World War II.

The Africa Seeds of Hope Act has been endorsed by over 220 agricultural and humanitarian organizations, including the Association for International Agriculture and Rural Development, the Coalition for Food Aid, numerous land grant colleges and universities, InterAction, and major U.S. private voluntary agencies such as CARE, World Vision, ACDI/VOCA, Catholic Relief Services, Technoserve, Africare, OXFAM, Islamic African Relief Agency USA, and the Mormon World Hunger Committee.

In addition, this legislation has the support of most Christian denominations, Catholic religious communities, and mission groups. And editorial pages from over 20 major newspapers across the country have endorsed H.R. 4283.

Mr. Speaker, a recent article in the Washington Post entitled "Africa's Agricultural Rebirth" quoted a Vice-Minister of Agriculture from Ethiopia as saying, "You cannot detach economic development from food self-sufficiency." That profound truth is the essence of the Africa Seeds of Hope Act.

There may be some people who believe or give the impression they believe that an admittedly very important trade liberalization effort alone can remedy all of Africa's woes. I support such legislation. But I would say that equally wrongheaded are some in the nongovernmental organization community who initially expressed their opposition to trade liberalization, saying it would hurt Africa's poor.

The Africa Seeds of Hope Act bridges these disparate and unnecessarily conflicting ideological points of view with a reconciling view. That view is that liberalized trade plus targeted foreign assistance to Africa's small farmers together can best serve sub-Saharan Africa and make it prosper.

Several months ago, with the support of this Member, the House of Representatives passed the Africa Trade Growth and Opportunities Act. In doing so, the House took the very important step towards greater trade with a continent in desperate need of

private-sector led economic growth. By focusing on sustainable agriculture, research, rural finance, and food security, the Africa Seeds of Hope Act is directly aimed at helping the 76 percent of the sub-Saharan African people who are small farmers, thus providing another important step towards increased African trade.

Improving the efficiency of these farmers is crucial to ensuring that our overall strategy, our trade strategy, is successful. As a longtime supporter of aid to Africa through the creation of the Development Fund for Africa out of the House International Relations Committee on a bipartisan bill some years ago, and other mechanisms, I tell my colleagues that I believe H.R. 4283, in conjunction with our new trade initiatives, will help coordinate and focus America's resources on both trade and aid in Africa.

If trade is to prosper in sub-Saharan Africa, we need to better direct our scarce aid resources so that they stimulate private-sector development and investment or help ease the suffering in those places either overlooked by the private sector or suffering from natural disasters.

Our legislation attempts to refine our assistance programs for sub-Saharan Africa and ensure that agriculture and rural development are not neglected. For example, this legislation requires the Agency for International Development, AID, to reverse its negative funding trend for agricultural research and development. This will address the legitimate concerns of U.S. land grant institutions and the Agency for International Development, which is increasingly ignoring sustainable agriculture in its development mandate.

Also, the micro-enterprise program is recognized by this legislation and emphasized as an excellent tool to help remedy rural finance and investment shortcomings in sub-Saharan Africa. Moreover, H.R. 4283 attempts to better coordinate our international agriculture research programs with our domestic agriculture research so that farmers in Africa as well as farmers in the United States can benefit from AID-funded agriculture research.

The Africa Seeds of Hope Act refocuses our food assistance programs on long-term development assistance instead of being evaluated on the basis of short-term or immediate results that are often antithetical to their original purpose. This will enable nongovernmental organizations and private voluntary organizations to design and implement food assistance programs that are cost-effective and ultimately succeed in graduating people and countries from those programs.

Finally, H.R. 4283 also establishes a Bill Emerson Humanitarian Trust in honor of the late distinguished and much admired Congressman from Missouri who was a leader in America's food aid efforts. This important mechanism allows the USDA to purchase surplus agricultural commodities when

prices are low, isolate them from the market, and distribute them at times of international disasters and famines. This cost-effective mechanism is especially beneficial to U.S. farmers because it takes U.S. commodities off the market when commodity prices are at their lowest, such as now.

The Bill Emerson Humanitarian Trust I think is a worthy tribute to our late colleague. And this gentleman would like to thank the distinguished gentlewoman from Missouri (Mrs. EMERSON) for allowing us to further honor her late husband in this manner.

Finally, this Member would like to thank first and foremost the distinguished gentleman from Indiana (Mr. HAMILTON) for working with me in helping us to refine this legislation, and beyond that to thank the distinguished gentlewoman from California (Ms. WATERS), the distinguished gentlewoman from Georgia (Ms. MCKINNEY), and the distinguished gentlewoman from North Carolina (Ms. CLAYTON), for their special efforts with the Congressional Black Caucus on behalf of the Africa Seeds of Hope Act.

This Member would also like to thank the distinguished gentlewoman from Connecticut (Mrs. JOHNSON) and the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for their work with the Congressional Women's Caucus on behalf of the legislation.

In conclusion, Mr. Speaker, the Africa Seeds of Hope Act is legislation that benefits farmers in Africa as well as the United States. If my colleagues have any questions about this measure, this Member urges them to read the supportive letter from the USDA signed by Secretary Glickman that the gentleman from Indiana (Mr. HAMILTON) and this Member are making available on the floor today.

Mr. Speaker, for all of these reasons and others, I surge my colleagues to support the Africa Seeds of Hope Act.

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

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

Mr. Speaker, I rise to urge my colleagues to support the bill. I want to begin by commending my good friend the gentleman from Nebraska (Mr. BEREUTER) for his outstanding work in writing this bill, his leadership in bringing it to the floor today. He really has done exceptional work. And I want to thank him also for working closely with me and my staff to craft a bipartisan bill.

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He deserves most of the credit for the bill that we hopefully are about to pass.

The bill has very broad support, as the gentleman from Nebraska (Chairman BEREUTER) mentioned, I think 103 cosponsors in the House, 19 cosponsors in the Senate, and it has been endorsed by 220 agricultural and humanitarian organizations. It is my understanding

that the administration supports the bill as well.

It has certainly received very wide praise and support in the press.

The bill strengthens U.S. humanitarian assistance, it promotes U.S. agriculture, and it provides for a sustainable common-sense policy with regard to development in sub-Saharan Africa.

The purpose of the bill I think is twofold: First, the bill seeks to promote sustainable agricultural development and food security in sub-Saharan Africa; and, second, it replaces the Food Security Commodity Reserve with the Bill Emerson Humanitarian Trust. Apart from the rest of the bill, the trust has its own benefits, which I will mention in a moment.

The Africa Seeds of Hope Act promotes the goals I have laid out in four ways.

First, it promotes long-term economic development by strengthening agriculture and rural markets. This bill requires the development of a micro-enterprise strategy for Africa and provides support for producer-owned marketing associations. It also directs the Department of Agriculture to ensure that international and U.S. agricultural research is coordinated to respond to the needs of African farmers and supports their self-reliance.

Second, the bill maximizes the efficiency of current aid programs. Rather than ask for more aid, the bill bolsters the existing Africa food security initiative. It directs U.S. agencies to target their resources and programs to those who need it most, women, children and the poor.

Third, the bill requires that U.S. aid programs be developed and conducted in consultation with the African people and with nongovernmental organizations that have expertise in addressing the needs of the poor, small scale farmers and rural workers. By ensuring that agricultural programs target and include the community they are designed to serve, we move closer to ending hunger in Africa.

Fourth, the bill improves the current Food Security Commodity Reserve by establishing the Bill Emerson Trust Fund. The trust allows the United States to respond to humanitarian crises in the early stages and paves the way for a more rapid and less costly recovery. It also helps American farmers, by giving the Department of Agriculture the ability to buy commodities from the market when prices are low. The problem with the reserve today is the manner in which it is replenished. When the reserve releases commodities today, P.L. 480 food assistance program funds cannot be used to replenish the reserve. The Seeds of Hope Act sets up a new trust that can be replenished. This bill gives the government the ability to purchase commodities on the market when prices are low, such as this year. The replenishment authority is limited to \$20 million for each fiscal year 2000 through 2003, allowing it to stay within reasonable budgetary constraints.

This change has two benefits. First, the trust now sets up an orderly way to respond to humanitarian crises without disrupting local markets. Second, the trust can now be operated in a businesslike manner. Commodities can be purchased in advance when prices are low, taken off the market and set aside to respond to humanitarian crises.

This is an important bill, particularly in the year when the president visited sub-Saharan Africa focusing U.S. attention on the continent. We should build on that focus by passing a bill to improve U.S. assistance to sub-Saharan Africa and to provide the President with increased humanitarian tools.

It is also important because if this bill were in place today, we would be able to help support American farms by purchasing commodities on the U.S. market when the prices are low.

I urge my colleagues to support the bill. I say to the gentleman.

Mr. Speaker, I yield three minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON), one of the sponsors of the bill.

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

I wish to thank the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) for their leadership in bringing this bill to the floor and for us having this opportunity to vote on it.

First I want to acknowledge and salute the distinguished ranking member of the Committee on International Relations, the gentleman from Indiana (Mr. HAMILTON), who is retiring at the end of the 105th Congress. As the son of a Methodist minister, he was instilled with values that have served him well in his 34 years as a Member of the U.S. House of Representatives. His love of people and his love of country, his belief in decency and human dignity, his commitment to do the right thing for the right reason, has been unmistakably his mark in the Congress. As the director of the Wilson Center, I am certain that he will continue his leadership on humanitarian endeavors. The Africa Seeds of Hope legislation that we consider is but one example of his leadership.

Mr. Speaker, I rise in strong support of this legislation, which promotes sustainable agricultural development and food security in sub-Saharan Africa. Agriculture is the key to most of the African economies. Statistics show that the number of people starving in sub-Saharan Africa with inadequate access to basic food has doubled to 215 million persons since 1973. If current trends continue, that number will increase by some additional 50 million people over the next 12 years.

Africa Seeds of Hope seeks to boost sustainable agriculture and food security through coordinated U.S. assistance programs and the involvement of the African people. It directs the U.S.

Department of Agriculture to develop a plan for coordinating agriculture research to respond to the needs of African farmers and support self-reliance. It targets limited foreign aid monies on proven strategies for enabling self-sufficiency through microcredit loans to small entrepreneurs, the engines of economic development.

This will give small farms and entrepreneurs, especially women, access to credit loans and other resources necessary to stimulate agricultural production and small enterprises. In addition, this bill requires the U.S. aid programs be developed and conducted in consultation with the African people and with a nongovernmental organization that has demonstrated expertise in addressing the needs of the poor, small scale farmers and rural workers. It also establishes the Emerson Trust, honoring the work of our former representative and colleague, Representative Emerson, for the work he has provided for hunger worldwide.

Passage of this legislation will increase self-reliance of the African people and will help reduce the chance of a food crisis. In the long run, it can also strengthen trade between the United States and Africa.

I urge my colleagues to support the Africa Seeds of Hope Act. It deserves the support of all our colleagues.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Illinois (Mr. EWING), a cosponsor, who has been very supportive and helpful in the crafting of this legislation.

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding me time, and I congratulate the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) for bringing forth this legislation, H.R. 4283.

This bill is supported by over 220 academic institutions, including the University of Illinois in my district. Nongovernmental and private voluntary organizations and the United States Department of Agriculture also support this bill.

Action on this bill is meant to address a very legitimate concern that some of the academic institutions have, such as the University of Illinois, they are land grant universities, that the Agency for International Development has increasingly ignored sustainable agriculture in its development mandate.

This bill, the Africa Seeds of Hope Act, goes a long way in helping American agriculture, while promoting sustainable development in sub-Saharan Africa. Nations will be less dependent on U.S. humanitarian needs in the future.

Under Public Law 480, Title II, food aid is provided to people in the poorest regions of the world largely through programs conducted by private volunteer organizations. H.R. 4283 helps make these programs more efficient.

The Africa Seeds of Hope Act would direct that the U.S. Agency for International Development be more flexible in its administration of Title II so that private voluntary organizations can develop programs that best meet local needs and provide humanitarian relief.

The legislation's purview corrects the view that liberalized trade plus targeted foreign assistance towards Africa's small farmers can best help Africa prosper and grow as a region.

I want to thank again the sponsors of this bill. This is a good piece of legislation, and I hope that all of my colleagues will join me in overwhelmingly passing this bill.

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

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

Mr. Speaker, I would like to close by thanking all of my colleagues who supported this legislation, and especially to recognize the important and, in fact, crucial role that my distinguished colleague, the gentleman from Indiana (Mr. HAMILTON) has played. He has made many contributions to public life in this country through his role here as a Member the House of Representatives. We will miss him greatly. Here is one more contribution he has helped us make.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this measure because it directs our Nation's government to place a higher priority on assisting the agricultural and rural development of the sub-Saharan African regions. It is imperative that we continue to support those in need across the globe.

The past twenty-five years have been trying for many of the people in sub-Saharan Africa. Over 215 million people have had inadequate access to food. This situation is unacceptable.

As Americans and fellow members of the human race, we can advocate and make changes in Africa. We can touch the lives of those who live in extreme poverty miles from our shores.

This year, individuals and congregations across the country have worked together to form Bread for the World's Offering of Letters, Africa: Seeds of Hope. Thousands of citizens have written those of us here at Congress, and they have supported aid to Africa. These voices cannot go unheard. It is time for us to respond.

By requiring the Agency for International Development (AID) to use credit and microcredit assistance to improve the capacity and efficiency of agricultural production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. This aid is integral to the development of Africa because the majority of Africans are dependent on agriculture for both food and income. Africa cannot prosper if its agriculture does not prosper first.

Agriculture is the largest sector of sub-Saharan African economies. Achieving food security in Africa will require a tripling of Africa's food supply by 2050. Although this goal seems insurmountable, I am certain that we can fulfill it if we allocate the proper resources.

This measure also takes into consideration the needs of women. I appreciate this portion of the measure because in many African

countries, eighty percent of food is produced by women farmers. Ignoring this important sector of the population would result in the utter failure of the assistance to Africa project. Women spend a significant part of the income they earn on food for the family. In comparison, men spend far less. Studies indicate a direct correlation between increased incomes for women and improvements in family food security. By making good agricultural land and resources to women, we can make great strides toward improving Africa's current plight.

This measure also emphasizes programs and projects that improve the food security of infants, young children, school-age children. It is scientifically clear that good nutrition is vital to the development of children. In African countries where people live on less than \$1 a day, children simply cannot obtain the necessary nourishment. It is appalling that children go hungry, and such a situation is intolerable. By assisting Africa, we can provide the necessary food and nourishment that will feed the bodies and spirits of these children.

Providing greater assistance to sub-Saharan Africa will allow its countries to further develop their agricultural methods. Increased agricultural research is necessary to provide sustainable agricultural production. Financial assistance from America would allow these countries to introduce both the necessary studies and the subsequent agricultural methods developed by such research.

I also applaud this measure's commitment to emergency food aid. It is important that we streamline this program so we can more rapidly and effectively respond to food emergencies. U.S. food aid to Africa alone has saved hundreds of thousands of lives.

Food aid, coupled with long-term solutions such as the development of agricultural methods, will ensure that Africa will strengthen its agricultural foundation. I applaud proponents of this measure for recognizing the elements necessary for the revitalization of Africa.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H.R. 4283, the Africa Seeds of Hope Act, of which I am pleased to be an original co-sponsor. Passage of this bill, will be a small but important step forward for United States assistance to Africa, and for the United States' interests in helping Africa's poorest to help themselves.

House passage of this legislation will also be a fitting tribute to our greatly respected colleague, and Ranking Member of the Committee on International Relations, the Honorable LEE HAMILTON of Indiana. This legislation comes before us today, thanks to his leadership and hard work, and that of Representative DOUG BEREUTER of Nebraska.

Congressman HAMILTON's voice of wisdom, reason, and integrity will be sorely missed in this institution, which he served with such distinction throughout his remarkable career. His perspectives on national and international issues alike consistently reflected the mid-western values, pragmatism, and concern for social justice for which he is so widely known and admired. Those values are reflected as well in the Africa Seeds of Hope Act, a well-reasoned package of proposals aimed at helping Africa's poor rural majority to help themselves.

The United States' renewed focus on trade and investment in Africa holds much long-term promise for African development, and I hope we eventually pass the Africa Trade bill that

has been before Congress this year. However, even the best trade strategy will fail if it leaves Africa's poor majority behind, or weakens our commitments to humanitarian and development assistance in Africa. Because despite impressive gains in some countries, Africa is still home to too many of the world's poor and hurting. Our policies toward Africa cannot overlook the alarming facts that: Sub-Saharan Africa is the only region where the nutritional situation has deteriorated in the past three decades, and this slide will continue without greater policy attention and direct intervention. One of every five African children dies before his or her fifth birthday, and Africa's infant and child mortality rates are the world's highest (one and a half times the world average). One-third of all Sub-Saharan African children under age five suffer from malnutrition. Half of Africa's children are not immunized against polio, tetanus, and measles.

These realities require immediate attention if the benefits of trade- and investment-led development are to reach Africa's poor, largely rural, majority. Without a strong and vibrant agriculture sector, Africa cannot thrive. To that end, the Africa Seeds of Hope Act is designed to better focus existing programs of assistance to Africa on small-holder agriculture and the rural producers who are the backbone of most African economies.

I have been privileged to travel throughout much of the African continent over the years, and everywhere—even in the midst of wars and famines—I have found its people to be resilient, resourceful, and industrious. This bill is a small but important step in helping to unleash Africa's vast potential to feed itself, to thrive, and to prosper as a trading partner of increasing importance to our own economy.

I salute Congressmen HAMILTON and BEREUTER for their leadership on this important bill, and I urge my colleagues to support it. Finally, my thanks and appreciation also go to Senator MIKE DEWINE of Ohio, for introducing a Senate version of this bill, S. 2283, and for his commitment to moving this legislation in the Senate. I am grateful for his humanitarian vision and leadership in the Senate, and his ethic of care and concern for the poor and the hurting.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4283.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRADEMARK ANTICOUNTERFEITING ACT OF 1998

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3891) to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3891

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 "Trademark Anticounterfeiting Act of 1998".

SEC. 2. PROHIBITION AGAINST UNAUTHORIZED ALTERATION OF PRODUCT IDENTIFICATION CODES.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by inserting after section 1365 the following:

"§ 1365A. Unauthorized modification of product identification codes

(a) DEFINITIONS.—In this section—

"(1) the term 'consumer'—

"(A) means—

"(i) the ultimate user or purchaser of a good; or

"(ii) any hotel, restaurant, or other provider of services that must remove or alter the container, label, or packaging of a good in order to make the good available to the ultimate user or purchaser; and

"(B) does not include any retailer or other distributor who acquires a good for resale;

"(2) the term 'good' means any article, product, or commodity that is customarily produced or distributed for sale, rental, or licensing in interstate or foreign commerce, and any container, packaging, label, or component thereof;

"(3) the term 'manufacturer' includes the original manufacturer of a good and a duly appointed agent or representative of that manufacturer acting within the scope of its agency or representation;

"(4) the term 'product identification code'—

"(A) includes any number, letter, symbol, marking, date (including an expiration date), code, software, or other technology that is affixed to or embedded in any good, by which the manufacturer of the good may trace the good back to a particular production lot or batch or date of removal, or carry out product recalls or otherwise identify the date of manufacture, the date of expiration, or other comparable critical data; and

"(B) does not include copyright management information conveyed in connection with copies or phonorecords of a copyrighted work or any performance or display of a copyrighted work;

"(5) the term 'Universal Product Code' refers to the multidigit bar code and number representing goods in retail applications; and

"(6) the term 'value' means the face, par, or market value, whichever is the greatest.

"(b) PROHIBITED ACTS.—Except as otherwise authorized by Federal law, it shall be unlawful for any person, other than the consumer or the manufacturer of a good, knowingly and without authorization of the manufacturer—

"(1) to directly or indirectly alter, conceal, remove, obliterate, deface, strip, or peel any product identification code affixed to or embedded in that good;

"(2) to directly or indirectly affix or embed a product identification code to or in that good which is intended by the manufacturer for a different good, such that the code no longer accurately identifies the source of the good;

"(3) to directly or indirectly affix to or embed in that good any number, letter, symbol, marking, date, code, or other technology intended to simulate a product identification code; or

"(4) to import, export, sell, distribute, or broker that good, in a case in which the person knows that the product identification code has been altered, concealed, removed, obliterated, defaced, stripped, peeled, affixed, or embedded in violation of paragraph (1) or (2), or in a case in which the person knows that the good bears an unauthorized number, letter, symbol, marking, date, or other code in violation of paragraph (3).

“(c) APPLICABILITY.—The prohibitions set forth in subsection (b) shall apply to product identification codes (or simulated product identification codes in a case to which subsection (b)(3) applies) affixed to, or embedded in, any good held for sale or distribution in interstate or foreign commerce or after shipment therein.

“(d) EXCLUSION.—

“(1) UPC CODES.—Nothing in this section prohibits a retailer or distributor from affixing to a good—

“(A) a Universal Product Code or other legitimate pricing or inventory codes or information, or

“(B) information required by State or Federal law,

if such code or information does not (or can be removed so as not to) permanently alter, conceal, remove, obliterate, deface, strip, or peel any product identification code.

“(2) REPACKAGING FOR RESALE.—(A) Nothing in this section prohibits a distributor from removing an article, product, or commodity of retail sale from a shipping container and placing such article, product, or commodity in another shipping container for purpose of resale in a quantity different from the quantity originally provided by the manufacturer or from replacing a damaged shipping container, if, except as provided in paragraph (1), such article, product, or commodity of retail sale retains its original product identification code, without any obstruction or alteration, and if—

“(i) such distributor is registered with all applicable Federal and State agencies;

“(ii) such distributor repackages the article, product, or commodity in full compliance with all applicable State and Federal laws and regulations; and

“(iii) the act of repackaging does not result in a prohibited act under section 301 of the Federal Food, Drug, and Cosmetic Act or violate any other applicable State or Federal law or regulation.

“(B) As used in this paragraph, the term ‘shipping container’ means—

“(i) a container or wrapping used for the transportation of any article, product, or commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof; and

“(ii) containers or wrappings used by retailers to ship or deliver any article, product, or commodity to retail customers, if such containers and wrappings bear no printed matter pertaining to any particular article, product, or commodity.

“(e) CRIMINAL PENALTIES.—Any person who willfully violates this section shall—

“(1) be fined under this title, imprisoned not more than 1 year, or both;

“(2) if the total retail value of the good or goods involved in the violation is greater than \$5,000, be fined under this title, imprisoned not more than 5 years, or both;

“(3) if the person acts with reckless disregard for the risk that the health or safety of the public would be threatened and under circumstances manifesting extreme indifference to such risk, and the violation threatens the health or safety of the public, be fined under this title, imprisoned not more than 10 years, or both;

“(4) if the person acts with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk and—

“(A) serious bodily injury to any individual results, be fined under this title, imprisoned not more than 20 years, or both; or

“(B) death of an individual results, be fined under this title, imprisoned for any term of years or for life, or both; and

“(5) with respect to any second or subsequent violation, be subject to twice the maximum term of imprisonment that would otherwise be imposed under this subsection, fined under this title, or both.

“(f) INJUNCTIONS AND IMPOUNDING, FORFEITURE, AND DISPOSITION OF GOODS.—

“(1) INJUNCTIONS AND IMPOUNDING.—In any prosecution under this section, upon motion of the United States, the court may—

“(A) grant 1 or more temporary, preliminary, or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain the alleged violation; and

“(B) at any time during the proceedings, order the impounding, on such terms as the court determines to be reasonable, of any good that is in the custody or control of the defendant and that the court has reasonable cause to believe was involved in the violation.

“(2) FORFEITURE AND DISPOSITION OF GOODS.—Upon conviction of any person of a violation of this section, the court shall—

“(A) order the forfeiture of any good involved in the violation that is in the custody or control of the defendant or that has been impounded under paragraph (1)(B); and

“(B) either—

“(i) order the destruction of each good forfeited under subparagraph (A); or

“(ii) if the court determines that any good forfeited under subparagraph (A) is not unsafe or a hazard to health, dispose of the good by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good, or by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good, if such disposition would not otherwise be in violation of law and if the manufacturer consents to such disposition and is given the opportunity to reapply a product identification code to the good.”.

“(g) CIVIL REMEDIES.—

“(1) IN GENERAL.—Any person who is injured by a violation of this section, or threatened with such injury, may bring a civil action in an appropriate United States district court against the alleged violator.

“(2) INJUNCTIONS AND IMPOUNDING AND DISPOSITION OF GOODS.—In any action under paragraph (1), the court may—

“(A) grant 1 or more temporary, preliminary, or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain the violation;

“(B) at any time while the action is pending, order the impounding, on such terms as the court determines to be reasonable, of any good that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in the violation; and

“(C) as part of a final judgment or decree—

“(i) order the destruction of any good involved in the violation that is in the custody or control of the violator or that has been impounded under subparagraph (B); or

“(ii) if the court determines that any good impounded under subparagraph (B) is not unsafe or a hazard to health, dispose of the good by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good, or by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good, if such disposition would not otherwise be in violation of law, and if the manufacturer consents to such disposition and is given the opportunity to reapply a product identification code to the good.

“(3) DAMAGES.—

“(A) IN GENERAL.—Subject to subparagraph (B), in any action under paragraph (1), the plaintiff shall be entitled to recover the actual damages suffered by the plaintiff as a result of the violation, and any profits of the violator that are attributable to the viola-

tion and are not taken into account in computing the actual damages. In establishing the violator's profits, the plaintiff shall be required to present proof only of the violator's sales, and the violator shall be required to prove all elements of cost or deduction claimed.

“(B) STATUTORY DAMAGES.—In any action under paragraph (1), the plaintiff may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits described in subparagraph (A), an award of statutory damages for any violation under this section in an amount equal to—

“(i) not less than \$500 and not more than \$100,000, with respect to each type of goods involved in the violation; and

“(ii) if the violation threatens the health and safety of the public, as determined by the court, not less than \$5,000 and not more than \$1,000,000, with respect to each type of goods involved in the violation.

“(4) COSTS AND ATTORNEY'S FEES.—In any action under paragraph (1)—

“(A) in addition to any damages recovered under paragraph (3), a prevailing plaintiff may recover the full costs of the action; and

“(B) the court, in its discretion, may also award reasonable attorney fees to the prevailing party.

“(5) REPEAT VIOLATIONS.—

“(A) TREBLE DAMAGES.—In any case in which a person violates this section within 3 years after the date on which a final judgment was entered against that person for a previous violation of this section, the court, in an action brought under this subsection, may increase the award of damages for the later violation to not more than 3 times the amount that would otherwise be awarded under paragraph (3), as the court considers appropriate.

“(B) BURDEN OF PROOF.—A plaintiff that seeks damages as described in subparagraph (A) shall bear the burden of proving the existence of the earlier violation.

“(6) LIMITATIONS ON ACTIONS.—No civil action may be commenced under this section later than 3 years after the date on which the claimant discovers the violation.

“(7) INNOCENT VIOLATIONS.—In any action under paragraph (1), the court in its discretion may reduce or remit the total award of damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that the acts of the violator constituted a violation.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 65 of title 18, United States Code, is amended by inserting after the item relating to section 1365 the following:

“1365A. Unauthorized modification of product identification codes.”.

SEC. 3. ATTORNEY GENERAL REPORTING REQUIREMENTS.

Section 2320(f) of title 18, United States Code, is amended—

(1) by inserting “unauthorized modification of product identification codes under section 1365A,” after “involve”; and

(2) in paragraph (4), by inserting “1365A,” after “sections”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 3891, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of the Trademark Anticounterfeiting Act of 1998. This important legislation will provide law enforcement the tools they need to combat the growing crime of altering or removing product identification codes from goods and packaging. This bill will also provide manufacturers and consumers with civil and criminal remedies to fight those counterfeiters and illicit distributors of goods with altered or removed product codes. Finally, this bill will protect consumers from the possible health risks that so often accompany tampered goods.

Product codes play a critical role in the regulation of goods and services. For example, when problems arise over drugs or medical devices regulated by the Food and Drug Administration, the product codes play a vital role in conducting successful recalls. Similarly, the Consumer Product Safety Commission and other regulators rely on product codes to conduct recalls of automobiles, dangerous toys and other items that pose safety hazards.

Product codes are frequently used by law enforcement to conduct criminal investigations as well. These codes have been used to pinpoint the location and sometimes the identity of criminals. Recently, product codes aided in the investigation of terrorist acts, including the bombing of Olympic Park in Atlanta and the bombing of Pan Am Flight 103 over Lockerbee, Scotland.

At the same time, manufacturers have limited weapons to prevent unscrupulous distributors from removing the coding to divert products to unauthorized retailers or place fake codes on counterfeit products.

□ 1345

For example, one diverter placed genuine, but outdated, labels of brand name baby formula on substandard baby formula and resold the product to retailers. Infants who were fed the formula suffered from rashes and seizures. We cannot take the chance of any baby being harmed by infant formula or any other product that might be defaced, decoded or otherwise tampered with. FDA enforcement of current law has been vigilant and thorough, but this potentially serious problem must be dealt with even more effectively as counterfeiters and illicit distributors utilize the advanced technologies of a digital age in their crimes.

Mr. Speaker, my legislation will provide Federal measures which will further discourage tampering and protect the ability of manufacturers to implement successful recalls and trace prod-

uct when needed. It would prohibit the alteration or removal of product identification codes on goods or packaging for sale in interstate or foreign commerce, including those held in areas where decoding frequently occurs.

The legislation will also prohibit goods that have undergone decoding from entering the country, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices. It will require offenders to pay monetary damages and litigation damages in the event of repeat violations.

The bill will also impose criminal sanctions, including fines and imprisonment, for violators who are knowingly engaged in decoding violations. The bill would not require product codes, prevent decoding by authorized manufacturers, or prohibit decoding by consumers.

It also includes language offered by my colleague, the gentleman from Florida (Mr. WEXLER) that would allow for repackaging of products for legitimate resale purposes. The bill also includes language to address concerns raised by the gentleman from Arkansas, (Mr. HUTCHINSON), on behalf of Wal-Mart, to protect those who unknowingly had violated any portion of the bill.

This legislation is a good approach designed to strengthen the tools of law enforcement, provide greater security for the manufacturers of products, and most importantly, provide consumers with improved safety from tampered with or counterfeit goods.

Mr. Speaker, I urge my colleagues to join me in supporting passage of this bill which will go a long way toward closing the final gap in Federal law enforcement tools to protect consumers and the products they enjoy.

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

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

I greet my dear colleagues on the other side, the distinguished members of the Committee on the Judiciary, with a question or two that makes this anticounterfeiting act a little bit suspect.

Now, there is nobody in the Congress supporting counterfeiting, but this legislation and its claim to help consumers by assisting in the recall of defective merchandise falls on its face, because the problem is, not only is this information already protected by current law, but the bill is not limited to products which implicate public health, nor is it limited to recall information. Instead, it covers any product sold in the country from books to perfume, and I think it is quite broad.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FORBES) who, along with the gentleman from New York (Mr. SCHUMER), has worked on this matter.

Mr. FORBES. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I rise to strongly oppose H.R. 3891 because of its effects on the retail sector of our economy and on American consumers seeking quality products at discount prices. This bill, unfortunately, does nothing to stop counterfeiting of goods. Instead, it stops legal sales by discount retailers.

If made law, H.R. 3891 will have a substantial negative impact on the United States economy, preventing millions of dollars in legitimate sales. Numerous products like cameras, watches and name brand clothing and electronics presently available at discount prices will disappear, if this bill becomes law, from discount shelves. Consumer prices will rise and jobs will be lost among retailers, distributors and importers.

H.R. 3891 purports to eliminate counterfeit goods. I support that most worthy objective. But I regrettably have to conclude that the bill does not further that goal. Despite the fact that it is named the Trademark Anticounterfeiting Act, the legislation does not prohibit or discourage the manufacture, sale or distribution of counterfeit goods, nor does it punish the use of phoney product identification codes.

Instead, the bill prohibits the removal of genuine product identification codes from products. Because the bill deals only with the removal of genuine manufactured goods, by definition, it could have little or no effect on stopping or discouraging counterfeit goods.

Mr. Speaker, the true effect of H.R. 3891 will be to limit the distribution of genuine goods to discount stores. Brand name products are often sold in what is called the parallel market or the gray market. Legitimacy of this multibillion dollar market, which encompasses a wide variety of products such as cameras, clothing, electronic products, perfume and watches, has been upheld by numerous Federal courts, including the Supreme Court. Parallel market imports constitute, at retail, a multibillion dollar industry.

The billions of dollars in savings enjoyed by American consumers because of the parallel market has been well chronicled. Parallel or gray market imports are responsible for increasing the buying power of U.S. consumers over the last decade by preventing foreign manufacturers from monopolizing the distribution of products to U.S. retailers.

Americans will pay hundreds of millions of dollars more, unfortunately, each year to foreign manufacturers if this bill becomes law. Even though the parallel market is completely legal and benefits in a great way consumers, some product manufacturers believe that the parallel market is not in their best interests. So if they have these great lots of unsold products that they want to move in the discount area, manufacturers, by virtue of enactment

of this bill, would really have the ability to go after the manufacturer of these products and in a subtle way either limit their distribution or certainly limit the consumers' benefit, that being a reduction in cost.

The ultimate goal of manufacturers is to control the final retail price of their products. When done explicitly, the practice known as resale price maintenance has been plainly illegal under antitrust laws since the beginning of this century. The reason resale price maintenance is illegal is because we want retail outlets to compete on price when competition yields the best deal for consumers.

Manufacturers' use of product identification codes as cutoff access to the parallel market is simply resale price maintenance in disguise, and while I certainly appreciate the worthy nature, perhaps the goal of the authors of this legislation, I would suggest that this bill is far too broad. Proponents claim it will protect consumers by assisting the recall of defective merchandise; certainly a worthy goal, but if this is the purpose, the bill could easily be limited to products which implicate real public health and safety concerns, such as food, medicine and children's car seats and baby pajamas.

Mr. Speaker, numerous laws are already on the books that regulate the marketing of products which are of special concern for public safety: The Federal Food, Drug and Cosmetic Act, the Consumer Product Safety Act, Federal Meat Inspection Act, the Tariff Act, the Lanham Act, and the Anticounterfeiting Consumer Protection Act of 1996.

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

Mr. FORBES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman for his very thoughtful introduction into this discussion, pointing out that we are all against counterfeiting, that there are all kinds of laws which I am going to point out to my friends on the other side, and suggest a way that we could remedy this.

Mr. FORBES. Mr. Speaker, I rise to express my strong opposition to the "Trademark Anti-counterfeiting Act" (H.R. 3892) because of its effects on the retail sector of our economy and on American Consumers seeking quality products at discount prices.

This bill does nothing to stop counterfeiting of goods. Instead it stops legal sales by discount retailers.

If made law, the "Trademark Anti-counterfeiting Act" will have a substantial negative impact on the U.S. economy preventing millions of dollars in legitimate sales. Numerous products like cameras, watches and name brand clothing and electronics presently available at discount prices will disappear from discount shelves. Consumer prices will rise and jobs will be lost among retailers, distributors and importers.

The bill purports to eliminate counterfeit goods. I support this objective, but the bill does not further that goal.

Despite the fact that it is named the "Trademark Anti-counterfeiting Act," this legislation does not prohibit or discourage the manufacture, sale or distribution of counterfeit goods, nor does it punish the use of phony product identification codes.

Instead, this bill prohibits the removal of genuine product identification codes from products.

Because the bill deals only with the removal of genuine manufacturer codes, by definition it can have no effect on stopping or discouraging counterfeit goods.

The true effect of H.R. 3891 will be to limit the distribution of genuine goods in discount stores. Brand-name products are often sold in what is called the "parallel market" or the "gray market."

The legitimacy of this multi-billion dollar market, which encompasses a wide variety of products, such as cameras, clothing, electronic products, perfume and watches, has been upheld by numerous federal courts, including the U.S. Supreme Court.

In March of this year, the U.S. Supreme Court ruled in *Quality King Distributors, Inc. v. Lanza Research Int'l, Inc.* that the "parallel market" is protected under our copyright laws. Similarly, as far back as 1987, the U.S. Supreme Court rejected an attack on the "parallel market" under our trademark law.

"Parallel Market" imports constitute at retail a multi-billion dollar industry. Parallel or "Gray Market" imports were responsible for increasing the buying power of U.S. consumers over the last 10 years, by preventing foreign manufacturers from monopolizing the distribution of their products to U.S. retailers.

The billions of dollars in savings enjoyed by American consumers because of the "parallel market" have been well chronicled in nationally recognized trade publications like the *Chain Store Age Executive* and the *Discount Store News*.

Americans will pay hundreds of millions of dollars more each year to foreign manufacturers if this bill is made law. Even though the "parallel market" is completely legal and benefits consumers, some product manufacturers believe that the parallel market is not in their interest.

In an effort to keep their products out of discount stores, some place codes on the products that enable them to trace the chain of distribution of a particular item and then retaliate against distributors that sell goods into the "parallel market."

The ultimate goal of these manufacturers is to control the final retail price of their products. When done explicitly, this practice, known as "resale price maintenance," has been plainly illegal under antitrust laws since 1908. The reason resale price maintenance is illegal is because we want retail outlets to compete on price—that competition yields the best deals for customers.

Manufacturers' use of product identification codes to cut off access to the parallel market is simply resale price maintenance in disguise. We should not change Federal law to assist manufacturers in this anticonsumer practice, yet that would be the effect of H.R. 3891.

I am also very concerned that the "Trademark Anti-competitiveness Act" is far too broad. Proponents claim it will protect consumers by assisting recall of defective merchandise. If this is the purpose, the bill can easily be limited to products which implicate

real public health and safety concerns, such as food, medicine and children's car seats and baby pajamas.

Instead this bill covers any product sold in the U.S., no matter how benign, including such harmless items as books, clothing and furniture. There is no reason for including these everyday, innocuous products within the scope of the bill.

In addition, the bill addresses a problem that is already addressed by other, more comprehensive statutes.

Numerous laws already regulate the marking of products which are of special concern for public safety. Some of these laws include: the Federal Food, Drug & Cosmetic Act; the Consumer Product Safety Act; the Federal Meat Inspection Act; the Tariff Act of 1930; the Lanham Act; and the Anti-counterfeiting Consumer Protection Act of 1996 that applies Racketeer Influenced and Corrupt Organizations Act (RICO) penalties to counterfeiters.

Finally, this bill would have disastrous impacts on interstate commerce and on our legal system. It renders billions of dollars worth of merchandise illegal overnight.

The legislation criminalizes the act of decoding products and mandates the seizure and destruction of these decoded products. The avalanche of litigation that would follow between manufacturers and resellers and between retailers and their suppliers would be enormous.

If the bill is meant to avoid counterfeiting, then it should not apply to genuine products. If the bill seeks to address the issue of consumer protection in recalls, then it should do so without granting a limited group of product manufacturers broad anti-competitive powers.

Many parties that will be affected by H.R. 3891 have not had their concerns heard by this House. If made law, this bill will result in serious unforeseen hardships to consumers and businesses alike. I strongly urge that this bill be amended to avoid these negative consequences.

I urge my colleagues to vote against this bill, and I reserve the balance of my time.

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

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Intellectual Property.

Mr. COBLE. Mr. Speaker, I thank the gentleman from Virginia and commend him for the diligent hard work that he has put forward on this bill, and I urge my colleagues to support it.

Mr. Speaker, H.R. 3891 safeguards the ability of manufacturers to control the use of their products with which valuable marks are associated by protecting the integrity of corresponding "product identification codes" contained in product packaging. These codes, Mr. Speaker, comprised of numbers, letters, symbols, or expiration markings affixed to goods, enable manufacturers, it seems to me, to trace products back to a particular production lot, batch, or date of removal. In my opinion, this bill will further legitimate commercial interests, maintain the value of trademarks affiliated with goods, and promote public health and safety.

Finally I should note, and I am not sure this has been mentioned yet, that H.R. 3891 contains an "innocent infringer" exception to the bill adopted during subcommittee markup, and other changes which the gentleman from Virginia (Mr. GOODLATTE) has authored to preserve the ability of distributors to engage in lawful diversion of products. These additions to the bill, it seems to me, will ensure that public health and safety will be advanced on the one hand, but not on the other hand, at the expense of lawful commercial practices.

Mr. Speaker, I again thank the gentleman from Virginia for his work in bringing the bill to the floor, and I urge its adoption today.

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

Mr. Speaker, this discussion on the floor is tracking the same discussion that we had in the Committee on the Judiciary, and so perhaps we are so absorbed with the presidential scandal that maybe the members on the committee just cannot focus on this subject.

What is the matter, I say to my colleagues? We already told my colleagues that there are six Federal food, drug and cosmetic laws already on the books regulating for public inspection, plus the Federal Meat Inspection Act, the Tariff Act of 1930, the Lanham Act, Anticounterfeiting Consumer Protection Act of 1996, and the Consumer Product Safety Act.

My colleagues get on the floor, and I do not want to say they are taking advantage of the lack of knowledge of the rest of the Members of the House, but my colleagues know that there are dozens of bills fighting counterfeiting and that the real problem, I say to my colleague from Virginia (Mr. GOODLATTE), is that they are not being properly enforced; and that if the gentleman would have tailored his bill in a reasonable way to limit recall information, to protect the bar code issue, but just to open it up, I am going to have to say something here as politely as I am able to.

What the gentleman is doing is attacking the parallel market. The gentleman is going after the wholesalers, and wait until the citizens find out about this. What the gentleman is saying is that all the companies that sell below the wholesale houses, the pharmaceuticals, the TJ Maxxes, the RiteAids, all of them are going to be wiped out by a very cute way that the gentleman is handling this, because I think there is a motive here.

If the gentleman was really after counterfeiting, the gentleman would tailor it so that we can all get it.

□ 1400

What the gentleman from Virginia (Mr. GOODLATTE) is doing is protecting the high end retailers in America. I think we went through this in the Committee on the Judiciary. Why does the gentleman not come clean and say it?

They deserve congressional representation, but to mask it into an anti-

counterfeiting act, where we pick up designer jeans, cameras, perfumes, and all of these items that are sold in cut rate and wholesale situations, the gentleman knows that that is what the goal of this is. So why do we not just call it for what it is?

I am protecting the people in America that want to go to the malls and get a good deal. I am protecting the people that want to buy at discounted prices. What the gentleman is doing is putting the parallel market out of business. Why does the gentleman not come clean and admit it, or concede it, or maybe we will stipulate it? But do not talk about this as an anticrime issue. It is simply not that.

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

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

Mr. Speaker, I certainly hope that the gentleman from Michigan (Mr. CONYERS) is not attempting to protect those folks who are violating the law and attempting to defraud consumers in this country.

Let me just point out who it is that supports this bill. The gentleman says we are attacking the gray market, but the National Association of Mass Retailers does not oppose this bill. It is supported by the United States Chamber of Commerce. It is supported by the AFL-CIO. It is supported by the National Association of Manufacturers, and it is supported by the National Consumers League.

We are protecting consumers here, and we are not doing anything to affect those people who legitimately sell in the parallel market. I hope they continue to do so. That is certainly not what we are trying to affect here.

We are trying to help law enforcement be able to trace product codes. It would be a shame if the batteries sold to the perpetrator of the Atlanta bombings were tampered with by somebody because it was not against the law to tamper with the identification code, and the FBI was not able to trace, as they were in that case, those products back to where they were sold to help identify the perpetrators.

The same thing with the bombing over Lockerbie, Scotland. We do not know what kind of product may be used in a law enforcement investigation. It might be something related to a product that is for health and safety, but it might not be.

If Members were to, for example, exempt clothing from this, there are all kinds of product defects that take place with clothing. They can catch on fire, and people need to have the ability to be contacted and notified that there is a problem.

Limiting it to health and safety does not take into consideration products like baby toys, batteries. Where do we draw the line? Predatory pricing can be addressed through current antitrust laws. Those laws exist on the books. There are not laws on the books today prohibiting fraud from taking place

when somebody tampers with or removes a code. That is why we make this distinction.

In response to retail concerns, we have added language making the bill only applicable to those who knowingly perform one of the prohibited acts, so I cannot imagine why there would be any effort to protect those people who knowingly want to perpetrate a fraud like this. That is why we have the support of groups like the National Consumers League.

The bill also includes additional protections in the bill for innocent infringers. We are not targeting those folks. The current law does not adequately address the problem of product code tampering. That is what we are addressing in this bill. We are not addressing the parallel market.

Those who were concerned about that entered into detailed negotiations with us with other members of the committee. I am sorry that the gentleman did not choose to participate in those negotiations, but we worked with several members of the committee on both sides of the aisle to make changes to address those concerns. Those concerns have been addressed.

We are simply going after the bad guys, I would say to the gentleman from Michigan. I would hope that he would change his mind about the importance of this bill, both from the standpoint of protecting consumers, and from the standpoint of helping law enforcement address a serious problem.

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

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

Mr. Speaker, does the gentleman know what I am going to do? I am going to see that the gentleman does not get two-thirds on the vote today, that is what I am going to do for this bill, because the gentleman is misrepresenting the fact that there is no protection against trademark counterfeiting. May I refer the gentleman to the law? The gentleman has been on the committee some number of years now.

The Federal Food, Drug, and Cosmetic Act, 21 United States Code, annotated Section 301. Section 331 deals with adulteration and misbranding. How can the gentleman say there is nothing protecting us against counterfeiting? Section 333 provides for seizure of adulterated drugs or cosmetics. Has the gentleman ever heard of the law? Section 342 addresses false or misleading labels. Section 350-A regulates infant formula.

The gentleman did not come to the floor not knowing this. The gentleman knew this, because the gentleman from New York (Mr. SCHUMER) took 30 minutes explaining it, and the gentleman said we would work it out. We have not worked anything out. That is why I am opposed to it.

By the way, since the Chamber of Commerce supports this, the discount

drugstores do not support it, the Price Club does not support it, Rite Aid does not support it. The discounters and the parallel market are going to get wiped out, and the gentleman knows it. The gentleman knows it.

We have got all of these counterfeiting laws. Sections 351 and 352 govern adulterated or misbranded drugs or devices. Section 361 and 362 addresses cosmetics that are adulterated or misbranded. We have a Federal Meat Inspection Act, a Tariff Act, an anti-counterfeiting Consumer Protection Act of 1996. The gentleman was in on it. The gentleman helped pass it.

Now the gentleman is coming here arguing that this is for the benefit of the good guys, and the gentleman does not want me helping the bad guys. I want to suggest to the gentleman that it may be just the opposite.

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

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

Mr. Speaker, I would say to the gentleman from Michigan (Mr. CONYERS) that the legislation that he cited, some of which I authored and he supported, does not address issues where the law is intended to apply for reasons other than harm to the consumer. So if it is a matter of law enforcement, tracing the location of a product, it does not apply.

This legislation makes it clear that we cannot tamper with a product code because doing so is perpetrating a fraud, for one reason or another. But secondly, keeping that code on the product helps us to give law enforcement the tools they need to track down criminals.

In many, many cases criminals use products in the commission of a crime. When we can trace those products back to what store they were purchased from, where they were distributed from, we have a much greater chance of narrowing the field of suspects and tracking down who it was who actually purchased that product.

For that reason, and the others that I have already cited, the bill has strong support from a wide array of groups, from labor unions to retailers to manufacturers to law enforcement to consumers, and ought to deserve the same kind of broad-based bipartisan support here on the floor of the House of Representatives.

We did conduct further discussions with the gentleman from New York (Mr. SCHUMER) and others in the committee following the markup in the committee, and we reached agreement with a number of folks about changes which were made and incorporated into the legislation. Did we make everybody happy? No, because there are some folks out there who want to take labels off of products or change the labels in order to mislead folks about what is going on. That is simply what this legislation is directed at attacking.

Mr. Speaker, I would ask the gentleman to reconsider his opposition to

the bill. I would love to have his support for the bill, but I think he is on the wrong side of what is in the best interests of consumers, law enforcement, manufacturers, retailers, all across the board.

Mr. Speaker, I would again reserve the balance of my time, and urge the Members to support this legislation.

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

Mr. Speaker, let me say to my good friend, the gentleman from Virginia, I have never been, nor my staff, invited to participate in one single negotiation. If the gentleman from New York (Mr. SCHUMER) has, that would be almost unbelievable. I know he has not, either. Does the gentleman say he has?

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

Mr. CONYERS. No, not at this point.

Mr. GOODLATTE. The gentleman asked the question. I will be happy to answer it.

Mr. CONYERS. Does the gentleman remember what he told me earlier, that he has time that he can yield to himself?

Mr. Speaker, the point that I am making is that I have never been in any negotiations. I voted against this measure. It is a funny thing about this big rush on the bill, and there was not much notice about this bill. It came up at the last minute with no notice. There has been no opportunity to amend the bill, I say to the gentleman from Virginia (Mr. GOODLATTE). Why not? Because the gentleman does not think he needs to, because he can get two-thirds. I have news for the gentleman.

The fact of the matter is that this bill will allow all kinds of manufacturers to terminate distributors who sell their goods at a deep discount. We know that is what is behind it. And citing the Chamber of Commerce and my friends in labor, and by the way, I would love to compare my labor record with the gentleman's some day off the floor, we have groups of consumers, working people, discount organizations, that do not think we need a bill with this latitude.

We have been through this, so the gentleman is going to railroad it through on a suspension: perfume, cameras, designer jeans, jewelry, watches, shirts. I ask the gentleman to tell me, why do those items need to be covered?

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

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding. The reason why items need to be covered is—

Mr. CONYERS. These items.

Mr. GOODLATTE. Any item is potentially left at the scene of a crime. Any item could be left at the scene of a crime and could be traced to determine who it was that committed the crime.

Mr. CONYERS. Reclaiming my time, now the gentleman has said something

that the gentleman never said in the committee, and certainly it goes against any negotiations with whom ever the gentleman entered into them with.

If the gentleman is now telling me we should cover all items in the market, then I guess, if I can quote the gentleman on that in my handout, I think that will take care of it for today. The gentleman thinks everything should be covered; not just these items not covered, but all items should be covered, everything in commerce? If that is the gentleman's position, that just reinforces my opposition to it.

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

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

Mr. Speaker, let me first say to the gentleman from Michigan, nothing is being railroad. As the gentleman has quite accurately pointed out, for something to pass on suspension, it requires a two-thirds vote. If it were brought up under a rule it would only take a majority vote, so we are not trying to put anything over on anybody.

Frankly, it surprised me that the gentleman came down here to oppose it. We had no idea that the gentleman was opposed to the legislation at this point. The gentleman never indicated any reservations about the bill. If he had done so, we would have wanted to include him in any negotiations that we had, because we were working very diligently to pull together the support necessary to pass this important legislation.

But the gentleman is entirely inaccurate when he says there is no opportunity for amendment. The bill itself at the desk is a manager's amendment taken from suggestions made by those who had concerns in the Committee on the Judiciary meeting, and we did not reach agreement with everybody. It is hard to reach agreement with everybody. But we reached agreement with some of those who raised reservations, and we changed the bill accordingly.

Mr. Speaker, I am sorry that the gentleman has the opposition. I would love to have sat down with him ahead of time and attempted to work those matters out, if it were possible. But I was never notified that the gentleman was going to oppose the legislation. I do not believe the basis on which the gentleman is opposing it is appropriate. It is simply not the case that this is going to damage the parallel markets or the so-called gray markets.

□ 1415

We have addressed concerns raised by a number of folks to make sure that that in fact would not be the case.

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

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Michigan (Mr. CONYERS) has 3½ minutes remaining. The gentleman from Virginia

(Mr. GOODLATTE) has 5½ minutes remaining.

Mr. CONYERS. Mr. Speaker, could we even up the time a little bit.

Mr. GOODLATTE. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS) since he was kind enough to yield to me a little while ago.

Mr. CONYERS. Mr. Speaker, I would like to introduce myself to the gentleman from Virginia (Mr. GOODLATTE). I am the ranking member of the committee. I had no notice that the bill was being brought up. The information was delivered through the minority leadership of the House.

So to tell me that I should have been following my colleague all along is a little bit odd. What we are trying to say here is that we never had a chance to amend the bill. And to tell me that there is a manager's amendment at the desk that I never participated in now shows that the bill was amended without me is not insulting, but it almost suggests that I don't understand the process.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

Mr. CONYERS. Mr. Speaker, I yield myself 2 additional minutes.

The problem is this, why do we need the gentleman from Virginia (Mr. GOODLATTE) to apply anticounterfeiting provisions to general items like jeans and perfume? Could the gentleman tell me what health problems he has discovered that makes them to be included. It is not a crime to sell these goods in the parallel market. The gentleman knows the case law on this as well as I.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, in the case of perfume, it is easy to have a product that the code can be tampered with and put in a product that came in the original bottle that has been tampered with, adulterated, could cause harm when applied to the skin. With regard to blue jeans, they might be flammable. They might be in a suitcase in an airplane that is blown up in the sky and could help to identify where it came from.

Mr. CONYERS. Mr. Speaker, reclaiming my time, we had hearings, and there were no cases like these hypotheticals cited. So what is the gentleman doing? I mean, is this reality legislation or what? Can the gentleman tell me the jeans and perfume, one might be adulterated and the other might be flammable? I have the transcript of the hearings, and there is nothing in them about that. Now, maybe yes; but in reality, no.

So I think there is an economic motivation that is not going to be good for the parallel market. Is the gentleman's constituents not like mine? They like to go and shop for discounts sometimes. What is the gentleman telling them?

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

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

Mr. GOODLATTE. Mr. Speaker, I like to shop for discounts myself.

Mr. CONYERS. Then why is the gentleman doing this to the parallel market?

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

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

Mr. Speaker, I would just say to the gentleman that it is impossible to define what products might be used by law enforcement at some point in time to trace a product code.

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

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

Mr. FORBES. Mr. Speaker, is my good friend the gentleman from Virginia (Mr. GOODLATTE) making a case that everything that is sold in the United States should have a product code so we can trace all goods?

Mr. GOODLATTE. Reclaiming my time, no, I am only making a case that if a code is put on the product by the manufacturer, the Congress, the people should not be questioning the reason for doing that by allowing the removal of that code for various reasons, one of which is tracing products that may have been adulterated and need to be recalled, may have defects and need to be recalled, products that may be used by law enforcement, may be discovered at the scene of the crime and can trace a crime.

There is no compelling argument why somebody should be able to pull the code off the product and continue to sell the product without having that kind of consumer protection. That is why the National Consumer League supports the bill.

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

Mr. GOODLATTE. I yield further to the gentleman from New York.

Mr. FORBES. Mr. Speaker, would the gentleman not agree that there is an attempt by some manufacturers when they are tracing products at discount houses and they see those same products are in competition with their own sales that they cut off distribution to those discount houses?

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, that is against the law, and we have antitrust laws that prohibit that very activity that the gentleman has just described. And when that occurs, I have seen many instances where cases are brought for that kind of discriminatory treatment in the marketplace, and those laws should be enforced.

But it certainly should not interfere with a manufacturer's legitimate need and law enforcement's legitimate need to have those product codes not tampered with, falsified on the product. I think that is outrageous.

Mr. FORBES. Mr. Speaker, will the gentleman further yield?

Mr. GOODLATTE. I yield further to the gentleman from New York.

Mr. FORBES. Mr. Speaker, is the gentleman aware that there are representatives of various manufacturers that do go into these discount houses and they look at these product lines and they look at the labeling and they have taken, in the past, action against some of these folks that are working in the parallel market?

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, if they do so, then they should be prosecuted under the laws that already exist on the books if they are doing so in the discriminatory manner that the gentleman describes.

Mr. Speaker, I reserve the balance of my time, and I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 90 seconds remaining.

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

Mr. Speaker, I am in a state of exhaustion now. The rational processes have taken flight in this discussion. We get no notice. We found out about it this morning. The bill is too broad. That was complained of in the committee.

The gentleman has introduced a manager's amendment and said, well, we amended the bill. We gave our colleagues a unilateral manager's amendment. Are they not happy?

This bill would make it easier for manufacturers to terminate discounters. That is the economic question underneath it. Let us not fool ourselves. There is no question this bill would lead to less discounting. I hope the gentleman's constituents would be happy to find that out in the event that this bill becomes law.

Let us send the bill back to committee so that we can get a narrow bill that will really be good for the consumers.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. FORBES) for any closing comments if he has any.

Mr. FORBES. Mr. Speaker, I thank the gentleman from Michigan, and I would just urge my colleagues to oppose this measure. If our attempt is to be able to trace consumer products, then let us call it what it is and let us get a bill on the floor that labels every product ever sold in the United States of America. Unfortunately, I think this is a back-door attempt to really raise the price of consumer goods, to thwart the discount market, and to make it tougher on consumers.

I am sorry for that. I would urge my colleagues to please reject this bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, let me just say, in response to the gentleman from New York (Mr. FORBES), that if his statement were accurate, then organizations like the National Association of

Mass Retailers and the National Consumers League would oppose this legislation, and they do not.

The reason they do not is that they share the concerns that many have about product safety. They share the concerns that many have about law enforcement and they share the concerns that many have about what motivations somebody has for pulling off the product identification code from a product and then wanting to resale it.

What are they hiding from? I would suggest to my colleagues that they are hiding from the fact that there are criminal activities that take place by those who adulterate products, who change products, and they should not be allowed to do that by altering or removing these codes. That is what this legislation clearly addresses.

It is clearly needed because all the laws cited by the gentleman from Michigan (Mr. CONYERS), which are very good laws, some of which I introduced myself, do not cover the specific facts and the specific instances of removing and tampering with labels that are addressed in this bill, and that is why the legislation is supported by the AFL-CIO.

I am pleased to have their support for this legislation. It is not often that they come together and agree with manufacturers, and the United States Chamber of Commerce and consumers, but when we have that kind of collection of support, and the needs of law enforcement, we ought to take advantage of the opportunity to pass a very good bill and ignore the concerns of a very narrow, limited group of people who are not just in the gray market, which we support, but which are involved in criminal activity in the gray market, which we do not support and which this bill attacks. I urge my colleagues to support this legislation.

Mr. SCHUMER. Mr. Speaker, I rise in strong opposition to H.R. 3891, the Trademark Anticounterfeiting Act. In my view, this legislation would be devastating to consumers seeking quality products at discount prices.

H.R. 3891 will have a substantial negative impact on the U.S. economy. It will preclude millions of dollars in legitimate sales. Numerous products presently available at discount prices will disappear from discount shelves. Consumer prices will rise and jobs will be lost among retailers, distributors, and importers.

Furthermore, H.R. 3891 will place additional burdens on law enforcement and on the courts. This legislation, however, provides no funding for these additional enforcement responsibilities.

The Trademark Anticounterfeiting Act, H.R. 3891, is intended to eliminate counterfeit goods from the marketplace. I support this goal; however, we find nothing in this bill to further this goal. This legislation does not prohibit or discourage the manufacture, sale, or distribution of counterfeit goods.

The real goal of this bill is to stop the legitimate practice known as the "parallel market" or "gray market." This is a perfectly legal market where middle men buy overstock from high end retail stores, and resell the goods to discount retailers. The high end manufacturers

of these products have decided that too many consumers are buying their goods at discount stores and want to use this bill to cut off the middle men who supply discount stores.

In an effort to keep their products out of discount stores, some manufacturers place codes on the products. These codes are used to trace the product through its chain of distribution for ammunition against the distributors that sell their goods in the parallel market. The goal of these manufacturers is to control the final retail price of their products. When done explicitly, "resale price maintenance" has been plainly illegal under antitrust laws since 1908. The manufacturers use of product identification codes to cut off access to parallel markets is simply resale price maintenance in disguise.

The proponents of this bill have claimed that it will protect consumers by assisting in the recall of defective merchandise. If this is the purpose, the bill can easily be limited to products which implicate real public health and safety concerns, such as food, medicine, and products for children (like car seats and baby pajamas). Alternatively, parallel market resellers could be given some of the responsibility for enabling recalls.

But instead of these sensible, targeted approaches, the bill as written is astonishingly sweeping. It covers any product sold in the U.S.—from books to clothing to furniture. No reason whatever has been articulated for including these everyday, non-threatening products within the scope of the bill.

As a result of the broadly defined "product identification code", resellers will have no way to determine upon looking at a product which codes or markings constitute a product identification code. The language of H.R. 3891 is far too vague and it needs to be refined.

In addition, the bill addresses a problem that is already addressed by other, more comprehensive statutes. Numerous laws already regulate the marking of products which are of special concern for public safety.

Finally, H.R. 3891 would impose broad new burdens on law enforcement and the judiciary. By failing to provide a transition period, this law would render billions of dollars worth of merchandise illegal overnight. The avalanche of litigation that is likely to follow between manufacturers and resellers and between retailers and their suppliers is likely to be enormous due to the broad impact of this bill on the U.S. marketplace.

Further, this legislation criminalizes the act of decoding products and mandates the seizure and destruction of these decoded products. Presumably, the burden of investigating and prosecuting such acts will fall to our law enforcement agencies. No funding has been allocated to defray the extra burden on these agencies or to employ additional personnel.

Once again, I strongly oppose this bill. If this bill is meant to avoid counterfeiting, then it should not apply to genuine products. If this bill seeks to address the issue of consumer protection in recalls, then it should do so without granting a limited group of product manufacturers broad anti-competitive powers.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

The question was taken.

Mr. FORBES. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SIDNEY R. YATES FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4595) to redesignate a Federal building located in Washington, D.C., as the "Sidney R. Yates Federal Building," as amended.

The Clerk read as follows:

H.R. 4595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 201 Fourteenth Street Southwest in the District of Columbia, and known as the Auditors Main Building, shall be known and designated as the "Sidney R. Yates Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Sidney R. Yates Federal Building".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 3, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, H.R. 4595 is a simple naming resolution which redesignates the Federal building located at 201 14th Street, Southwest, Washington, D.C., currently known as the Auditors Main Building, as the Sidney Yates Federal Building.

Our colleague, the gentleman from Illinois (Mr. YATES) is retiring at the end of this Congress after serving with distinction for 24 terms of office. He was first elected to Congress in 1948 and held his seat continuously but for a brief 2-year absence in 1963 to 1964. He has served as a member of the Committee on Appropriations during his terms and became chairman of the Subcommittee of Interior of the Committee on Appropriations in 1975, holding the chairmanship for 20 years.

The gentleman from Illinois (Mr. YATES) was born in Chicago, Illinois, in 1909. He attended the University of Chicago, where he earned his law degree in 1933. He commenced practice in Chicago and became the assistant attorney general with the Illinois Commerce Commission back in 1937.

The gentleman from Illinois (Mr. YATES) also served in the United States Navy from 1944 to 1946, attaining the rank of lieutenant.

This is a fitting honor for our revered colleague and I am pleased to support the bill and urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois (Mr. YATES) is one of our great Members, but I want to offer something to the Congress a little bit different than usual about the gentleman from Illinois. Years ago, he was a star basketball player at the University of Chicago. In fact, he played center. Today, the centers are 7 feet 2, 7 feet 5, even taller.

While he was a center at the University of Chicago, they played against the great George Mikan team, the great Hall of Famer, the first big man superstar in America, and I would say to my colleagues in the Congress of the United States, the gentleman from Illinois (Mr. YATES) played George Mikan tough.

He has made it tough all through his life for those who he competed against but he was always fair. He has been loved in every profession. He has been loved in every community. He is absolutely endeared and loved by this House.

I want to say, even though he did not have a jump shot and he was known for the old fashioned two-handed set shot, he was absolutely devastating with a hook shot with either hand, and he has taken that type of competitiveness, zeal, spirit, team work, to the Congress.

There has not been one bill dealing with arts in this country that failed to experience the fingerprints of the gentleman from Illinois (Mr. YATES). If there is a father and champion of the arts, it is the gentleman from Illinois (Mr. YATES).

Mr. Speaker, I rise in absolute support of this tribute. It is worthy. It is deserving.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise to honor our longest-serving House Member, the distinguished gentleman from Illinois, Mr. SIDNEY R. YATES, by redesignating a Washington, D.C. Federal building in his name. Elected in 1948, Congressman YATES is departing this year after his 24th term. His impressive dedication to public service began after Congressman YATES had served the United States in the Navy from 1944 to 1946.

SID YATES has served on the Appropriations Committee and for nearly 20 years was known as a significant member of the panel's "College of Cardinals." He ends his career as the Ranking Member of the Interior Appropriations Subcommittee.

As Chairman of the House International Relations Committee, I commend SID for his

dedication to foreign affairs and his willingness to accommodate the administration and International Relations Committee Members.

A man whose work ethic extended above and beyond the call of duty, SID has earned a reputation as taskmaster. His hearings are among the most detailed in the House, and he always does much of his own research. On the floor, SID YATES has always demonstrated a great command of facts, and during hearings would often take the lead in examination and cross-examination of witnesses with an expertise which became legendary.

Mr. Speaker, I invite our colleagues to wholeheartedly support this bill to redesignate a Federal building located in Washington, D.C., as the SIDNEY R. YATES Federal Building. Please join with us to honor SID YATES for his 24 outstanding Congressional terms.

Mr. PORTER. Mr. Speaker, I rise in strong support of this bill. As all of my colleagues are aware, the gentleman from Illinois has worked tirelessly, throughout his extensive tenure in Congress, on numerous issues but especially on the effective management of our public lands. While this legislation provides recognition in Washington for the work that the gentleman from Illinois has done, the impact of this work is felt far beyond the beltway. His efforts can be seen in every National Park, Refuge, Wilderness, Grassland, Prairie, and Forest across the Nation.

When SID YATES first entered Congress in 1948, there were 29 million recreational visitors to our National Parks. Last year, there were over 279 million. The popularity of, and experiences provided by, these parks is due in large part to the vision of SID YATES. He knew that the number of visitors to these parks would only increase and he wanted to be sure that the Park System had the needed capacity.

I am fortunate to have served many years with SID in Congress, representing the district just north of his. He is a man that I hold in highest respect for the work he has done and the character and integrity that he has brought to this institution. He will be missed but his contributions will never be forgotten.

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

Mr. TRAFICANT. Mr. Speaker, I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 4595, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the Federal building located at 201 Fourteenth Street Southwest in the District of Columbia as the 'Sidney R. Yates Federal Building'."

A motion to reconsider was laid on the table.

RICHARD C. WHITE FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

3598) to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building".

The Clerk read as follows:

H.R. 3598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 700 East San Antonio Street in El Paso, Texas, shall be known and designated as the "Richard C. White Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Richard C. White Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

H.R. 3598 designates the Federal building located in El Paso, Texas as the Richard C. White Federal Building. Congressman White represented the 16th district of Texas of the United States House of Representatives for 9 successive terms from 1965 to 1983.

He was known for his dedication to public and community service. He served in the United States Marine Corps during World War II, receiving the military Order of Purple Heart. He also served in the Texas State House of Representatives from 1955 to 1958.

In 1983, after serving his ninth congressional term, Congressman White returned to his family in El Paso to resume his legal career and serve as a civic leader. He passed away in February of this year.

As a dedicated public servant of the people of El Paso, Texas this is a fitting tribute. Again, I support the bill and urge my colleagues to support the bill.

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

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

Richard White was a former colleague from Texas who represented the 16th district from 1965 until 1983. The gentleman from Texas (Mr. REYES) who currently holds this seat, former border patrol agent and a very fine Member, is the sponsor of this bill.

Congressman White was a native Texan, University of El Paso, received his law degree from the University of Texas in Austin.

He served his country with honor and distinction. In the United States Marines stationed in the Pacific, he saw active duty and was awarded the military Order of the Purple Heart. He served on many committees in the Congress, including Arms Services, Interior, Post Office and Civil Service,

Committee on Science and Technology. He was known as a consensus builder and a team player.

In 1983, he retired to El Paso and resumed his legal career. He was a devoted husband, father of 7 children. His values and character and integrity and leadership skills were assets to the United States of America and certainly to this Congress.

It is absolutely proper and fitting that this tribute be made, naming this Federal building.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES).

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

I rise in support of the bill, H.R. 3598, and urge the House to pass it. I am proud to have authored this legislation to name the Federal building in El Paso, Texas after Richard C. White, the man who represented the people of El Paso in Congress for 9 terms, from 1965 to 1983.

In his years of service to our Nation and to the people of the 16th district of Texas, Congressman White showed genuine concern for his constituents and a commitment to do all that was in his power to help those whom he served. He truly led a life filled with integrity, compassion and contributed to the welfare of others. And he made a lasting impression on the lives of all who knew him.

I am proud to have personally known Congressman White. The more I learned about this individual, the more respect and admiration I and members of my family had for this fine gentleman and representative of the people's House.

He made a lifetime commitment to his community and to his country. As a young man he served as a marine in World War II, seeing combat in Bougainville, Guam and Iwo Jima, where he was wounded and received the Purple Heart for his service to his country.

His military service was only the beginning of a lifetime of public service. Upon returning to the States, he began an outstanding career in 1949 as a lawyer advocating for the people of El Paso.

Heeding a for even greater community service, Congressman White launched a distinguished career as a State legislator, serving first in the Texas legislature from 1955 to 1958. From the beginning he worked hard to improve the quality of life along the Texas border and left behind a strong legacy for all border legislators.

Among his numerous legislative accomplishments, he focused on health care and environmental issues, establishing a nursing school at the University of Texas at El Paso and creating the Hueco Tanks State Park.

Thereafter he sought to make an even greater impact by serving at the national level and began a congressional career in 1965 as a representative for the 16th district of Texas.

Many of my colleagues were his colleagues and remember his powerful ad-

vocacy on behalf of El Paso and for the well-being of the Nation as a whole.

I can tell them that as I now serve in the seat he formerly held, I take great pride in working to meet the high standards that he set for all of us here in Congress. Congressman White personified the meaning of honorable leadership and public service. He stood for high ethics and moral values, and he always stood by his word.

Many of my colleagues recall his work on the Committee on Armed Services which reflected an unyielding commitment to our national security. He provided unwavering support for air defense through El Paso's Flort Bliss Army Post and drafted the reorganization of the Joint Chiefs of Staff.

In addition, he brought the needs of El Paso and the border to the forefront. He created the Chamizal Border Highway and the Chamizal National Memorial and enacted the Scenic Rivers bill. Moreover, I know that many of you were proud to have served with him on the Interior and Insular Affairs committee, the Post Office and Civil Service Committee and the Committee on Science, Space, and Technology.

While Richard White was known for his legislative accomplishments, maybe his greatest accomplishment was serving as a tremendous role model for countless young people from El Paso, the State of Texas and this great country.

He had a kind word for everyone he met and never failed to take time to encourage our children to reach their full potential. This was reflected in his dedication as a family man. And despite having attained seniority and earning the admiration of his peers in Congress, Richard White left this body after 9 terms in 1983, to return to that family that he so much loved in El Paso.

He was the proud father of 7 children and was devoted to spending more time with each and every one of them as they grew up. Nonetheless, after leaving Congress, he continued working towards the betterment of El Paso. He remained active in numerous community affairs and lent his wisdom to me and the 16th district as a mentor and as a civic leader. I can say that Richard White made the most of his life by touching the lives of all those around him. He will always be remembered as a wonderful Congressman and wonderful husband, a tremendous father, friend, role model and a great person.

He was a true gentleman who is profoundly missed and it is only fitting that we honor and remember him by passing this legislation today and naming the El Paso Federal building in his name.

I would like to thank my colleague, the gentleman from Texas (Mr. ARMEY) the majority leader, and also the minority leader, the gentleman from Missouri (Mr. GEPHARDT) for scheduling this bill on the floor today. I would also like to thank Committee on Transportation and Infrastructure

chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for their full support of this legislation.

In addition, I want to thank the Subcommittee on Public Buildings and Economic Development, the gentleman from California (Mr. KIM), and the ranking member of the subcommittee, the gentleman from Ohio (Mr. TRAFICANT) for giving me this opportunity to speak on behalf of Richard White today.

I appreciate the work of their staffs in moving this legislation forward. I would also like to extend my extreme gratitude to the 41 Members who cosponsored H.R. 3598 and the other 16 Members who agreed to cosponsor the bill after it came out of committee.

Congressman White would have been pleased to know of his many friends in the 105th Congress who knew him and respected him and who remember his legacy of public achievement and leadership on behalf of this great Nation.

With passage of this bill, I look forward to the Senate's quicken enactment of the bill and the President's signature.

Richard White, thank you and gracias for your leadership and inspiration.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3598.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JERE COOPER FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2730) to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the "Jere Cooper Federal Building".

The Clerk read as follows:

H.R. 2730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 309 North Church Street in Dyersburg, Tennessee, shall be known and designated as the "Jere Cooper Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Jere Cooper Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman

from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

H.R. 2730 designates the Federal building in Dyersburg, Tennessee as the Jere Cooper Federal building. Congressman Jere Cooper was born on a farm near Dyersburg, Tennessee in 1893. He attended local schools and earned a degree in law from Cumberland University in 1914.

In 1917, after commencing his legal practice, he enlisted in the Second Tennessee Infantry National Guard and was commissioned a first lieutenant. He served his country during World War I and was promoted to captain, serving as a regimental adjutant until his discharge in 1919.

Congressman Cooper began his political career as a member of the city council and city attorney from 1920 through 1928. He was also elected to the post of State Commander of the American Legion of Tennessee in 1921. In 1929, he was elected to the 71st United States Congress, representing a major portion of what is now the 8th congressional district of Tennessee.

He served his district for 14 succeeding Congresses, until his death in 1957. As a member, Congressman Cooper's distinguished himself on the Committee on Ways and Means as both a member and as chairman and served as chairman of the Joint Committee on Internal Revenue Taxation also.

I support the bill and urge my colleagues to support it.

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

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

I want to join and associate myself with the remarks of the gentleman from California (Mr. KIM) on the bill.

I would also like to comment a little bit out of school about the fine efforts of the gentleman from Texas (Mr. REYES) for bringing the previous bill to the floor in honoring the great member from his district that he now represents so well.

On H.R. 2730, no question that we have a man that had a great impact on America, chairman of the Committee on Ways and Means, a leader, always prepared to stand up and do what he felt was right. I think it is absolutely fitting that we join with the sponsor the gentleman from Tennessee (Mr. TANNER) to go ahead and support this designation. It is aptly fitting.

Mr. TANNER. Mr. Speaker, I rise today in support of H.R. 2730, a bill introduced to designate the Federal building in Dyersburg, Tennessee as the Jere Cooper Federal Building.

U.S. Representative Jere Cooper represented in Congress a major portion of what is now the 8th Congressional District of Tennessee. During his nearly three decades of service, he distinguished himself on the House Ways and Means Committee as both a member and as its chairman. His service began in

1929 when our country was in the depths of the Great Depression and continued through some of our nation's greatest challenges—World War II, the Korean War and the beginning of the cold war. He served his district, the State of Tennessee, and the Nation with pride and distinction.

Representative Cooper was born on a farm near Dyersburg in Dyer County, Tennessee, on July 20, 1893. In 1917, after earning a law degree from Cumberland College, he enlisted in the Second Tennessee Infantry, National Guard and was commissioned a first lieutenant. He served his country in France and Belgium during World War I. He was promoted to captain and served as regimental adjutant until discharged from the Army. He also served as the state Commander of the American Legion in Tennessee. He was first elected to the Seventy-First Congress and to the next fourteen Congresses serving from March 4, 1929, until his death in December 18, 1957. He served as the distinguished chairman of the Ways and Means Committee in the Eighty-Fourth and Eighty-Fifth Congresses.

I believe that designating the Federal building in Dyersburg, Tennessee as the Jere Cooper Federal Building is a befitting honor and memorial, and I urge my colleagues to support H.R. 2730, a bill to honor the late Representative Jere Cooper.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 2730.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2187) to designate the United States Courthouse located at 40 Foley Square in New York, New York, as the "Thurgood Marshall United States Courthouse".

The Clerk read as follows:

H.R. 2187

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 courthouse located at 40 Foley Square in New York, New York, shall be known and designated as the "Thurgood Marshall United States Courthouse".

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Thurgood Marshall United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

□ 1445

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

Mr. Speaker, House Resolution 2187, again, designates the United States Courthouse at 40 Foley Square in New York City as the Thurgood Marshall United States Courthouse.

Thurgood Marshall was born in Baltimore, Maryland. He graduated cum laude from Lincoln University in 1930, and graduated top of his class from Howard University School of Law in 1933.

Upon graduation from law school, Justice Marshall began his legal career with the National Association for the Advancement of Colored People. It was during this time, as chief counsel, that he organized efforts to end segregation in voting, housing, public accommodations and education. This legislation led to the landmark Supreme Court decision of *Brown v. Board of Education* which declared segregation in public schools to be unconstitutional.

In 1961, Justice Marshall was appointed to the Second Circuit Court of Appeals by President Kennedy, and 4 years later was chosen by President Lyndon Johnson to be the first African American Solicitor General. Two years later, in 1967, President Johnson nominated Justice Marshall to become the first African American Justice of the Supreme Court, where he served with distinction until his retirement in 1991. Justice Marshall died in 1993, and laid in state at the Supreme Court, a rare and privileged honor.

This is a fitting tribute to an honored jurist and great historical figure. I support this bill and urge my colleagues to support it.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of the bill, and I commend him for the outstanding job and the efforts he has put forth in ensuring this be brought before the Congress.

Mr. ENGEL. Mr. Speaker, I thank my friend, the gentleman from Ohio (Mr. TRAFICANT), for those words and, Mr. Speaker, I rise to encourage my colleagues to support H.R. 2187, a bill which I introduced last year to name the Federal Courthouse at Foley Square in New York City as the Thurgood Marshall United States Courthouse.

By naming the Foley Square Courthouse after Justice Marshall, Congress would send a signal to the American people and the entire world of the importance of the principle of equality under the law.

As my colleagues know, the late Thurgood Marshall was not only the first African American Justice of the United States Supreme Court, he also was one of the greatest trial and appellate lawyers in the history of our Nation. Through his skill, advocacy, and

dedication to the cause of civil rights, he led the charge for equality not only for African Americans but for all Americans.

Thurgood Marshall was born on July 2nd, 1908 in Baltimore, Maryland. After attending public schools in Maryland, he received his Bachelor's Degree from Lincoln University in Pennsylvania, and his law degree from Howard University right here in Washington, D.C., where he graduated first in his class.

After handling a variety of private legal cases, Thurgood Marshall was appointed in 1936 as special counsel to the NAACP, the National Association for the Advancement of Colored People. Only 3 years later Marshall founded the NAACP Legal Defense and Education Fund, one of the great protectors of civil rights in our country's history.

While at the NAACP, Thurgood Marshall won 29 of 32 cases he argued before the United States Supreme Court. Most prominent of Marshall's victories was *Brown v. Board of Education*, in which the Supreme Court struck down the "separate but equal" policy that was used to justify school segregation. While at NAACP, Marshall also won important cases against discriminatory poll taxes, racial restrictions in housing, and whites-only primary elections.

In September 1961, after such a distinguished career with the NAACP, President John F. Kennedy appointed Thurgood Marshall as the first African American to sit as a judge on the United States Court of Appeals for the Second Circuit. And later, President Lyndon B. Johnson appointed Marshall as the first African American to serve as the United States Solicitor General.

On June 13, 1967, President Johnson appointed Thurgood Marshall as the first African American to sit as an Associate Justice of the Supreme Court. During his tenure on the court, Marshall became known for his heartfelt attacks on discrimination, unyielding opposition to the death penalty, and support for free speech and civil liberties.

The Courthouse at Foley Square in Manhattan, in New York City, has gone unnamed since its construction in 1935. I believe that identifying this courthouse with Justice Marshall would be a fitting tribute to his life's pursuit of justice and equality under the law.

This is a very, very famous courthouse. Indeed, when I first announced my candidacy for Congress 10 years ago, back in 1988, I announced it at the steps of the Federal Courthouse at Foley Square. It is a very, very important and well-known courthouse in the entire New York City metropolitan area.

Mr. Speaker, it is important to note that the New York State Senate, the New York State Bar Association and the New York State County Lawyers' Association, of which Marshall was a long-time member, have endorsed this bill. This bill has been endorsed in a bipartisan fashion with cosponsors of the bill, many cosponsors of the bill, in-

cluding my colleagues, the gentleman from Westchester County, in New York, the chairman of the Committee on International Relations (Mr. GILMAN); the gentlewoman from New York (Mrs. KELLY); and the gentlewoman from New York (Mrs. LOWEY). And there are others as well.

I urge my colleagues to offer this tribute to Justice Thurgood Marshall and to support H.R. 2187. This is certainly a bill on which everyone agrees, and I am very grateful to the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER), who was very instrumental in helping me get this bill to the floor; the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); my friend, the gentleman from Ohio (Mr. TRAFICANT); and the gentleman from California (Mr. KIM). I want to thank everybody for this. This is truly a bipartisan effort.

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

Mr. ENGEL. I yield to the gentleman from New York, the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York (Mr. ENGEL) for bringing this matter to the floor, for working so diligently, and giving proper recognition to an outstanding leader in our country, an outstanding jurist, one we can all be proud of when we associate the name of Thurgood Marshall with a Federal Courthouse. Again, I join in support of the gentleman's measure.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the former Speaker of the State Legislature of Maryland, who is doing an outstanding job down here.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me this time, and I wanted to take a moment to also thank the gentleman from New York (Mr. ENGEL) for the introduction of this legislation.

I feel very close to this legislation because Thurgood Marshall lived in a home which is literally about eight blocks from where I live in Baltimore right now. As a matter of fact, we also share something else in common, in that we are both graduates of Howard University.

I think Thurgood Marshall brought to our Nation a sense of fairness, and he is one who consistently stood up for the things that he believed in. Another interesting thing that I love about him is that a lot of his research for his cases was done in Clarendon County in South Carolina. That is where my mother and father were sharecroppers.

And so Thurgood Marshall has played a very, very significant role in the city of Baltimore. And, of course, he was turned away at one time from the University of Maryland Law School, which is the law school I attended and graduated from.

I think it is very fitting that this courthouse be named after Mr. Marshall. I would say to the gentleman

from New York (Mr. ENGEL), that my only regret is we could not name a courthouse in Baltimore after Mr. Marshall, for he is truly a hero for all of us.

And he is one who is set out amongst lawyers, as we look at lawyers, and young African American lawyers looking for a role model. Thurgood Marshall was that role model, and I am sure he was a role model for many, many other lawyers and for many other people. So I want to thank the gentleman for this legislation.

Mr. TRAFICANT. Mr. Speaker, without a doubt Howard University has produced an awful lot of fine graduates.

I would just like to associate myself with all the remarks made, but I would like to steal a quote from FDR, when he talked about a day that would live in infamy. I would like to talk about a legal case that will literally live in infamy, the 1954 *Brown v. Board of Education of Topeka* case. That case handled by our great Supreme Court Justice Thurgood Marshall. The bottom line, racial segregation in the United States public schools was declared unconstitutional by the efforts of that legal case in 1954 that lives in infamy.

I want to commend the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. GILMAN) for this legislation. It is absolutely appropriate.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 2187.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. 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 materials on H.R. 4595, as amended, H.R. 2187, H.R. 3598, and H.R. 2730, the bills just passed.

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

There was no objection.

AMENDING FAIR LABOR STANDARDS ACT TO PERMIT CERTAIN YOUTH TO PERFORM CERTAIN WORK WITH WOOD PRODUCTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4257) to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, as amended.

The Clerk read as follows:

H.R. 4257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

“(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

“(i) is at least 14 but under the age of 18, and

“(ii) is a member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

“(B) The employment of an individual under subparagraph (A) shall be permitted—

“(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

“(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

“(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

“(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Speaker, H.R. 4257 addresses a unique problem resulting from the application of the child labor provisions of the Fair Labor Standards Act.

Children in the Amish community complete their formal classroom education at age 14 or 15. In fact, the Amish faith teaches that their children's formal classroom education should end after the 8th grade, after which they learn by doing, through work under the supervision of their parents or another community member.

For many years, most Amish youth worked in agriculture on their family farm. However, as every other farmer is suffering and struggling today, most Amish youth no longer have that opportunity. For a variety of reasons, the Amish have, in recent years, been forced to rely more and more on other occupations. Many have gone into operating sawmills and other types of woodworking.

□ 1500

So increasingly, the opportunities to learn by doing for Amish young people are in these types of workplaces.

The problem is that the Department of Labor's Regulations prohibit 14- and 15-year-olds from working in any sawmill or woodworking shop and severely limit the work of 16- or 17-year-olds in these workplaces.

In recent years the Department of Labor has undertaken a number of enforcement actions against Amish employers. As a result, Amish youth no longer have the opportunity to learn skills and work habits through the community's traditional means. As the Amish struggle to raise their children and preserve their way of life, the Department of Labor's actions are, in effect, undermining the Amish culture.

H.R. 4257 is a narrow bill which addresses this specific problem. It would allow persons between the age 14 and 18 to work in sawmills and woodworking shops so long as they do so under the supervision of an adult relative or a member of the same faith. The young person would not be permitted under any circumstances to operate or assist in the operation of any power-driven woodworking machine. Again, I repeat they would not be permitted to operate or assist in the operation of any machinery.

A young person must be protected from wood particles or other wood flying debris within the workplace by a barrier or by maintaining an appropriate physical distance from operating the machinery. In addition, the young person must be protected from excessive levels of noise and sawdust by the use of personal protective equipment.

An amendment accepted during the Committee on Education and the Workforce markup made several changes to the bill to address safety concerns raised by some members of the committee. Subsequent to the committee's markup, the sponsors of the bill, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from California (Mr. MARTINEZ), had further discussions with other Democrats regarding strengthening the protection for Amish teens under the bill. These discussions have resulted in development of the substitute amendment which further defines the term “barrier.”

While I would remind my colleagues that the Amish young people addressed by this bill must be working for relatives and other members within the Amish community, the additional protections provided by this substitute amendment will further assure the safety of these young people.

I want to particularly commend other Members who have been working over the past months to address this problem, particularly the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Pennsylvania (Mr. PETERSON), the gentleman from California (Mr. MARTINEZ), and the gentleman from Indiana (Mr. SOUDER).

Members have made repeated attempts to work out an administrative solution with the department, but the department has been unwilling or un-

able to alleviate the conflict between the current regulation and the Amish community's way of life. That is why we are fixing the problem through legislation.

This bill allows the Amish to continue in their traditional way of training their children in a craft or occupation while ensuring the safety of those who work in woodworking occupations. I would urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, first of all, I want to commend and thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MARTINEZ), the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Indiana (Mr. SOUDER), and the gentleman from Pennsylvania (Mr. PETERSON) for their work on this issue in a bipartisan manner.

Mr. Speaker, today we are addressing an issue important to the Amish communities of more than 20 States in this country. In my district alone, approximately 30,000 Amish reside. People around the world know the old-order Amish to be a people who till the land and who live a disciplined, simple life.

Traditionally, Amish communities are centered around the family farm. Amish parents show their children how to make a living by caring for crops and animals. However, combine the high growth rate and the soaring price of farm land and many Amish have been forced to look for alternatives to farming.

Amish have now developed numerous small businesses in such things as carriages, lumber, clocks, wagons, cabinetry, and quilts. And it is in these businesses, just like on the farm, that the Amish train their youth to work and to learn the trade of their parents.

As my colleagues may know, in the Amish culture idleness is forbidden. Therefore, because Amish school is only up to the 8th grade, and that is by the approval of the courts and the State governments, and this is according to their religious beliefs, younger kids must immediately begin to learn a vocation after they finish the 8th grade.

And this is a vital extension of Amish schooling. It is sort of like an apprenticeship program. They do not have the benefit of shop class or v-tech like many of the other youngsters have. It is not uncommon for Amish teens to accompany a parent to the workplace. The Amish call this learning by doing.

Mr. Speaker, the reason we are here to discuss this issue today is because this hard-working community and its apprenticeship tradition is being threatened. Unfortunately, small Amish-owned businesses have received costly fines from the Department of Labor for having their young adults work alongside their fathers and uncles, even in family businesses.

Mr. Speaker, action of the Department of Labor have severely threatened the life-style and the religion of this respected and humble community. All the Amish folks want is to be left alone, to teach their youth the necessary skills and work ethic, and to bring up the next generation in a way that will allow them to be diligent and responsible.

The Amish do not accept any assistance whatsoever from government programs, and our government should not interfere with this humble community. Several of my colleagues, along with our Amish constituents, have met with the Department of Labor officials several times over the past 2 years to find an administrative solution to this problem. Unfortunately, the Department of Labor has done nothing to recognize the unique situation of the Amish.

This community, which does not have the benefit of shop class, as I said, or vo-tech schools like most youth of their age, instead have family learning situations. They have a responsibility to evaluate the Amish in this light. That is why the gentleman from California (Mr. MARTINEZ) and I, along with numerous other Members, have introduced H.R. 4257.

This narrow legislation will allow only young adults of the Amish faith to accompany a parent or a relative to work in places of business, including those where machinery is used to process wood products. They cannot use these machines or power tools, but they can be on the premises with certain safety precautions and they can do such things such as sweep sawdust, stack planks, glue lumber, and do paperwork.

This legislation takes all the necessary health and safety requirements seriously. It requires that young adults be supervised. It prohibits them from operating machinery. It provides numerous safety protections.

Mr. Speaker, many communities like Lancaster County, Pennsylvania greatly appreciate the heritage and work ethic of the Amish. We want to keep them as part of our communities. However, if the Amish continue to be attacked by the State and Federal governments, they will be driven out of our communities. Their strong heritage will be undermined by governmental interference.

I urge my colleagues to protect the Amish heritage. Support H.R. 4257.

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

Mr. Speaker, I oppose H.R. 4257 because it creates a dangerous exception to our country's most critical child protection law. Current law prohibits all minors under 18 years of age from working in sawmill operations and the logging industry. It specifically prohibits such youth from operating power-driven woodworking machines.

This bill would permit 14-year-old children to work in one of the most hazardous, dangerous industries in the

country. The occupational fatality rate in the lumber and wood products industry is five times higher than the national average. Workers in the industry have been killed as a result of being crushed by forklifts. They have been killed when loads fell off the forklifts. They have been suffocated by sawdust.

An Amish elder, William Burkholder, told our committee how he lost several fingers when, during a moment of inattention, he set his hand on a conveyor belt and he ran his hand into a saw. Inexperience and lack of maturity all serve to make the potential risk faced by minors even greater than they are for adults.

It is unreasonable to expect a 14-year-old to maintain the kind of continuous safety concern we expect of adults. In this industry, that moment of inattention can be fatal.

Injury data collected over several decades consistently showed that the lumber and wood products industry is particularly hazardous work for adults, and it will be even worse for children. The 1996 occupational fatality rate of 25.6 work-related deaths per 100,000 workers was more than 5 times the national average.

One of the most important functions of the child labor laws is to ensure that children are not employed in circumstances that are unduly hazardous to their health. Fourteen-year-olds do not possess the full autonomy of choice and may not possess the full capacity for choice possessed by adults, and they should not be placed in harm's way.

I do not, Mr. Speaker, mean to imply that the proponents of this legislation are indifferent to the health and safety of Amish children. I understand the concern that children be employed in occupations common to the Amish community. However, to permit children to be employed in an industry where the threat of serious injury or death is so high, I think should be unacceptable.

Mr. Speaker, for all of these reasons, I oppose H.R. 4257.

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

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I would first like to compliment the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. PITTS) and all of those that worked so hard on this legislation.

But in response to what we just heard about a dangerous exception, I want to share that they will not be near conveyor belts or saws or chippers, and Amish mills do not own or use forklifts or have sawdust silos, so the concerns that we just heard are really not valid.

H.R. 4257 provides a narrow and specific solution to an instance where the Federal Government has gone too far in ruining an historic culture. As many of us know, Amish children complete

formal schooling in the 8th grade, which is around the age of 14. Typically, Amish youth then pursue either their parents' or close relatives' trade and business. While the Amish way of subsistence life tends them toward farming, several other trades are practiced, including blacksmithing, woodworking, and lumbering.

I worked for a summer. I had two Amish men working for me remodeling a couple of buildings, and I was always amazed at how they would drive a large spike in about two swings. And the one young man said, "If you started as young as I did with a hammer in your hand and were taught how to hit a nail directly, and then as you got older developed the strength, you could drive a nail that fast, too."

The time period between the ages of 14 and 18 is an importantly critical transition with the Amish culture. Unfortunately, the Department of Labor descended upon Amish mills in my district and the district of the gentleman from Pennsylvania (Mr. PITTS) and other districts and particularly targeted them.

While no one here would advocate that children operate saws and other equipment in the mill, they should be able to perform the simple and safe tasks of stacking lumber and sweeping the mill. The sad situation is that the hazardous orders invoked by the department forbid even this approach, a simple, common-sense strategy to preserving the Amish culture.

H.R. 4257 encompasses a sensible solution in a fashion which has addressed many concerns regarding safety that include such items as hearing protection and barriers and the rare instance of flying debris.

I would like to address the issue of safety briefly. In my dealings with the Amish, I have come to learn of a culture which strives to instill a sense of utmost respect for everything. This, coupled with a dedicate work ethic, ensures a complete understanding of equipment and work environment. As such, safety is first and foremost during this transition.

In closing, this bill addresses an issue which the American people have been yearning for, reasonable solutions to a variety of problems that maintain the integrity of the law but allow for creativity and flexibility. We did not get that from the department.

The Amish do not have their hand out. They are not even asking for a hand up. They want an ill-advised Federal bureaucracy to untie their hands so they can continue to be a hard-working and self-sustaining society and a very vital part of America.

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Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Speaker, I too want to thank the chairman for his leadership on this, as well as the gentleman from Pennsylvania (Mr. PITTS),

the gentleman from California (Mr. MARTINEZ) and the gentleman from Pennsylvania (Mr. PETERSON). As we have gone through our meetings with the Department of Labor, it has been a frustrating experience, and I certainly hope we will not only overwhelmingly pass this bill today, but be able to move it through the Senate and get it signed into law.

I have a slightly different perspective than many here because my family once was Amish. My great-great-grandfather, great grandfather was one of the first Amish settlers in North-eastern Indiana. My family left the Amish faith around the turn of the century, but I still have many friends and many family members who are in the Amish faith around the small town that I grew up in and where our family business is located.

They are not a people who are looking for trouble. They are looking for a place where they can be left alone, and they will go to the jungles of Brazil, if that is necessary.

The question is, in the United States of America anymore, are we going to allow people to practice their religious freedom and to practice their faith the way they choose? We are not asking that we put safety at risk. The bill explicitly says that the individual cannot operate or assist in the operation of power-driven woodworking machines.

As far as opening up a loophole that might broaden so that others might try to get this exemption, as long as they are willing to give up their TVs, their radios, their telephones, ride around in Amish buggies, perhaps they can change and get into this loophole.

But this is a very narrow category for a group of people who have already been cleared by this government several decades ago to have a different form of school, where they can leave at junior high level and go into apprenticeships. They cannot make enough money in many areas anymore to do this with just farming. Most have gone into some form of woodworking, whether it is carpentry, pallets, home building, cabinets or whatever.

If we in fact shut them down and shut their young people's opportunities down, they will be forced to move and to go somewhere else. That is the fundamental question here: Can we accommodate just slightly with the safety, and, by the way, what a joke. We are seeing kids dying in automobile wrecks, dying of drug abuse, and we are worried whether one, even with this blockage, might somehow have an accident while they are working? The amount of deaths and accidents in the Amish community compared to that in the English community, as they call the others around them, is minuscule.

That is not what this is about. It is not about safety. It is a question of whether the humble powerless people like the Amish can be free to practice their worship yet here in America, or whether we are going to be so uniform and so inflexible in this government that we will drive them out.

Mr. MARTINEZ. Mr. Speaker, last spring the Committee on Education and the Workforce heard testimony from members of the Amish community who expressed concern over their inability to comply with certain aspects of the Fair Labor Standards Act. Since that time, I have been working with the gentleman from Pennsylvania, the author of this bill, to reach some sort of arrangement under which the Amish could take their children with them to work while at the same time provide them with the safest environment possible. I believe that H.R. 4257 creates such an arrangement.

H.R. 4257 is necessary because, although the Amish are trying very hard to adapt in this increasing high-tech world while at the same time maintain a part of their tradition, this is becoming increasingly difficult given the fact that historically Amish farmland is disappearing rapidly.

Take, for example, Lancaster County, Pennsylvania, which is home to nearly one-fifth of the nation's Amish population and is the fastest growing county in Pennsylvania. Land prices and property taxes, which can run as high as \$8,000 to \$10,000 an acre, have forced many Amish to abandon farming and caused Lancaster County to lose more than 100,000 acres of farmland to development, which is significant when you consider that the average Amish farm is only 100 acres. As a result, townhouses and swimming pools now stand on the fertile land that the Amish have tended for over three centuries. In fact, last year, the world monument fund named Lancaster County one of the world's 100 most endangered historic sites, putting it in the company of the Taj Mahal and the ruins of Pompeii.

However, the Amish are doing their best to adapt in the face of their rapidly changing environment. For instance, whereas 95 percent of Amish men previously made their living on the farm, now as many as 50 percent work in non-farm occupations, primarily in the lumber and woodworking industries, as saw mills are prevalent in Amish country and recent tourist interest in the Amish way of life has created a demand for Amish-made goods, particularly furniture and crafts. However, while these jobs suit the traditionally hardworking and industrious Amish men, they do come with complications.

Amish children finish their formal education after the 8th grade, at approximately age 14. At this time, Amish boys go to work with their families, which used to be on the farm. However, Amish men have found that when they take their sons with them to work in the saw mills and woodshops, they risk the possibility of being fined by the Department of Labor for violating child labor laws, which prevent minors from performing hazardous duties.

Obviously, none of us want to put young people in harm's way. But this situation is causing a dilemma in the Amish community and has forced hundreds of young men between the ages of 14 and 18 to be forced to remain home idle for lack of a job—a grave sin according to Amish doctrine and a potential social problem for the rest of America—a fact evidenced by several recent news reports regarding the Amish becoming involved in drugs.

As I mentioned, Mr. Pitts and I have been working together for several months to find a satisfactory solution to this complicated problem. The result of our efforts is H.R. 4257.

H.R. 4257 not only requires that the Amish children be protected from dangerous machinery, flying objects, excessive noise, and saw dust, it requires that the Amish children be supervised by an adult relative or member of the sect.

Who better to ensure the safety of a young person than a father, uncle, brother, or close family friend, who cares about that young person? If your son, nephew, or brother were dangerously close to hazardous machinery, would you stand idly by? I know I would not, and I am confident that the Amish, who are so focused on family that they prohibit phones from the home for fear they will interfere with family time, would not either.

We are a nation of immigrants, with different backgrounds and beliefs, founded on the premise that its citizens should be free to acknowledge their backgrounds and practice their beliefs. As responsible lawmakers it is our duty to develop policy that allows individuals to do this. As such, I urge my colleagues to support H.R. 4257.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4257, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DRIVE FOR TEEN EMPLOYMENT ACT

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks, as amended.

The Clerk read as follows:

H.R. 2327

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drive for Teen Employment Act".

SEC. 2. AUTHORITY FOR MINORS TO OPERATE MOTOR VEHICLES.

(a) AMENDMENT.—Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

(6) In the administration and enforcement of the child labor provisions of this Act, employees who are under 17 years of age may not drive automobiles or trucks on public roadways. Employees who are 17 years of age may drive automobiles or trucks on public roadways only if—

"(A) such driving is restricted to daylight hours;

"(B) the employee holds a State license valid for the type of driving involved in the job performed and has no records of any moving violation at the time of hire;

"(C) the employee has successfully completed a State approved driver education course;

"(D) the automobile or truck is equipped with a seat belt for the driver and any passengers and the employee's employer has instructed the employee that the seat belts must be used when driving the automobile or truck;

"(E) the automobile or truck does not exceed 6,000 pounds of gross vehicle weight;

"(F) such driving does not involve—

"(i) the towing of vehicles;

"(ii) route deliveries or route sales;

"(iii) the transportation for hire of property, goods, or passengers;

"(iv) urgent, time-sensitive deliveries;

"(v) more than 2 trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer (other than urgent, time-sensitive deliveries);

"(vi) more than 2 trips away from the primary place of employment in any single day for the purpose of transporting passengers (other than employees of the employer);

"(vii) transporting more than 3 passengers (including employees of the employer); or

"(viii) driving beyond a 30 mile radius from the employee's place of employment; and

"(G) such driving is only occasional and incidental to the employee's employment.

For purposes of subparagraph (G), the term 'occasional and incidental' is no more than one-third of an employee's worktime in any workday and no more than 20 percent of an employee's worktime in any workweek."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) defining the term "occasional and incidental" shall apply to all pending cases, actions, or citations in which a final judgment has not been entered, except that it shall not apply to any case, action, or citation involving property damage or personal injury.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. FAWELL) and the gentleman from Tennessee (Mr. FORD) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FAWELL).

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

Mr. Speaker, I rise in support of H.R. 2327, the Drive for Teen Employment Act. This is a bipartisan bill introduced by the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. GREEN) and my colleague on the Committee on Education and Workforce, the gentleman from California (Mr. MARTINEZ).

Mr. Speaker, the purpose of the bill is to modify the Department of Labor's overly restrictive interpretation of its own regulation which essentially prohibits 16 and 17 year old employees from driving on public roads while they are employed. This current interpretation, which is not required by the regulation itself, was announced in the context of enforcement actions against certain employers who had no advance notice of the department's narrow interpretation of the child labor laws.

While the Department of Labor's regulations allow "occasional and incidental" driving by 16 and 17 year olds, the department has in recent years claimed that this regulation prohibits those under 18 from any driving during employment except perhaps in "rare and emergency" situations.

Not only is the department's current interpretation not consistent with the

regulation itself, but it has had the effect of denying important job opportunities for teenagers without any demonstrated increase in safety. As a result, innocent small business owners have been fined by the Department of Labor on the basis of an interpretation of a regulation of which they did not even have notice.

As introduced and passed by the Committee on Education and Workforce, H.R. 2327 put into law a new test with regard to the amount of time that teenage employees could drive to allow them to drive up to one-third of the workday, one-fifth of the workweek, and 50 miles from the place of employment.

The bill also retained all of the other conditions on teenage drivers that are part of the current regulation: The vehicle must weigh less than 6,000 pounds, the driving is restricted to daylight hours, the minor holds a state driver's license, the vehicle is equipped with a seat belt or similar restraining device for the driver and for each helper, and the employer has instructed each minor that seat belts must be used. That the driving does not involve the towing of other vehicles is also a requirement, and the driving must be "occasional and incidental" through the minor's employment.

Subsequent to the committee's markup of the bill, the sponsors of the bill had lengthy negotiations with the Department of Labor and other interested members of the committee. These talks have resulted in the development of the bipartisan substitute amendment which we are considering today.

Under the substitute, only 17 year olds are permitted to drive during employment. In addition, there is a limitation on the number of trips per day that a 17 year old may drive for the purpose of delivering packages or transporting other persons.

This substitute amendment would not decrease safety on the road or endanger young people. It simply provides a reasonable and practical solution to an overly restrictive and unfairly enforced interpretation by the Department of Labor, which has denied job opportunities to young people without increasing safety.

These new restrictions will make driving on the job by teens safer, and employers will still have every incentive to ensure that their teenage employees drive safely.

I would like to commend my colleagues, the gentleman from Texas (Mr. COMBEST), the gentleman from Texas (Mr. GREEN) and the gentleman from California (Mr. MARTINEZ) for their persistence and hard work and a lot of negotiating to bring this substitute amendment to the floor, and I would urge my colleagues to support it.

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

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

Mr. Speaker, I rise today in support of H.R. 2327, the Drive for Teen Em-

ployment Act, as amended. I want to begin by thanking the gentleman from Texas (Mr. COMBEST), the gentleman from California (Mr. MARTINEZ) and the gentleman from Texas (Mr. GREEN), as well as my friend the gentleman from Illinois (Mr. FAWELL), for all of their hard work and persistence in drafting this substitute amendment and for addressing many of the legitimate concerns raised by the Department of Labor, child labor advocacy groups, and many Democrats on the Committee on Education and Workforce. Because of their efforts, we are able to have a bipartisan bill before us today.

As the gentleman from Illinois (Mr. FAWELL) so eloquently stated, under current law teenagers age 16 and 17 are significantly restricted in driving as part of their job responsibilities. In particular, teens may not spend more than 20 percent of their workday driving, and may not spend more than 5 percent of their workweek driving.

The substitute amendment that the gentleman from Illinois (Mr. FAWELL) is offering today would prohibit 16 year olds from driving and would permit 17 year olds with certain existing and new restrictions to drive as part of their job responsibilities for up to one-third of the workday and up to one-fifth of the workweek.

In short, H.R. 2327 will allow thousands of teenagers, including those participating in the school-to-work programs, the ability to pursue a broader range of work opportunities, even including those involving driving.

Although this legislation is a step forward, I and many of my colleagues had some concerns. Specifically, a high accident rate amongst teenagers, the fact that teens are young and inexperienced drivers, and our responsibility to protect teenagers from the dangers and perils in the workplace as we do other workers.

According to the Insurance Institute for Highway Safety, the death rate for 16 year olds has been on an upward trend, increasing from 19 per every 100,000 deaths in 1975, to 35 per 100,000 in 1996. Conversely, the death rate among older teens has declined slightly.

In an effort total address these real concerns, H.R. 2327 provides greater protection than even current regulations in circumstances that are most likely to result in injury or even death to the minor and to others. Before a 17 year old may be employed to drive, the minor must have a valid license, must have completed an approved driver education course and must have a clean driving record at the time of hire.

The vehicle the minor is driving must be limited in size and must be equipped with seat belts for all passengers. The minor must be instructed by the employer regarding the required use of seat belts.

Driving is restricted to a 30 mile radius from a teenager's place of employment. Minors are prohibited from driving that involves the towing of vehicles, route sales or deliveries, transportation for hire of property, goods or passengers or urgent time sensitive deliveries.

Finally, this legislation will ensure that driving only occurs occasionally by placing a limit of two trips per day on the number of times a minor may drive to deliver goods to a customer or transport non-employee passengers.

The legislation would leave intact current requirements that encourage safe driving by teens and require them to be in compliance with all state laws governing driving. Although the intent and effect of this legislation is to increase the time a 17 year old is allowed to drive while working, it does so in a manner that is fully cognizant of the health and safety risks that come with driving.

I do not wish to mislead my colleagues, however. As in any situation where one seeks to reconcile conflicting interests, the reconciliation will not please everyone. Some of my colleagues may continue to have concerns about this legislation and some child labor advocacy groups may still oppose H.R. 2327. However, like the gentleman from Illinois (Mr. FAWELL), I strongly believe that this legislation strikes a sensible balance, for it allows 17 year olds the ability and opportunity for more work opportunities and the ability to be more efficient and productive employees. It also improves upon existing safety and health protections for minors and the for public.

Mr. Speaker, I urge the adoption of H.R. 2327.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from Tennessee for yielding me time.

Mr. Speaker, I rise in support of this legislation, and I thank the gentleman from Texas (Mr. COMBEST), the gentleman from Texas (Mr. GREEN) and the gentleman from California (Mr. MARTINEZ) of the committee for their outstanding work, and thank the chairman of the subcommittee, the gentleman from Illinois (Mr. FAWELL), for bringing this to the floor.

Mr. Speaker, I am absolutely not in favor of any watering down or weakening of the child labor laws and protections of this country. Decades ago people fought very hard to achieve those laws, and I do not want to see them weakened in any way.

I believe that this is not a weakening of child labor laws, with all due respect to those who raise objections. I think there are three important safeguards in this bill that continue to protect child labor.

Safeguard Number 1 is the requirement that the minor who is involved

have a valid state driver's license in effect at the time he or she is working. That is very important, because a state is not going to give a young person a driver's license who is not worthy or permit that driver's license to stay in effect if the driver is unsafe.

The second important check are the many limitations in this bill that both the gentleman from Tennessee (Mr. FORD) and the gentleman from Illinois (Mr. FAWELL) describe, limitations on the number of hours the young person may drive, limitations on the miles the young person may drive, limitations on the weight of the vehicle, no authority for towing another vehicle and proper instruction on proper safety uses of the vehicle.

The final check I think is one that comes from common sense. We certainly know that there are some reckless teenage drivers. There are some reckless drivers of every age. I think the best check against reckless teenage drivers are the auto dealers who are responsible for the vehicles. The last thing in the world that a responsible auto dealer wants to do is to have an employee of that dealership take the vehicle out on the road and drive it recklessly, because they are either going to be liable to the owner of the car, if it is being repaired, or the factory, if the car has not yet been sold.

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Common sense tells us that the employers are not likely to entrust the operation of these cars to highly irresponsible drivers.

Finally, let me say that I think that this is a bill that is really a youth employment bill. There are many young people, male and female, who have gotten their start working part-time at an auto dealership. Frankly, if the young person is not permitted to drive on occasion, his or her value to the auto dealer as an employer is rather diminished.

We are challenged in this country and in this Congress with coming up with ways that private sector employers can reach out and employ young people who are trying to help support their families or earn money for their education. I can think of no better way than the elimination of arbitrary and capricious rules. I believe that this legislation, supported by both Democrats and Republicans, is an example of legislation that removes such arbitrary and capricious rules. I am pleased to support it. I thank my friend, the gentleman from Tennessee (Mr. FORD), for his leadership in this effort.

Mr. FORD. Mr. Speaker, I thank the gentleman from New Jersey. We are blessed to have two erudite Members on this side, Mr. Speaker; first, the gentleman from New Jersey (Mr. ANDREWS), and secondly, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding, and

for the vocabulary lesson. I do not know whether to have that taken down or not, but I am going back and check.

I have been following this legislation carefully, and I marvel at the hard work of the committee for bringing it forward. In 1994, the Department of Labor did, in fact, adopt a new interpretation of the Federal Child Labor regulations that effectively eliminated occasional and incidental driving by teenage employees of auto dealers.

In my community in the Pacific Northwest, this interpretation that was adopted without notice or rule-making led to the imposition of over \$200,000 in fines against more than 60 auto dealers in the Pacific Northwest, people who in my experience are pretty straight-ahead folks, good public citizens and easy to work with.

The process by which the new rule was adopted I think was bad; the fines were worse. I am pleased that we are taking steps here to eliminate the most severe consequence, which was the decision on the part of many auto dealers to no longer hire teenagers for after-school and summer service for porters and lot attendants. These were jobs that gave young people the opportunity to earn money and gain career-building experience.

I personally benefited in my formative years with employment opportunities that were auto-related, and frankly, I do identify with the comments of my friend from New Jersey that in fact probably these young people were as safe and perhaps safer, because one is not going to entrust valuable property to people one thinks are irresponsible. Bear in mind these are some of the same young drivers that some would have us protect, who are out driving large machines without supervision, without the experience at times that they would have in the employment situation.

Mr. Speaker, I am pleased that we are taking steps to remedy this. I am sorry that it took so long. I do think that the job limits that have been adopted, the protections, the restrictions, are more than adequate. Some may argue that it goes a little further than necessary, particularly at a time when there are some in this body who are calling for the imposition of adult criminal sanctions against teenagers.

I think what the committee has done, coming forward to provide employment opportunities, is sensible. It will remove the concerns that auto dealers and many business owners have for hiring teenagers for jobs that require limited driving, and it does give the Department of Labor clear and fair guidelines to enforce.

Mr. Speaker, I appreciate the work that has been done.

Mr. GREEN. Mr. Speaker, I rise in strong support of H.R. 2327, the Drive for Teen Employment Act. I have been working on this bill for three years and believe we have reached the right balance between safety and common-sense. I would like to express my appreciation to my colleague from Texas, Mr. COMBEST, as well as the Democratic Members of

the Education and Workforce Committee, for the opportunity to address my safety concerns. This bill will help increase employment opportunities for 17-year-olds, and I urge my colleagues to support it.

H.R. 2327 addresses the ability of licensed 17-year-olds to drive limited amounts on the job. Under current law, minors are permitted to drive on the job within certain limits. However, the Department of Labor has narrowly defined these restrictions to the point that minors would be prohibited from driving on the job under most circumstances. Fines have been levied against automobile dealerships and other businesses for having teens complete such tasks as moving cars after they are washed or returning vehicles from the gasoline station.

The Drive for Teen Employment Act merely established a clear definition for limited driving, while maintaining injury-prevention measures on the job. This bill will allow limited driving by a 17-year-old in low risk and supervised settings and provides numerous safeguards, including: work-related driving is restricted to daylight hours; towing is prohibited; the driver must hold a state driver's license and must have completed a state approved driver education course; the driving is capped at 20 percent of the work week; minors must not have any record of moving violations at the time of hire; driving distance is limited to a 30-mile radius; route deliveries and route sales are prohibited; and urgent, time-sensitive deliveries are prohibited.

By establishing safety precautions and clear guidelines for employers, we can encourage much-needed employment for teenagers, while maintaining safety measures on the job. I encourage my colleagues to support this bill.

Mr. COMBEST. Mr. Speaker, I have had a long interest in reforming regulations that do not pass what I call "The Stupid Test." I believe the teen driver regulation is a poster child for failing "The Stupid Test."

In 1993, the Department of Labor made a major regulatory change in the working definition of what incidental and occasional meant for licensed 16 and 17 year olds driving in the workplace. The change limits those under age 18 from driving more than one incident a week. The Department did this with no formal rule making and without informing any small businesses. Businesses first learned of the change when they received fines for non-compliance.

One such incident involved a 17 year-old student working in a high school sponsored co-op program at a local bank in Milan, Illinois. This young lady was in the bookkeeping department and would occasionally make trips to a branch bank four miles away. The bank was fined \$500 because of her occasional driving. Does it make any sense that these teens can drive an unlimited amount when they are not working, but while under supervised protection at work, they are completely prohibited from driving?

In Washington State alone, it is estimated that this regulation resulted in the loss of at least 1,000 job opportunities for teens. The irony is that while the Department of Labor is spending upwards of \$900 million annually on summer jobs programs, their own regulations is restricting the hiring of teens.

My co-authoris GENE GREEN and MARTY MARTINEZ have helped negotiate a good bill that, while not going as far as the bill reported

out of the House Education and Workforce Committee, it at least establishes some reasonable definition for what driving activities 17 year olds can perform. We reluctantly agreed to preclude 16 year olds from the bill after opposition from the Department of Labor.

Under the bill driving is allowed as long as it does not exceed one-third of an employee's worktime in any workday and no more than 20 percent of an employees worktime in any work week. The bill limits the daily delivery of goods to two trips, although under the bill an employers vehicle is not considered a good.

This legislation has been endorsed by the National Small Business United, National Automobile Dealers Association, National Community Pharmacists Association and the National Association of Minority Automobile Dealers.

We simply seek to bring a clearer, more reasonable standard for workers and business and hope you will support passage of H.R. 2327.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of H.R. 2327, the Drive for Teen Employment Act.

Under current law, minors are permitted to drive on the job under occasional and incidental circumstances, and until 1994, automobile dealerships across the country regularly employed minors to wash and detail cars, move cars on the lots, and occasionally drive an automobile to a nearby lot or gas station. These jobs provided employment for thousands of young people.

However, in 1994, the Department of Labor, without any rulemaking, decided to define occasional and incidental so narrowly as to prohibit minors from driving on the job under almost all circumstances. The Department then fined 60 Seattle area auto dealers nearly \$200,000 for alleged child labor law violations and caused nearly 1,000 16 and 17 year olds to become unemployed.

To address this problem, my colleague from Texas, Mr. COMBEST, introduced H.R. 2327. H.R. 2327, as passed by the Committee on Education and the Workforce, included provisions to permit 16 and 17 year olds to drive during daylight hours for no more than one-third of the day and no more than 20 percent of the work week. It also prohibited minors from towing or driving outside of a 50 mile radius from the job site.

Since the bill was reported by the Committee, several of my colleagues and I have worked with Mr. COMBEST to further restrict the provisions of the bill and make it even better. The bill before you today pertains only to 17 year olds, requires that the minor have a clean driving record, and limits driving to a 30-mile radius.

This bill merely removes the concerns small business owners have about hiring teenagers for jobs that require limited driving and establishes clear guidelines to assist the Department in enforcing a regulation under its jurisdiction.

At a time when, according to Secretary of Labor Alexis Herman, "despite the strong economy, young people living in high-poverty areas don't have jobs," H.R. 2327 makes good sense.

I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Illinois (Mr. FAWELL) that the House suspend the rules and pass the bill, H.R. 2327, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2327 and on H.R. 4257.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order of the House of Friday, September 25, 1998, I call up the conference report on the bill (H.R. 4103), making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 25, 1998, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 25, 1998 at page H8657.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4103, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I call up the conference report on the Defense Appropriations bill, which is a very good conference report, and it is a good defense appropriations bill as far as it goes. The

problem is, this bill does not make adequate funds available to meet some of the shortfalls that have been identified by the Army and the Navy and the Marine Corps and the Air Force.

The bill is \$488 million below the President's budget request, but it is only below the President's budget request because the military construction allocation was so low, so critically low that we had to transfer that much of our authority to the Subcommittee on Military Construction.

Despite this, in the conference report before the House we added \$202 million over the budget request for a higher pay raise for the troops than was proposed by the President. We increased net funding for the Readiness accounts, Operation and Maintenance, by more than \$500 million over the President's budget, while we cut a lot of unnecessary administrative and headquarters costs. We added \$370 million over the budget request for National Guard and Reserve training and operations.

We provided \$135 million for the Department of Defense-sponsored Peer Review Breast Cancer Research program. The President's budget requested no funds for that program. We also provided \$50 million for the DOD-sponsored Peer Review Prostate Cancer Research program, again funds that were not included in the budget request. We provided \$735 million for Defense counter-drug and drug interdiction programs.

Mr. Speaker, the list of the needs of the Department of Defense and the services is very long, and some of the more obvious are:

FY 1999 PRESIDENT'S BUDGET IS NOT ADEQUATE

Under the President's proposed FY 1999 defense budget, this will be the fourteenth straight year defense spending has fallen, when inflation is taken into account (every year since FY 1985). The cumulative decline since 1985 is nearly 40 percent.

When considered in constant dollars, the President proposed FY 1999 defense budget is the lowest in nearly forty years.

Moreover, the President's proposed plan for defense over the next five years (FY 1999-2003) is more than \$54 billion less than what is needed to keep up with inflation.

FORCE STRUCTURE CUTS/INCREASED DEPLOYMENTS

The size of the active duty military force has been cut by 36 percent (or over 700,000 troops) over the past ten years.

Yet that smaller force is being asked to deploy more and more often.

Army overseas deployment are up 300 percent from the rates sustained during the

Cold War. This year, on average, on any given day one of three Army soldiers is deployed outside of the United States.

The Army had 18 active divisions during Desert Storm. We are down to 10 divisions today.

For the Navy today, on any given day 57 percent of its ships are at sea on deployment. In 1992 the figure was 37 percent.

The number of Air Force personnel deployed away from home today is four times higher than in 1989—yet the Air Force is more than one-third smaller.

Through FY 2003, the President budget plans on cutting a total of 103,000 active duty and reserve military personnel from existing levels (54,000 active duty and 49,000 reserve personnel).

So while their missions are going up, because of budget constraints the military continues to shrink in size.

MANPOWER PROBLEMS

The services are having growing problems retaining personnel. Some examples:

Air Force pilot retention is down significantly. A few years ago the re-enlistment rate was near 75 percent. Today it is at 36 percent, well below the Air Force target of 58 percent.

Both the Navy and the Air Force are well below their targets for re-enlistments of first-term personnel. The Air Force is 18 percent below its re-enlistment goal, the Navy 7 percent. A recent Navy Times survey reveals that that 75 percent of respondents intend to leave the service.

READINESS PROBLEMS

Mission-capable rates for both Air Force and Navy aircraft have dropped every year since 1991. There are increasing shortages of spare parts and cannibalization of existing aircraft is on the rise. Last year Congress had to add over \$600 million for aviation spare parts. CINCPAC has testified that his command's cannibalization rate has doubled since 1996.

Due to funding shortages the Army has cut programmed tank training by over 20 percent in each of the past two years.

FUNDING AND BUDGET PROBLEMS

For FY 1999, the military services and the Guard have provided Congress with specific program shortfalls of \$12 billion that are not funded in the President's budget.

The President's FY 1999 budget proposes cutting the Military Construction budget by over \$1.4 billion from current levels—a 15 percent cut.

The President's FY 1999 budget cuts Army, Marine Corps and Air Force depot maintenance by over \$315 million from current levels. Army depot maintenance is proposed for a one-year reduction of 23 percent, while Marine Corps depot maintenance is cut by 40 percent.

The President's FY 1999 budget cuts real property repair and maintenance by nearly 15 percent, or over \$600 million from this year's levels.

The President's FY 1999 budget proposes cutting Research and Development by nearly \$600 million, or a 2 percent cut.

PERSONNEL AND READINESS-RELATED FUNDING SHORTFALLS

The President's FY 1999 budget does not contain any funding for the Bosnia deployment. This is a shortfall of nearly \$1.9 billion.

The Service Chiefs have identified FY 1999 personnel/readiness shortfalls of nearly \$3.3 billion, including: Personnel: \$250 million short;

O&M: over \$3 billion short, including depot maintenance (\$350 million short), real property maintenance (\$1.3 billion short), spare parts (\$256 million short), active and reserve forces training (\$400 million short), and base operations (\$750 million short).

Army Chief of Staff Reimer told you: "If we can't get these shortfalls fixed, the Army is going under."

WEAPONS MODERNIZATION SHORTFALLS

The Joint Chiefs of Staff have repeatedly identified a need for annual procurement funding of \$60 billion. The FY 1999 budget proposes only \$48 billion. Under the President's budget, the "\$60 billion procurement target" will not be reached for another three years (FY 2001).

For FY 1999, the Service chiefs have identified another \$5 billion in shortfalls relating to procurement and RDTE.

This includes \$1 billion in "non-glamorous" items such as trucks/engineering vehicles (\$230 million short), basic equipment for soldiers (\$245 million) and modifications for aging equipment (\$457 million).

SERVICE-SPECIFIC MODERNIZATION PROBLEMS

Army: The Army's medium truck fleet currently averages over 25 years old. More than one-half of the current inventory qualifies for antique license plates. Under the current budget plan this fleet will not be replaced for another 30 years.

The Army has a requirement for 18,000 additional HMMWV vehicles. The FY 1999 budget proposes buying 9 vehicles.

Navy: The Navy budget proposes construction of only six ships in FY 1999 and is at similar levels for the foreseeable future. This is far below the ten ships per year which are needed to support the current fleet level of 326 ships (which is a far cry from the Reagan-era goal of a "600 ship Navy").

Marine Corps: Commandant of the Marine Corps has said repeatedly: "My annual procurement budget is \$500 million short."

In the FY 1999 budget the Marines are getting \$750 million in procurement. This means the USMC modernization budget is funded at only 60 percent of requirements.

Air Force: For FY 1999 the Air Force is requesting procurement of only two fighter aircraft. If approved by the Congress this would be the lowest in the history of the Air Force.

H.R. 4103 - DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999

| | FY 1998 Enacted | FY 1999 Estimate | House | Senate | Conference | Conference compared with enacted |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|
| TITLE I | | | | | | |
| MILITARY PERSONNEL | | | | | | |
| Military Personnel, Army | 20,452,057,000 | 21,002,051,000 | 20,908,851,000 | 20,822,051,000 | 20,841,687,000 | + 389,630,000 |
| Military Personnel, Navy | 16,493,518,000 | 16,613,053,000 | 16,560,253,000 | 16,532,153,000 | 16,570,754,000 | + 77,236,000 |
| Military Personnel, Marine Corps | 8,137,898,000 | 8,272,089,000 | 6,241,189,000 | 6,253,189,000 | 6,263,387,000 | + 125,488,000 |
| Military Personnel, Air Force | 17,102,120,000 | 17,311,683,000 | 17,201,583,000 | 17,205,660,000 | 17,211,987,000 | + 109,867,000 |
| Reserve Personnel, Army | 2,032,046,000 | 2,152,075,000 | 2,171,875,000 | 2,152,075,000 | 2,167,052,000 | + 135,006,000 |
| Reserve Personnel, Navy | 1,376,801,000 | 1,387,379,000 | 1,427,979,000 | 1,387,379,000 | 1,426,663,000 | + 50,062,000 |
| Reserve Personnel, Marine Corps | 391,770,000 | 401,888,000 | 403,513,000 | 401,888,000 | 406,816,000 | + 14,846,000 |
| Reserve Personnel, Air Force | 815,915,000 | 856,176,000 | 850,576,000 | 856,176,000 | 852,324,000 | + 36,409,000 |
| National Guard Personnel, Army | 3,333,867,000 | 3,404,595,000 | 3,413,195,000 | 3,499,595,000 | 3,489,987,000 | + 156,120,000 |
| National Guard Personnel, Air Force | 1,334,712,000 | 1,376,097,000 | 1,372,997,000 | 1,376,097,000 | 1,377,109,000 | + 42,397,000 |
| Total, title I, Military Personnel | 69,470,505,000 | 70,777,086,000 | 70,551,811,000 | 70,486,263,000 | 70,807,566,000 | + 1,137,061,000 |
| TITLE II | | | | | | |
| OPERATION AND MAINTENANCE | | | | | | |
| Operation and Maintenance, Army | 16,754,306,000 | 17,223,063,000 | 16,936,503,000 | 17,212,463,000 | 17,185,623,000 | + 431,317,000 |
| (By transfer - National Defense Stockpile) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ..... |
| (By transfer - Quality of Life Enhancements) ..... | ..... | ..... | ..... | (-130,000,000) | ..... | ..... |
| (By transfer - Pentagon Renovation Transfer Fund) ..... | ..... | ..... | ..... | (-96,000,000) | (-96,000,000) | (-96,000,000) |
| Operation and Maintenance, Navy | 21,617,766,000 | 21,877,202,000 | 21,638,999,000 | 21,813,315,000 | 21,872,369,000 | + 254,633,000 |
| (By transfer - National Defense Stockpile) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ..... |
| (By transfer - Quality of Life Enhancements) ..... | ..... | ..... | ..... | (-48,000,000) | ..... | ..... |
| (By transfer - Pentagon Renovation Transfer Fund) ..... | ..... | ..... | ..... | (-32,087,000) | (-32,087,000) | (-32,087,000) |
| Operation and Maintenance, Marine Corps | 2,372,535,000 | 2,523,703,000 | 2,585,118,000 | 2,576,190,000 | 2,578,718,000 | + 206,083,000 |
| (By transfer - Quality of Life Enhancements) ..... | ..... | ..... | ..... | (-36,000,000) | ..... | ..... |
| (By transfer - Pentagon Renovation Transfer Fund) ..... | ..... | ..... | ..... | (-9,513,000) | (-9,513,000) | (-9,513,000) |
| Operation and Maintenance, Air Force | 18,492,883,000 | 19,127,004,000 | 19,024,233,000 | 19,064,841,000 | 19,021,045,000 | + 528,162,000 |
| (By transfer - National Defense Stockpile) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ..... |
| (By transfer - Quality of Life Enhancements) ..... | ..... | ..... | ..... | (-50,000,000) | ..... | ..... |
| (By transfer - Pentagon Renovation Transfer Fund) ..... | ..... | ..... | ..... | (-52,200,000) | (-52,200,000) | (-52,200,000) |
| Operation and Maintenance, Defense-Wide | 10,369,740,000 | 10,750,601,000 | 10,804,542,000 | 10,259,231,000 | 10,914,076,000 | + 544,336,000 |
| (By transfer - Pentagon Renovation Transfer Fund) ..... | ..... | ..... | ..... | (-90,020,000) | (-90,020,000) | (-90,020,000) |
| Operation and Maintenance, Army Reserve | 1,207,891,000 | 1,202,622,000 | 1,201,222,000 | 1,202,622,000 | 1,202,622,000 | - 5,269,000 |
| Operation and Maintenance, Navy Reserve | 921,711,000 | 928,639,000 | 949,039,000 | 928,639,000 | 957,239,000 | + 35,528,000 |
| Operation and Maintenance, Marine Corps Reserve | 116,366,000 | 114,593,000 | 119,093,000 | 114,593,000 | 117,883,000 | + 1,527,000 |
| Operation and Maintenance, Air Force Reserve | 1,632,030,000 | 1,744,696,000 | 1,735,996,000 | 1,744,696,000 | 1,747,696,000 | + 115,666,000 |
| Operation and Maintenance, Army National Guard | 2,419,632,000 | 2,436,815,000 | 2,570,315,000 | 2,661,815,000 | 2,678,015,000 | + 258,383,000 |
| Operation and Maintenance, Air National Guard | 3,013,282,000 | 3,093,933,000 | 3,075,233,000 | 3,113,933,000 | 3,106,933,000 | + 93,651,000 |
| Overseas Contingency Operations Transfer Fund | 1,884,000,000 | 746,900,000 | 746,900,000 | 746,900,000 | 439,400,000 | -1,444,600,000 |
| United States Court of Appeals for the Armed Forces | 8,952,000 | 7,324,000 | 7,324,000 | 7,324,000 | 7,324,000 | + 372,000 |
| Environmental Restoration, Army | 375,337,000 | 377,640,000 | 342,640,000 | 370,640,000 | 370,640,000 | - 4,697,000 |
| Environmental Restoration, Navy | 275,500,000 | 281,600,000 | 281,600,000 | 274,600,000 | 274,600,000 | - 900,000 |
| Environmental Restoration, Air Force | 376,900,000 | 379,100,000 | 379,100,000 | 372,100,000 | 372,100,000 | - 4,800,000 |
| Environmental Restoration, Defense-Wide | 26,900,000 | 26,091,000 | 26,091,000 | 23,091,000 | 26,091,000 | - 809,000 |
| Environmental Restoration, Formerly Used Defense Sites | 242,300,000 | 195,000,000 | 195,000,000 | 225,000,000 | 225,000,000 | - 17,300,000 |
| Overseas Humanitarian, Disaster, and Civic Aid | 47,130,000 | 63,311,000 | 56,111,000 | 50,000,000 | 50,000,000 | + 2,870,000 |
| Former Soviet Union Threat Reduction | 382,200,000 | 442,400,000 | 417,400,000 | 440,400,000 | 440,400,000 | + 58,200,000 |
| Pentagon Renovation Transfer Fund ..... | ..... | ..... | ..... | 279,820,000 | ..... | ..... |
| (By transfer) ..... | ..... | ..... | ..... | ..... | (279,820,000) | (+ 279,820,000) |
| Contingency operations MWR fund ..... | ..... | ..... | ..... | 50,000,000 | ..... | ..... |
| Quality of Life Enhancements, Defense | 360,000,000 | ..... | 850,000,000 | ..... | 455,000,000 | + 95,000,000 |
| (By transfer) ..... | ..... | ..... | ..... | (264,000,000) | ..... | ..... |
| Total, title II, Operation and maintenance | 82,895,461,000 | 83,542,237,000 | 83,942,459,000 | 83,532,313,000 | 84,042,814,000 | + 1,147,353,000 |
| (By transfer) | (150,000,000) | (150,000,000) | (150,000,000) | (-129,820,000) | (150,000,000) | ..... |
| TITLE III | | | | | | |
| PROCUREMENT | | | | | | |
| Aircraft Procurement, Army | 1,346,317,000 | 1,325,943,000 | 1,400,338,000 | 1,408,652,000 | 1,388,268,000 | + 41,951,000 |
| Missile Procurement, Army | 762,409,000 | 1,205,788,000 | 1,140,623,000 | 1,166,739,000 | 1,226,335,000 | + 463,926,000 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 1,298,707,000 | 1,433,808,000 | 1,513,540,000 | 1,484,055,000 | 1,548,340,000 | + 249,633,000 |
| Procurement of Ammunition, Army | 1,037,202,000 | 1,008,855,000 | 1,099,155,000 | 998,855,000 | 1,085,955,000 | + 28,753,000 |
| Other Procurement, Army | 2,679,130,000 | 3,198,811,000 | 3,101,130,000 | 3,395,729,000 | 3,339,486,000 | + 660,356,000 |
| Aircraft Procurement, Navy | 6,535,444,000 | 7,466,734,000 | 7,599,968,000 | 7,473,403,000 | 7,541,709,000 | + 1,006,265,000 |
| Weapons Procurement, Navy | 1,102,193,000 | 1,327,545,000 | 1,191,219,000 | 1,324,045,000 | 1,211,419,000 | + 109,226,000 |
| Procurement of Ammunition, Navy and Marine Corps | 397,547,000 | 429,539,000 | 473,803,000 | 488,939,000 | 484,203,000 | + 86,656,000 |
| Shipbuilding and Conversion, Navy | 8,235,591,000 | 6,252,672,000 | 5,973,452,000 | 6,067,272,000 | 6,035,752,000 | - 2,199,839,000 |
| Other Procurement, Navy | 3,144,205,000 | 3,937,737,000 | 3,990,553,000 | 3,886,475,000 | 4,072,662,000 | + 928,457,000 |
| Procurement, Marine Corps | 482,398,000 | 745,858,000 | 812,618,000 | 954,177,000 | 874,216,000 | + 391,818,000 |
| Aircraft Procurement, Air Force | 6,480,983,000 | 7,756,475,000 | 8,384,735,000 | 7,967,023,000 | 8,095,507,000 | + 1,614,524,000 |
| Missile Procurement, Air Force | 2,394,202,000 | 2,359,803,000 | 2,191,527,000 | 2,219,299,000 | 2,089,827,000 | - 324,375,000 |
| Procurement of Ammunition, Air Force | 398,534,000 | 384,161,000 | 388,925,000 | 384,161,000 | 379,425,000 | - 19,109,000 |
| Other Procurement, Air Force | 6,592,909,000 | 6,974,387,000 | 7,034,217,000 | 6,904,164,000 | 6,960,483,000 | + 367,574,000 |
| Procurement, Defense-Wide | 2,106,444,000 | 2,041,650,000 | 2,055,432,000 | 1,932,250,000 | 1,944,833,000 | - 161,611,000 |
| National Guard and Reserve Equipment | 653,000,000 | ..... | 120,000,000 | 500,000,000 | 352,000,000 | - 301,000,000 |
| Total, title III, Procurement | 45,647,215,000 | 47,849,546,000 | 48,471,235,000 | 48,577,038,000 | 48,580,420,000 | + 2,943,205,000 |

H.R. 4103 - DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999 — continued

| | FY 1998 Enacted | FY 1999 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|
| TITLE IV | | | | | | |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION | | | | | | |
| Research, Development, Test and Evaluation, Army..... | 5,156,507,000 | 4,780,545,000 | 4,967,446,000 | 4,891,840,000 | 5,031,788,000 | -124,719,000 |
| Research, Development, Test and Evaluation, Navy..... | 8,115,686,000 | 8,108,923,000 | 8,297,986,000 | 8,215,519,000 | 8,636,649,000 | +520,963,000 |
| Research, Development, Test and Evaluation, Air Force..... | 14,507,804,000 | 13,568,093,000 | 13,577,441,000 | 13,693,153,000 | 13,758,811,000 | -748,993,000 |
| Research, Development, Test and Evaluation, Defense-Wide..... | 9,821,760,000 | 9,314,665,000 | 8,776,318,000 | 9,032,908,000 | 9,036,551,000 | -785,208,000 |
| Developmental Test and Evaluation, Defense..... | 258,183,000 | 251,106,000 | 263,606,000 | 249,108,000 | 258,606,000 | +423,000 |
| Operational Test and Evaluation, Defense..... | 31,384,000 | 25,245,000 | 35,245,000 | 25,245,000 | 34,245,000 | +2,861,000 |
| Total, title IV, Research, Development, Test and Evaluation.. | 37,891,324,000 | 36,078,577,000 | 35,918,042,000 | 36,107,571,000 | 36,756,650,000 | -1,134,674,000 |
| TITLE V | | | | | | |
| REVOLVING AND MANAGEMENT FUNDS | | | | | | |
| Defense Working Capital Funds..... | 971,952,000 | 94,500,000 | 94,500,000 | 94,500,000 | 94,500,000 | -877,452,000 |
| Transfer stockpile balances to working capital fund..... | | (350,000,000) | (350,000,000) | | | |
| Reserve mobilization income insurance fund..... | | 37,000,000 | | | | |
| National Defense Sealift Fund: | | | | | | |
| Ready Reserve Force..... | 302,000,000 | 311,266,000 | 311,266,000 | 335,000,000 | 311,266,000 | +9,266,000 |
| Acquisition..... | 772,948,000 | 106,900,000 | 362,100,000 | 334,566,000 | 397,100,000 | -375,848,000 |
| (Transfer out)..... | | | (-28,800,000) | | (-28,800,000) | (-28,800,000) |
| Total..... | 1,074,948,000 | 418,166,000 | 673,366,000 | 669,566,000 | 708,366,000 | -366,582,000 |
| Total, title V, Revolving and Management Funds..... | 2,046,900,000 | 549,666,000 | 767,866,000 | 764,066,000 | 802,866,000 | -1,244,034,000 |
| (By transfer)..... | | (350,000,000) | (350,000,000) | | | |
| TITLE VI | | | | | | |
| OTHER DEPARTMENT OF DEFENSE PROGRAMS | | | | | | |
| Defense Health Program: | | | | | | |
| Operation and maintenance..... | 10,095,007,000 | 9,653,435,000 | 9,725,235,000 | 9,684,935,000 | 9,727,985,000 | -367,022,000 |
| Procurement..... | 274,068,000 | 402,387,000 | 402,387,000 | 402,387,000 | 402,387,000 | +128,319,000 |
| Research and development..... | | | | 250,000,000 | 19,500,000 | +19,500,000 |
| Total, Defense Health Program..... | 10,369,075,000 | 10,055,822,000 | 10,127,622,000 | 10,337,322,000 | 10,149,872,000 | -219,203,000 |
| Chemical Agents & Munitions Destruction, Army: 1/ | | | | | | |
| Operation and maintenance..... | 462,200,000 | 531,650,000 | 508,650,000 | 491,700,000 | 491,700,000 | +29,500,000 |
| Procurement..... | 72,200,000 | 140,670,000 | 124,670,000 | 115,670,000 | 115,670,000 | +43,470,000 |
| Research, development, test and evaluation..... | 66,300,000 | 182,780,000 | 182,780,000 | 172,780,000 | 172,780,000 | +108,480,000 |
| Total, Chemical Agents..... | 600,700,000 | 855,100,000 | 798,100,000 | 780,150,000 | 780,150,000 | +179,450,000 |
| Drug Interdiction and Counter-Drug Activities, Defense..... | 712,882,000 | 727,582,000 | 764,595,000 | 742,582,000 | 735,582,000 | +22,700,000 |
| Office of the Inspector General..... | 138,380,000 | 132,064,000 | 132,064,000 | 132,064,000 | 132,064,000 | -6,316,000 |
| Total, title VI, Other Department of Defense Programs..... | 11,821,037,000 | 11,770,568,000 | 11,820,381,000 | 11,992,118,000 | 11,797,668,000 | -23,369,000 |
| TITLE VII | | | | | | |
| RELATED AGENCIES | | | | | | |
| Central Intelligence Agency Retirement and Disability System Fund..... | 196,900,000 | 201,500,000 | 201,500,000 | 201,500,000 | 201,500,000 | +4,600,000 |
| Intelligence Community Management Account..... | 121,080,000 | 138,623,000 | 136,123,000 | 134,623,000 | 129,123,000 | +8,043,000 |
| Transfer to Dept of Justice..... | (27,000,000) | (27,000,000) | (27,000,000) | (27,000,000) | (27,000,000) | |
| Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund..... | 35,000,000 | 15,000,000 | 15,000,000 | 25,000,000 | 25,000,000 | -10,000,000 |
| National Security Education Trust Fund..... | 2,000,000 | 5,000,000 | 3,000,000 | 3,000,000 | 3,000,000 | +1,000,000 |
| Total, title VII, Related agencies..... | 354,980,000 | 360,123,000 | 355,623,000 | 364,123,000 | 358,623,000 | +3,643,000 |
| TITLE VIII | | | | | | |
| GENERAL PROVISIONS | | | | | | |
| Additional transfer authority (sec. 8005)..... | (2,000,000,000) | (2,000,000,000) | (2,000,000,000) | (1,775,000,000) | (1,650,000,000) | (-125,000,000) |
| Indian Financing Act incentives (sec. 8024)..... | 8,000,000 | 2,000,000 | 2,000,000 | 8,000,000 | 8,000,000 | |
| Disposal & lease of DOD real property (sec. 8040)..... | 64,000,000 | 25,000,000 | 25,000,000 | | 25,000,000 | -39,000,000 |
| Overseas Military Fac Investment Recovery (sec. 8044)..... | 30,000,000 | 38,000,000 | 38,000,000 | 38,000,000 | 38,000,000 | +8,000,000 |
| Export loan guarantee PGM (sec. 8075)..... | 1,000,000 | | | | | -1,000,000 |
| Rescissions (sec. 8058)..... | -176,100,000 | | -268,370,000 | -69,800,000 | -415,908,688 | -239,808,688 |
| Flying Hour/readiness offset..... | -1,253,000,000 | | | | | +1,253,000,000 |
| FFRDC's/consultants (sec. 8034)..... | -71,800,000 | | -62,000,000 | | -62,000,000 | +9,800,000 |
| Advisory and assistance services..... | -300,000,000 | | | | | +300,000,000 |
| RDT&E, Def-Wide dual-use program..... | 2,000,000 | | | | | -2,000,000 |
| Fisher Houses (sec. 8089)..... | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | |
| Travel Cards (sec. 8090)..... | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | |
| Warranties..... | -75,000,000 | | | | | +75,000,000 |
| Excess Inventory..... | -100,000,000 | | | | | +100,000,000 |
| National Missile Defense Offset..... | -474,000,000 | | | | | +474,000,000 |
| Intrepid..... | 13,000,000 | | | | | -13,000,000 |

H.R. 4103 - DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999 — continued

| | FY 1998 Enacted | FY 1999 Estimate | House | Senate | Conference | Conference compared with enacted |
|--|------------------------|------------------------|------------------------|------------------------|------------------------|--|
| Expiring Balances | -100,000,000 | | | | | + 100,000,000 |
| National Security Strategy Study Group | 3,000,000 | | | | | -3,000,000 |
| Lexington Bluegrass | 4,000,000 | | | | | -4,000,000 |
| Defense reform initiative (DRI) Title II savings (sec. 8105) | | | | -150,000,000 | -70,000,000 | -70,000,000 |
| Ship Transfers (sec. 8110) | | | -638,850,000 | -837,000,000 | -638,850,000 | -638,850,000 |
| National Defense stockpile transaction fund asset sale credit (sec. 8109) | | | | -100,000,000 | -100,000,000 | -100,000,000 |
| Inflation Savings (sec. 8108) | | | -204,100,000 | -400,800,000 | -400,800,000 | -400,800,000 |
| Procurement Reductions (sec. 8134) | | | | | -142,100,000 | -142,100,000 |
| Foreign Currency Fluctuations (sec. 8135) | | | | | -193,800,000 | -193,800,000 |
| Fuel Repricing (sec. 8136) | | | | | -502,000,000 | -502,000,000 |
| Total, title VIII | -2,418,900,000 | 71,000,000 | -1,100,320,000 | -1,305,400,000 | -2,446,058,688 | -27,158,688 |
| EMERGENCY FUNDING | | | | | | |
| Boenia (Emergency Funding) | | 1,858,600,000 | | 1,858,600,000 | | |
| Supplemental (P.L. 105-174) (emergency funding) | 2,834,775,000 | | | | | -2,834,775,000 |
| Total, Emergency funding | 2,834,775,000 | 1,858,600,000 | | 1,858,600,000 | | -2,834,775,000 |
| BUDGET SCOREKEEPING ADJUSTMENTS | | | | | | |
| Adjustment for unapprop'd balance transfer (Stockpile) | 150,000,000 | 150,000,000 | 150,000,000 | 150,000,000 | 150,000,000 | |
| Stockpile collections (unappropriated) | -150,000,000 | -150,000,000 | -150,000,000 | -150,000,000 | -150,000,000 | |
| Emergency funding | -2,834,775,000 | -1,858,600,000 | | -1,858,600,000 | | +2,834,775,000 |
| Total adjustments | -2,834,775,000 | -1,858,600,000 | | -1,858,600,000 | | +2,834,775,000 |
| Total, Department of Defense | 247,708,522,000 | 250,998,803,000 | 250,727,097,000 | 250,518,092,000 | 250,510,548,312 | +2,802,026,312 |
| RECAPITULATION | | | | | | |
| Title I - Military Personnel | 69,470,505,000 | 70,777,086,000 | 70,551,811,000 | 70,486,263,000 | 70,607,566,000 | +1,137,061,000 |
| Title II - Operation and Maintenance | 82,895,461,000 | 83,542,237,000 | 83,942,459,000 | 83,532,313,000 | 84,042,814,000 | +1,147,353,000 |
| (By transfer) | (150,000,000) | (150,000,000) | (150,000,000) | (-129,820,000) | (150,000,000) | |
| Title III - Procurement | 45,847,215,000 | 47,849,546,000 | 48,471,235,000 | 48,577,038,000 | 48,590,420,000 | +2,943,205,000 |
| Title IV - Research, Development, Test and Evaluation | 37,891,324,000 | 36,078,577,000 | 35,918,042,000 | 36,107,571,000 | 36,756,650,000 | -1,134,674,000 |
| Title V - Revolving and Management Funds | 2,046,900,000 | 549,666,000 | 767,866,000 | 764,066,000 | 802,866,000 | -1,244,034,000 |
| (By transfer) | | (350,000,000) | (350,000,000) | | | |
| Title VI - Other Department of Defense Programs | 11,821,037,000 | 11,770,568,000 | 11,820,381,000 | 11,992,118,000 | 11,797,668,000 | -23,369,000 |
| Title VII - Related agencies | 354,980,000 | 360,123,000 | 355,623,000 | 364,123,000 | 358,623,000 | +3,643,000 |
| Title VIII - General provisions | -2,418,900,000 | 71,000,000 | -1,100,320,000 | -1,305,400,000 | -2,446,058,688 | -27,158,688 |
| Emergency funding | 2,834,775,000 | 1,858,600,000 | | 1,858,600,000 | | -2,834,775,000 |
| Budget adjustments | -2,834,775,000 | -1,858,600,000 | | -1,858,600,000 | | +2,834,775,000 |
| Total, Department of Defense | 247,708,522,000 | 250,998,803,000 | 250,727,097,000 | 250,518,092,000 | 250,510,548,312 | +2,802,026,312 |
| Allocation recap (sec. 302b): | | | | | | |
| Mandatory | 196,900,000 | 201,500,000 | 201,500,000 | 201,500,000 | 201,500,000 | +4,600,000 |
| Discretionary: | | | | | | |
| Non-defense | 27,000,000 | 27,000,000 | 27,000,000 | 27,000,000 | 27,000,000 | |
| Defense | 247,484,622,000 | 250,770,303,000 | 250,498,597,000 | 250,289,592,000 | 250,282,048,312 | +2,797,426,312 |
| Total discretionary | 247,511,622,000 | 250,797,303,000 | 250,525,597,000 | 250,316,592,000 | 250,309,048,312 | +2,797,426,312 |
| Grand total | 247,708,522,000 | 250,998,803,000 | 250,727,097,000 | 250,518,092,000 | 250,510,548,312 | +2,802,026,312 |

1/ Included in Budget under Procurement title.

Mr. YOUNG of Florida. Mr. Speaker, I wish to engage in a colloquy with the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding. Let me say, I was in a markup in another committee.

Mr. Speaker, I rise to engage the distinguished chairman, the gentleman from Florida (Mr. YOUNG) on a colloquy regarding two important Department of Defense health care initiatives, AIMCARE and the Composite Health Care System II.

Mr. Chairman, DOD has competitively selected Anesthesia Information Management System, AIMCARE, that automates the collection of operating room data and clinical processes. This system offers DOD significant cost savings of over 70 percent with "Enterprise" implementation rather than "hospital by hospital" implementation. This 70 percent savings represents savings of over \$10 million, that is being made available in the first quarter of fiscal year 1999.

Am I correct in my understanding that, resources permitting, the Department is interested in taking advantage of this opportunity?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would respond that the gentleman is absolutely correct in his understanding.

Mr. DAVIS of Virginia. I thank the gentleman. With regard to the CHCSII, I have raised concerns with the chairman that, although I support the conference report which authorizes DOD to do field testing of this system at Tripler Army Medical Center in Honolulu, Hawaii, I hope to receive an assurance that since current software development and integration is taking place in the national capital region, that these activities will be maintained in the national capital region.

Mr. YOUNG of Florida. Mr. Speaker, I would like to assure the gentleman from Virginia that it is the intent of the conferees to maintain software integration and development for the CHCSII system in the national capital region.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for his hard work on this vital legislation.

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

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

Mr. Speaker, the chairman and I this year have visited a number of installations throughout the country. We found shortages over the last 2 or 3 years, and the list that the chairman put in the RECORD, I hope Members will pay attention to.

Readiness has slipped substantially. Some of our units are deployed that

are not C-1, and that is a dangerous situation. As a matter of fact, we feel there are shortages which really hurt our national security. Without the supplemental, this bill will not be adequate. It is absolutely essential that we pass a supplemental, not offset, and I look forward to working with the chairman, and I am hoping we can get an adequate amount of money for Y2K, for computer security, for Bosnia, and for O&M in the supplemental.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would like to pay tribute to the gentleman from Pennsylvania (Mr. MURTHA) for the great job and the support that he has given us as we prepared this bill in the subcommittee and in the full committee and on the floor of the House, and then through the conference with the other body.

Also, I would like to mention our counterparts in the Senate, Senator TED STEVENS and Senator DAN INOUE, as we worked closely with them for weeks leading up to our final conference. We found them to be very cooperative, very constructive, and certainly committed to the security of our Nation.

Each and every member of our subcommittee has a vast amount of knowledge about our National Security that they bring to the table. In addition to JACK on that side of the aisle, NORM DICKS, MARTY SABO, JULIAN DIXON, and PETE VISCLOSKEY all have made valuable contributions throughout the years they have served on this subcommittee. On our side of the aisle we have JERRY LEWIS, JOE SKEEN, DAVE HOBSON, HENRY BONILLA, GEORGE NETHERCUTT, ERNEST ISTOOK, and DUKE CUNNINGHAM. All of them devote a tremendous amount of time and energy helping us craft this bill.

In addition we are fortunate to have Chairman BOB LIVINGSTON, and Ranking Minority Member DAVE OBEY serving on this subcommittee. They provide valuable leadership during the particularly tough times as we bring this bill through the process.

There are two other members that I have saved for last. They are JOE MCDADE and BILL HEFNER who are both retiring this year, JOE, BILL, and I all joined this subcommittee together 18 years ago and this will be the last time that it will be my privilege to bring a bill to the floor with them.

JOE MCDADE has dedicated his entire life to this institution. No constituency in the Nation, is better represented than the people of the 10th district of Pennsylvania. Anywhere you go in his district you will come across some project that would not be there if it weren't for JOE. He is a great Congressman, and a loving husband and father. I will miss him, but as one who also has a young son I know he will be very happy with the time he will now have to do the things we all would like to do with our growing boys. JOE, thank you for being my friend.

BILL HEFNER is one of the most unique members in the Congress. Behind that self-deprecating personality and slow Southern drawl is a very intelligent Congressman who has

used his considerable legislative talent to make the quality of life much better for millions of service members and their families. I have had the privilege of traveling with BILL and his wife Nancy to some of the hot spots in the world. He is a true patriot and great member of this body. BILL we will all miss you.

Also, Mr. Speaker, I would like to call special attention to the staff of our subcommittee. I am providing all of the names of all of our staffers for the record, including the associate staff members of our committee members, because they have all contributed just tremendously to the work of our subcommittee.

I do want to specifically mention the chief of staff and the clerk of the subcommittee, Kevin Roper, who has spent many, many long hours, many, many days, many weeks, many months, getting us to where we are today. I would say that Kevin has a brain somewhat like a computer. One can punch up almost any subject and he can bring it up, and if one checks it out one will find that it is very accurate.

Also, Greg Dahlberg, who represents the minority on the subcommittee, and who is equally aggressive in meeting the responsibilities of the subcommittee. I take my hat off and salute both of them and the staffs who worked with them.

JACK and I are very fortunate to have a professional staff which is beyond a doubt the best on the hill. They also work many long hours and have become true professionals in their areas of expertise. They are Doug Gregory, Alicia Jones, Dave Kilian, Betsy Phillips, Julie Pacquing, Greg Walters, Trish Ryan, Tina Jonas, Paul Juola, Steve Nixon, Dave Norquist, Jenny Mummert, and Sherry Young. Julie Pacquing is retiring this year after many years of service to the Appropriations Committee. She has played a very valuable role particularly in the Intelligence part of our lives that we can't talk about and she will be missed by all of us. I also want to note that Trish Ryan and her husband Terry, and Steve Nixon and his wife Nancy are about to become parents for the first time. We are all one big happy family on this subcommittee and we all look forward to the births of Trish and Steve's children.

I also want to take this opportunity to thank the staff members of the full committee who hardly ever get any recognition, but play very important roles in putting all of our products together. They are ably led by Jim Dyer our Staff Director. We also appreciate the good work of Dennis Kedzior, John Mikel, Chuck Parkinson, Elizabeth Morra, Di Kane, Tracey La Turner, Sandy Farrow, Theodore Powell, and Larry Boorman. At the Computer Shop we also want to thank Ken Marx and Dale Oak. For this conference alone we had 12 computer runs. In case you are interested there are 2,686 separate line items that we track in this bill, 947 of which were in conference.

Each member of our committee also has staff who play an important role. At the risk of leaving someone out, let me thank them for all of their work throughout the year. They are Jake O'Donnell, Letitia White, Bruce Donisthorpe, Kenny Kraft, Marc Lubin, Rob Neal, Nancy Nowak, Bill Berl, Les Dixon, Steve McBee, Irene Schecter, Dan Beck, Alan

Dillingham, Paul Cunningham, and John McNutt. In particular, I want to thank Paul Cambon and Carman Scialabba who work for BOB LIVINGSTON and JACK MURTHA.

And finally, I want to thank a couple of people who serve on my personal staff and JACK's who help us in too many ways to mention here. They are my Administrative Assistant Harry Glenn and Jane Porter of my office. In JACK's office I want to thank Colette Marchesini-Pollock.

As I said in the beginning, this is a very involved process, creating a conference agreement appropriating \$250 billion. There are a lot of very capable members and staff who work many many long hours throughout the year to produce this product, but particularly at this time of the year. I thank each and every one of you, and I also thank your families who lend you to us, particularly mine. We know that this work is tough on our families and we appreciate your understanding. We know that there are some back to school nights that don't get attended, and some high school football games and half time shows that are missed. We know there are birthday parties that get postponed, as well as baby showers. But please know that this Congressman, and this Congress appreciate your unselfish contribution to the National Security of this great Nation.

Also, I would be remiss if I did not mention the staff of the subcommittee in the Senate, headed by Steve Cortese, because they have also been extremely cooperative and extremely constructive in the effort that we have put forth.

On the Senate side, Steve Cortese and Charlie Houy, as Majority and Minority Staff Directors, work together and with our staff in a very accommodating manner. They have assembled a very talented group of professional staffers, and let me thank each of them here for their work on behalf of the Conference: Mary Marshall, John Young, Sid Ashworth, Susan Hogan, Gary Reese, Tom Hamkins, Carolyn Willis, and Mazie Mattson. They also rely on help from the Full Committee including Jay Kimmitt, Dona Pate, and Justin Weddle.

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

Mr. NETHERCUTT. Mr. Speaker, I strongly support passage of the Fiscal Year 1999 Department of Defense Conference Report.

Mr. YOUNG and Mr. MURTHA deserve credit for putting together an outstanding conference report. In my four years on the National Security Subcommittee, this bill was certainly the most difficult to reach agreement on, because of the very tight constraints imposed by the Balanced Budget Agreement. I think all of the members of the Subcommittee would agree that our allocation this year was far below what is needed to meet the needs of the Department of Defense. Despite these pressures, our Subcommittee staff once again worked long hours to put together a very balanced package that addresses the immediate needs of the Defense Department.

I commend the efforts of the Chairman and Ranking Member on behalf of the health research programs contained within this bill. The Department of Defense oversees some of the most productive health research efforts sponsored by the federal government, with very real quality of life benefits for our men and women in uniform. We were not able to do all

that we would have liked for health research, but I believe this conference package addresses some of the most urgent research needs of the Department of Defense. I am particularly supportive of the funding this bill provides for diabetes research. In Fiscal Year 1998, we were able to provide \$4 million to initiate a diabetes detection, prevention and care program for the Departments of Defense and Veterans Affairs, utilizing the technology and methods of the Joslin Diabetes Center. While I wish we had been able to maintain the House funded level of \$6.4 million for this program in this bill, the \$4.5 million the conference agreement provides will allow continuation of the Diabetes Pilot Program, [Program Element #630002, Project #9411]. I anticipate significant findings from this promising project, which will benefit soldiers and their families alike.

I hope that Fiscal Year 1999 marks the low point for defense spending. We continue to face shortfalls in all accounts and urgently need to correct the downward trend for defense spending. But within the constraints imposed by the Balanced Budget agreement, this is an excellent bill and I urge my colleagues to support it.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today in support of H.R. 4103, the Conference Report on Defense Appropriations. I want to recognize the hard work of our chairman, the gentleman from Florida (Mr. YOUNG). He, along with the other conferees and the Defense Appropriations Subcommittee staff, faced many difficult choices in putting together this bill, and I commend them for all their hard work.

As many people are learning, the Department of Defense is facing less funding for the fourteenth straight year. Our armed forces are forced to do more with less. The conferees face difficult decisions in determining how much to provide for troop support, operations and maintenance, procurement of new and existing vehicles and weapon systems, and investing in future technology and weapons development.

I think this bill strikes an important balance. It provides a pay increase of 3.6 percent for military personnel. It provides an extra \$500 million over the President's request for Operations and Maintenance, the so-called "readiness accounts." The frequent overseas deployments of our troops are siphoning funds from these accounts, and the House Members recognize the importance of replenishing funds for training and maintenance.

Most importantly, this conference report reflects the importance of continuing to develop new technologies and weapons systems. As we try to prepare and equip our troops for the battlefields of the future, countless engineers are working in government laboratories and research facilities to develop the weapons, the ammunition, the vehicles and the technology our armed forces need to defend the United States. The military's research and development is critical to keeping our men and women in uniform safe and well-equipped wherever they serve, whether home or abroad.

This bill allows for these important efforts to continue and expand. I thank the conferees for providing an additional \$4 million for the Crusader Advanced Field Artillery System, which is being developed by the men and women at Picatinny Arsenal in my district. As I have said before, this critical program is a key element

of the Army's long-term plans, and is faster and more lethal than the Paladin tank, which is currently in use.

Mr. Speaker, every day our men and women in uniform put their lives on the line to defend us. They deserve to have the tools they need to protect us, and should be compensated for their work. We cannot forget our debt to them, and we must work to provide them with the support they need to do their jobs. We owe them nothing less.

Today we vote to provide funds, support our soldiers and all those who prepare and equip them. An affirmative vote assures that this critical work continues.

Mr. HEFLEY. Mr. Speaker, I rise to express serious reservations about the defense appropriations conference report. I do not dispute the funding decisions made by the conferees. In the main, Chairman YOUNG and Mr. MURTHA have brought back to the House a bill that addresses the pressing defense needs of the Nation in a manner as consistent with the authorization bill as they possibly could have.

As the Chairman of the Subcommittee on Military Installations and Facilities, however, I am concerned about several authorization provisions in this bill.

Buried in this legislation are six real property matters that should be addressed in the defense authorization process. Section 8132 would authorize the Secretary of the Air Force to convey excess relocatable housing units at Malmstrom Air Force Base. Section 8139 mandates the Secretary of the Air Force to convey certain property in the State of New Hampshire. Section 8140 would permit the Secretary of the Navy to engage in a lease of property to the University of Central Florida. Section 8141 would authorize the Secretary of the Air Force to lease certain property from the City of Phoenix near Luke Air Force Base. Section 8143 would provide the authority to the Secretary of the Navy to convey property with consideration to the City of Seattle and, finally, section 8144 would authorize the Secretary of the Army to convey an Army Reserve Center to the City of Reading, Pennsylvania.

None of these real estate matters, all properly within the jurisdiction of the authorization committee, were raised with the committee during consideration of the defense authorization bill nor were they raised with conferees during negotiations with the Senate on H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999. None of these provisions were in the House-passed version of the defense appropriations bill. Most of these provisions came to conference as amendments to the Senate version of H.R. 4103 while the bill was being considered on the floor in the other body. Some of the provisions have murky origins in the conference itself.

None of the offending provisions, to the best of my understanding, address an urgent need that cannot wait for the next authorization cycle. These provisions may have merit, but none have been reviewed adequately. To his credit, Chairman YOUNG fought to keep these provisions—and more—out of this bill. Regrettably, he was not completely successful. As a chairman, I understand what it takes to get out of conference. Compromise with the other body is a necessary component of any conference, but we should refrain from needlessly blurring the line between the authorization and appropriations process.

Beyond the real estate issues contained in this bill, I am deeply concerned about two

other provisions in the area of base closure and realignment.

Section 8142, which would give the Secretary of the Army the authority to retain military family housing at Fort Buchanan, Puerto Rico, in support of the relocation of U.S. Army South, is a direct contravention of a decision made in the 1995 BRAC round to dispose of those units.

Many in this House have criticized the President for his circumvention of the BRAC process for political reasons at McClellan Air Force Base and Kelly Air Force Base. While section 8142 is intended to help the Army and is not purely political, its effect is the same. We should not begin to engage in a case-by-case undoing of prior BRAC decisions for any reason in the absence of an authorized realignment process. I hope we are not opening Pandora's box should this legislation receive the approval of the House today.

Finally, I question the wisdom of requiring the Secretary of the Air Force to expend \$7.6 million from the base closure and realignment accounts for demolition and other base conversion activities at Norton Air Force Base. The expenditures required by section 8145 are not related to any military mission and they are not required to comply with routine environmental remediation requirements. It is extremely unwise to tap the BRAC accounts to subsidize local reuse efforts. In that context, I find it equally unwise to continue the practice of permitting the use of other DOD resources for conversion activities at other BRAC locations.

For these reasons, and despite the fact that this is otherwise a very good bill, I regret that I must vote "no."

Mr. PORTER. Mr. Speaker, I rise today to express my strong support for the conference report to H.R. 4103, the Department of Defense Appropriations Act for Fiscal Year 1999. I would also like to take this opportunity to recognize the distinguished Chairman of the Appropriations Subcommittee on National Security for his role in crafting a conference report that truly reflects our nation's priorities and ensures the continued preeminence of our military. He is to be commended for acknowledging the effect quality of life issues has on our military's performance.

I am especially pleased with the provisions that express our concern for the welfare of the men and women in the armed services and their families. H.R. 4103 includes \$35 million for Impact Aid, a program which provides funds to schools that experience a reduced property tax base as a result of their location near a military installation. Military personnel should not be forced to choose between their career and their children's education. This conference report also includes a much needed 3.6 percent military pay raise, a half percent above what was requested. Mr. Chairman, quality of life issues in our military have been neglected for too long. It is time that we address them and I believe that this conference report begins to do that. I urge my colleagues to give this conference report their strongest support.

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

Mr. YOUNG of Florida. Mr. Speaker, I urge enactment and passage of this conference report, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 4060,
ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS ACT,
1999

Mr. MCDADE. Mr. Speaker, pursuant to the order of the House of Friday, September 25, 1998, I call up the conference report on the bill (H.R. 4060), making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 25, 1998, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 25, 1998, at page H8842).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MCDADE).

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the pending legislation.

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

There was no objection.

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

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

Mr. MCDADE. Mr. Speaker, I am honored to be able to present today the energy and water bill to the Members of the House and to strongly urge and recommend that it be passed. It was perhaps the most difficult energy and water bill that we have ever had, principally because the budget that was submitted to us was inadequate from the beginning.

In terms of real dollars, it is the lowest budget ever presented for construction programs of the Corps of Engineers.

□ 1545

Obviously, that required us to do a great deal of putting and taking to try to put together a bill that would develop the infrastructure of this country, protect health and safety, and keep our economy going by keeping our ports open and efficient.

Given that background, Mr. Speaker, I want to say that I have been extraordinarily privileged, as the chairman of this subcommittee, to have an extraordinary group of people to work with.

Jim Ogsbury has been my chief of staff, and one would not find a more faithful and bright person; Jeanne Wilson is an absolute encyclopedia and an intellectual dynamo; Don McKinnon is a gentleman that I have known for some time, and he has been extraordinarily helpful; Bruce Heide handled the entire Corps of Engineers budget, and obviously, from what I have said, he did a superb job.

My friend, the gentleman from California (Mr. FAZIO), is not currently on the floor because of other business, but I want to offer him a tribute, as well, because without his cooperation and assistance the bill would not be here today.

Mr. Speaker, this is a \$20.9 billion bill, in gross terms. About \$4 billion goes to the Corps of Engineers to promote public health and safety, et cetera. About \$823 million goes to the Bureau of Reclamation for water projects in the west. Although there is a cut in the Bureau's budget, Mr. Speaker, we fully fund operation and maintenance of Bureau projects, to make sure that those projects are run efficiently and serve the public.

\$16.4 billion is appropriated to the Department of Energy. About \$12 billion is provided for defense activities and \$4 billion is for nondefense activities. As Members of the House know, defense activities include the maintenance of the nuclear stockpile, using science-based intelligence in lieu of nuclear weapons testing, which has been foresworn by this country. The Department has an awesome responsibility, and every year must certify to the President that the stockpile is indeed efficient and reliable.

On the nondefense side of bill, there is a host of energy supply activities, scientific research, et cetera, all of which are very interesting and important. The genome mapping project, the nuclear physics program, the high energy physics program, and other related programs are also funded in this bill.

Finally, there is \$126 million in for independent agencies, such as the Appalachian Regional Commission, which has been diligently serving the people of this Nation for approximately 25 years.

Mr. Speaker, I am going to file a more lengthy statement with my remarks for the benefit of Members, or anyone else, who might want to take a look.

Mr. Speaker, I rise today in support of the conference report accompanying H.R. 4060, the Energy and Water Development Appropriations Bill for Fiscal Year 1999. Total spending in this \$21 billion measure is \$388 million below the Administration's request for energy and water programs. The bill is within its 302(b) allocation for both outlays and budget authority.

Mr. Speaker, I believe that the Energy and Water Bill represents legislation of which the entire membership of this body may be proud. It continues, at responsible levels, investments in public infrastructure, scientific research, and economic development. At the same time, it is a fiscally austere bill, which reduces funding for less productive Federal spending programs. I am pleased that the conferees from the House and Senate, as stewards of the taxpayers' hard-earned dollars, were able to strike such a responsible balance.

The irresponsible budget request of the Administration, which slashed funding for the civil works program of the U.S. Army Corps of Engineers, presented a considerable challenge to the committee on conference. If the committee on conference had accepted the Administration's proposal—which represented the lowest budget in the history of the civil works program—then scores of ongoing construction projects would be terminated; dozens more would be placed on fragile life support; project completion schedules would be extended; costs would rise; and contractor shutdowns would be legion. Far from adopting this reckless budget, however, the conference agreement appropriates nearly \$4 billion for the Corps—an increase of \$716 million above the budget request.

For the construction program of the Corps, the conference agreement provides \$1.43 billion for fiscal year 1999. While this is a modest \$27 million reduction from the House-passed level, it is an increase of \$190 million over the Senate-passed level and an increase of \$624 million—or 77%—over the Administration's inane budget. It will ensure the continued effectiveness of the civil works program, which has had such success in protecting our communities from the devastating consequences of flooding and which has been so instrumental in the vitality of America's waterborne commerce.

Furthermore, the conference agreement includes \$1.65 billion for operation and maintenance of Corps of Engineers projects. This sum, along with the \$105 million in emergency appropriations enacted earlier this year, will help protect our investment in critical water infrastructure. The agreement also provides \$161 million for studies and investigations of Corps projects and \$140 million to continue the Formerly Utilized Sites Remedial Action Program (FUSRAP). The FUSRAP program was transferred from the Department of Energy to the Army Corps of Engineers last year amidst some controversy. I am pleased to report that, from all accounts, the transfer has been successful. Cleanups are proceeding on schedule, and we expect that the transfer will save the taxpayers substantial sums of money over the remaining life of the program.

Mr. Speaker, the conference agreement takes a significant step in the downsizing of the Bureau of Reclamation. In recognition that the Bureau's historical mission—reclamation of the West through the construction of large water storage and distribution facilities—has

largely been accomplished, the Bureau has undertaken a variety of new and expanded activities in recent years. These activities include: extensive "partnering" with other water resource interests, provision of technical assistance, water conservation and management planning, strategic analyses, development of integrated management programs and system integration alternatives, resource inventories, and environmental enhancements.

The conference agreement helps control Bureau of Reclamation mission creep by restricting the amount of resources available for new activities within the capabilities of other Federal and local resource agencies. The agreement, however, fully funds operation, maintenance and rehabilitation requirements for projects throughout the country. Furthermore, it provides funding to continue cost-shared studies and investigations that have been initiated in prior years. The agreement reflects the Committee's intention to protect the substantial Federal investment in water resource infrastructure while downsizing the Bureau and reducing unnecessary Federal involvement in local resource management.

Title III of the final conference agreement provides \$16.4 billion for the Department of Energy (DOE). \$11.86 billion—or 57% of the total provided in the bill—is dedicated to the atomic energy defense activities of DOE. Of this amount, \$4.4 billion is included for weapons activities. Although the tensions of nuclear brinkmanship are less today than at any time during the Cold War, our responsibilities for the stewardship and maintenance of the nuclear stockpile are not. Few responsibilities of the Federal government are of more moment than the continued safety and reliability of our nuclear weapons. The Committee has provided generously for the execution of these responsibilities and has invested enormous amounts in the science-based stockpile stewardship program of DOE. By focusing on the simulation of nuclear weapons through advanced computational and laboratory capabilities, the program is expected to serve as a surrogate for nuclear weapons testing.

The bill also provides substantial resources for the domestic energy supply and scientific research activities of DOE. The \$2.68 billion provided for the Science account includes \$130 million to initiate construction of the Spallation Neutron Source at the Oak Ridge National Laboratory in Tennessee. This state-of-the-art neutron facility will help keep the United States at the forefront of biological and materials sciences. In addition, funds provided for the Science account will help realize returns on our investment in scientific facilities by increasing user time at such facilities and maximizing their utilization.

The agreement also includes \$223 million—an increase of \$1.6 million over the budget request—for fusion energy sciences. To better reflect the program's transformation from one that is largely focused on technology development into one focused principally on basic research, the program has been moved out of

the Energy Supply account and into the Science account.

The agreement provides \$727 million for Energy Supply activities of DOE. This includes \$365.9 million for solar and renewable programs, an increase of \$19.6 million over fiscal year 1998. In addition, nuclear energy programs are funded at \$284 million, a reduction of \$41.8 million below the President's budget request. The conference agreement does provide \$19 million for the nuclear energy research initiative, a new research program devoted to enhancing the viability of nuclear power through improvements in safety, efficiency, and reliability.

The total amount appropriated for independent agencies is \$125.7 million, a decrease of \$151.9 million from fiscal year 1998, and \$373 million below the President's request. Consistent with the legislation passed by Congress last year, no appropriations have been provided for the Tennessee Valley Authority. For fiscal year 1999 and thereafter, TVA is empowered and directed to fund stewardship activities with internally generated savings and revenues. Absorbing the modest costs of stewardship activities will have no appreciable effect on an agency projected to receive \$6.5 billion in revenues in fiscal year 1999, and whose customers have enjoyed below-market rates for Federally-produced power for decades.

The conference agreement also includes \$66.4 million for the Appalachian Regional Commission, \$16.5 million for the Defense Nuclear Facilities Safety Board, and \$465 million for the Nuclear Regulatory Commission. The conference agreement does include \$20 million, as recommended by the Senate, for the Denali Commission. The agreement, however, makes this particular appropriation subject to authorization.

Mr. Speaker, I am grateful to my colleagues on the Subcommittee for their dedicated work on behalf of this conference agreement. Although there were a number of contentious issues to be resolved with the other body, the conferees worked in a bipartisan spirit of cooperation and comity to get the job done. It has been an honor and a pleasure to work with my talented and committed colleagues, and I thank them for their devoted efforts.

I would like to pay special tribute to the Ranking Minority Member of the Subcommittee, the Honorable Vic Fazio. In tribute to his many years of service on this Subcommittee, the committee on conference has renamed the Yolo Basin Wetlands in California as the Vic Fazio Yolo Wildlife Area. Given his enormous efforts to preserve and protect this critical natural resource, I believe this action to be a fitting tribute indeed.

Mr. Speaker, I urge all of my colleagues to support the conference agreement accompanying the Energy and Water Development Appropriations Bill for Fiscal Year 1999.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1999 (H.R. 4060)

| | FY 1998 Enacted | FY 1999 Estimate | House | Senate | Conference | Conference compared with enacted |
|--|------------------------|------------------------|------------------------|------------------------|------------------------|--|
| TITLE I - DEPARTMENT OF DEFENSE - CIVIL | | | | | | |
| DEPARTMENT OF THE ARMY | | | | | | |
| Corps of Engineers - Civil | | | | | | |
| General investigations..... | 156,804,000 | 150,000,000 | 162,823,000 | 165,990,000 | 161,747,000 | +4,943,000 |
| Construction, general..... | 1,468,373,000 | 806,000,000 | 1,456,529,000 | 1,240,068,000 | 1,429,885,000 | -38,488,000 |
| Contingent emergency appropriation..... | 5,000,000 | | | 8,000,000 | | -5,000,000 |
| Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee..... | 296,212,000 | 280,000,000 | 312,077,000 | 313,234,000 | 321,149,000 | +24,937,000 |
| Operation and maintenance, general..... | 1,740,025,000 | 1,603,000,000 | 1,637,719,000 | 1,667,572,000 | 1,653,252,000 | -86,773,000 |
| Emergency appropriations (P.L. 105-174)..... | 105,185,000 | | | | | -105,185,000 |
| Regulatory program..... | 106,000,000 | 117,000,000 | 110,000,000 | 106,000,000 | 106,000,000 | |
| Flood control and coastal emergencies..... | 4,000,000 | | | | | -4,000,000 |
| Formerly utilized sites remedial action program..... | 140,000,000 | | | | | -140,000,000 |
| Defense function..... | | 140,000,000 | 140,000,000 | 140,000,000 | 140,000,000 | +140,000,000 |
| General expenses..... | 148,000,000 | 148,000,000 | 148,000,000 | 148,000,000 | 148,000,000 | |
| Total, title I, Department of Defense - Civil..... | 4,169,599,000 | 3,244,000,000 | 3,967,148,000 | 3,788,264,000 | 3,960,033,000 | -209,566,000 |
| TITLE II - DEPARTMENT OF THE INTERIOR | | | | | | |
| Central Utah Project Completion Account | | | | | | |
| Central Utah project construction..... | 23,743,000 | 22,189,000 | 24,189,000 | 28,189,000 | 25,741,000 | +1,998,000 |
| Fish, wildlife, and recreation mitigation and conservation..... | 11,610,000 | 12,476,000 | 10,476,000 | 10,476,000 | 10,476,000 | -1,134,000 |
| Utah reclamation mitigation and conservation account..... | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | |
| Program oversight and administration..... | 800,000 | 1,283,000 | 1,283,000 | 1,283,000 | 1,283,000 | +483,000 |
| Total, Central Utah project completion account..... | 41,153,000 | 40,948,000 | 40,948,000 | 44,948,000 | 42,500,000 | +1,347,000 |
| Bureau of Reclamation | | | | | | |
| Water and related resources..... | 694,348,000 | 640,124,000 | 596,254,000 | 671,869,000 | 617,045,000 | -77,303,000 |
| (By transfer)..... | | (25,800,000) | (25,800,000) | (25,800,000) | (25,800,000) | (+25,800,000) |
| Emergency appropriations (P.L. 105-174)..... | 4,520,000 | | | | | -4,520,000 |
| Colorado River Dam fund (by transfer, permanent authority)..... | (-5,592,000) | | | | | (+5,592,000) |
| Loan program..... | 10,425,000 | 12,425,000 | 12,425,000 | 12,425,000 | 8,421,000 | -2,004,000 |
| (Limitation on direct loans)..... | (31,000,000) | (38,000,000) | (38,000,000) | (38,000,000) | (38,000,000) | (+7,000,000) |
| Central Valley project restoration fund..... | 33,130,000 | 49,500,000 | 33,130,000 | 39,500,000 | 33,130,000 | |
| California Bay-Delta ecosystem restoration..... | 85,000,000 | 143,300,000 | 75,000,000 | 65,000,000 | 75,000,000 | -10,000,000 |
| Policy and administration..... | 47,558,000 | 48,000,000 | 46,000,000 | 48,000,000 | 47,000,000 | -558,000 |
| Total, Bureau of Reclamation..... | 874,981,000 | 893,349,000 | 762,809,000 | 836,794,000 | 780,596,000 | -94,385,000 |
| Total, title II, Department of the Interior..... | 916,134,000 | 934,297,000 | 803,757,000 | 881,742,000 | 823,096,000 | -83,038,000 |
| (By transfer)..... | (-5,592,000) | (25,800,000) | (25,800,000) | (25,800,000) | (25,800,000) | (+31,392,000) |
| TITLE III - DEPARTMENT OF ENERGY | | | | | | |
| Energy supply..... | 906,807,000 | 1,129,042,000 | 882,834,000 | 786,854,000 | 727,091,000 | -179,716,000 |
| Non-defense environmental management..... | 497,059,000 | 452,000,000 | 466,700,000 | 418,254,000 | 431,200,000 | -65,859,000 |
| Uranium enrichment decontamination and decommissioning fund..... | 220,200,000 | 272,000,000 | 225,000,000 | 196,827,000 | 220,200,000 | |
| Science..... | 2,235,708,000 | 2,470,460,000 | 2,399,500,000 | 2,634,207,000 | 2,682,890,000 | +447,152,000 |
| Nuclear Waste Disposal..... | 160,000,000 | 190,000,000 | 160,000,000 | 190,000,000 | 169,000,000 | +9,000,000 |
| Departmental administration..... | 224,155,000 | 245,788,000 | 175,365,000 | 234,755,000 | 200,475,000 | -23,680,000 |
| Miscellaneous revenues..... | -136,736,000 | -136,530,000 | -136,530,000 | -136,530,000 | -136,530,000 | +208,000 |
| Net appropriation..... | 87,417,000 | 109,258,000 | 38,835,000 | 98,225,000 | 63,945,000 | -23,472,000 |
| Office of the Inspector General..... | 27,500,000 | 29,500,000 | 14,500,000 | 27,500,000 | 29,000,000 | +1,500,000 |
| Environmental restoration and waste management: | | | | | | |
| Defense function..... | (5,520,238,000) | (5,783,000,000) | (5,683,651,000) | (5,583,500,000) | (5,576,824,000) | (+56,586,000) |
| Non-defense function..... | (717,259,000) | (739,000,000) | (691,700,000) | (615,081,000) | (651,400,000) | (-65,856,000) |
| Total..... | (6,237,497,000) | (6,522,000,000) | (6,375,351,000) | (6,198,581,000) | (6,228,224,000) | (-9,273,000) |
| Atomic Energy Defense Activities | | | | | | |
| Weapons activities..... | 4,146,692,000 | 4,500,000,000 | 4,142,100,000 | 4,445,700,000 | 4,400,000,000 | +253,308,000 |
| Defense environmental restoration and waste management..... | 4,429,438,000 | 4,259,903,000 | 4,358,554,000 | 4,293,403,000 | 4,310,227,000 | -119,211,000 |
| Defense facilities closure projects..... | 890,800,000 | 1,006,240,000 | 1,038,240,000 | 1,048,240,000 | 1,038,240,000 | +147,440,000 |
| Defense environmental management privatization..... | 200,000,000 | 516,857,000 | 286,857,000 | 241,857,000 | 228,357,000 | +28,357,000 |
| Subtotal, Defense environmental management..... | 5,520,238,000 | 5,783,000,000 | 5,683,651,000 | 5,583,500,000 | 5,576,824,000 | +56,586,000 |
| Other defense activities..... | 1,666,008,000 | 1,667,160,000 | 1,761,260,000 | 1,658,160,000 | 1,696,676,000 | +30,668,000 |
| Defense nuclear waste disposal..... | 190,000,000 | 190,000,000 | 190,000,000 | 185,000,000 | 189,000,000 | -1,000,000 |
| Total, Atomic Energy Defense Activities..... | 11,522,938,000 | 12,140,160,000 | 11,777,011,000 | 11,872,360,000 | 11,862,500,000 | +339,562,000 |

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1999 (H.R. 4060)— continued

| | FY 1998 Enacted | FY 1999 Estimate | House | Senate | Conference | Conference compared with enacted |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|
| Power Marketing Administrations | | | | | | |
| Operation and maintenance, Alaska Power Administration | 3,500,000 | | | | | -3,500,000 |
| Capital assets acquisition..... | 10,000,000 | | | 5,000,000 | | -10,000,000 |
| Operation and maintenance, Southeastern Power | | | | | | |
| Administration | 12,222,000 | 8,500,000 | 8,500,000 | 8,500,000 | 7,500,000 | -4,722,000 |
| Operation and maintenance, Southwestern Power | | | | | | |
| Administration | 25,210,000 | 26,000,000 | 24,710,000 | 26,000,000 | 26,000,000 | +790,000 |
| Construction, rehabilitation, operation and maintenance, Western Area Power Administration..... | 189,043,000 | 215,435,000 | 205,000,000 | 212,018,000 | 203,000,000 | +13,957,000 |
| (By transfer, permanent authority)..... | (5,592,000) | | | | | (-5,592,000) |
| Falcon and Amistad operating and maintenance fund..... | 970,000 | 1,010,000 | 970,000 | 1,010,000 | 1,010,000 | +40,000 |
| Total, Power Marketing Administrations..... | 240,945,000 | 250,945,000 | 239,180,000 | 252,528,000 | 237,510,000 | -3,435,000 |
| Federal Energy Regulatory Commission | | | | | | |
| Salaries and expenses | 182,141,000 | 188,898,000 | 186,500,000 | 188,898,000 | 187,500,000 | +5,359,000 |
| Revenues applied..... | -182,141,000 | -188,898,000 | -186,500,000 | -188,898,000 | -187,500,000 | -5,359,000 |
| Total, title III, Department of Energy..... | 15,898,574,000 | 17,043,365,000 | 16,203,560,000 | 16,476,755,000 | 16,423,306,000 | +524,732,000 |
| (By transfer) | (5,592,000) | | | | | (-5,592,000) |
| TITLE IV - INDEPENDENT AGENCIES | | | | | | |
| Appalachian Regional Commission | 170,000,000 | 67,000,000 | 65,900,000 | 67,000,000 | 66,400,000 | -103,800,000 |
| Denali Commission | | | | 20,000,000 | 20,000,000 | +20,000,000 |
| Defense Nuclear Facilities Safety Board..... | 17,000,000 | 17,500,000 | 16,500,000 | 17,500,000 | 16,500,000 | -500,000 |
| Nuclear Regulatory Commission: | | | | | | |
| Salaries and expenses | 468,000,000 | 483,340,000 | 462,700,000 | 466,000,000 | 465,000,000 | -3,000,000 |
| Revenues..... | -450,000,000 | -152,341,000 | -444,700,000 | -416,000,000 | -444,800,000 | +5,200,000 |
| Subtotal | 18,000,000 | 330,999,000 | 18,000,000 | 50,000,000 | 20,200,000 | +2,200,000 |
| Office of Inspector General | 4,800,000 | 5,300,000 | 4,800,000 | 4,800,000 | 4,800,000 | |
| Revenues..... | -4,800,000 | -1,749,000 | -4,800,000 | -4,800,000 | -4,800,000 | |
| Subtotal | | 3,551,000 | | | | |
| Total | 18,000,000 | 334,550,000 | 18,000,000 | 50,000,000 | 20,200,000 | +2,200,000 |
| Nuclear Waste Technical Review Board | 2,600,000 | 2,950,000 | 2,600,000 | 2,600,000 | 2,600,000 | |
| Tennessee Valley Authority: Tennessee Valley Authority Fund... | 70,000,000 | 76,800,000 | | 70,000,000 | | -70,000,000 |
| Total, title IV, Independent agencies..... | 277,600,000 | 498,800,000 | 103,000,000 | 227,100,000 | 125,700,000 | -151,900,000 |
| Scorekeeping adjustments..... | -529,705,000 | -424,000,000 | -424,000,000 | -432,000,000 | -424,000,000 | +105,705,000 |
| Grand total: | | | | | | |
| New budget (obligational) authority..... | 20,732,202,000 | 21,296,462,000 | 20,653,465,000 | 20,941,861,000 | 20,908,135,000 | +175,933,000 |
| Appropriations..... | (20,617,497,000) | (21,296,462,000) | (20,653,465,000) | (20,933,861,000) | (20,908,135,000) | (+290,638,000) |
| Emergency appropriations..... | (109,705,000) | | | | | (-109,705,000) |
| Contingent emergency appropriation..... | (5,000,000) | | | (8,000,000) | | (-5,000,000) |
| (By transfer) | | (25,800,000) | (25,800,000) | (25,800,000) | (25,800,000) | (+25,800,000) |

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

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

Mr. Speaker, I would begin by saying that I support passage of H.R. 4060, the appropriation measure funding the energy and water projects for the United States of America for the next fiscal year.

I particularly want to point out at this moment my particular regard for three of the members of the subcommittee who will not be with us next year because of retirements. First of all, the yeoman's service the gentleman from Mississippi (Mr. PARKER) has provided to the subcommittee over years. I appreciate all of his efforts and the contributions that he has made.

Secondly, I want to also thank the gentleman from California (Mr. FAZIO) for all that he has done for his country, for this institution, for the committee on which we serve. The reason I am here today is the gentleman from California (Mr. FAZIO) is about the business of this government doing the agriculture appropriation conference for the committee.

Finally, Mr. Speaker, I think it is a tremendous coincidence for me personally that the first bill that I will manage for the Democratic side will, as I would understand it, be the last bill that the gentleman from Pennsylvania (Mr. MCDADE) will be managing on the Republican side.

Having met the gentleman from Pennsylvania (Mr. MCDADE) in 1977 as a member of a congressional staff, I must say that I am honored by the pure coincidence and great privilege that this is the gentleman's last bill and my first. It is a moment that I will remember forever, and also the gentleman's friendship.

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

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of our subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of this conference report, and first I want to pay tribute to the gentleman from Pennsylvania (Chairman JOE MCDADE) for his outstanding leadership, work, and cooperation. All of that is commendable, but we are very, very sorry to see him go. Believe me, we have appreciated having the gentleman's leadership here.

I also want to thank the subcommittee staff of the Subcommittee on Energy and Water, who have been working on a number of important provisions that are in this bill.

I just want to focus on a couple of areas where we have made, I think, great progress this year to clean up the former defense nuclear facilities. Specifically, in addition to the \$4.2 billion we provided for defense environmental management, we provided over \$1 bil-

lion for defense facilities closure projects, which provides funding for sites which have established a credible goal of completing cleanup by the end of fiscal year 2006.

The major environmental management sites, both Rocky Flats in Colorado and Fernald, Ohio, should be closed within the criteria of this program. It was just 2 years ago that DOE estimated that the total cost of the remaining clean-up of the environmental management sites at between, get this, between \$189 and \$265 billion over a 75-year period, almost as large in dollar amount as the S&L bailout.

That plan to us was unacceptable. Certainly, given the long-term funding outlook of all of the discretionary programs we had currently, entitlements and interest on the national debt constitutes, as I think everyone knows, about two-thirds of the budget, and in 10 to 12 years they are projected to consume 100 percent of the Federal revenues.

An accelerated clean-up schedule like the defense facilities closure projects will enable us to close some of the sites and free up funds to bring about closure to the entire environmental management program.

I also look forward to working with the new Secretary of Energy, Bill Richardson, and want to express the importance of closing out the remaining environmental management sites to him. I urge my colleagues to support this conference report.

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

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

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

I rise in support of the conference report on H.R. 4060, the fiscal year 1999 energy and water appropriations bill. First, I would like to thank the chairman, the gentleman from Pennsylvania (Mr. MCDADE) for his work on this bill, particularly as it relates to projects in and around my district in southeast Texas, and to the ranking member, the gentleman from California (Mr. FAZIO) for the work he did, as well as to my colleague, the gentleman from Texas (Mr. EDWARDS) a member of the subcommittee, who has done yeoman's service in looking out for the interests of our State.

Mr. Speaker, I would like to point out a couple of things. This bill carries forward with the funding necessary for the U.S. Army Corps of Engineers to meet the projects that were authorized, particularly the flood control and navigational improvements that were authorized for the 1996 Water Resources Development Act.

In particular, it is important to my area just earlier this month, after having gone through a long drought, the greater Houston area was hit with tropical storm Frances, flooding many

neighborhoods along the Brays and Sims bayous in my district.

H.R. 4060 includes vital funding for several flood control projects, including those for the Brays and Sims as well as Hunting and White Oak bayous. I appreciate that the committee had the wisdom and foresight to see that the Corps got the funding that it needed for these projects.

Finally, Mr. Speaker, let me say that the bill includes \$49 million for the deepening and widening of the Houston Ship Channel, the Nation's second largest port in terms of tonnage. This is a major part of the greater Houston area economy, having an indirect and direct effect on about 200,000 jobs, and this deepening and widening will allow the port to remain competitive, as we have more and more trade going on out of the Texas area.

Mr. Speaker, I want to thank all the Members of the committee, but particularly the chairman, who is departing, and the ranking member, the gentleman from California (Mr. Fazio), who is departing, and ask my colleagues to support the bill.

Mr. Speaker, I rise in support of the Conference report on H.R. 4060, the FY 1999 Energy and Water Appropriations bill. I would first like to thank Chairman MCDADE and Ranking Member FAZIO for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided to projects in our state.

Mr. Speaker, I strongly support the decision of the Conference to ensure the U.S. Army Corps of Engineers receives adequate funding to continue their vital work in the areas of flood control and navigational improvements as authorized by the 1996 Water Resources Development Act.

I am very pleased by the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. Just this month, southeast Texas suffered significant flooding from Tropical Storm Frances including neighborhoods along the Brays and Sims Bayous in my district. H.R. 4060, includes vital funding for several flood control projects in the Houston area, including Brays, Sims, and Hunting and White Oak Bayous, which will provide much-needed protection for our communities.

I am most grateful for the subcommittee's decision to fund the Brays Bayou project at \$4.5 million for FY '99. The Administration's FY '99 budget did not request any funding to continue work on this critical flood control project. However, the U.S. Army Corps of Engineers had initially requested \$6 million to meet FY '99 construction needs. I am most appreciative that the Conference was able to fund this project while remaining within their budgetary spending caps as specified by the 1997 Balanced Budget Agreement.

This project is necessary to improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County. The project consists of 3 miles of channel improvements, three flood detention basins, and seven miles of stream diversion and will provide a 25-year level of flood protection. The project was originally authorized in the Water Resources Development Act of

1990, as part of a \$400 million federal/local flood control project. Through Fiscal Year 1998, over \$6 million has already been appropriated. The Harris County Flood Control District has expended over \$21 million for preconstruction preparation in terms of land acquisition, easements, and relocations, plus an additional \$2.5 million in engineering and construction. As part of the Water Resources Development Act of 1996, the project was authorized as a demonstration project for a new federal reimbursement program. This program is an effort to strengthen and enhance the Corps/Local Sponsor role by giving the local sponsor a lead role and providing for reimbursement by the Federal Government to the local sponsor for the traditional Federal portion of work accomplished.

I am also most grateful for the committee's decision to fund the Sims Bayou project at \$12 million for FY '99, which is much improved over the Administration's request for this project. This project is necessary to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County. This project, authorized as part of the 1988 WRDA bill, consists of 19.3 miles of channel enlargement, rectification, and erosion control beginning at the mouth of the bayou at the Houston Ship Channel and will provide a 25-year level of flood protection. This continuing project has received over \$100 million to date in state and federal funding and is scheduled to be completed two years ahead of schedule in 2004.

Mr. Speaker, I am also pleased that this legislation provides \$49 million to fund continuing construction on the Houston Ship Channel expansion project. This project offers tremendous economic and environmental benefits and once completed, will enhance one of our region's most important trade and economic centers. The Houston Ship Channel desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than \$5 billion annually and providing 200,000 jobs.

However, the Port's capacity to increase tonnage and create jobs is limited by the size of the channel. Hence the need for the Houston Ship Channel expansion project, which calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world.

Again, I thank the Chairman and Ranking Member for their support, and I urge my colleagues to support this legislation.

Mr. KIND. Mr. Speaker. I rise today in strong support of the Energy and Water Appropriations Conference report and to commend my colleagues on the Conference Committee for their diligent work in bringing this Conference Report to the floor.

I would like to take a moment to highlight two items in this bill that are important to the citizens of western Wisconsin: The Upper Mississippi River System Environmental Management Program and the LaFarge Dam, located in the Kickapoo River Valley.

The Mighty Mississippi River runs through the heartland of our nation, and has been the focal point of our country's development throughout history. Today, Americans from 33 states live, work and play in its basin, and so it is only right that we recognize the Mississippi River as a nationally significant resource by funding programs such as the EMP, that serve the multi-purpose nature of this great river.

The Mississippi River is a working river with diverse uses. It carries the agricultural products of our nation's midsection to foreign markets while providing habitat for fish, wildlife and migrating waterfowl. Boaters and anglers use the rivers backwaters and side channels for a wide variety of recreational activities.

During this congress, I have worked with Rep. OBERSTAR, Rep. LEACH and Rep. GUT-KNECHT to form the bipartisan Upper Mississippi River Task Force. Sixteen members of Congress—eight members from each side of the aisle—have joined together, to recognize the national importance of the navigational, recreational, and environmental benefits this nation enjoys because of a healthy, vibrant Mississippi River. The Upper Mississippi River Task Force has repeatedly voiced its unwavering support for fully funding the EMP. I thank the members of the Task Force for their bipartisanship, diligence and perseverance in supporting our nation's interest in the Mississippi River.

The EMP is unique in its multi-agency and multi-state cooperation in addressing the diverse needs of the resource. This Appropriations bill provides \$18.9 million for the long-term resources monitoring and habitat restoration and enhancement efforts of the EMP. I commend the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and the states of Wisconsin, Illinois, Iowa, Minnesota and Missouri for their participation in such a successful program.

This appropriations bill also provides \$2.8 million in much needed funding for the LaFarge Dam project in my district in Western Wisconsin. The Water Resources Development Act of 1996 provisionally deauthorized the Army Corps of Engineers' La Farge Dam Project, located on the Kickapoo River in western Wisconsin. It also called for the transfer of ownership 8700 acres to the State of Wisconsin and Ho-Chunk Indian Nation.

This funding will provide the Army Corps of Engineers the resources it needs to continue the relocation of a state highway, conduct an environmental clean-up of reserve land, make safety modifications to the site, and address cultural resources issues in compliance with federal law. This funding will finally make the Kickapoo Reserve accessible to hikers, canoeists and outdoor enthusiasts for generations to come.

I applaud the Appropriations Committee for its diligence in protecting these priorities and providing the financial resources we need to preserve and protect the integrity of our nation's most treasured natural resources, our nation's rivers.

Ms. PRYCE of Ohio. Mr. Speaker, with the adoption today of the conference report on H.R. 4060, the Fiscal Year 1999 Energy and Water Development Appropriations, I would like to express my sincere gratitude to the House and Senate conferees for the inclusion of \$14 million for the West Columbus Floodwall Project. Each year, as the appro-

priations process unfolds in Congress, I have made budget requests for the Floodwall Project, and have closely monitored the process to ensure that it receives the funding it needs. I remain committed toward achieving this goal. The \$14 million included in this conference report will allow this project to proceed on-schedule and on-budget.

The threat of a major flood disaster continues to loom Columbus and Central Ohio. In 1913, 1937, and 1959, melting snow and heavy rains caused the Scioto River to overflow its banks. The resulting catastrophic floods caused the loss of many lives, destroyed homes and businesses, and damaged millions of dollars worth of residential and commercial property. Until the Floodwall Project is completed, the potential for a major flood disaster will continue to threaten citizens, homes, and businesses located in the very heart of downtown Columbus that borders the Scioto River. Currently, approximately 17,000 residents continue to be placed at risk of life, injury, and hardship. Should a 100-year frequency flood occur prior to completion of the project, the damages are estimated at \$365 million and should a 500-year flood occur, the damages are estimated to exceed \$455 million.

While risk to human life and safety is of paramount concern, completion of the Floodwall will also permit important new development along the Columbus riverfront. Columbus is now the largest city in Ohio and the sixteenth largest city in the United States. Its economy is strong and the city is experiencing rapid growth. New construction in the downtown riverfront area, however, will not be able to proceed until the Floodwall construction is completed. Without the important protection of the Floodwall, this looming risk will deter future business and housing development, economic growth, infrastructure improvements, and recreational opportunities in the city. Currently, flood plain zoning restrictions continue to remain in place for 5,520 residences and 650 non-residential structures, as well as the future development of 2,800 acres. It is, therefore, imperative to the city's growth and economic health that the Floodwall Project continue on schedule. Therefore, it is not only the safety of Columbus residents and businesses, but also the future growth of the city's downtown which depends on the timely completion of this important project.

On behalf of those that continue to live with the threat of a major disaster in Columbus and Central Ohio, let me again thank all the Members for their assistance on this very important project.

Mr. VENTO. Mr. Speaker, I rise with specific concerns regards the Energy and Water Appropriation measure. When conference with the Senate was sought the full House accepted my instruction which put the House on record in opposition to the Senate provision regards the Denali Commission which provided the authorization of an economic development commission with such sums as necessary and then topped it off with a \$20 million appropriation. Little was understood, surely no hearings and no clear concept of what the purpose and cost would be were understood with the Senate language. The House on a voice vote said no to this policy path and process by accepting the veto instruction.

In conference I understand that the Senate advocate insisted upon this provision and that

the best the House conferees could do was to fence, to subject to authorization the \$20 million that was included in the final conference that we are being asked to agree to today.

I must say I'm disappointed with this result and hope that the House can forestall and quick action to free up this \$20 million solely for Alaska. This state has a significant oil reserve and billions in revenue that flows exclusively to the residents that have no income tax and little in other state-wide taxes that prevail in the other forty nine states. Alaska should look first to its own resources for the purposes anticipated by this commission provision and Congress should not short cut the normal process of open hearing and a good understanding of the topic. Nevertheless, we should and I'm hopeful that given the chance to review and limit this policy that the Congress would act responsibly. Therefore, I intend to vote for this measure with the hope that the intent of a true authorization, a complete evaluation, approved by the Congress is going to be implemented.

Mr. GREEN. Mr. Speaker, I rise in strong support of the Conference Report on H.R. 4060, the Energy and Water Development Appropriations Act for FY 1999. Included in this important conference report is an appropriation for the continued dredging project for the Houston Ship Channel. This has been a long time coming and we have all worked very hard to get to this point.

The expansion of the Houston Ship Channel is important on many levels. The Port of Houston, connected to the Gulf of Mexico by the 53-mile ship channel, is the busiest U.S. port in foreign tonnage, second in domestic tonnage and the world's eighth busiest U.S. port overall. With more than 6,435 vessels navigating the channel annually and an anticipated increase over the next few years, the widening of the channel from 400 to 520 feet and its deepening from 40 to 45 feet is a necessary step in safeguarding the economic viability of the port and the City of Houston.

The port provides \$5.5 billion in annual business revenues and creates 196,000 direct and indirect jobs in our communities. By generating \$300 million annually to the federal government from customs fees generated by port activities and \$213 million annually in state and local taxes, this Ship Channel dredging project will more than pay for itself.

We have made a good first step. For Fiscal Year 1998, the Congress approved \$20 million to begin construction. With the leadership and dedication of my colleagues, Chairman JOSEPH MCDADE and ranking Member VIC FAZIO, as well as Congressman CHET EDWARDS, we have secured \$49 million for fiscal year 1999.

We still have a lot of work to ensure that the deepening and widening project remains on schedule. Working together, I know we will be successful.

Mr. STRICKLAND. Mr. Speaker, today I rise in support of H.R. 4017, the Energy Conservation Reauthorization Act of 1998. The bill supports the continued funding of worthy programs that stemmed from the Energy Policy and Conservation Act and the Energy Conservation and Production Act. During the mark-up of H.R. 4017 in the Commerce Committee, the bill was amended to include a provision that would make our Nation less dependent on foreign oil supplies by promoting the use of biodiesel fuel in the Federal Government.

I am proud to rise as a cosponsor of a provision that will provide credit for those who consume the biodiesel blend, B-20, an alternative fuel. Currently, Federal, local, and municipal agencies must add alternatively fueled vehicles to their fleets. B-20 is an easily-accessible alternative fuel that is a combination of many of the farm products produced in southern Ohio. The bill authorizes fleet managers using biodiesel in their motor vehicles to receive credit toward the requirements for alternatively fueled vehicles established under current law.

Of equal importance is the positive effect this bill will have on farming communities across the country including those in the Sixth Congressional District of Ohio. This bill supports farm incomes by increasing demand for soybeans, natural fats, and other farm products. This measure is critical, given the current economic woes of farmers in Ohio and the rest of this country. H.R. 4017 does not create any new mandates on covered fleets, and actually provides fleet operators greater flexibility in compliance with existing law. The Energy Conservation Reauthorization Act modified the purchase requirement program to reward the use of alternative fuel sources. In sum, the bill promotes U.S. energy security and regulatory flexibility while assisting America's farmers.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3150) to amend Title 11 of the United States Code, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the House bill (H.R. 3150) be instructed to agree to section 405 of the Senate amendment.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr.

GEKAS) will be recognized for 30 minutes.

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

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

Mr. Speaker, I am offering this motion in response to a disturbing practice that unfortunately has become all too common. Credit card companies have told the Congress that they need this bill to provide protection from irresponsible borrowers who abuse the bankruptcy system to evade debts that they can repay.

I do not agree with the bill and I do not agree with that contention, but even if that were true, the practice that some credit card companies have now engaged in is unconscionable. Some credit card companies now discriminate against the most responsible borrowers by cutting off their credit card or charging other fees to borrowers who commit the terrible sin of paying their bills in full and on time each month.

This form of discrimination against the most responsible borrowers is intolerable and outrageous. On the one hand they are telling us that borrowers are irresponsible and we should do something about that. On the other hand, they want the right to discriminate against borrowers who act responsibly.

Mr. Speaker, in response to this phenomenon, the other body adopted an amendment offered by the junior Senator from Rhode Island, Mr. REED, which would prohibit this practice. It is an amendment to the Truth in Lending Act. It makes sense, it is fair, and it reinforces the theme that the sponsors of this bill have been stressing, the theme of shared responsibility in lending between borrower and creditor.

□ 1600

The House bill tightens the noose around the necks of bankrupt Americans, but does nothing to ensure that banks are also required to act responsibly. This amendment and the others adopted by the Senate will help bring some balance to an unbalanced bill.

Mr. Speaker, this is a real problem. Around the country, credit card customers who are most responsible with their borrowing practices have received letters from issuers which say, and I am now going to quote,

Our records indicate this account has had no finance charges assessed in the last 12 months. Unfortunately, the expense incurred by our company to maintain and service your account has become prohibitive; and, as a result, in accordance with the terms of your card holder agreement, we are not re-issuing your credit card.

The message is clear. Be responsible but not too responsible. It reveals the true agenda of the supporters of this bill, which is not to encourage responsible borrowing but to allow banks to squeeze borrowers even further.

The banks were able to kill an amendment to prohibit the outrageous double fees at ATMs, a little balance

and fairness. Credit card companies have claimed that they need to cancel accounts which do not incur finance charges because the cost of servicing these accounts is, quote, "prohibitive." That is not true.

Each year, an average \$3,000 is charged to a credit card. The 2 percent interchange fees on these cards, which equals \$60, would seem to more than cover the average industry cost of \$25 needed to service an account for a year.

Americans hold over \$450 billion in consumer debt; and with the average interest rate on credit card balances at 17.7 percent in an era of low interest rates generally, the overall profitability of credit card lending is apparent. In fact, we know that the credit card departments are the major profit centers in the banks today.

This amendment also will not bar lenders from cutting off cards or charging fees for other legitimate reasons. It would only block those actions if they are used to discriminate against the most responsible and conscientious borrowers.

Mr. Speaker, I urge my colleagues to support the motion to instruct the conferees. Let us have a bill which stresses balance and a shared responsibility in the credit card market.

Let me say also, Mr. Speaker, I hope, let me take this opportunity to express the hope, that the published reports that we have seen in which Members of the majority party have indicated that the Members from this House will get together with the majority party members from the other House and make an agreement and a deal behind the scenes and by implication will shut out the minority and to make a conference a sham, I hope that those reports are inaccurate. I hope that will not happen.

I hope that what has happened in certain other conferences where a behind-the-scenes deal is made and the conference is a sham and the members of both bodies from the minority party are completely shut out and are presented with a completed bill, take it or leave it, I hope that is not going to be repeated in this instance. Because if we are going to have a responsible bill that the President will not veto, that would be a very bad idea if that were to occur.

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

PERMISSION TO POSTPONE ELECTRONIC VOTE ON MOTION TO INSTRUCT CONFEREES

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that any recorded vote, if demanded, which may be requested on a motion to instruct conferees on the bill, H.R. 3150, be postponed until after 5 p.m. today.

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

There was no objection.

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

Mr. Speaker, I rise in opposition to the motion made by the gentleman from New York.

The Members should recognize, as in every other case, when a motion to instruct conferees takes place that it is kind of a suggestive motion, that it is not binding on the committee nor on the conference nor on the House itself.

But as a question of comity and of good faith, if a motion such as this should pass, I think the chairman of the conference should bring it up at the conference and note for the record that such a motion carried in the House.

If this should carry, I want the gentleman from New York to know that I as one will convey in the conference the notions that are expressed in the motion.

There are a couple things, though, that have to be made of record. At the start, the subject matter that the gentleman brings to the floor via this motion to instruct is probably not germane. If it were a complete House measure which we were discovering here, it is possible that we would not even be discussing it because the subject matter does not pertain to our portion of the bankruptcy realm. But, rather, this motion goes to something that is exclusively in the jurisdiction of the Committee on Banking and Financial Services. So we have that.

So just as I say to the gentleman from New York that I pledge to him, if this motion should carry, that I will in good faith mention that this motion was carried to the conference, I will just as strongly say that the House believes on its own that it is not germane, and that it should not be considered from a standpoint of other than what it is, a Senate proposal at the time of the conference.

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

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

Mr. NADLER. Mr. Speaker, I believe that it is germane simply because it is in the Senate bill, and that makes it conferenceable and germane.

Mr. GEKAS. Mr. Speaker, reclaiming my time, there is no question that the conference can deal with it. What I am saying to the gentleman from New York is, in companionship with the pledge I make to the gentleman that I will carry his wishes as it were through this motion to the conference, I will also point out at that time that the House is not enamored of and was not enamored of this provision during the regular House debate, not only because it was not worthwhile on its merits as we would say, but also because it would never reach the floor for discussion at all because it is not germane at all to the issue of bankruptcy reform as reflected in H.R. 3150. But having said that, I am willing to proceed as I outlined in my opening remarks.

Mr. Speaker, the gentleman from Texas (Mr. BENTSEN) had approached me at the outset, and I agreed that I would submit to interrogation, so I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, it has come to my attention that the bill as written by the Senate that we are discussing today would further encroach upon the rights of the States to set their own laws and policies with respect to homestead.

As the gentleman knows, I had raised objections to the House bill which I realize that he worked quite diligently on trying to temper some of the concerns that Members from my State of Texas and I think Florida and others had. While I would like to go much further than what is in the House bill, in fact I would prefer a complete elimination of the homestead provisions, because I think they really are not to the point of what the bill is trying to address, I am eager to learn what the House position may be with respect to the Senate language.

I would just tell the gentleman, from this Member's perspective as one who did vote for the bill when it came out of the House, if it includes the language that is in the Senate bill, I will find it next to impossible if not impossible to support a conference report or to override a potential veto of the President as has been mentioned.

Quite frankly, it is still hard. Some of my support, and I think some of my colleagues from my State support, on the House bill was with the understanding that we might even do better than we did in the House.

Mr. GEKAS. Mr. Speaker, reclaiming my time, the gentleman from Texas (Mr. BENTSEN) should know, first of all, that we intend to defend strenuously the House position on homestead exemption. We believe it is the right course to adopt. We enter the conference unyielding on that point.

We believe that the States should retain the right under even the current law to set its own standards for homestead exemption.

We are buttressed on a couple of points by the fact, number one, that one of the gentleman's colleagues from Texas, the gentleman from Texas (Mr. SMITH), a member of the Committee on the Judiciary, is also strongly juxtaposed to this issue and has prevailed upon us to consider that position just as the gentleman has on the floor here today. He being a member of the Committee on the Judiciary adds weight to the argument that the gentleman has advanced.

Number three, we believe that the Senate, in the final analysis, will be able to move closer to our position. We have that by way of rumor or innuendo, shall we say, but we hope to press the point to the point that that innuendo will turn to support for our portion of this bill.

So with that, the gentleman should feel confident that at least moving into the conference the House position on homestead exemption will be the source of staunch defense.

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

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

Mr. BENTSEN. Mr. Speaker, I appreciate the gentleman's comments. This motion to go to conference came up quickly.

The gentleman will be receiving a letter today, as will the gentleman from New York (Mr. NADLER), from myself and a number of my Texas colleagues on this issue in staking out our position. I appreciate the gentleman's comments and perhaps the members of the other body, if we had gone back to where we were prior to the beginning of this century when they were elected by their legislatures, would be more favorably inclined towards the will of their own legislatures rather than what they would seek to impose upon them.

So I appreciate the gentleman's comments and hope that the House stays the course.

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

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

Mr. Speaker, I would observe that the distinguished chairman of the subcommittee a moment ago, on the motion to instruct, talked about its germaneness to the House bill. Although he said it was conferenceable, he conceded that it was conferenceable, I am not clear but I think he said he objected to it but he did not discuss it on the merits. He did not say why it is a good idea or a bad idea.

I would like to hear whether he agrees with this or whether he thinks this is a good idea or a bad idea, whether he thinks that it is right that credit card companies are going to cut off the credit or discriminate against the 40 percent of credit card holders who pay their balances in full each month? In other words, does he oppose this or not?

I would like to know anybody's views on the merits of this.

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

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

Mr. Speaker, I think the proper thing for the gentleman from New York (Mr. NADLER) and me to do is to ask for a special order and debate his proposition for an hour in the well sometime when we are prepared for it.

At this juncture, where we are now, the gentleman should recognize that the merits of this proposition have not been debated in full, either in our committee, nor analyzed by our staff, nor in any way the subject of conversation or informal conference, as it were, between the gentleman from New York (Mr. NADLER) and me, but we ought to do it some time in the context of a full debate on the floor by way of a joint special order, if the gentleman wishes.

Suffice it to say that I will live up to my pledge, unless he keeps on insisting on debating it now, in which case I may have to retract my willingness to openly state the gentleman's wishes on this matter.

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

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

Mr. Speaker, this provision is in the Senate bill. It was fully debated on the Senate floor. It has been a matter of discussion. It has been debated in the Committee on Banking and Financial Services of this House and, frankly, if we were going to have a special order that would be after the instructions to the conferees were voted or not voted.

Frankly, I am a little surprised that no one has anything to say about the merits of this idea. Perhaps they think it is self-evident. I certainly do.

The 40 percent of credit card holders who pay their bills on time should not have their credit withdrawn for that or be discriminated against in other ways. I hope, therefore, the House will vote for this motion, which I recognize is not binding on the conferees, any instruction is not, but is a good expression of the will of the House, which hopefully the conferees will take into account.

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

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

Mr. Speaker, I am tempted to go for a full vote of the House just to try to get my point across to the gentleman from New York (Mr. NADLER). I am withholding my own inclination to disallow this thing wholly on the basis of a vote which I believe I can try to muster a majority to refuse the gentleman's motion.

He refuses to understand that as a matter of comity and courtesy, I am willing to transfer, to carry his point of view to the conference, even though I have strong feelings about the fact that that is not the salient point of the conference in total bankruptcy reform.

□ 1615

But if he keeps insisting about wanting to continue debate, I may want to have a full vote. At this juncture, I will vouch for myself and for him, that the pressure is off on this and that we are going to proceed to a voice vote.

Is the gentleman willing to agree to proceed to a voice vote?

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from Pennsylvania (Mr. GEKAS). I think we have an expanded opportunity to work out some issues. And let me add my expression of concern but also recognition, I think the chairman has recognized this issue, and I am delighted that the gentleman from New York (Mr. NADLER) has refreshed our memories and brought this very important point to our attention; that is, the question of those credit users, borrowers who in actuality pay on time or pay in full, for those individuals to be deprived of credit or to be

put in a more disadvantaged position than otherwise.

Might I cite another example that does not go to this particular point, and I believe the gentleman from Pennsylvania (Mr. GEKAS) may be aware of this, is the complete consumption or being consumed throughout the Nation by credit cards. We have found many of my constituents who may not, in certain instances, be eligible for credit cards cannot even pay with cash. We have heard the stories of not being able to rent cars and purchase other large items, if you desire to purchase it without a credit card. So this idea of finding out that those who would be willing, if they had a credit card, to pay in advance I think is an important instruction.

I look forward to working with both the gentleman from New York (Mr. NADLER) and the chairperson on addressing these questions. I might add, if I might inquire of the gentleman from Pennsylvania (Mr. GEKAS), I am concerned, coming from Texas, as to how we might fix the homestead problem. It was raised by my colleague, the gentleman from Texas (Mr. BENTSEN).

I understand that the Senate bill makes it worse, and it makes it very difficult for us in Texas because of the different rules that we have. Is the gentleman familiar with the homesteading problem, the cap with respect to the amount of monies able to be preserved on one's homestead?

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

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

Mr. GEKAS. Mr. Speaker, I seem to recall that the gentlewoman did not support the House bill and in doing so on the whole, it appears that she rejected the homestead exemption language that we have in the House.

But I must say to the gentlewoman that the homestead exemption in the House, which we believe is the strongest version of that issue that is possible, is one that we plan to defend staunchly at the conference. We have been in consultation with her colleagues, her governor, and with our colleague on the Committee on the Judiciary, the gentleman from Texas (Mr. SMITH), who has kept us in tune with the wishes of the Texas legislature and of the Governor and of his colleagues in the Texas delegation in the Congress. So we intend to work hard to preserve the exemption that is now part of the House language.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman is absolutely right. I voted against the bill. I thought it was a bad bill. But that bill, as far as I am concerned, did not totally answer the concern that I had with the homesteading question. I am very delighted that we will try and fix or we will attempt to make it better, both out of the Senate and maybe even better than what was reported out of the House.

My final point will be that I think one of the missing items that could be

worked upon as well is the question dealing with educating credit users. I hope that in this conference there will be some discussions about those issues and, as well, I particularly raise the concerns I had about this bill in its lack of protection for child support and alimony.

With that, I would simply say that it is important that we put forward the best bill we can in protecting those who are most in need.

I rise to support this amendment in response to a disturbing practice that, unfortunately, has become all too common.

Credit card companies have told the Congress that they need protection from irresponsible borrowers who try to abuse the bankruptcy system to evade debts they can repay.

Yet, some credit card companies have been discriminating against the most responsible borrowers by cutting off the credit cards, or charging other fees, to borrowers who pay their bills in full and on time each month.

This form of discrimination against the most responsible borrowers is intolerable and outrageous. On the one hand, they are telling us that borrowers are irresponsible, and on the other hand, they want the right to discriminate against borrowers when they act responsibly.

In response to this phenomenon, the Other Body adopted an amendment offered by the Junior Senator from Rhode Island [Mr. REED] which would prohibit the practice. It is an amendment to the Truth in Lending Act, it makes sense, it is fair, and it re-enforces the theme the sponsors of this bill have been stressing—the theme of shared responsibility in lending.

The House bill tightens the noose around the necks of bankrupt Americans, but does nothing to ensure that banks are also required to act responsibly. This amendment, and others adopted by the Senate will bring some balance to an unbalanced bill.

This is a real problem. Around the country, credit card customers who are most responsible with their borrowing practices, have received letters from issuers which say—and I am quoting here:

Our records indicate this account has had no finance charges assessed in the last 12 months. Unfortunately, the expense incurred by our company to maintain and service your account has become prohibitive, and as a result, in accordance with the terms of your cardholder agreement, we are not re-issuing your credit card.

The message is clear: be responsible, but don't be too responsible, and it reveals the true agenda of the supporters of this bill, which is not to encourage responsible borrowing, but to allow banks to squeeze borrowers. The banks were able to kill an amendment to prohibit the outrageous double fees at ATM's. A little balance and fairness.

Credit card companies have claimed that they need to cancel accounts which do not incur finance charges because the cost of servicing these accounts is "prohibitive." That's not true.

Each year, an overate of \$3,000 is charged to a credit card. The 2 percent interchange fee on these charges, which equals \$60, would seem to more than cover the average industry cost of \$25 needed to service an account for a year.

Americans hold over \$450 billion in consumer debt, and with the average interest rate

on credit card balances at 17.7 percent, the overall profitability of credit card lending is apparent.

This amendment also will not bar lenders from cutting off cards or charging fees for other legitimate reasons. It would only block those actions if they are used to discriminate against the most responsible and conscientious borrowers.

I urge my colleagues to support the motion to instruct conferees. Let's have a bill which stresses balanced and shared responsibility in the credit market.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. LAFALCE), ranking member of the Committee on Banking and Financial Services.

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

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

I rise in support of the motion to instruct House conferees on the Bankruptcy Reform Act. I wish to commend my colleague, the gentleman from New York (Mr. NADLER) for his leadership in directing the House's attention to the important issues raised in the Senate bill by the Reed amendment. At a time of escalating consumer debt and record bankruptcies, it would be everyone's objective or it should be everyone's objective to encourage consumers to be more responsible in managing debt, particularly credit card debt.

This is a primary reason for enacting legislation to create a needs-based bankruptcy system. Unfortunately, many credit card companies have taken an opposite approach. Rather than encouraging responsible use of credit cards and reduction of credit card debt, they are imposing penalties on the 40 percent of their card holders who act responsibly and regularly pay off their credit card balances.

Press articles began appearing 2 years ago describing how one credit card issuer, then another, had begun imposing minimum finance charges or maintenance fees on the accounts of card holders who regularly paid off the card balances each month. Last year we read that several credit card issuers had also begun canceling the accounts of card holders who regularly paid their card balances in full.

These seemingly self-defeating actions were guided by the cynical theory that if consumers are going to pay fees anyway, they can be induced to run up their card balances and pay interest charges. The provisions added to the Senate bankruptcy reform bill by the Reed amendment are almost identical to proposals that I introduced in the House this summer. They would prohibit a credit card issuer from imposing fees or charges on a credit card account or canceling or refusing to renew such account solely because the cardholder pays off the card balances on time and does not incur finance charges.

At a time when Congress is seeking to induce debtors to be more respon-

sible in managing debt, the credit card companies are actually punishing debtors for doing just that. These practices are unfair, they are costly to consumers, and they are inconsistent with the purposes of the bankruptcy legislation.

Part of the reason I voted against the bankruptcy legislation was the bill's inattention to legitimate consumer concerns in the bankruptcy process. The Reed amendment language in the Senate bill offers one important area where we can improve this legislation for America's consumers.

Mr. Speaker, we need policies that encourage responsible use of credit cards and reduction of consumer debt, not policies that impose penalties on consumers who want to repay their debts.

I urge adoption of the Nadler motion to instruct the House conferees to accept these very important provisions in the Senate bankruptcy bill.

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

Mr. Speaker, I am going to ask for a vote on this motion because I understand the intent of the distinguished chairman when he says he will convey to the conferees, if we do not seek a vote, he will convey to the conferees our views on this matter, but he will also tell them it is not germane to the House bill. In other words, he will quietly seek, the majority will quietly seek to kill this amendment and we will never hear about it again. So I want a vote on this motion.

This motion really shows what is going on here. Look at this chart here. We are told that the increasing number of bankruptcies is because middle-income and low-income Americans are generally deadbeats, that they are people of no character, that the moral stigma associated with welching on your debts is no longer around, people go bankrupt very easily. That is the whole basis for this unfortunate bill.

Whereas in fact, we know that 15 years ago, in 1983, the average bankruptcy filer had debts, personal debts equal to 75 percent of his annual income. Today the average chapter 7 filer, the average bankruptcy filer has debts equal to 125 percent of his annual income. So today it is not that people are filing for bankruptcy as the first thing when they get into trouble. It is that they are in way over their heads. They are in way over their heads, and they do not file until they are absolutely desperate. Their debts are 125 percent of their annual income.

The banks, having extended the credit recklessly, now want to do two things they want to do to the person who has gotten in over their head, because they keep throwing credit cards and credit at people who do not have that kind of income, they want us to crack down on bankruptcy so people cannot get out from under their debt. That is the chief point of this bill.

Now they also want to say to those people who actually pay their debts on time, let us milk them for more

money, too. If you have a credit card and you use it and you pay your bill in full on time every month, they are not making enough money off you. So they want and they are starting to say, we are going to cancel your credit card, or we are going to charge you a higher fee. And the Reed amendment says they cannot do that. They cannot charge a higher fee to someone who pays his debts in full each month than to someone who does not, and they cannot eliminate the credit card for that reason.

It is not a sin to pay your debts on time. Look at that quote from the letter I read before from the bank, I forget which bank, to a creditor, You pay your debts on time and that is terrible. It costs us a lot of money.

Let us look at this chart here. This chart shows the profitability of the credit cards as against the profitability of the banking system. Look at it here. The banking system's return on assets has averaged, since 1971, about 1 percent. Went down in 1987, with the stock market crash, to a little over, about a third of a percent and more recently was up at about 1.5 and 1⅓ percent, but about 1 percent.

But look at the profitability of the credit cards. We all know what has happened to the credit cards. In the early 1980s, we deregulated the banks. We eliminated the interest rate ceiling on credit cards because in the late 1970s we had huge inflation and the interest rate was below the inflation level and the banks lost money for a couple years.

So we said, no more limits. What happened? Well, the interest rates shot up. Interest rates on everything else, car loans, mortgages, cost of money to the banks has come way down, but the credit cards have stayed up there at almost 18 percent average. Do you know what the mortgage rate is today? It is 6.25 or 6.3 percent on a mortgage, on a 30-year mortgage. It is somewhat similar to single digits for car loans. But for credit cards, the average is 17.7 percent.

So what happened to the profitability? Here is where we deregulated the interest rates. It went up to about 5 percent and for the last 17 or 18 years, it has stayed between 5 and 4 percent, most recent measurement about 4⅔ percent, 4 times, 3½ to 4 times higher than the general profitability of the whole system.

So that banks are making out like bandits on the credit cards. They are making plenty of money. But it is not enough. After all, they have lent recklessly in foreign countries and we have got to really squeeze the American consumer to pay the banks back for what they have lost on investments in Russia and Argentina and other places. So let us squeeze the people. Those who got into, got in over their heads, who have debts amounting to more than 100 percent of their annual income and are filing for bankruptcy, let us pass this bill. Let us spend \$40 million in cam-

paign contributions and lobbying to pass this bill to enable us to really squeeze these consumers and make it harder for someone in over his head to go bankrupt and, for those who go bankrupt, make it harder for them to get out of it.

But that is not enough. Quite separate from this bill, let us tell those terrible people who actually pay their debts on time every month, we do not want your business, because we are not making enough money off you. We are making real money.

□ 1630

The 2 percent interchange fees on these charges equal \$60. The average cost of servicing the account is \$25. It seems to average, my arithmetic tells me, a \$35 profit per year without any interest. But that is not enough. They are using the ability to cut off people from credit or to impose extra fees for the sin of paying their bills on time.

This amendment, Mr. Speaker, does not, unfortunately, deal with the other evils in this bill, but this amendment, which the Senate voted for, which is in the Senate version of the bill, simply says a creditor may not solely, because a consumer has not incurred finance charges in connection with an extension of credit, one, refuse to renew or continue to offer the extension of credit to that consumer; or, two, charge a fee to that consumer in lieu of a finance charge. That is the entire amendment.

So we will have a vote on the floor. Let the American people see who in this House thinks that the banks should be able to gouge in this way the debtor who pays his debts on time and who does not. I urge the Members of this House to vote for this motion to instruct the conferees to agree to the Senate amendment and it will show us who cares about consumers, at least a little, and who only cares about the profitability of the credit card companies.

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

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

Just as the overwhelming argument that had been heard throughout the bankruptcy bill debate about how the debtor is being crushed by our bill, the argument against that is the one that now prevails against the argument from the gentleman from New York. We maintain that if we do not reform the bankruptcy bill, every consumer in the United States is faced with higher consumer costs, higher interest rates, higher cost of goods at the supermarket, let alone at the credit market.

Now, what happens here, if this Senate provision remains in the bill, the one to which the gentleman from New York commands our attention, then the likely result will be higher annual fees for the rest of the debtors who consume credit on the credit market and higher interest rates because the losses that might be incurred by the credit

companies in this particular facet of their enterprise has to be passed on to other customers. Who are they? They are all consumers who rely on credit across the land for the ability to purchase goods, to feed their families, to do all that is necessary to maintain a standard of living on the part of everyone.

So here is the question that is going to be answered by the gentleman's vote on the pending question that will come before the House on the motion to instruct. If my colleagues want to see higher annual fees for credit cards, if they want to see higher interest rates for credit cards, if they want to see our students, who want loans, to have to pay higher annual fees or higher interest rates, or to see a family that needs to borrow some money for improvement of some facet of their family life; if my colleagues want them to pay higher annual fees and higher interest rates, then they should vote in favor of the motion to instruct.

If, however, my colleagues believe, as I do, that just like bankruptcy, if it goes too far and is not controlled, it will cost all of us in interest rates, in cost of goods and cost of doing business in our country, then my fellow Members will vote against the motion to instruct; to preserve the path that we have already prepared to bring down interest rates, to reduce the cost of what bankruptcy does to the Nation, and to allow our families to be able, without more fees to pay and more interest to pay for credit, to be able to add to their families' stability.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this is an issue of principal. If an individual makes a loan, it is simple, they pay it back. When an individual goes in to borrow, whether it is from their colleague, a bank, whether it is a savings and loan or whatever, they know what the interest rates are and they should adhere to the rules of that loan. If they do not, it is called responsibility. They should take responsibility for that action and pay it back. And if they cannot, then it is called accountability. We must all account for the fact that we did not take into account all the different areas in which we cannot pay back that loan, whether it is from our brother, a bank or anybody else.

The gentleman speaks about the rich versus the poor and the credit card companies making all this money. No one makes an individual go get a credit card. No one makes an individual borrow from their uncle or father or whatever it happens to be. But if they do, they darn sure better pay it back, because we do have laws in this Nation, versus someone saying, oh, someone is preying on the other individual.

Interest rates, according to Alan Greenspan, are below 2 and 8 percent lower than if a liberal Congress would have ruled since 1994 because of the balanced budget. Now, think how an 8

percent increase on a credit card would have affected these people. It would have been disastrous.

The other liberal answer is to tax people. And they talk about how in 1993, that, oh, they balanced the budget by increasing taxes on people. Well, they increased the tax on Social Security, some of our poorest people in our Nation. They increased the tax on the middle class. They cut the COLA of the military and the veterans. But yet now they cry the rich versus the poor and the profitability of credit card companies.

It is based on principle, Mr. Speaker, it is based on responsibility, and it is based on accountability; some things my liberals friends fail to recognize.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. NADLER) has 9 minutes remaining, and the gentleman from Pennsylvania (Mr. GEKAS) has 15 minutes remaining.

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

I would simply observe, Mr. Speaker, that the gentleman from California apparently was unaware of the subject matter of this motion. We are not talking here about people who are irresponsible, if that is what it is; or perhaps just down on their luck; perhaps they did not have health insurance and needed an expensive operation; got laid off, whatever. We are talking here about people who pay their debts on time every month and for whom the credit card companies now want to say they cannot get credit because they pay their debts. That is what the subject of this motion is. So let us not talk about irresponsibility.

And let us not debate about the balanced budget. That is a separate debate. Let us talk about what we are talking about, and what we are talking about is this motion to agree with the Senate amendment, which says that the credit card companies should not be able to charge extra or to eliminate credit all together to a credit card holder simply because he or she commits the terrible sin of paying their debt on time. That is the amendment. So let us not talk about responsibility here. This person is meeting his responsibility or her responsibility.

Now, I would like to address the argument of the gentleman from Pennsylvania, who says that if the banks are not earning enough money from these people because they pay their debts on time, and they are not paying, therefore, interest charges; if we do not allow the banks to shut off credit to them; if we do not allow the banks to charge them a special extra fee, to penalize them for paying their debts on time, then that extra cost of the banks will be passed on to the consumer. Frankly, that is not true. In fact, it is nonsensical and history proves it.

When we voted in the early 1980s to deregulate interest rates, we were told,

hey, the inflation rate in 1979 was 17, 18 percent. We cannot have an interest rate ceiling of 6 percent. The bank is losing money. So we will deregulate the interest rate, we will let the banks charge 20, 21 percent and, of course, when general interest rates come down, the credit card interest rates will also come down.

Well, the general interest rates came down. The current Federal Reserve rate is 5.25 percent, and they are thinking of lowering it further. Mortgage rates have come down, car loans have come down, everything has come down except credit card interest rates. They came down from 22 to about 18 percent, but they are way up there, and that is why the profitability jumped.

And who in this country really believes that if we allow the banks to gouge people who pay their debts on time that this profitability will not simply go up? Who believes that banks will pass that savings on to the consumer? Who believes that they will lower the interest rates that they have held artificially high by semi-monopolistic practices for the last 15 years? That is absurd.

I daresay if I proposed an amendment to mandate that the banks lower the interest rates to reflect this cost, people on that side of the aisle would say, that is terrible, that is socialistic, I do not know what it is, it is paternalistic. But the banks are not going to lower the interest rates. They have not for the last 15 years. It is way above their costs. And that is why from everything else they do they are making a profit in the 1 to 2 percent range. From credit cards they are making a profit in the 4 to 5 percent range because they are gouging the consumers now. They will continue to gouge the consumers. And this is one more way of gouging the consumers they have invented. And the gentleman thinks we should not prevent them from enjoying the fruits of their inventiveness on a new way to gouge consumers.

So I hope we pass this; we accede to the Senate amendment, and at least have a little control here and a little sympathy for the responsible consumer who pays his debts.

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

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

It is obvious to me that the gentleman from New York, if I could have his attention, does not have much faith in the free enterprise system. He keeps insisting that, even with strong competition in the banking industry, that somehow they will not allow the market to control whether or not credit interest rates will go down or up. But everyone knows, who has a scintilla of an idea about the free enterprise system, that competition, especially among banks, among credit lenders, is severe and that credit competition allows costs, annual fees, interest rates to be modified from region to region, from different kinds of loans to other different kinds of loans.

And I daresay that anything that we do, like the proposition that the gentleman espouses, that is now contained in the Senate bill and is the subject of his motion, if that remains in place, the student who is in college, who wants to borrow some money to use for a continuation of his studies at college will shop around and find an interest rate or an annual fee type of credit charge that best suits his needs. If the gentleman prevails in this, that student will have less choice. And whatever choice he does have will contain almost automatically annual fees that would not have existed before and higher interest charges for the purposes that the student wants to use: for books, for maintenance of his life-style in college, to perpetuate his existence at college even.

So why does the gentleman from New York want to risk having this student, or a family that wants to get together and have some additional credit for an addition to their house, or for some joint vacation that the family wishes to take, all of a sudden, in this free competitive market that we are talking about, the gentleman wants to add another burden, another crimp on the competitive angle of the enterprise system in the credit industry, and force upon this family the possibility of having less credit areas in which to shop for good credit, good rates, one that does not have as high an annual fee as others and, instead, will force the family to have to look at higher annual fees, higher interest costs, and perhaps even force them to forego the vacation, or forego the extra semester in college, or forego the ability to build an addition to their home, or forego a new appliance in their family atmosphere. Why? Because the credit companies, those wishing to offer credit, will be constrained one step more if they cannot recover some of their losses in different ways by being able to impose certain annual fees and credit charges.

□ 1645

This is a call to increase annual fees, for all of us to increase credit rates, interest rates for all of us, in the name of not allowing the banks or the credit card companies to get away with fees and credit interest costs.

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

Mr. NADLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I believe the free enterprise system is by far the best economic system that we have discovered thus far in terms of the production of wealth in services. It produces a bounty of goods to distribute.

But the free market is not perfect. If it were perfect, we would not have this problem. If it were perfect, we would not have to regulate HMOs, which gouge their customers and sacrifice the quality of medical care to the bottom line, although I am sure some people think that is impossible in a free enterprise system.

The market is not perfect. If it were perfect, interest rates on credit cards would not average today's 17.7 percent. It is an oligopoly. Yes, there are some banks, banks we never heard of in some small town somewhere that will offer a credit card at 11 percent or 9 percent. But the big ones that have 90 percent of the business, that spend a lot of money on marketing, they are up in 17 and 18 and 21 and 19 percent, and they get away with it because the free market is not perfect. We need this protection.

Mr. GEKAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Pennsylvania (Mr. GEKAS) has 11½ minutes remaining.

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

Mr. Speaker, now we hear that the HMOs gouge and the banks gouge. I suppose lawyers and doctors and dentists gouge, and the mom-and-pop grocery store gouges and everybody else gouges. Maybe the gouges are in the free market so people can select between gouges and thus reduce the cost of goods, et cetera.

The gentleman from New York (Mr. NADLER) overlooks the fact that in this competitive system that we have, that 11 percent which he mentions in the hometown, in the small town, will be very attractive to this student that I am talking about. He is not going to go to the big bank where 18 percent is charged. He has got a choice.

What we are saying is that the more constraints we put on the big banks and the little banks, that student will not be able to get the 11 percent anymore because that 11 percent company is going to have to raise its interest rates if some of these artificial constraints are put on them.

By his very example, he demonstrates why his motion should not carry. His motion is a constraint on the free market. His motion to instruct the conferees dampens the right and the ability of a student who requires credit to continue in college, constrains the family that needs extra credit for family needs and stability. For the economy itself, where we need fewer restraints on free enterprise, the gentleman offers even more ways to strangle it.

I hope that the body will vote an energetic "no" on the motion to instruct conferees on this bad idea.

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

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 4 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding.

The motion of the gentleman is so obviously reasonable that I am unsure

why we are even furthering the debate. As I understood the remarks of the chairman early on, if we had taken a voice vote we might have moved this forward. But I simply want to correct some of the comments made as to the enormous burden on our credit card companies.

The hearings that we held, few that they were, evidenced that there were very, very few default problems and loaded monetary problems or impact with our credit card companies. So I think that we are distorting this guilt that we are promoting in suggesting that our credit card companies, our banks, are suffering.

But I wanted to emphasize women in this particular motion, for many of my constituents came to me, particularly on the drastic and dastardly provisions impacting alimony and child support which still have not been corrected. But certainly many of them said that we try to manage our money and in managing our money, many of them have credit cards and attempt to pay off those credit card bills either in full or certainly timely. Women are being denied credit by this kind of legislation. The motion of the gentleman from New York (Mr. NADLER) should be passed.

Mr. GEKAS. Mr. Speaker, may I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 10 minutes remaining. The gentleman from New York (Mr. NADLER) has 3 minutes remaining.

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

Mr. Speaker, there is another element of this that is being overlooked by the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. NADLER), all of those who are criticizing so vehemently the free enterprise system and the people who are in business to extend credit, when the entire country, our family strongholds, run on the basis of credit extension, the entire system. That is such an obvious basic standard under which we live that it always galls me to listen to the rhetoric that would tear apart a credit system that enables us to have the highest standard of living that the world has ever known.

I am saying to my colleagues, and I would like to see anyone refute it, that the high standard of living that we have is 85 to 90 percent based on the fact that we have a marvelous credit extension system.

Now, having said that, I will always be mindful of the fact that credit unions, the most basic of neighborhood organizations and groups that are eager to extend credit to their membership, credit unions would be harmed by what the gentleman wishes to do here.

We have debated on this floor many, many times the value of credit unions, how people get together in the workplace, form a credit union, and then on a very tight system of profitability

offer to each other the ability to have credit and to be able to purchase household goods, et cetera. The credit unions have to very carefully balance their books through annual fees and what interest rates they are going to charge, et cetera. They are very competitive.

Why in the world must we entertain always propositions that put the constraints on the credit extension on which the whole basic economy of our country is based?

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

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, first of all let me commend the gentleman from New York (Mr. NADLER) for the fine work that he has done on this bill despite long odds early on in this debate.

I rise in strong support of the motion to instruct. This motion instructs conferees to insist upon the provisions in the Senate bill which outlaw the outrageous credit card practices that encourage higher debt and more bankruptcies.

All year long Congress has been teaming with credit card lobbyists pushing for legislation making it harder for consumers, for working Americans, to get relief from crushing debt woes. Some people think this bill only deals with credit card debt. The truth of the matter is all credit will be subject to these kinds of provisions.

These lobbyists were quite clever. Rather than admitting that their agenda was even greater profits in an industry characterized by 22 percent interest rates and mushrooming finance charges, they said bankruptcy reform was pro-consumer. The same people that send out hundreds of millions of dollars in unsolicited credit card offers each year argued that consumer debt was too high. The same people that buried consumers teetering on the verge of bankruptcy with 22 percent interest rates and unconscionable fees, argued that there were too many bankruptcies.

The simple truth is, Mr. Speaker and members of the committee, let me explain: Just last week my son, who is yet to turn 18, will turn 18 next week, received an unsolicited credit card offer of \$3,000 from a credit card company. It is these kinds of unsolicited offers that go out to kids across America.

I sent my staff into high schools around this city and found that in every high school class we visited credit card companies were offering kids under the age of 18 credit cards without any provisions as to whether or not the kids can pay their debts back. Then what happens? We see in BJ's Holding Company, whatever it is, the name of the firm, that if they pay their bill on time, BJ's cancels their credit card.

The GE fee, if they pay their bill on time, if they are a good hard-working

American and they pay their credit card bill on time, what does GE do? They cancel their credit card. These are the provisions that we ought to be standing up and making certain are contained in this bill.

I know my friend the gentleman from Pennsylvania (Mr. GEKAS) has a great deal of consumers that I am sure he represents, and I hope that he would support the provisions in the Senate bill that incorporate these basic protections against the consumer.

Mr. GEKAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 8 minutes remaining. The gentleman from New York (Mr. NADLER) has 30 seconds remaining.

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

Mr. Speaker, the gentleman from Massachusetts (Mr. KENNEDY) misapprehends the entire argument here in debate. His very concern about consumers, his stated concern about consumers is what drove us in the first place to bring about bankruptcy reform, because the consumers of our Nation have had to pick up the tab right across the board for those who fail to repay their debts even when they have the ability to repay their debts. Now, that is the core of the problem in bankruptcy.

Yet, while the detractors of our efforts on bankruptcy reform were attacking it on the consumer basis, they were also saying part of the problem is that credit card companies are too free, just like the gentleman from Massachusetts (Mr. KENNEDY) is saying, in distributing these cards to everybody and these people pick them up and use credit.

Now he is in favor of an amendment of the Senate that tightens up, that does not permit the extension of credit to some people. He wants to make it easier yet for people to have credit cards. That is a position against his own position. If his motion carries and this is removed, there will be creditors who are willing to have even more credit extended, and more consumers will want more credit and have nothing to stop them from more credit, exactly the position that he says causes the problem in the first place.

It is a convoluted argument. On one hand he says credit card companies swamp the American public with credit cards. Now this one which says that a credit company should be more discriminating in how to extend credit, then we have got to remove that discrimination, make the credit card company more easily distribute credit cards all over the place.

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

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding.

The truth is that what we are talking about here is not whether or not we

should be allowing tens of thousands, for every single American 10 new credit cards provided each year. The question is whether or not we should be allowing companies to cancel only those credit cards that are being paid on time. That is what these companies are doing.

I am not in favor of expanding credit to those people that cannot pay. We are asking the companies that cancel credit cards when an individual simply pays on time to outlaw that practice.

Mr. GEKAS. Mr. Speaker, reclaiming my time, the gentleman makes an argument that I am certain the Committee on Banking and Financial Services would entertain at any given time, if only he would present it to them. Because that has to do with the whole competitive system of banks and credit cards and nothing really to do with the debate that brought about bankruptcy reform which is contained in 3150. This was added at the last moment.

But, in general, his argument has to do with the right of the credit card company to discriminate as to whom to give a credit card. He still maintains that they are too free in sending out thousands of credit cards to people, but then he says we should not let the credit company discriminate as to whom they should issue a credit card. How can we sustain both arguments? It does not make any sense.

What he is really saying, I say to the gentleman from Massachusetts (Mr. KENNEDY), is that this is an issue on credit card extension and credit extension generally that belongs in the Committee on Banking and Financial Services, on issues that have nothing to do with the narrow scope of the bankruptcy bill. It has to do with the ability of people to repay debts and allowing a channel for doing so.

□ 1700

That is exactly what the bankruptcy bill does. I believe very strongly that to adopt the motion that has been made here and to allow the Senate amendment to survive would mean increased costs for consumers generally across the land, all of us who use credit cards, for those who need to make available to students a credit system that will allow them to get credit, without the specter of higher annual fees or higher interest rates, which can be forced upon them if you insist that credit card companies would have to extend credit the way you want them to do it, not the way that the market itself demands. You insist that they should not be able to cut off someone and charge an annual fee because you know better than they what the market conditions are at a particular time, for which their profit margins and cost margins dictate that they have got to charge an annual fee, even to the good customer, or else they would not be able to offer credit to anybody. But you would substitute your judgment and say, by darn, they have got to do that, while the at the same time you say the credit card companies are too

free in sending out credit cards all over the landscape. It makes no sense at all.

I maintain that in the motion to instruct, we ought to vote no to preserve the stability of the competitive system in credit extension.

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

Mr. NADLER. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. KENNEDY).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, let me just say that there is a bizarre twisting of the truth. What we have here is a situation where, yes, we want people to have access to credit, but we do not want people to have access to credit that the credit card companies simply know cannot pay back their bills. That is true with young kids, that is true with people that are overindebted, and it is true when we have a situation where the credit card company is not interested in costs, they are interested in profits. What they do not want is they do not want people who pay on time, because they cannot charge the 22, 25 and 30 percent interest rates, which is where they make their money.

Vote for the Nadler bill, vote for the motion to instruct; stand up for the American consumer.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each postponed question on which further proceedings were postponed earlier today.

Votes will be taken in the following order.

Motion to suspend the rules and pass H.R. 3891, as amended, de novo;

Conference report on H.R. 4103, by the yeas and nays;

Conference report on H.R. 4060, by the yeas and nays; and

The motion to instruct on H.R. 3150, de novo.

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

TRADEMARK

ANTICOUNTERFEITING ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3891, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

The question was taken.

Mr. FORBES. 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 245, nays 167, not voting 22, as follows:

[Roll No. 470]

YEAS—245

| | | |
|--------------|---------------|--------------|
| Abercrombie | Deal | Horn |
| Aderholt | Delahunt | Hostettler |
| Archer | Dooley | Houghton |
| Baesler | Doolittle | Hoyer |
| Ballenger | Duncan | Hulshof |
| Barr | Dunn | Hunter |
| Barrett (NE) | Ehlers | Hutchinson |
| Barrett (WI) | Ehrlich | Hyde |
| Bartlett | Emerson | Inglis |
| Barton | English | Istook |
| Bass | Eshoo | Jefferson |
| Bateman | Etheridge | Johnson (CT) |
| Bereuter | Evans | Johnson, Sam |
| Bilbray | Everett | Jones |
| Bilirakis | Ewing | Kaptur |
| Bliley | Farr | Kasich |
| Blunt | Fattah | Kennedy (RI) |
| Boehlert | Fawell | Kim |
| Boehner | Fazio | Kind (WI) |
| Bonilla | Fox | Kingston |
| Bono | Frank (MA) | Klecza |
| Boswell | Franks (NJ) | Knollenberg |
| Boucher | Frelinghuysen | Kucinich |
| Boyd | Furse | LaHood |
| Brady (PA) | Gallegly | Latham |
| Brown (CA) | Ganske | LaTourette |
| Bryant | Gekas | Lewis (CA) |
| Bunning | Gibbons | Lewis (KY) |
| Burr | Gilchrest | Linder |
| Burton | Gillmor | Lipinski |
| Buyer | Gonzalez | LoBiondo |
| Camp | Goode | Lofgren |
| Canady | Goodlatte | Lucas |
| Cannon | Goodling | Maloney (CT) |
| Capps | Gordon | Maloney (NY) |
| Cardin | Graham | Matsui |
| Carson | Granger | McCollum |
| Castle | Greenwood | McCrery |
| Chambliss | Gutknecht | McDade |
| Chenoweth | Hall (TX) | McGovern |
| Coble | Hamilton | McInnis |
| Collins | Hansen | McIntosh |
| Condit | Harman | McIntyre |
| Cook | Hastings (WA) | McKeon |
| Cooksey | Hayworth | McNulty |
| Cramer | Hefley | Menendez |
| Crane | Herger | Metcalf |
| Crapo | Hill | Mink |
| Cubin | Hilleary | Moran (KS) |
| Cummings | Hinchee | Moran (VA) |
| Cunningham | Hobson | Morella |
| Davis (FL) | Holden | Myrick |
| Davis (VA) | Hooley | Nethercutt |

| | | |
|---------------|---------------|-------------|
| Neumann | Rogers | Stump |
| Ney | Rothman | Sununu |
| Norup | Roukema | Talent |
| Norwood | Royce | Tanner |
| Nussle | Ryun | Tauscher |
| Obey | Salmon | Tauzin |
| Ortiz | Sanchez | Taylor (NC) |
| Oxley | Saxton | Thomas |
| Packard | Scarborough | Thornberry |
| Pappas | Schaefer, Dan | Thune |
| Parker | Schaffer, Bob | Tiahrt |
| Pease | Sensenbrenner | Turner |
| Peterson (MN) | Sessions | Upton |
| Peterson (PA) | Shadegg | Walsh |
| Petri | Shimkus | Wamp |
| Pickering | Shuster | Watkins |
| Pitts | Skeen | Watts (OK) |
| Pombo | Smith (NJ) | Weldon (FL) |
| Porter | Smith (OR) | Weldon (PA) |
| Portman | Smith (TX) | Wexler |
| Quinn | Smith, Adam | White |
| Radanovich | Smith, Linda | Whitfield |
| Ramstad | Souder | Wicker |
| Redmond | Spence | Wilson |
| Regula | Spratt | Wolf |
| Riggs | Stabenow | Woolsey |
| Riley | Stearns | Young (AK) |
| Roemer | Stenholm | Young (FL) |
| Rogan | Strickland | |

NAYS—167

| | | |
|-------------|----------------|---------------|
| Ackerman | Hall (OH) | Pallone |
| Allen | Hastert | Pascrell |
| Andrews | Hastings (FL) | Pastor |
| Bachus | Hefner | Paul |
| Baldacci | Hilliard | Payne |
| Barcia | Hinojosa | Pelosi |
| Becerra | Hoekstra | Pickett |
| Bentsen | Jackson (IL) | Pomeroy |
| Berman | Jackson-Lee | Price (NC) |
| Berry | (TX) | Rahall |
| Bishop | Johnson (WI) | Rangel |
| Blagojevich | Johnson, E. B. | Reyes |
| Blumenauer | Kanjorski | Rivers |
| Bonior | Kelly | Rodriguez |
| Borski | Kennedy (MA) | Rohrabacher |
| Brady (TX) | Kildee | Roybal-Allard |
| Brown (OH) | Kilpatrick | Rush |
| Calvert | King (NY) | Sabo |
| Campbell | Klink | Sanders |
| Chabot | Klug | Sandlin |
| Clay | Kolbe | Sanford |
| Clayton | LaFalce | Sawyer |
| Clement | Lampson | Scott |
| Clyburn | Lantos | Serrano |
| Conyers | Lazio | Shaw |
| Costello | Leach | Shays |
| Cox | Lee | Sherman |
| Coyne | Levin | Sisisky |
| Danner | Lewis (GA) | Skaggs |
| Davis (IL) | Livingston | Skelton |
| DeFazio | Lowe | Slaughter |
| DeGette | Luther | Smith (MI) |
| DeLauro | Manton | Snowbarger |
| DeLay | Manullo | Snyder |
| Deutsch | Marky | Solomon |
| Diaz-Balart | Mascara | Stark |
| Dickey | McCarthy (MO) | Stokes |
| Dicks | McCarthy (NY) | Stupak |
| Dingell | McDermott | Thompson |
| Dixon | McHale | Thurman |
| Doggett | McHugh | Tierney |
| Doyle | McKinney | Torres |
| Dreier | Meehan | Towns |
| Edwards | Meeke (FL) | Traficant |
| Engel | Meeke (NY) | Velazquez |
| Ensign | Mica | Vento |
| Filner | Millender- | Visclosky |
| Foley | McDonald | Waters |
| Forbes | Miller (FL) | Watt (NC) |
| Ford | Minge | Waxman |
| Fossella | Moakley | Weller |
| Frost | Mollohan | Weygand |
| Gejdenson | Murtha | Wise |
| Gephardt | Nadler | Wynn |
| Gilman | Oberstar | Yates |
| Green | Olver | |
| Gutierrez | Owens | |

NOT VOTING—22

| | | |
|-------------|-------------|--------------|
| Armey | Goss | Paxon |
| Baker | Jenkins | Poshard |
| Brown (FL) | John | Pryce (OH) |
| Callahan | Kennelly | Ros-Lehtinen |
| Christensen | Largent | Schumer |
| Coburn | Martinez | Taylor (MS) |
| Combest | Miller (CA) | |
| Fowler | Neal | |

□ 1731

Ms. WATERS, Mrs. KELLY, and Messrs. GREEN, GEJDENSON, HEFNER, LIVINGSTON, SMITH of Michigan, WYNN, DEUTSCH, LAZIO of New York, McHUGH, HASTERT, TIERNEY, MEEHAN, BLUMENAUER, CALVERT, COSTELLO, ROHRBACHER, COYNE, FOSSELLA, SOLOMON, SANFORD and GUTIERREZ changed their vote from “yea” to “nay.”

Messrs. SCARBOROUGH, FATTAH, SPRATT, MCINTYRE, ABERCROMBIE, ADAM SMITH of Washington, ROTHMAN, HINCHEY, and ROYCE changed their vote from “nay” to “yea.”

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained and wish to be recorded as a “no” vote on the motion to suspend the rules and pass H.R. 3891 (Rollcall 470).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional question on which the Chair has postponed further proceedings.

CONFERENCE REPORT ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the vote on the conference report on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

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

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 43, not voting 22, as follows:

[Roll No. 471]

YEAS—369

| | | |
|--------------|-------------|------------|
| Abercrombie | Bateman | Bono |
| Ackerman | Becerra | Borski |
| Aderholt | Bentsen | Boswell |
| Allen | Bereuter | Boucher |
| Andrews | Berman | Boyd |
| Archer | Berry | Brady (PA) |
| Bachus | Bilbray | Brady (TX) |
| Baesler | Bilirakis | Brown (CA) |
| Baldacci | Bishop | Brown (OH) |
| Ballenger | Blagojevich | Bryant |
| Barcia | Bliley | Bunning |
| Barr | Blunt | Burr |
| Barrett (NE) | Boehlert | Burton |
| Bartlett | Boehner | Buyer |
| Barton | Bonilla | Calvert |
| Bass | Bonior | Camp |

Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner

Ney
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascarell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaefer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney

Torres
Towns
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield

Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht

Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hefley
Hefner
Hill
Hilliard
Hinchee
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson (VA)
Jackson (IL)
Jackson (IL)
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann

Arney
Baker
Brown (FL)
Callahan
Christensen
Combust
Fowler
Goss
Jenkins
John
Kennelly
Largent
Lewis (CA)
Martinez
Miller (CA)
Paxon

Payne
Petri
Rivers
Rush
Sanders
Sanford
Sensenbrenner
Shays
Stark
Upton
Velazquez
Vento
Yates
Poshard
Pryce (OH)
Ros-Lehtinen
Schumer
Taylor (MS)
Waters

Barrett (WI)
Blumenauer
Campbell
Conyers
Davis (IL)
DeFazio
Delahunt
Doggett
Filner
Frank (MA)
Franks (NJ)
Furse
Gutierrez
Hefley
Hoekstra
Arney
Baker
Brown (FL)
Callahan
Christensen
Combust
Fowler
Goss
Jenkins
John
Kennelly
Largent
Lewis (CA)
Martinez
Miller (CA)
Paxon

Abercrombie
Ackerman
Allen
Andrews
Archer
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)

Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascarell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaefer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger

NAYS—43

NOT VOTING—22

□ 1738

Messrs. BERRY, CONDIT and FATTAH changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of California. Mr. Speaker, on rollcall No. 471, I was inadvertently detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the vote on the conference report on H.R. 4060.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

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

This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 25, not voting 20, as follows:

[Roll No. 472]

YEAS—389

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

NAYS—25

| | | |
|-----------|-----------|---------------|
| Aderholt | Gejdenson | Pickering |
| Bachus | Gibbons | Roemer |
| Blunt | Gordon | Royce |
| Chenoweth | Hilleary | Sanford |
| Clement | Klezcka | Sensenbrenner |
| Cramer | McKinney | Stearns |
| Crane | Neumann | Tanner |
| Ensign | Paul | |
| Ford | Petri | |

NOT VOTING—20

| | | |
|-------------|-------------|--------------|
| Army | Goss | Paxon |
| Baker | Jenkins | Poshard |
| Brown (FL) | John | Pryce (OH) |
| Callahan | Kennelly | Ros-Lehtinen |
| Christensen | Largent | Schumer |
| Combest | Martinez | Taylor (MS) |
| Fowler | Miller (CA) | |

□ 1746

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the vote on the motion to instruct on H.R. 3150 offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

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

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 295, noes 119, not voting 20, as follows:

[Roll No. 473]

AYES—295

| | | |
|-------------|--------------|-------------|
| Abercrombie | Barrett (NE) | Bilirakis |
| Ackerman | Barrett (WI) | Bishop |
| Aderholt | Bass | Blagojevich |
| Allen | Becerra | Bliley |
| Andrews | Bentsen | Blumenauer |
| Bachus | Bereuter | Blunt |
| Baesler | Berman | Boehlert |
| Baldacci | Berry | Bonior |
| Barcia | Bilbray | Bono |

| | | |
|-----------|------------|-----------|
| Archer | Bonilla | Campbell |
| Ballenger | Brady (TX) | Cannon |
| Barr | Bryant | Chabot |
| Bartlett | Burr | Chambliss |
| Barton | Burton | Chenoweth |
| Bateman | Calvert | Coble |
| Boehner | Camp | Collins |

NOES—119

Mr. GILCHREST changed his vote from "aye" to "no."
Messrs. WELLER, BASS, SHIMKUS and ROYCE changed their vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HYDE, MCCOLLUM, GEKAS, GOODLATTE, BRYANT, CHABOT, CONYERS, NADLER, BOUCHER, and Ms. JACKSON-LEE of Texas.

There was no objection.

SENSE OF CONGRESS THAT MEMBERS SHOULD FOLLOW EXAMPLES DISPLAYED BY JACOB CHESTNUT AND JOHN GIBSON

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H.Con.Res 317), expressing the sense of Congress that Members of Congress should follow the example of self-sacrifice and devotion to character displayed by Jacob Chestnut and John Gibson of the United States Capitol Police, and asks for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

NOT VOTING—20

| | | |
|-------------|--------------|--------------|
| Army | Goss | Paxon |
| Baker | Jenkins | Poshard |
| Brown (FL) | John | Pryce (OH) |
| Callahan | Johnson, Sam | Ros-Lehtinen |
| Christensen | Kennelly | Schumer |
| Combest | Martinez | Taylor (MS) |
| Fowler | Miller (CA) | |

□ 1756

Mrs. MYRICK. Mr. Speaker, reserving the right to object, this past July, the United States Congress and our entire nation were gripped by a terrible tragedy, the deaths of the Capitol Police Officers Jacob Chestnut and John Gibson. Officers Chestnut and Gibson gave their lives defending the United States Capitol, all of us who work in this complex and the American people who visit it to see their democracy in action. They died heroically while defending our democracy.

The outpouring of affection and gratitude for these two men was as deep and genuine as any I have witnessed, and I am certain that the many tributes to them served as a comfort to their families.

□ 1800

Of course, no words or tributes can replace their loss. In the aftermath of this tragedy and the heartfelt sympathy of the American people, we in this body were briefly changed. We came together as one family to pay our respects, to reflect on the almost surreal tragedy of that July afternoon and, for a time, respect, civility and comity ruled the day.

In fact Pastor Marcom, in delivering Officer Chestnut's eulogy, remarked on the change that tragedy had on our relations with one another, and he speculated that probably the next week it would be business as usual. In the weeks and months since this time, I have thought long and hard about what we all experienced. I am convinced that what we admired about Officer Gibson and Officer Chestnut and what made them heroes is not the way they died but the way in which they lived.

Officers Chestnut and Gibson were honest, genuine, hard-working family men who loved their jobs and loved their country. In an age where too many people seem consumed by life's most superficial pleasures, they showed us that America is populated by common men of the most substantial and admirable character.

Of course, the great tragedy is that it took their deaths for us to recognize what heroes they had been all along.

Mr. Speaker, there is a lesson here. We would do well to learn it. While we too often argue, bicker and consume ourselves with political maneuvering and intrigue, the Nation cries out for real leadership, not in words but in deeds. These complicated times demand a Congress dedicated to integrity, good works and behavior that reflects admirably, not just on ourselves but on our sacred rights and responsibilities as constitutional officers. But that is too rarely the case.

Simply put, Mr. Speaker, we are too much like a caricature of ourselves and too little like Officers Jacob Chestnut and John Gibson. We are too much like adversaries and too little like we were in the days after the gun fire erupted in the Capitol.

This resolution asks that we honor those officers by living our lives and

performing our duties with the same dignity, love and respect with which these men lived their lives and performed their duties.

This resolution asks us to honor them by honoring the people they protected and the people we represent, by living up to a standard of service and behavior that we can be proud of, as much as we were proud of the service of these two men. This resolution asks us to exemplify what is best in America, to lead rather than follow. If one thinks about it, it is really not much to ask, and it is long, long overdue.

Mr. Speaker, I would like to thank the honorable gentleman from Georgia (Mr. LEWIS), my friend, for his assistance with this resolution, as well as the gentleman from Texas (Mr. DELAY), the honorable majority whip, for his continued courage in the aftermath of a tragedy that struck him so close to home.

Mr. Speaker, in drafting this resolution, we consulted the United States Capitol Police and the Chestnut and Gibson families, who believe it to be appropriate and fitting.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

Whereas Jacob Chestnut and John Gibson of the United States Capitol Police laid down their lives for their country and all of us;

Whereas beyond the devotion of Jacob Chestnut and John Gibson to duty, honor, and country was their commitment to respect;

Whereas Jacob Chestnut and John Gibson were simple, humble, private men who deeply moved this nation simply by doing their jobs;

Whereas the focus on their exemplary personal character could not have come at a time of greater need as many in our country seem more and more dedicated to self-indulgence; and

Whereas the Members of Congress have an unparalleled opportunity to be urgently needed role models of respect and dignity with no loss of personal principles: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That Members of Congress should follow the example of Jacob Chestnut and John Gibson by living lives of love, respect, and integrity every day at all times, including on the floor of the Senate and House of Representatives, and should deserve the title "Honorable" by setting an example so that Jacob Chestnut and John Gibson did not die in vain.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. HASTINGS of Washington (during consideration of conference report

on H.R. 6) submitted a privileged report (Rept. No. 105-754) on the resolution (H. Res. 558) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. GOODLING. Mr. Speaker, pursuant to the order of the House of Friday, September 25, 1998, I call up the conference report on the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 25, 1998, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, September 25, 1998, at page H8978).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY), each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

I rise in support of the conference report on H.R. 6, the Higher Education Amendments of 1998. I want to express my sincere appreciation to the members of the conference committee for the efforts they put forth in resolving the differences between the House and the Senate bill. This has truly been a bipartisan, bicameral effort.

Particularly I want to thank the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) for their efforts in putting this legislation together and for their determination in finding a solution to the 1998 interest rate problem.

Without their efforts, millions of students could not begin this academic year with the student loans they need to pay for college. Also I want to thank the ranking member of the committee the gentleman from Missouri (Mr. CLAY) for his efforts in resolving this issue and many others that arose throughout the process.

I especially want to thank the Speaker of House, the gentleman from Georgia (Mr. GINGRICH), the majority leader, the gentleman from Texas (Mr. ARMEY), and chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH). Without their help, this interest rate solution would not have been possible. All three contributed to ensuring that we could pay for this provision, which is now budget neutral, without passing any of the costs on to students.

Considering H.R. 6, we will complete a process that began in subcommittee

of the gentleman from California (Mr. McKEON) 2 years ago. The Higher Education Act currently provides more than \$40 billion per year in student financial assistance.

The legislation will benefit millions of students across the country in the pursuit of a higher education. This bill will improve programs such as Work-Study, Pell Grants, TRIO and, of course, student loans that help millions of students pay for college.

This legislation will do a number of important things. However, none may be as important as our efforts to keep student loans available for all students. As all of my colleagues know, we have been struggling for the past year and a half with the student loan interest rate issue that is the direct result of the Student Loan Reform Act of 1993. As a parent, I am keenly aware of the burden being placed on our youth by student loan debt.

I am personally committed to ensuring that our students entering college this fall have student loans, Pell grants and campus-based aid available to them to help offset the rising college costs facing this country today, very important.

I am especially pleased that the interest rate fix contained in H.R. 6 will ensure uninterrupted access to private capital for our Nation's students while at the same time provide today's borrowers with the lowest student loan interest rate in 17 years. Students, college leaders and bankers have all praised the compromise on interest rates included in the House and Senate bills. Major student groups have described this proposal as, and I quote, a realistic, fair and evenhanded compromise that protects students' needs for lower borrowing rates.

The American Council on Education and 10 other major higher education groups representing over 3600 colleges and universities praised the fact that the proposal ensures the continued availability of capital in the guaranteed student loan program.

As far as college costs are concerned, I would like to note that H.R. 6 will implement a number of the recommendations of the Commission on the Cost of Higher Education. Those who run institutions of higher education have to understand, we do not put more money into loans and grants so that they can raise their tuition rates. They have to tighten their belt just as businesses have to all over the country in order to make sure that college education is affordable.

H.R. 6 takes needed steps in that direction by ensuring parents and students that they have access to information on the price and the price increases at America's colleges and universities as well as information on the factors which are driving tuition increases.

I would like to single out one specific cost-saving provision which permits colleges to offer their faculty age-based voluntary retirement incentives.

Championed by my good friend, the gentleman from Illinois (Mr. FAWELL), the retiring chairman of the Subcommittee on Employer-Employee Relations, this initiative will likely be Mr. FAWELL's last to become law in his distinguished 14-year career in the U.S. House of Representatives.

The provision will help both colleges and older faculty by allowing the institution to offer additional benefits to professors as an incentive to voluntarily retire.

As far as campus crime is concerned, we are fulfilling our promise to stress safety on our college campuses and have numerous issues in this legislation in order to make college campuses safer and make sure parents and students understand the problems on college campuses.

Teacher training is near and dear to me. It focuses on improving teacher quality. It will not matter whether our pupil-teacher ratio is one to one or one to 10, if there is not a well-trained teacher in the classroom, that will not make any difference.

The only difference it makes is that there are not 30 in there who may be under the influence of an unqualified teacher.

Under this legislation, States will be encouraged to undertake a wide variety of efforts to improve the quality and ability of classroom teachers. We also have to get those quality classroom teachers where they are most needed. I would like to thank the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Michigan (Mr. KILDEE) for working together to create an initiative under this legislation that provides loan forgiveness for teachers who agree to teach in high-poverty, urban or rural schools.

The literacy provision is important. This provision will encourage students to become involved in their communities, help children learn to read by ensuring that colleges use more of their work-study dollars to fund these initiatives.

I want to take a moment to thank the hard-working staff of the Committee on Education and the Workforce who shepherded this bill through many long days of negotiation and changes. In particular, Sally Stroup was very helpful to me in balancing the many interests that are represented in this bill. She, along with Pam Davidison, should be proud of our accomplishments today. George Conant was our point person on the National Commission on the Cost of Higher Education, whose report resulted in putting college cost accountability into high education for the first time in American history. Parents will be much better informed of how and why tuitions are rising.

Vic Klatt was our orchestra leader on the bill, pulling together the strings, the brass, the percussion and certainly the wind section, there was a lot of that, so we all sounded well tuned and

harmonious. Jo-Marie St. Martin, with the help of Linda Stevens, actually got this 800-page bill through the legislative process so that today we can send this bill to the Senate and then to the President for his signature.

And Marshall Grigsby, Mark Zuckerman, Karen Weiss, Callie Cauffman, D'Arcy Philips and Sally Lovejoy for all the work they put into bringing this day to fruition.

Let me just say that the legislation before us today is truly one of the most important things that we in the 105th Congress will do this year. I hope the press will spend some time writing about it instead of everything else that they write about.

It will ensure that every American has access to a quality postsecondary education at an affordable price. This is a bipartisan bill that makes much needed reform to help students, parents and schools. I urge my colleagues to support the conference agreement.

Vote yes on the conference report.

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

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am pleased to support H.R. 6, the Higher Education Amendments of 1998. It represents a significant step forward in increasing our Federal investment in higher education.

Both the House and Senate have worked for over over a year to fashion legislation that I believe strengthens our country's commitment to higher education. When this bill is enacted, it will make a college education more affordable by significantly reducing student loan interest rates, by increasing Pell grant award levels, and improving the calculation of benefits for independent and dependent students.

The bill adopts a number of measures that enhance support for minority and disadvantaged students by strengthening the TRIO program and other programs supporting historically black colleges and universities, Hispanic serving institutions, tribally controlled colleges, and institutions serving significant numbers of native Alaskan and Hawaiian students.

□ 1815

This bill includes the High Hopes Program of President Clinton and the gentleman from Pennsylvania (Mr. FATTAH). This new program will greatly enhance the opportunity for low-income middle-school-aged students to dream of a college education.

The bill also creates a major new effort to recruit and train teachers for our Nation's public schools. The new grant program provides for partnerships between States, institutions of higher education and local school districts, designed to increase the number of certified teachers available and to improve upon how those teachers are trained. Also included in that initiative is a loan forgiveness provision designed to attract the best and brightest to our classrooms.

This bill will also allow the Department of Education to strengthen and improve the way it administers all of the student financial aid.

Mr. Speaker, I strongly encourage my colleagues to vote "yes" on the conference report on the Higher Education Amendments of 1998.

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

Mr. GOODLING. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. MCKEON), the subcommittee chairman who worked long and hard to bring this legislation to the floor.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of the conference report to H.R. 6, the Higher Education Amendments of 1998.

It is hard to believe that it has been almost 2 years since the gentleman from Michigan (Mr. DALE KILDEE), the ranking member on my subcommittee, and I sat down to begin the reauthorization process. At that meeting we agreed that we would work together to develop legislation that would make college more affordable, simplify the student aid system, and stress academic quality. By adopting this conference report, we will accomplish those goals.

This legislation would not be possible without the remarkable bipartisan, bicameral spirit of this conference committee. I am sure that some are surprised that this Congress, in this political environment, would be able to produce a conference report of this magnitude.

I would first like to thank the chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING), for his support and leadership on this important legislation. Additionally, the full committee ranking member, the gentleman from Missouri (Mr. BILL CLAY), along with all members of the conference committee, including the gentleman from Wisconsin (Mr. TOM PETRI), the gentleman from South Carolina (Mr. LINDSEY GRAHAM), the gentleman from Indiana (Mr. MARK SOUDER), the gentleman from Pennsylvania (Mr. JOHN PETERSON), the gentleman from Florida (Mr. CLAY SHAW), the gentleman from Michigan (Mr. DAVE CAMP), the gentleman from Missouri (Mr. JIM TALENT), the gentleman from California (Mr. MARTY MARTINEZ), the gentleman from New Jersey (Mr. ROB ANDREWS) and the gentleman from Michigan (Mr. SANDER LEVIN) and their staffs deserve a great deal of thanks for their hard work and dedication.

I also want to thank the gentleman from Texas (Mr. RUBEN HINOJOSA) and the gentleman from Pennsylvania (Mr. CHAKA FATTAH) for their hard work and amendments that they worked on, that I did not always agree with, but I appreciate the effort they put forth and the great work that they did.

And the members of the Senate Committee on Labor and Human Resources,

including ranking member TED KENNEDY, DAN COATS and CHRISTOPHER DODD, should be recognized for their commitment to getting this conference completed. And in particular JIM JEFFORDS, the chairman, because he was always willing to work directly with me in putting this conference report together.

I would like to stress how thankful I am for the commitment of the gentleman from Michigan (Mr. KILDEE) to this legislation. Whenever a problem would arise, we would simply call the other in order to work out a solution.

This legislation is one of the most significant things this Congress will do for students and their families this year. It will bring us closer to my goal of ensuring that every American who wants a quality education at an affordable price will be able to get it.

As many of my colleagues know, one of the biggest challenges we faced during this reauthorization process was saving the student loan program. The scheduled change in the interest rate jeopardized access to private capital for students. After working extensively with all parties involved, the student groups, the higher education and lending communities, and Republican and Democrat Members of Congress, we found a solution that keeps student loans available for all students and provides current students with the lowest rates in 17 years.

Further, more Americans will be able to afford college through meaningful changes to the financial need analysis formula. These changes focus more resources towards the students with the greatest need and provide students with greater incentives to work and save for college.

The legislation before us will simplify the student aid system by bringing it into the next century. It will create a performance-based organization within the Department of Education that is focused on providing quality service to students and parents. For the first time, the department student financial aid systems will be run like a business, adopting the best practices from the private sector and focusing on bottom line results. Parents and students deserve a modern student aid system that meets their needs. This legislation will give the Secretary the tools he needs to provide it.

Additionally, H.R. 6 revises the guaranty agency system by changing the financing structure to give these entities the flexibility they need in order to use the latest private sector business practices, operate more efficiently, ensure program integrity and, most importantly, provide real savings to the Federal Government.

Furthermore, H.R. 6 contains provisions that implement a number of recommendations of the National Commission on the Cost of Higher Education. One of these provisions requires the Secretary to make available all information on each school's tuition, price and price increases. As a result,

students and parents will be able to make more informed choices about the schools they choose, and colleges will be held more accountable for cost increases.

It is important to note that this legislation is paid for. I want to personally thank the Speaker, the gentleman from Georgia (Mr. GINGRICH), and the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), as well as the majority leader, the gentleman from Texas (Mr. ARMEY), and David Hobbs from the staff of the gentleman from Texas, for their hard work and support in making this solution possible.

In conclusion, I want to take a moment to recognize the outstanding staff members who have made this legislation a reality: George Conant, Pam Davidson, Vic Klatt, Sally Lovejoy, D'Arcy Philips, Jeff Andrade, Steve Cope, Margot Schenet, and from my personal staff, Karen Weiss and Bob Cochran. But the one person who deserves the most thanks is Sally Stroup, because without her leadership and expertise, we would not be here today.

With Washington divided on partisan lines on so many issues, it is remarkable to bring together congressional Republicans, Democrats, student groups, educators and the financial community to gain consensus on this higher education bill. The bipartisan support for H.R. 6 was evident when the House originally passed the bill on a 414 to 4 vote; then when the Senate passed it 96 to 1.

We can complete the legislative process today by adopting this conference report and sending it down to the President. So I urge my colleagues to vote "yes" on the Higher Education Amendments of 1998.

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

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

Mr. HINOJOSA. Mr. Speaker, I rise today to express my strong support for H.R. 6, the Higher Education Amendments of 1998 conference report.

As a member of the House Committee on Education and the Workforce, and Chair of the Education Task Force of the Congressional Hispanic Caucus, I can say without reservation that this is one of the single most important pieces of legislation Congress will vote on for students and families this year.

Simply put, H.R. 6 will go a long way towards strengthening higher education for the next century. This bill will expand postsecondary education opportunities for low-income individuals and increase the affordability of postsecondary education for middle income families.

Included in the reauthorization conference report are provisions of my own bill, H.R. 2495, the Higher Education for the 21st Century Act. One of the reasons I came to Congress was to effect the very type change this bill will

accomplish for a deserving segment of the population that has been overlooked for far too long.

I am proud to say that through the combined efforts of the Congressional Hispanic Caucus, the gentleman from Pennsylvania (Mr. GOODLING), the ranking member, the gentleman from Missouri (Mr. BILL CLAY), Secretary of Education Dick Riley, the gentleman from California (Mr. BUCK MCKEON), and the gentleman from Michigan (Mr. DALE KILDEE), the bill we have before us today will create a new and separate title for Hispanic-serving institutions, well over 100 colleges and universities across the country with an undergraduate enrollment at least 25 percent Hispanic.

It will increase the authorization level for HSIs to \$62.5 million, funds that can be used for construction of new classrooms, laboratories, libraries, the purchase of books and periodicals, technological improvements and, most importantly, improving and expanding graduate and professional opportunities for Hispanic students. And, yes, H.R. 6 will also improve teacher quality, preparation and improvement.

Mr. Speaker, I ask for the support of all my colleagues to pass the bill on behalf of every American who wants to pursue a higher education.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), an important member of the committee who is always helping us with education issues.

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

Mrs. ROUKEMA. Mr. Speaker, I thank the chairman for yielding me this time, and I must say, with others who have already spoken, that this is one of the most significant bills that we will be passing in this Congress, without a doubt. I must say so because these are the issues that count with the American people.

To be competitive in the global economy, we need to provide our country's youth with the means to a better education. It is the essence of the American dream. And that is what we are looking at here today. This is the legislation that will enable young people across the Nation to have the skills and the good jobs at good wages that they need.

I might say this has always been, as the chairman has said, one of my favorite subjects on the Committee on Education and the Workforce. And there have been lots and lots of good things said about this, but I want to stress at least two issues that I have particularly focused on in this, and that is the student loan interest rate issue. It at first was controversial, but we were able to work it out. And I believe that we worked it out and resolved the potential crisis of the loan interest rate issue very, very well. We are helping students while they can save the cost of higher education.

I am speaking here wearing really two hats, as a member of this committee and also as the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial Services, so I know the issue from both sides of the coin. And this legislative fix is necessary to ensure the banks do not leave the market, and yet at the same time provide the students with a lower interest rate than would have been necessary before.

I also want to point out, as a continuum of our reforms on scam schools, that we are now including the Pell Grant program in the reforms. So that those students who receive Pell Grants will not be taken in by scam schools and, at the same time, the money will go back into the revolving fund so that it will help more students get the access to the schools that they need.

I must also make the point that there are child care provisions here which many of us worked on, and I think they are all good, particularly for those who have young children and want to go back and complete their education.

In conclusion, I must say that these are the issues that count with the American people. Let us pass this conference report and continue keeping education as the essence and put these young people on the road to the American dream.

Mr. Speaker, I rise in strong support of the Higher Education Conference Report that we have before us today.

This bill is one of the most significant bills we will complete this Congress, and we are doing this with bipartisan support! These are the issues that count for the American people.

To be competitive in the global economy, we need to provide our country's youth with the means to better their education. This is the essence of the American dream.

Mr. Speaker, this is the legislation that will enable young people across this nation to obtain the education they need to develop their skills so that they may get the good job at good wages. In this exchange, our students get the job, they want the roof over their head and America gets hard-working, productive members of our society.

Among the many important provisions of this bill, are that this bill assures that the student loan program will be available for all families who need loans, encourages the provision of campus-based child care, cuts down on scam schools and works on the training of our teachers.

It is a good bill that makes sense for today's students!

STUDENT LOAN INTEREST RATE ISSUE

With this bill, I believe we have resolve the potential crisis of the federal student loan interest rate issue. The proposal in this legislation will help save access to higher education, while helping students save on the cost of higher education.

I am speaking today wearing two hats. One—as a longtime Member of the Postsecondary Education Subcommittee. The other hat—I serve as Chairman of the House Subcommittee on Financial Institutions of the House Banking Committee.

So I know this program from both sides—so to speak.

This legislative “fix” is necessary to ensure the banks do not leave the market, and to provide students with a lower interest rate.

Pell Grant Reform

Clearly, one of the biggest problems facing students today is the cost of higher education. While we must do everything we can to put higher education within reach of every student, we also must do everything we can to ensure to protect our scarce resources—to ensure that they are not misused or wasted or squandered.

With this in mind I (along with Representative BART GORDON of Tennessee) introduced a provision that is now a part of this Higher Education Act package which prevents a post-secondary school from participating in the Pell Grant program if that school is already ineligible to participate in the federally guaranteed student loan program because of high default rates—these are the SCAM schools—

This will recover millions of dollars currently being squandered and instead put that money to work with hard-working students at legitimate schools!

Child Care

This conference report includes an amendment I offered at Committee to help society with today's child care problems. This problem is especially great for men and women who want to further their education to make a better life for them and their family. This is near impossible to achieve when reliable, quality child care is not available.

We need to help students solve the child care problem. And we need to give institutions the means to put their proposals to the test. This bill helps us do that!

Conclusion

For all of these reasons, and many others that I do not have time to discuss today, this legislation is critical to all students.

Let's pass this conference report, and continue education as the road to the American dream!

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

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

This conference report on H.R. 6, the higher education bill, is the culmination of almost 2 years of bipartisan work on behalf of students and parents across this country. When we first started this process at the beginning of last year, the gentleman from California (Mr. MCKEON) and I set out to produce a bill that would enjoy widespread support. We decided to meet at least once a month for breakfast, without staff. And although this made our staffs very nervous, our breakfast meetings helped smooth out the rough spots and kept us moving with a truly bipartisan spirit. The gentleman from California (Mr. MCKEON) is truly an outstanding lawmaker. In light of our understanding that this bill was too important to be bogged down in bipartisan differences, we both had to give ground and to compromise.

Mr. Speaker, I am proud of this bill and I am especially grateful for the

hard work of all our staffs in getting us to this day. On the Republican side I want to acknowledge the excellent work of Bob Cochran and Karen Weiss of the personal staff of the gentleman from California; and Vic Klatt, George Conant, Pam Davidson, Sally Lovejoy, D'Arcy Philps, Lynn Selmsler, and David Frank of the committee staff.

And I want to offer my special to Sally Stroup, who put her heart and soul into this effort. Her expertise and thoughtfulness were essential to making this process work.

□ 1830

On the Democratic side, I want to thank Callie Coffman of my staff and Chris Mansour of my personal staff, and Mark Zuckerman, Marshall Grigsby, Peter Rutledge, Alex Nock and Gail Weiss of the committee staff.

Finally, I would like to thank my former staff member and dear friend, David Evans. The contributions he has made to the formulation of this bill deserve our collective gratitude.

I would be remiss in not thanking the fine people of the Congressional Research Service, Jim Steadman, Margot Schenet, and Barbara Miles. Steve Cope in the Legislative Counsel's Office and Deb Kalcevic at the Congressional Budget Office did exceptionally fine work.

For the millions who must borrow to help pay for college, we have sought to keep the cost of borrowing down. Under this bill, students will have the lowest interest rates in over 17 years. They will also be allowed to refinance their student loans at a lower interest rate. And next year the authorization level for the maximum Pell Grant will be \$4,500, showing our concern that students have a heavy burden of debt.

We have created a new campus-based child care program to assist low-income parents in school, increased income protection for both dependent and independent students, and expanded the savings protection allowances. We strengthen the TRIO programs. We expand college work-study. We simplify the Perkins Loan program. We revamp the State incentive grant program. And we establish a new gear-up program to help young people complete a high school education and go on to college.

Because of this bill, an individual who enters teaching, remains in the profession, and teaches in a poverty high school could have a significant portion of their student loans forgiven.

I am particularly pleased that this bill strengthens programs to support tribal, Hispanic-serving, and historically black colleges and universities.

Most important, this bill is a reaffirmation that we in Congress remain deeply committed in a bipartisan way to expanding educational opportunities for all Americans.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), another member of the committee for yielding time to me.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman.

I would like to announce that we have no gridlock in Washington on the Committee on Education and the Workforce. I think we have a committee that is very productive and I am very pleased as a freshman to be a part of it. I was very pleased and I want to thank the chairman for the chance that he gave me to serve on my first conference committee in Congress. I will always be grateful.

I want to congratulate the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from Missouri (Mr. CLAY), the ranking member, for their leadership, and the gentleman from California (Mr. MCKEON) the subcommittee chairman, and the gentleman from Michigan (Mr. KILDEE) for their leadership and their breakfast sessions. That is my favorite meal, so next year invite me.

Also, I think we owe a great debt of gratitude to the staff. We may have argued now and then, but they do good work and I want to commend them here publicly.

This act will ensure that college will be more affordable, with the lowest interest rates in 17 years. It will simplify the student aid system by using the same application no matter which program. It will improve academic quality, campus safety, and provide greater access to all aspects of higher education.

Last week, we debated a bill that I struggled with. I do not often struggle, but I struggled with where we allowed more immigrants, high skilled workers, to be allowed to come into this country. That was a bill that companies begged for because they did not have the ability to expand and grow. The high tech, fastest growing companies in this country were struggling to hire those high tech workers that were needed, so we had to increase the immigrant pool.

I view this as a partial indictment on our higher education community. But we in this bill have focused on this, and high skilled, technically trained workers are on a more even ground than they were before. In this country we need a combination of academic and technology. Through much blood-letting and compromising, H.R. 6 provides the opportunity for our Nation's youth to pursue their education, whether it is academic, technical, or a combination thereof.

Also, the conference report adopts the House admonition to the department that higher education consists of not only traditional but also nontraditional opportunities, an incentive provision calling for proprietary school liaisons, and several provisions ensuring against fraud and abuse.

An issue that has not been mentioned here tonight is a provision to fight drugs. I do not think there is any cause, in my view, that is more worthy than to help protect our young people in basic and higher education against

drugs. This has a provision, if they are caught in possession or in selling, 1 year, they are out for a year; second offense, 2 years; third time, indefinitely. That is a lot tougher than the National Football League, because one of those players could be arrested today and they will be playing next Sunday.

It also provides incentives for distance learning, the wave of the future. It gives the Secretary of Education the authority to waive certain Federal restrictions that prevent students from receiving financial aid for some types of distance education programs. It also gives the Secretary the authority to promote and study distance learning techniques that will expand student access to higher education. In my view, the higher education community in this country is way behind the technology curve in delivering educational opportunities through distance learning.

It also will help those who serve our country. It exempts veterans' benefits from being counted against students when they apply for student loan subsidies. Previously, students receiving benefits under the Montgomery bill would have had their aid reduced.

I urge all my colleagues to support this bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend the gentleman from Missouri (Mr. CLAY) for yielding.

I rise in strong support of this bill and urge its passage. Let me thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MCKEON), the gentleman from Missouri (Mr. CLAY), and the gentleman from Michigan (Mr. KILDEE) for their leadership in this effort, for the staffs of the committee and the Members. And let me especially thank Audrey Williams and Edgar Ho from my office, who worked so very hard on this bill in making it a reality.

I am especially pleased that among the provisions that I offered, the committee has seen fit to include four provisions which I think are very important:

First, every student in America will know of their right to have an income-contingent loan, that is, to pay back their loan as a function of their income; so that, as their income rises, so will their payment, and if their income falls, so will their payment.

Second, a student who cannot receive a loan from a private lender has his or her right reaffirmed as a lender of last resort to go to either a guaranty agency or the direct loan program or both, and I think that is very important.

Third, I appreciate the fact that we have once again restored the incentive for private career schools, some of our very best job trainers, to train those who most need help in job training to move from welfare to work.

Finally, I appreciate the fact that the committee has included very visionary legislation which permits colleges and universities to offer voluntary early retirement packages to professors throughout the country. This will save a significant amount of money for the higher education system. It will open up faculty slots for young professors, particularly young women and minority professors, and I believe it will inject new blood onto our campuses where it is needed most.

I urge the passage of the bill. I look forward to the day when the President signs this bill, because I believe with that signature he will be widening even further the doors of educational opportunity for people throughout this country.

I urge the passage of the bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I join in the accolades toward the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), and the gentleman from California (Mr. MCKEON) for their hard work and their coming together to put together one of the most important bills that this body will vote on.

I also want to thank on my staff Gina Mahoney, who has done such hard work, and somebody who left our staff who the gentleman from Michigan (Mr. KILDEE) recognized, David Evans, for his hard work as well.

Father Hesberg, who has been noted as a leader in America on education, religious and civil rights issues, once said, "As education goes, so goes America."

Well, my colleagues, this bill puts education in the forefront and will help America get better and better. It does a number of things. It puts higher emphasis on academic quality. It emphasizes new ideas. It encourages regulatory simplification.

I am proud of this legislation to support students across the United States in the best higher education system in the entire world. There are some 3,000 post-secondary institutions in this country consistently turning out some of the best scientists, some of the best lawyers, some of the best teachers, some of the best researchers and doctors in the entire world, and this will continue to make our higher education system the best, second to none, in the world.

This bill reflects a number of priorities: The lowest interest rates since 1981 for our students, a revamped teacher training program which includes my alternative route certification bill, more choices for students when consolidating their loans, permits universities to offer early retirement packages to their faculty, provides regulatory relief to the nine colleges and universities in my district.

I encourage bipartisan support for this bill to pass smoothly and swiftly through the United States Congress.

Mr. CLAY. 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 too am a proud member of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, which crafted this reauthorization. And I can assure my colleagues that the Higher Education Amendments of 1998 make higher education more affordable for all students.

The amendments also make education safer, particularly for women, because we have included grants to combat violent crimes against women on campuses. Mr. Speaker, 20 percent of college women will be victims of sexual assault at some time during their years on campus. These are our daughters, our sisters, our mothers. They should not have to learn in fear, and this bill invests in their safety.

This conference report also includes a provision on prepaid college tuition plans. These plans let families lock in the cost of tomorrow's college tuition at today's prices. We need to get the word out so that families across the country can benefit from these well-thought-out plans.

I am also pleased that we are supporting teacher training partnerships in this conference report. Partnerships for Professional Renewal, based on a successful program at Sonoma State University in my district, funds partnerships between teachers' training programs and local schools.

I thank the gentleman from Missouri (Mr. CLAY), I thank the gentleman from Michigan (Mr. KILDEE), I thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MCKEON), for their bipartisan leadership on this reauthorization. They put the interests of students and families first. We can be proud to vote for the Higher Education Amendments of 1998.

The gentleman from Pennsylvania (Mr. GOODLING) is perfectly correct, this is a good-news day and it should be reported.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. FATTAH. Mr. Speaker, let me first thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman and my colleague, and the gentleman from Missouri (Mr. CLAY), the ranking member, and all those who labored. Especially the gentleman from California (Mr. MCKEON), Chair of the subcommittee, did a great job on this bill, working with the gentleman from Michigan (Mr. KILDEE), and the staff who have already been mentioned, but we all

need to remember their very hard work that will make it possible for tens of millions of American families to be able to improve the life chances of their young people.

This is a moment in which this Congress acts as statesmen more concerned about the next generation than the next election, and it is a moment we all can take pride in.

I would like to refer, obviously, to the High Hopes 21st century initiative which has now been termed Gear-Up in this bill. But beyond the semantics, what it really means is that we are going to reach out to young people in 6th and 7th grade, more than a million of them, each and every year from this point forward in thousands of junior high and middle schools across this country, and let them in on a secret that we have all known for a very long time, and that is that college is available to them if they are willing to work hard enough to get there.

□ 1845

I would like to thank President Clinton for his embrace and support of this initiative. It was made possible because of the bipartisan support here in this House. Many, many of my colleagues, more than 200 of them on both sides of the aisle, have been helpful in moving this initiative forward.

I would like to point out the strong support on the conference committee, which I believe is indicative of the bipartisan support for this bill, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Pennsylvania (Mr. PETERSON) on the Republican side, and the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE) and the gentleman from New Jersey (Mr. ANDREWS) really shepherding this particular provision through the conference committee. A conference is simply an opportunity for the House and the Senate to meet and to arrive at a shared consensus about the direction of public policy. I think this conference committee and all that it embodies represents the best of public policy.

This Congress indeed has a lot to be proud of, and I am happy to have played a part in the higher education amendments of 1998.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of the conference report for H.R. 6. We certainly have heard everyone here, back and forth, saying what a great bill it is, and it is. It has been a pleasure in my freshman year, which is actually two years, but we are freshmen for a long time around here, to share in the work that everybody did.

This is what should be getting through to the American people, that we are doing our work and we do care about certainly our young people out there. I commend everybody that put their hard work in, because we do care

about our children and we care about the future of our children, and it just goes to show that when you work in a bipartisan way, you can get things done.

I am really pleased that H.R. 6 still includes many of the provisions of my bill, the America's Teacher Preparation Improvement Act. We know if we do not teach our teachers to be better teachers, our children are going to suffer. I think that is wonderful having that in there.

I am also pleased that H.R. 6 includes legislation that the gentleman from New York (Mr. ENGEL) and I introduced to protect consumers. H.R. 6 requires the Department of Education to put out up-to-date information about financial aid scholarship scams on its web site.

We wish we could have put even more into this particular bill, but, as always, there are restraints. But it represents a major step forward for making college accessible and affordable. I urge my colleagues to support it.

We can make college affordable for every person in this country. That is our job, and we have taken a giant step towards that. I thank everyone so much.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

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

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

Mr. Speaker, I rise in praise of the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), the gentleman from Missouri (Mr. CLAY) and all of the members of the conference committee on H.R. 6 for their hard work and their leadership. They deserve great credit for this thoughtful and carefully crafted bill that will increase access to a higher education for millions of Americans.

For most Americans, student loans are the primary source of education funding. From the GI Bill to Pell Grants and the Stafford Loan Program, financial aid has enabled millions of working class families to send their children to college.

This legislation will provide college students with the lowest interest rates for academic loans in 17 years. It expands the Pell Grant Program and also improves campus based aid programs like Supplemental Education Opportunity Grants. It improves teacher preparation and provides loan forgiveness for teachers who work in areas where the poverty rate is high. They have simplified the process of applying for student loans and there is more access to crime statistics and information to allow them to have an accurate picture of campus safety.

I am particularly pleased that the conference report on H.R. 6 includes

legislation I introduced to expand access to a higher education for low income parents. My legislation, H.R. 3296, the College Access Means Parents in School Act, the CAMPUS Act, will enable more low income women to get a college education by providing campus-based child care centers. The conference report authorizes \$45 million for competitive grants to institutions of higher education for the establishment of child care centers on college campuses serving the needs of low income students.

I do not have to tell you about the benefits of that, that when you motivate these parents and they have high quality child care, they will graduate faster with a higher grade point average. The good news is, as I mentioned, that students who have access to campus-based child care centers are more likely to stay in school and graduate than the average college student. What great preparation this is for them.

Again, I want to commend the conferees, the staff and the leaders of the House Committee on Education and Workforce and the Senate Labor and Human Resources Committee for their excellent endeavors on the reauthorization of the higher education bill. I urge all of my colleagues to support this bill.

I would also like to just add a note of congratulations to us for having had the gentleman from Illinois (Mr. FAWELL) with us here in the House of Representatives because of the great leadership he has given to that committee and to all of the other committees, the Committee on Science also on which he serves with me, and the integrity and character he has brought to this House of Representatives.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, I would also like to add my congratulations to the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Michigan (Mr. KILDEE), the gentleman from Massachusetts (Mr. MEEHAN) and the members of the conference committee for including many of the provisions in a bill I introduced, H.R. 3311, to improve international education programs in this final version of the reauthorization of the Higher Education Act.

As a member of the Committee on International Relations and the Committee on Education and Workforce, I know that in order to be competitive in this global economy, we must continue to encourage and support programs designed to educate our students in foreign languages, diplomacy and international affairs.

Throughout the years, Title VI of the Higher Education Act has been extremely effective in helping colleges and universities reach that goal. The

inclusion of Technological Innovation and Cooperation for Foreign Information Access Grants in the conference report of the reauthorization of the Higher Education Act enables institutions and libraries to engage in collaborative international education projects utilizing innovative technology. This kind of program is timely as universities and libraries are faced with escalating costs of access to international resources.

This bill also allows the Institute for International Public Policy to expand the current Junior Year Abroad Program to permit summer internship experiences. And to assist in the cooperation of Federal support for the Minority International Affairs Program, this bill creates a seven member inter-agency committee on minority careers in international affairs. I am also pleased that the conferees have chosen to keep the international education program in its own separate title.

Overall, I believe the reauthorization of the Higher Education Act will provide our Nation's students expanded access to a college education. By increasing the authorization of the Pell Grant award to \$4,500, we help students afford the cost of college without having to rely on loans and increase their debt. I only encourage the Committee on Appropriations to meet this authorization level.

The New Teacher Training Program included in this bill will increase the number of teachers who are trained in low income areas.

Mr. Speaker, as I conclude, I would just urge my colleagues to support this bill for final passage.

I only encourage the appropriations committee to meet this authorization level. The new teacher training program included in this bill will increase the number of teachers who are trained in low-income areas.

This extra hand in our overcrowded low income area schools will enable school children to receive more one on one attention in the classroom. And the Gear Up program, based on Representative FATAH's and President Clinton's High Hopes program, will give students in low income areas the encouragement, the hope and the tools to go on to college. There are some concerns I have regarding the effects of some of the provisions of this bill on proprietary schools.

However, overall this bill contains many valuable programs that will help our inner city and low income youth realize the dream of going to college and the student financial aid programs will help students make that dream a reality. That is why I will support this bill today and encourage my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. Speaker, I rise in strong support of this legislation. As a freshman member of this body, the United States Congress, I lobbied hard to get on the Committee on Education and the Workforce and the Subcommittee on

Higher Education, and it was exactly for this evening and this purpose, to be able to stand up and proudly support an outstanding piece of bipartisan legislation that really goes to the hopes and dreams of what my life has been about.

Growing up in western Wisconsin as a young student, my hope and dream was to be able to go on to school, go on to college. My father was a telephone repairman with five kids. He was in no position to be able to afford sending myself or any of my brothers or sister on to school. But for the existence of programs that are being reauthorized in this legislation today, the student loan program, the Work Study Program, expansion of the Pell Grant program, I in no way would have had the financial means to go on to school.

Now representing western Wisconsin, a place that has five state universities and seven technical school campuses and a private college, this legislation represents to me the fact that many, many more students growing up in western Wisconsin will now have the financial ability to go on to higher education, which is really the underpinning of the great American dream and that which we cherish so much in this country.

I commend the ranking members, the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), for the fine work they have done; the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Chairman MCKEON).

I also want to especially commend the gentleman from Pennsylvania (Mr. FATTAH) for the hard work that he put in for the Gear Up for High Hopes Program, that he worked incredibly hard on, not only in the Committee, but with every member of this body, who he probably spoke to two or three times to get their support.

This truly is an historic night, Mr. Speaker, an opportunity for us to encourage the rest of our colleagues to support what is probably going to be the shining example of the 105th Congress, of how we can bridge the partisan gap and come together and do what we think is in the best interests of this country and the future of our Nation.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. ENGEL).

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

Mr. Speaker, as a former member of the Committee on Education and Workforce, I rise today to state my strong support for this higher education the amendments conference report. If one goes down the list of all the goods things in this bill, increasing Pell Grants, lowering interest rates on student loans, strengthening direct loan and guaranteed loan programs, improving teacher quality, preparation and recruitment, making needs analysis more fair and reasonable, establish-

ing the Gear Up Mentoring Initiative, strengthening TRIO, the historically Black colleges and Hispanic-serving institutions, we know we have a really, really good bill.

I am also thankful that my bill, which requires the Department of Education to directly link its web site to free data bases of accurate information concerning scholarships, fellowships and any other financial aid information, is also included in this conference report.

I introduced this bill with my good friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY) back in April of 1997. Our provision within the conference report is vital in not only empowering parents and students, but in preventing fraud.

In September of 1996, the Federal Trade Commission began its investigation, Project ScholarScam, into unscrupulous companies that preyed on American families' anxieties about how to finance their children's college tuition.

These scholarship scams guaranteed or promised scholarships and grants in exchange for advance fees. Once these fees were collected, no scholarships or grants were ever provided. Sometimes these companies would ask for a student's checking account to confirm eligibility, then debit the account without the student's consent. American families by the thousands were defrauded and student's hopes were disheartened.

Currently my daughter is a senior in high school and I for one know firsthand the difficulties in meeting the skyrocketing costs of higher education. Our provision is a major step forward in preventing future scholarship scams and is a vital tool in empowering parents to look for creative ways to finance a college education.

I urge my colleagues to vote for H.R. 6, and I commend all the people involved, the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MCKEON) and the gentleman from Pennsylvania (Mr. GOODLING).

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from Virginia (Mr. SCOTT)

Mr. SCOTT. Mr. Speaker, I want to commend the conferees for producing a conference report which will serve as a foundation for a stronger system of higher education in this country.

More students will be able to afford a college education due to the lower interest rates on new loans and the increase in Pell Grant levels. We also target middle school students through the new Gear Up Program, which encourages colleges to provide students with information on college opportunities as well as mentoring and tutorial programs so they will be prepared to enter college after high school.

I am also pleased that the conference report retains provisions that I offered during committee deliberations. One will help students with high child care

expenses qualify for student aid, and another provision rewards colleges for effectively collecting overdue loans.

At the same time, I have concerns about provisions in the conference report that may adversely affect Historically Black Colleges and Universities. The conference report only extends the current exemptions that those schools enjoy for one year, whereas the Senate version would have extended it for four years.

There is also a new provision which jeopardizes Pell Grants for students who attend schools with high default rates, many of which have high default rates because of open enrollment practices.

While I support the conference report, I hope the Committee on Education and the Workforce will be able to revisit these issues which are critical to the survival of schools which offer opportunities to those most in need. On balance, however, Mr. Speaker, there is no question that this bill represents a major step forward and should be approved.

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

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

Mr. Speaker, I would like to take just a moment to recognize a friend and a colleague on the committee who is retiring from Congress after 14 years of service to his constituents and to the House of Representatives.

□ 1900

I have served with the gentleman from Illinois (Mr. FAWELL) on the Committee on Education and the Workforce since he first came to Congress. In the years that we have worked together, I have known the gentleman to be a committed and tireless member of the committee, a member who could be counted on to fight in the legislative trenches, but who was also able to work in a bipartisan manner to craft legislation to better the lives of working Americans.

From his leadership on health care and pension matters to his efforts to improve productivity, safety and health in the workplace and his overall philosophy that there should be a level playing field between labor and management, the gentleman from Illinois has been at the front lines in all of the major workplace policy debates in Congress.

I know that my colleagues will agree that the gentleman is renowned in the House, among other things, for his expertise in labor, health care and pension law. In committee, the gentleman was also known for taking excellent notes during hearings and markups. Many of my colleagues gained a great deal of their knowledge over the years by picking over his shoulder while he wrote.

Mr. Speaker, the gentleman from Illinois (Mr. FAWELL) has been a valued member of our committee and of the

House as a whole because he always fought for what he thought was right, he never compromised his principles, and he always kept his sense of humor. He always made sure he knew more about the matter at hand than his opponents.

Mr. Speaker, I know I speak for all of my colleagues when I say to HARRIS, we will miss working with you, we will miss the benefit of your knowledge, your energy, your persistence, your attention to detail, and your good humor. It would be difficult, if not impossible, for Congress to do the people's work without the knowledge and commitment of Members like HARRIS FAWELL.

HARRIS, we wish you well in whatever future activities you have planned, and I am certain that you and your family will enjoy life after Congress, and I am told there is life after Congress, although I do not want to find out just yet. It is us who will not enjoy it quite as much because you will not be here.

Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) very much. His friendship and leadership over 14 years, and it does not seem like 14 years, means a great deal to me. I cannot think of anybody who has as much moral authority to speak on educational matters than the gentleman from Pennsylvania (Mr. GOODLING) who was a teacher and a principal all of his life. He has stood for quality education, and I hope the gentleman continues to serve on and on here. The gentleman is doing obviously a tremendous job.

My congratulations on what has been accomplished here in regard to having this Higher Education Amendments Act finally passed. So many people put so much time in on it. My comments were meant only to refer to a bipartisan provision in Part D of Title IX that allows age-based voluntary retirement incentives. It was based on a piece of legislation that I had, and I am glad that that is a part of the bill, because I think it makes it a little bit better perhaps, adds more quality in the bill, and it is a quality bill.

I do want to just say "thanks" to all of my colleagues on the committee, and I still think of it as the Committee on Education and Labor. It really is education, labor, pension and health. But that extends also to the gentleman from Missouri (Mr. CLAY) on the other side of the aisle. We have differed at times in regard to how we view legislation, but I would never question the commitment and the intent of the good mind of the gentleman from Missouri, and the gentleman from California (Mr. MCKEON), who did so much in shepherding the Higher Education bill.

The other day I was defending Congress and they said, well, there are no longer any Mr. Smiths who come to Washington or Mrs. Smiths, or Ms. Smiths. And I said, oh, yes, there are.

And they said, who? And I was caught right there, and right away the name of the gentleman from California (Mr. MCKEON) came to mind. I said, there is a guy without guile; he works hard, he is an intelligent man, he gives an awful lot, we are lucky to have him.

Mr. Speaker, we are lucky to have an awful lot of Members in this Congress. Ninety-nine and nine-tenths percent of the men and women here are fantastic people, and we are backed up by staff that do so very, very much.

Let me just sneak in one other comment. People think that Washington is kind of a creepy place, at times. Let me tell my colleagues, there are so many awesome good young people who are our staff, and not just on this committee, but elsewhere, that I stand in awe of the young people that I see coming along. I am in my third generation with watching my own generation, watching my children's generation, and now watching my grandchildren, and I report to my colleagues, this country is in good shape, because the young people I see coming along with each generation are just that much better than their predecessors.

So I leave Congress with a lot of good feelings, knowing that the City of Washington is a very fine place to live and to work, and I shall miss you all. By golly, I shall miss you. I may creep back here once in a while to give you some advice, but I thank you for all the tremendous help that so many of you have given to me. I do appreciate it.

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I quickly would like to share my admiration for the gentleman from Illinois (Mr. FAWELL). I have known him less than 2 years, and he is somebody in Congress that I admire greatly. His district in Congress and the small business community is going to miss him.

The gentleman has a clear, thoughtful voice, a deep understanding of the issues, and the gentleman brings a passion to the debate. The gentleman has the zeal of a freshman and the wisdom of a long-term Member. The gentleman's arguments are very pragmatic and thoughtful, whether it is modernizing archaic labor laws or fighting for affordable health care for small business, and he has a passion for that.

Mr. Speaker, HARRIS FAWELL is the kind of Member I hope to become.

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. MCKEON).

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

Mr. Speaker, I have been here now 6 years and I have been able to serve with the gentleman from Illinois (Mr. FAWELL) for that whole 6 years, and the last 4 years we have served as subcommittee chairmen together. We have a meeting about once a month at 7

o'clock in the morning and the full committee chairman and the subcommittee chairmen all get together, and during that time I have gotten to know the gentleman. I have gotten to know his integrity, his sincerity, his devotion that he brings to the cause, and I have never heard him say one negative thing about another person, on either side of the aisle. I have never heard him say anything disparaging. I just have the greatest respect for this man, and we really are going to miss him.

I talked to him the other day and I said, "I do not know who is going to take your place; I do not know who knows anything like you do about ERISA." And I just want to say, HARRIS, we will really miss you. Thank you for all you have done for the country.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time to merely thank again all of those who made this evening possible. But I want to go a little bit beyond that. Every now and then I hear reports that is a "do-nothing Congress." Well, I want to tell my colleagues a little bit about this committee. It is anything but a do-nothing committee.

Just to tick off a few off the top of my head, we reauthorized IDEA Special Ed; we reauthorized Head Start, it is in conference; we reauthorized Higher Education; we passed Dollars to the Classroom; we passed Bilingual Reform; we passed the Testing Prohibition bill; we passed the Emergency Consolidation Loan Bill and bailed out the Department. We passed the National Committee on College Costs; we passed the Equitable Child Care resolution. We passed the Job Training bill for the 21st century. We authorized Vocational Education for the 21st Century. We passed the Charter School bill; we passed the Reading Excellence bill; we passed the Juvenile Justice bill, and we passed the Child Nutrition bill.

It does not sound like a "do-nothing Congress" to me, at least not a do-nothing committee. Can my colleagues imagine what these staff members have had to do during this entire time because of this tremendous agenda that we put forth from this committee. This is a "do-everything" committee for the benefit of all, and particularly for young people in this country.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in support of the conference agreement to reauthorize the Higher Education Act. For the last thirty years, the Higher Education Act has enabled countless Americans to pursue their dreams.

One year ago, I held a forum in my district involving students, educators, and administrators to share their concerns and priorities about higher education. I am pleased that many of the issues addressed at that forum have been included in this reauthorization bill.

Some of these provisions include: simplifying and streamlining students loans and providing the lowest interest rate on student loans in 17 years; increasing maximum Pell grant awards to \$4500 next year and up to \$5800

by 2003; continuing to provide long-term low-interest loans to almost 800,000 students with financial need through the Perkins Loan program; readjusting the formula used to analyze financial needs in order to encourage students to work and save for their college education; and providing loan forgiveness for students who teach in low-income areas; and allowing historically black colleges and universities more flexibility in funding and expanding graduate programs through changes made in title III.

I am especially pleased that the Campus-Based Child Care Act, on which I worked with Congresswoman MORELLA and other members, is included in this conference report. This will provide seed money so that colleges and universities may provide quality child care on campus. This is one of the most forward-thinking parts of this Higher Education Act and will allow many low-income single and working parents to attend college when they couldn't before—including many who will be making the transition from welfare to work.

I congratulate the chairman, the committee, and the conferees on coming together to craft this reauthorization. I am happy to support the bill and encourage my colleagues to do the same.

Mr. KIND. Mr. Speaker, first, I would like to commend Ranking Member KILDEE and Chairman MCKEON for all of their hard work on making this important legislation bipartisan. This bipartisan conference agreement on the Higher Education Reauthorization Act includes a number of important initiatives to increase access to college, lower the student loan interest rate, and prepare more students for college.

Increasing access to quality higher education must be our nation's number one priority and this legislation helps us accomplish this goal. This legislation increases the maximum Pell Grant award \$3,000 to \$4,500. The Pell Grant is crucial to giving students the financial assistance they need to afford a higher education. The increased award level is important to keep pace with the increasing cost of a college degree.

One of the biggest concerns I hear from students in western Wisconsin, is the growing debt burden they face upon graduation. This legislation will ease that burden and give more students an opportunity receive financial aid assistance, by lowering the student loan interest rate. The bill slashes the interest rate from 8.25 to 7.46 percent, which will save college students hundreds and thousands of dollars over their loan repayment period.

This legislation also expands and creates initiatives designed to encourage students from disadvantaged backgrounds to pursue higher education. The highly successful TRIO outreach project is expanded and a new national effort called GEAR UP has been created to provide support services, mentoring and early intervention counseling to encourage students to strive for and attain an education beyond high school.

I am pleased to support this bipartisan conference agreement, which will provide students in western Wisconsin with increased access, affordability and quality higher education.

Mr. SPRATT. Mr. Speaker. I am pleased to have the opportunity to vote to help students go to college, and a vote for the conference report on the Higher Education Act Reauthorization is just that—a vote for students.

This bill will lower interest rates on student loans, help disadvantaged middle school students prepare for college, improve preparation and training for teachers, and promote distance-learning through expanded student aid and partnership models that will reach more students. These provisions and others targeted at improving the efficiency and access of student aid programs will help make college affordable for more students, and make attending college a reality for more students.

The bill has merit, but as the ranking Democrat on the Budget Committee I have to express my disappointment that Congress did not find a way to pay for these improvements. Because all costs are not offset according to the Office of Management and Budget, this bill will add to the PAYGO scorecard, expanding the sequester already in the cards for Fiscal Years 2001 and 2002 unless we take additional action before then.

This bill is another example of Congress acting without a guiding budget resolution or plan. This is the first year since the Budget Act became law, a quarter century ago, that Congress has failed to pass a budget resolution conference agreement. The failure of this bill to contain offsets is partly a result of Congress's failure to do its job and pass a budget resolution. We want the benefits of improved public policies, but lack the fiscal discipline to pass a final Congressional Budget Resolution. The American public deserves a Congress that can deliver on our fiscal obligations, and the Republicans in this Congress are shirking that responsibility.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in strong support of this conference agreement on the Higher Education Amendments. I support this bill because it further expands the Pell Grant Program, provides the lowest student loan interest rates in nearly two decades, and addresses a new and exciting facet of education, distance learning.

Last year, my colleagues and I worked very hard to increase Pell grant appropriations contained in this year's budget. This trend is continued in this bill, which authorizes significant increases to the largest federal student aid grant program available.

This program is vital to my own state of Connecticut, where 69 percent of all federal student aid to students is in the form of Pell grants. Unfortunately, in the past, funding for this program has not kept pace with the growth of tuition fees. While tuition in Connecticut has risen 110 percent since 1989, federal resources have increased by only 37 percent.

This bill provides desperately needed resources to those who have demonstrated the ability and desire to achieve. It is a victory for those of us fighting to improve our higher education system, and fighting to make the opportunity of going to college a reality for every person in this country who desires to reach for it.

With this bill today we are going to pass a comprehensive higher education program. I urge my colleagues to give the same support to our other important education initiatives, hiring 100,000 new teachers to reduce class size, and providing comprehensive school construction and modernization bonds. If students are to succeed, they must have the resources to meet the challenges of obtaining a quality education today. This bill provides them with that fighting chance.

Mr. KLINK. Mr. Speaker, Chairman GOODLING, and Mr. CLAY, Chairman MCKEON and Mr. KILDEE and the rest of my former colleagues on the committee are to be congratulated for your good work on this legislation.

In the larger scheme of things, H.R. 6 is good for the country and good for our future. Making higher education more accessible to students will make America stronger and more competitive in the global marketplace.

This legislation will increase the maximum Pell grant, provide more funding for work study, increase resources for teacher training and rework the needs formula for student aid to target more money to those students with fewer resources to pay. It also reduces student loan interest to the lowest level in almost 20 years. All these things will increase access to higher education.

I am also pleased that the conference report includes several reforms in student loan management that I have been working on for years, many of which were in my bill, H.R. 2140, the Federal Accountability and Institutional Reform in Education Act (FAIR ED Act).

These common-sense reforms to the student loan program will reduce defaults, bring greater fairness and accessibility to the student loan program, save the Federal Government millions of dollars a year and allow schools to spend more time teaching and less time on education finance.

H.R. 6 will help reduce student loan default rates by cutting the incentive that lenders and guarantors have to let a loan go into default. Currently, the Federal Government not only reimburses these agencies for 98 percent of every defaulted loan, but they also get to keep an additional 27 percent of whatever they collect from defaulted borrowers.

H.R. 6 reduces those percentages to 95 percent and 23 percent, respectively. The bill will ultimately allow for recovery of only 118 percent of a defaulted loan instead of 125 percent. My legislation would have limited reimbursement to 100 percent of any loan, but H.R. 6 is a step in the right direction.

H.R. 6 will also increase communication in the education community in order to reduce student loan defaults. It will require student loan servicers to contact the school before allowing a loan to go into default. Very often schools have more recent information on students. That information can lead to actual contact with the student, which can reduce the likelihood of the student's loan going into default.

Furthermore, this legislation will prohibit guaranty agencies from requiring schools to pay a fee for student loan information. This information can help keep loans out of default and it should be available to schools without cost.

In addition, H.R. 6 will help institutions serving at risk students by requiring the department to retain the eligibility of schools serving those populations, provided they meet specific graduation and job placement requirements.

H.R. 6 will also allow for increased accuracy in default rates by removing students who defaulted loans but have been brought into repayment from the school's default rate.

H.R. 6 will also establish parallel student repayment terms and conditions within the Federal Family Education Loan and the Federal Direct Student Loan Programs. This will provide for income-contingent repayment and loan consolidation options, which are currently

available under direct lending, but not in the FFEL Program.

Finally, H.R. 6 will make several changes that were not in my legislation but will be good for students and educators. It fixes the onerous 85/15 rule by changing the requirement that 15 percent of a school's revenue come from non-Federal Title 4 sources to ten percent. The 85/15 rule is now the 90/10 rule and that is a good reform, especially for students and schools in low-income areas.

H.R. 6 also provides for a liaison in the Department of Education for career schools. These institutions are training many of today's workers and they deserve a voice at the Department.

Lastly, H.R. 6 will require that the Department publish the rules and regulations that students and schools must follow on time. If schedules are good for the students and schools, they should be good for the Department and they should be followed.

I commend Chairman GOODLING and members of the committee for a solid piece of legislation and I urge my colleagues to support H.R. 6.

Mrs. CLAYTON. Mr. Speaker, good, quality and affordable education in post secondary institutions is a goal to which all of us should aspire.

Our goal is to provide students with the tools they may use to pursue higher education by authorizing the maximum Pell grant award of \$4,500 in 1999–2000 with increases in subsequent years; a more student friendly formula for determining the amount of student financial aid; and a two-tier interest rate structure.

In order to reach this goal, we must function as a partnership, at all levels of government and in the private sector.

This conference report to H.R. 6, the Higher Education Amendments Act of 1998, achieves this goal.

Furthermore, I recommend the conference committee for supporting a provision that I proposed in the House passed bill.

This provision increases voter registration among college students requiring colleges and universities that receive federal funding to provide voter registration forms to students.

Providing the opportunity of voter registration to students allows them to exercise one of their most fundamental rights.

I am pleased that my colleagues also value the importance of involving the most mobile group of our country in the political process.

Therefore, I urge my colleagues to support this conference report to H.R. 6.

Ms. DELAURO. Mr. Speaker, I rise today in strong support of the Higher Education Amendments conference report. In today's world, a college diploma is the key to success. But the rising cost of college tuition puts that diploma out of reach for many American students.

The Higher Education Act will help make the dream of a college diploma a reality for more families by making more financial aid available for some of our nation's neediest citizens. Students whose families earn incomes of \$12,000 or less a year will be able to receive more financial aid through Pell Grants than ever before. The bill will also strengthen the formula which determines how much aid a student qualifies for, and allow young people to earn money and save for their education without being penalized by losing financial aid.

I am particularly pleased that this conference report contains provisions for campus-

based child care. Many people with young children, who want to attend college and build a better life for themselves and their families, find themselves unable to go to school simply because they can not find high quality and affordable child care. This important program will allow parents to attend college with the security of knowing their children are well care for.

As a member of the Labor-Health and Human Services-Education Appropriations Subcommittee, I will work to ensure that this important program gets funding for fiscal year 1999, so parents can immediately begin to take advantage of campus-based child care.

I urge my colleagues to support the Higher Education Act.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of the conference report on H.R. 6, the Higher Education Amendments of 1998.

I would like to begin by commending Chairman GOODLING and Ranking Member CLAY, and Subcommittee Chairman MCKEON and Ranking Member KILDEE, for their bipartisan leadership and their tireless effort to increase the accessibility and quality of higher education for all Americans.

Over two years ago, Mr. MCKEON and Mr. KILDEE began the process of reauthorizing the Higher Education Act with four goals in mind: making higher education more affordable; simplifying the student aid system; promoting academic quality; and improving access to post-secondary education. The bill we have before us today goes to great lengths in achieving these goals.

This conference agreement makes higher education more affordable by expanding the Pell Grant Program and nearly doubling the maximum Pell award over the next five years. It significantly increases the authorization for the College Work-Study program and nearly doubles the allowance for child care. It modifies the need analysis formula to encourage savings and allow students and parents to keep more of their money through increased income protection. It reduces new student loan interest rates to their lowest rate in 17 years and allows students to consolidate and refinance existing loans at a lower rate. Finally, the conference agreement requires the National Center for Education Statistics to conduct a study on the rising cost of tuition.

This conference agreement simplifies the student aid process by creating a Performance Based Organization within the Department of Education to provide quality service to students and parents and to ensure that the student financial aid system is run in a professional, business-like manner. It also requires the Department to develop a single, more simple student aid application and a single, more simple promissory note.

This conference agreement promotes academic quality by increasing institutional standards and providing assistance to those institutions that do not meet those standards. It also authorizes grants to states to improve teacher training programs and directs states to use a percentage of those grants to recruit quality teachers. Finally, it encourages qualified individuals to go into the field of teaching by creating a loan forgiveness program for teachers.

This conference agreement makes post-secondary education more accessible to all Americans, particularly low-income and minority students. It increases the authorization level and scope of the TRIO programs and

creates the GEAR Up program to allow low-income students to participate in early-intervention and college awareness activities. It also increases the authorization levels for historically black colleges and universities, Hispanic serving institutions, and tribally controlled colleges. Finally, it creates grants to institutions serving a percentage of Native Alaskans and Hawaiians.

I am particularly pleased with what this bill does for Hispanics. Previously, Hispanic serving institutions were buried in title III. However, as a result of this conference agreement, HSIs will have their own title and a greatly increased authorization level. No longer will the Department be able to ignore the importance of these institutions which will only continue to grow as the Hispanic community continues to grow. As a matter of fact, the Census Bureau projects that by 2050, Hispanics will make up 25 percent of the population. It is only fitting that this reauthorization recognize the significance of these institutions which will play an even greater role in educating future generations.

For the above reasons, I strongly support this conference report and urge my colleagues to do the same.

Mr. EWING. Mr. Speaker, I am proud to rise in support of this legislation which will reauthorize the Higher Education Act of 1965. With seven institutions of higher education in my district, this bill is of great importance to my constituents.

While reauthorizing many existing programs this legislation establishes new programs which will provide low-income and disadvantaged students access to a college education. We are all aware of how important a college education is to our children who will be working in an increasingly global economy.

We must prepare our children for the world they will face and increasing the maximum Pell grant levels each school year until 2003–2004, providing low interest student loans, and expanding the work-study program are all ways to provide an affordable college education.

There are also a number of provisions included in this bill which will help to improve the recruitment and quality of the teachers we entrust with our children. It achieves this by granting states the ability to reform accountability and certification requirements for their current teachers and provides loan forgiveness for teachers who choose to go to low-income areas to teach. We must provide all students with a quality education if we expect them to succeed.

There is also an important provision which provides \$5 million for fiscal year 1999 for a new grant and award program which would encourage colleges to establish alcohol and drug abuse prevention and education programs. I believe that other institutions should follow the lead of the University of Illinois and its Alcohol 101 program to help deter the increasing use of drugs and alcohol on campus.

Along with the drug and alcohol provisions there is also an incentive to help keep our children safe by requiring administrators and institutions to submit campus crime statistics to the Secretary of the Department of Education. It is important that parents have accurate records of the amount and types of crimes taking place. There are also grants, through the Justice Department, authorized to develop and strengthen effective security and

investigation strategies, along with victim services. It is very important that our children are protected while they are on campus.

I am proud to vote for the legislation and am proud of the work this Congress has done to improve the education of the most essential people in this country—our children. Mr. Speaker, I urge all of my colleagues to support this important legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, today the House continues a commitment made more than 40 years ago, that if you have the ability, but not the means, you can get a college education.

I'm particularly pleased H.R. 6 will provide loan forgiveness to qualified teachers working at schools located in low-income areas. Many rural school administrators have told me they are having a difficult time attracting teachers trained in the sciences and mathematics. With these provisions, rural schools now be able to recruit such people and meet an ever growing challenge.

We've all heard from students who were denied federal student aid because they earned too much in the summer or throughout the year. Fortunately, there are provisions in the bill permitting students to earn a bit more and still qualify for student aid. Specifically, the agreement increases the income protection allowance to \$2,200, and adjusts it annually to keep pace with inflation.

Mr. Speaker, I support the conference report. And, I congratulate Chairman GOODLING and Chairman MCKEON, ranking members CLAY and KILDEE for their good work.

Mrs. MCCARTHY of New York. Mr. Speaker, the conference report for H.R. 6 includes many provisions that I have long supported, and which are very important to my constituents on Long Island. I am especially pleased that the bill increases the authorization for the maximum Pell grant to \$5,800 by the 2003–2004 academic year. I also am pleased that we have taken action to ensure that the FFEL and Direct Loan programs can continue providing financial aid to students.

As the sponsor of the America's Teacher Preparation Improvement Act of 1997, I have worked hard to ensure that the final version of H.R. 6 makes a strong statement in support of teachers. I am delighted that the conference report includes many of the provisions of my bill, including: replacing 17 ineffective programs with a consolidated program; creating partnerships between education schools, school districts and community groups; funding grants to recruit new teachers, including minorities, veterans and people changing careers; helping teachers learn the latest technology; providing mentoring for teachers in their first years on the job; helping states recruit teachers for underserved areas; and helping the education system toughen the standards for preparing teachers. These provisions will help ensure that every classroom has a well-prepared teacher.

H.R. 6 also includes legislation that I introduced with Congressman ENGEL, H.R. 1440. Our bill ensures that students have reliable information about financial aid. While the Internet offer many legitimate scholarships, the World Wide Web also is home to scam artists who promise students financial aid—for a hefty fee—but don't deliver. H.R. 6 directs the Education Department to place information on its Web site about legitimate and fraudulent financial aid offers on the Internet.

As an original cosponsor of H.R. 3293, the Women's Higher Education Opportunity Act of 1998, I am very pleased that H.R. 6 includes several provisions to help women students, including grants to help colleges and universities establish child care centers for students with children, and grants to combat violent crime against women on campus.

Similarly, I am pleased that the bill incorporates provisions of H.R. 715, the Accuracy in Campus Crime Reporting Act, legislation I cosponsored to improve safety on campuses. H.R. 6 expands the list of crimes that schools must report to the public, and requires institutions of higher education to keep daily logs of crimes reported to police or campus security. This will go a long way towards ensuring that students can learn in a safe environment.

I was concerned that the House-passed H.R. 6 would have eliminated a separate authorization for the Jacob Javits Fellowship program for competitive grants for doctoral-level study in the arts, humanities and social sciences. I joined Congressman PAYNE to urge the conferees to maintain the Javits program. I am pleased that they did.

Finally, H.R. 6 includes a new program which will help grade school students prepare for college, and ensure they can afford it. The GEAR-UP program, based on legislation I cosponsored, H.R. 777, the 21st Century Scholars Act, lets young people know that higher education is a reality for them.

As I said, this bill contains many provisions to make college more accessible. However, I am deeply concerned that one provision will actually make college less accessible.

H.R. 6 eliminates schools from the Pell Grant Program if they are eliminated from student loan programs for having three consecutive years of cohort default rates over 25 percent. While supporters of the provision maintain it is needed to prevent fly-by-night colleges from defrauding students with Federal money, the reality is that this provision will cause many excellent schools that serve low-income populations to shut their doors.

I would like to call my colleagues' attention to a recent GAO report which evaluated several studies of default rates. According to GAO, "A key theme from these studies is that student loan repayment and default behavior are primarily influenced by individual borrower characteristics rather than by the characteristics of the educational institutions they attend."

We need to hold schools accountable. But we need to look very closely at the measurements we use to determine how well they are performing. I fear that the end result of this provision will be that many low-income students will not have access to a higher education. At a time when we are trying to move more people off welfare and into the workforce, the last thing we should do is make education unaffordable. This is a provision which I believe we will need to revisit next year.

On balance, H.R. 6 makes huge strides toward making higher education accessible and affordable. And it is faithful to the spirit of the original 1965 Higher Education Act. I urge my colleagues to support it.

Mr. WELLER. Mr. Speaker, while I intend to support the conference report, I have concerns regarding Section 972. This provision would raise the Ginnie Mae Guranty fee by 3 basis points beginning in the Year 2004. Such an increase unduly burdens low and mod-

erate-income American families, and there is really no financial justification for the increase.

As you may be aware, Ginnie Mae guarantees payments to investors if private mortgage servicers are unable to make scheduled payments. Seviceers are charged a guaranty fee of 6 basis points for this added protection.

I believe that increasing the Ginnie Mae guaranty fee would subject homebuyers to an unnecessary tax on homeownership. The measure would cost homebuyers hundreds of dollar at in additional expenses at closing and prohibit thousands of families from achieving the dream of homeownership.

In addition, increasing the Ginnie Mae Guaranty fee have absolutely no financial basis. Recently, the independent auditor, KPMG, confirmed that Ginnie Mae is financially sound. In act, Ginnie Mae had a record profit of \$601 million in 1997. In other words, Ginnie Mae's profit exceeded U.S. ticket sales or the movie, "Titanic." In 1997 alone, Ginnie Mae collected a total of \$326 million in guaranty fees. It paid out only \$11 million in unreimbursed claims. From these statistics, it is apparent that Ginnie Mae does not need a financial boost from the increase fee.

You should also do bear in mind that the Senate already rejected the Ginnie Mae Guaranty fee increase by a wide margin. During consideration of the fiscal year 1999 VA/HUD appropriations bill, the Senate voted to take the Nickles amendment by a margin of 69–27. The Nickles amendment would have increased the Ginnie Mae guaranty fee by 6 basis points. In light of this recent precedent, I see no reason why we should now accept this harmful provision.

I am opposed to raising the Ginnie Mae Guranty fee. I believe it is bad public policy and will harm those low and moderate income families that the Higher Education bill is trying to assist. I think it was a mistake to include this provision in the conference report, and I hope that in the future, we make greater attempt to find out.

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

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

EXTENDING QUARTERLY FINANCIAL REPORT PROGRAM ADMINISTERED BY SECRETARY OF COMMERCE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to take from

the Speaker's table the Senate bill (S. 2071) to extend a quarterly financial report program administered by the Secretary of Commerce, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mrs. MALONEY of New York. Mr. Speaker, reserving the right to object, and I will not object, but I would like very much for the gentleman to explain the bill.

Mr. MILLER of Florida. Mr. Speaker, will the gentleman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, S. 2071 extends for 7 years the Quarterly Financial Report Program administered by the Secretary of Commerce. Current authorization for the program expires at the end of the fiscal year.

I want to thank the gentleman from New York (Mrs. MALONEY), the ranking member of the committee, for her support of this bill.

The Quarterly Financial Report Program is a survey of businesses conducted by the Census Bureau that documents the financial conditions for manufacturing, mining, wholesale, and retail corporations each calendar quarter. The program has been in place continuously for more than 50 years, since 1947.

It is a closely-watched principal economic indicator that provides critical data that are used in quarterly Gross Domestic Product estimates, as well as in the Flow of Funds account of the Federal Reserve and other official estimates. It also provides a performance benchmark that businesses use to assess their performance.

The Quarterly Financial Report does not duplicate any other data. It differs from the data collected by the Securities and Exchange Commission, since it measures only domestic operations of publicly held corporations and includes data on privately held companies that otherwise would not be available.

Since the program was last reauthorized in 1993, significant progress has been made in reducing the reporting burden. The total number of firms sampled has been cut. Moreover, to target the reduction in the reporting burden on small business and medium-sized business, limits have been placed on their reporting frequency. For example, firms with assets of less than \$50 million may now be selected to report for one 2-year period only once a decade. Plans are under way to further reduce the reporting burden by allowing businesses to report electronically.

Mr. Speaker, I urge my colleagues to pass S. 2071 to avoid a gap in critical data that measure our Nation's economy.

Mrs. MALONEY of New York. Mr. Speaker, reclaiming my time, I also rise in support of S. 2071.

Extension of the authority of the Department of Commerce to conduct the

Quarterly Financial Report is critical to the U.S. statistical system. This program provides financial data essential to the calculation of key government measures of the economy and has been designated by the Office of Management and Budget as one of the Nation's principal economic indicators.

The Quarterly Financial Report Program provides the most current and comprehensive quarterly financial data on business conditions and financial activity of U.S. corporations. It is the primary source of current estimates of the corporate profits used to derive the quarterly estimates of the Gross Domestic Product. These corporate profits estimates are also included with those select series prepared monthly by the Council of Economic Advisors for the Joint Economic Committee to provide quick picture data of the domestic economy.

Quarterly Financial Report data are a major building block for the Federal Reserve Board's Flow of Funds accounts and are the Federal Reserve Board's sole source of unconsolidated, nonfinancial data. Quarterly Financial Report data are also used by a host of private sector analysts to evaluate investment opportunities, compare their financial condition with industry trends, and analyze the performance of the small business sector.

Mr. Speaker, the extension of the authority is needed to continue this important program without interruption. I strongly urge passage of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

□ 1915

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97-454; 13 U.S.C. 91 note), is amended by striking "September 30, 1998" and inserting "September 30, 2005".

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

HOUR OF MEETING ON TOMORROW

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow, Tuesday, September 29, 1998.

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

There was no objection.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1997, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 28, 1998.

SPECIAL ORDERS

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

THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I rise today to call attention to a serious problem that affects the elderly and people without health insurance in my home State of Ohio and across the country.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, one in eight senior citizens in America has been forced to choose between buying food and buying medicine.

In an effort to discover why this is the case, I unveiled a study last week conducted at my request by the minority staff of the House Committee on Government Reform and Oversight that investigated prescription drug prices in my northeast Ohio district.

What this study reveals is startling. Seniors and those who buy their own prescription drugs in northeast Ohio are charged more than double for their prescription drugs compared to what drug manufacturers charge most-favored customers. Those preferred customers are HMOs, insurance companies, and large institutions.

To conduct this study, members of my staff obtained the prices of 10 brand name drugs with the highest sales to the elderly, including Ticlid for stroke victims and Zocor to treat high cholesterol.

The results are based on a survey of retail prescription drug prices in chain and independently-owned drug stores across my district. These prices were compared to the prices paid by the drug companies' most-favored customers.

For the 10 drugs cited above, the study found that the average difference between the price paid by a senior citizen and the price paid by an HMO was 98 percent, almost double the price for a senior citizen. Similar studies have recently been conducted by other Democratic Members in their districts, including the gentleman from Maine (Mr. TOM ALLEN), the gentleman from Massachusetts (Mr. JOHN TIERNEY), the gentleman from Wisconsin (Mr. TOM BARRETT), the gentleman from California (Mr. HENRY WAXMAN), and the gentleman from Texas (Mr. JIM TURNER). The average price differential of these studies combined is 108 percent.

With this in mind, I hasten to say that the high price of prescription drugs is not the fault of the pharmacist or the pharmacies. Pharmacies in fact have very small markups for prescription drugs, sometimes as low as 3 percent.

The problem is with large drug companies who drive up prices. Drugmakers whose annual profits top \$20 billion make six times more profit on prescription drugs than do retail pharmacists. It is no secret that greed is the driving force behind this problem. Because HMOs buy their drugs in bulk, manufacturers sell to HMOs at a discount, and then conveniently shift that cost to the drugmaker on the backs of our seniors.

Pharmacies, as to our seniors, have no real choice in the matter. Unfortunately, seniors, many of whom are on fixed incomes, are obviously the ones who suffer. As we all know, the later years of life often bring reduced incomes and higher health care costs. Few elderly can escape this dilemma. We have a responsibility to take steps to make medicine more affordable for older Americans.

I want to tell the story of one elderly woman who lives in Elyria, Ohio, in the county in which I live, and is a victim of this ongoing price discrimination. This woman, who asked to remain anonymous, is 67 years old. She suffers from poor eyesight, high blood pressure, and a number of other serious ailments. She takes 13 prescription medicines. Her only income is social security, which is roughly \$800 per month. While she has some insurance coverage, this woman's drug costs amount to almost 40 percent of her income. She said after she pays for her medicine, she has about \$20 to buy groceries for the whole month.

More tragically, she has had to begin reducing some of the dosages to save money. She is supposed to take four pills a day. She will cut them into half and take four half pills a day, for instance.

This situation is surely unacceptable. The bottom line is we need to take

steps to protect the elderly, who should not suffer this indignity. Our Nation's seniors should not bear the burden of paying for pharmaceutical company profits.

To address this issue head on, I signed on as an original cosponsor to a bill introduced by the gentleman from Maine (Mr. TOM ALLEN) to reduce the costs of prescription drugs for senior citizens. The Prescription Drugs Fairness for Seniors Act aims to protect senior citizens from drug price discrimination by making prescription drugs available to Medicare beneficiaries at the reduced price.

The bill achieves this by allowing pharmacies that serve seniors in Medicare to buy prescription drugs at the best market price available under the Federal supply schedule, which will reduce prescription drug prices for senior citizens by up to 50 percent.

An elderly person's well-being and quality of life are often determined by access to medicine prescribed by their doctor. This legislation directly addresses a problem we can no longer ignore. I urge my colleagues to act on behalf of the elderly and support this important measure, H.R. 4627.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS 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. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

A TRIBUTE TO WAYZATA HEAD FOOTBALL COACH ROGER LIPELT UPON HIS RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a Minnesotan who represents the greatness and goodness that is America. I rise today to pay tribute to one of our State's top teachers and coaches who personifies Minnesota values. I rise today to pay tribute to my good friend of some 20 years, Coach Roger Lipelt of Wayzata High School.

Roger Lipelt, the highly successful head coach and outstanding teacher at

Wayzata the past 22 seasons, is retiring this year after a legendary career. Under Coach Lipelt, the Wayzata Football Trojans have won 204 games and 11 conference championships. His boys' tennis team won a State title several years ago.

Coach Roger Lipelt has received countless honors during his brilliant coaching career: Coach of the Year, Head Coach of the Minnesota All-Star Football Team, Hall of Fame selection by his alma mater, Hamline University, to name just a few.

Despite all the attention this legendary coach has drawn, if a stranger walks up to Roger Lipelt and asks him what he does, he will most likely say, "I am mainly a social studies teacher."

Yes, teaching is what Roger Lipelt is mainly about. Roger has taught all of his students and his athletes many valuable lessons about life, about winning and losing, about family and faith, about love of country and community, and about how to treat other people.

Through his inspirational leadership and by his example, Roger Lipelt has profoundly affected the lives of countless young people, and shown them the way to lead healthy and productive lives. Never give up on yourself, Roger Lipelt tells his students and his athletes. For 22 years, Roger's spirited coaching has made the Wayzata Football Trojans one of the most consistently successful football teams in the State of Minnesota, season after season.

Mr. Speaker, I have known Roger Lipelt, I am grateful to say, for two decades. I could tell the Members firsthand the power and the guidance he has brought to so many young people's lives. He has been a member for many years of a small Bible study group that I am part of. We meet every Saturday at a local restaurant in Wayzata. Members of our Saturday morning group have been truly blessed by Roger's friendship and his faith.

Above all, Roger Lipelt's life is about faith, family, and friends. Roger's love for his family is an inspiration to all of us who know him. Roger's wonderful wife, Jo, and their daughters Heidi, Heather, and Holly, have been Roger's biggest boosters, and have shown all of us the true meaning and the importance of family.

Mr. Speaker, on behalf of all those people whose lives Roger Lipelt has touched through the years, I am honored to stand here today to pay tribute to our Wayzata hero on his well-deserved retirement. We wish Roger and Jo Lipelt many more years of happiness together.

Congratulations, Coach, on a great career, and thanks for all the memories. Thanks, also, Coach, for putting the ball in the air.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

(Mr. MINGE 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 Delaware (Mr. CASTLE) is recognized for 5 minutes.

(Mr. CASTLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE 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 Virginia (Mr. BATEMAN) is recognized for 5 minutes.

(Mr. BATEMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REGARDING STATEMENTS BY CHAIRMAN HYDE OF THE COM- MITTEE ON THE JUDICIARY

Mr. CONYERS. Mr. Speaker, today the distinguished chairman of the Committee on the Judiciary held a press conference in which he made announcements which I had, until I read the report, known nothing about. There are comments here that I think require us to examine this quite carefully.

First of all, the gentleman from Illinois (Chairman HYDE) has indicated his intention to vote for an inquiry of impeachment of the President of the United States, quite within his scope of his duties, or any other Member, for that matter. But to suggest that Democrats ought to vote in the committee along with him to show bipartisanship I think stretches the bounds of reasonableness to a breaking point.

Every Member in this body has their own responsibility and inquiry within themselves to determine, especially on the Committee on the Judiciary, whether or not there should be an inquiry.

□ 1930

The fact that the gentleman from Illinois (Mr. HYDE) has decided that there should be, should not influence anybody else in this body. For him to suggest that Democrats should show bipartisanship by voting with him is, indeed, an incorrect position which I hope he will repair immediately tomorrow.

I just left his office, and he was not there. The office was closed. But one of his staffers was nice enough to inform me that I am on his schedule to meet with him tomorrow.

The gentleman from Illinois (Mr. HYDE) cannot dictate what the Committee on the Judiciary's Members, 21 Republicans and 16 Democrats, are

going to vote a week from now. He cannot do it. Neither can I. Neither can the Speaker.

To announce to the press unilaterally that that vote will take place a week from today begs common sense. We are out until Thursday. There is a weekend of 2 days. We are supposed to come back on Monday, and the most important vote of the Committee on the Judiciary in its recent history is supposed to happen between 9 a.m. and 5 p.m. a week from today. I suggest that is an incorrect way to proceed. It is unilateral. I am reading about it.

When by chance does the committee get a chance to examine the materials for something other than looking for redactions to send out to the American people? We still have not finished. Because we sent over staffers to find out that there are even more boxes in the independent counsel's office in which he said he deemed them irrelevant and of no consequence to the Committee on the Judiciary.

Well, thank you, Mr. Starr. But I think that is within our jurisdiction to make the determination whether anything is irrelevant or not. He sent us 37 boxes. Send it all and let us examine it all.

But let us not be deceived. Going through materials for redactions that may contain 6(e) materials, that is Grand Jury materials that are accorded privacy, or that there may be defamatory materials that will harm innocent Americans, or that women's phone numbers and addresses should be redacted is a completely different matter from examining the materials with an eye to whether or not we should have an inquiry of impeachment.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE EXPORT ENHANCEMENT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, fiscal year 1998 ends in 3 days, and President Clinton has let cob webs grow on the Export Enhancement Program.

Yes, as our farmer constituents struggle through one of the most devastating downturns in commodity prices our country has seen, our President has sat on \$150 million that could have been and should have been utilized to prevent the loss of markets in wheat, wheat flour, vegetable oil, and other commodities.

The 1996 farm bill made over \$1.5 billion available for EEP, and this admin-

istration has used it to move some frozen chickens and some barley. They should be ashamed.

This administration's trade policy should be called promises made, promises broken. Understanding the need to open new markets for our commodities, the President has promised to utilize EEP to its fullest. This is a promise he has not kept.

In March of this year, I joined my colleagues from Oklahoma in sending a letter to Secretary Glickman outlining our thoughts on the need for the administration to utilize EEP. I would like to read the letter we sent.

Dear Mr. Secretary: It has come to our attention that according to the United States Department of Agriculture . . . February supply/demand report, the season average price for wheat is expected to decline by at least twenty percent compared to the 1996/97 season. This price decline is causing serious concern to our producers, and we strongly urge the Department to use all discretionary programs to strengthen market prices and export opportunities for U.S. producers.

We believe the Department should aggressively utilize export enhancement tools in strategic markets, including the Export Enhancement Program (EEP) and the GSM credit programs. All agree that export growth is fundamental to improved market prices for producers. As we talk it our producers/constituents throughout Oklahoma, they time and time again express great dissatisfaction with the Department's reluctance to use the EEP to counter competitive subsidization of wheat in world markets. The unwillingness to utilize this program has weakened its effectiveness both as a deterrent to unfair trade practices and as a means of gaining access to markets.

As U.S. producers lose market share to a growing list of countries with state trading enterprises, it is imperative that the Department implement a long-term strategy to counter these entities. As you begin the preparation for the next round of World Trade Organization Negotiations in Agriculture, we hope that you will utilize all export tools available.

Thank you for consideration. We are looking forward to your response. FRANK D. LUCAS, J.C. WATTS, JR., ERNEST ISTOOK, STEVE LARGENT, WES WATKINS, and TOM COBURN.

How did he respond? Nearly \$50 million a month has sat idly by as our markets have dried up throughout the world as the administration plays partisan politics with the future of our producers. I would argue that one of the main problems plaguing those trying to earn a living off this land is this administration's lack of an agricultural trade policy. Mr. President, this needs to change.

SAVING SOCIAL SECURITY WHILE PROVIDING TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I want to echo everything that my distinguished friend, the gentleman from Oklahoma (Mr. LUCAS), just said because that is a very important issue to the farmers and ranchers in my home State of South Dakota.

What I would like to do this evening is just for a few minutes here discuss some things I think are very important to the future of our country as well, and to say that a couple of years ago about this time there was a debate going on in this country over the airwaves about the Republican so-called commitment to destroy Medicare, and we heard over and over on the airwaves, from candidates who were seeking elective office, that this somehow was going to come to pass, and here we are two years later.

Of course, after that, when we came back in January, when those of us who were freshmen came and joined the Congress, and then last summer we passed the balanced budget agreement and believe it or not the plan at that time that was characterized as destroying Medicare then became our plan to save Medicare. A lot of our friends on the other side, who ran campaigns in the fall of 1996 attacking Republican candidates for what they perceived as a plan to destroy Medicare, ended up voting for a plan that then became a plan to save Medicare and actually spent less on Medicare than the very plan that they spent all of 1996 attacking.

Now, I just use that as an illustration to point out some of the hypocrisy that you are going to hear, and I want the American people to listen very carefully to this because the same thing is going to happen again this year. We have already heard it start.

On Saturday, we passed historic legislation to set aside money for Social Security. Ninety percent, or \$1.4 trillion, of the projected surplus that will come into this country is going to be walled off and set aside to save Social Security. That is a commitment that we have made.

The balance, the remaining 10 percent, or about \$80 billion, is going to be used to bring tax relief to the American people.

Already our friends on the other side have been relentlessly attacking the Republican plan to destroy Social Security, and I just want those who are watching this evening across America, the taxpayers of this country, the people who should care very deeply about this issue, to know one thing. You are going to hear over and over and over again repeated a parade of speakers on this floor in this House, and on the airwaves this fall, about attempts to kill Social Security. I want you to know they are flatly untrue.

What we are trying to do is to save Social Security, not only for the current generation but for generations to come, and that is why we are taking advantage of this historic opportunity to dedicate and set aside \$1.4 trillion of that surplus to save Social Security.

What I would like to do this evening is talk about the other 10 percent, and that is those dollars that we have committed to give back to the taxpayer some of their hard earned money. We did it in a way on Saturday with a vote that was historic because it will deliver

tax relief to families by relieving the marriage penalty. It will also allow small savers to set aside more in terms of dividends and interest and to protect that from income tax and lessen their tax liability there, but also for the farmers and ranchers of this country, and in my State, who are very near and dear to my heart.

This is such a wonderful plan for agriculture. If we think about the things that are accomplished in this tax relief bill and the problems that we are facing in agriculture today, we have an economic disaster in rural America. We have historically low prices. We have a price crisis, and we need to do everything that we can to help our farmers recover.

We are going to vote upon an ag assistance package later on hopefully this week that will provide some needed assistance out there, but at the same time we can couple that with tax relief that will put some dollars into their pocket.

One of the things that we did is we lessened the death tax and so that those farmers and ranchers who want to pass on their operation to the next generation will be able to do so without facing the undertaker and the IRS at the same time.

We also allow for the deductibility of health insurance premiums for self-employed people, farmers and ranchers and small business people who can benefit tremendously from being able to deduct health insurance premiums that they are paying.

There is a provision in there that makes permanent income averaging for farmers and ranchers who have very volatile income. Some years it is up. Some years it is down. This allows them to spread it out over time and thereby lessen their tax liability.

There is a loss carryback provision that allows farmers who have had losses in the last couple years to offset those losses against more profitable years and therefore get a tax refund this year. There are expensing provisions that they can use again to help them reduce their tax liability.

This is an incredible package for the farmers and ranchers of this country and it is, again, as I said earlier, done in a way that allow us to accomplish tax relief and yet make a long-term commitment to saving Social Security for the future of our country.

These are important provisions in this bill. I was proud to support it. I hope that we can move this bill forward and pass it in the Senate and have the President sign it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not the viewing audience.

THE DISTINGUISHED CAREER OF REPRESENTATIVE LEE HAMIL- TON OF INDIANA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. VISCLOSKY) is recognized for 60 minutes as the designee of the minority leader.

Mr. VISCLOSKY. Mr. Speaker, it is an honor to stand before the Members of the House tonight in a special order devoted to honoring our colleague, the gentleman from Indiana (Mr. HAMILTON) who will be retiring from this institution after serving for 34 years.

The gentleman from Indiana (Mr. HAMILTON) has had a distinguished career, and I would note that literally, depending on the day the 106th Congress is sworn in next year, Mr. HAMILTON may also hold the historical record of having served in this House longer than anyone else in the history of the State of Indiana.

I am here tonight, and I know my colleagues are here tonight, not because of the quantity of the service of the gentleman from Indiana but the quality of the man and the quality of his service; the quality of his mind, which is exceptional; the quality of his service. He has been selfless every day of those 34 years as far as his commitment to the American people and to those who he has served internationally; and the quality of his person, his ethical conduct, his commitment to his God, to his family and, again, to the people that he has represented in the Ninth District of Indiana.

Seventeen years ago, as a young man, I decided to run for the United States Congress, and at that time the gentleman from Indiana (Mr. HAMILTON) gave me a gift. He gave me the gift of his intelligence and he gave me the gift of his support.

Following my election, 14 years ago, as a Member, the gentleman from Indiana gave me additional gifts: The gift of his patronage in the House of Representatives and the gift of his counsel.

□ 1945

To all of us, he has given the gift of his time, whether as chairman of the Joint Economic Committee, where he attempted to ensure that every American had the fairest chance for the best job in the world's strongest economy, whether it was chairing the House Intelligence Committee to ensure that our Nation was secure above all others, or whether it was his distinguished service on the Committee on International Relations as chair and ranking member, where he ensured that the voice of those least fortunate or those most in danger was always heard.

But on a personal note, I must emphasize that what I will miss most about LEE HAMILTON is our extended conversations about the Indiana University football team. I say that simply because LEE was the athlete I never was and never will be and would point out to those who might not know that

while at Central High School, LEE was best known for his skill on the basketball court. And as a senior he led his team to the final game of the State basketball tournament in Indiana before being sidelined with an injury. Though Central lost the championship, LEE was honored with the Trester award given to the senior in the final four who best exemplifies excellence in both athletics and scholarship.

In recognition of his athletic accomplishments, LEE was inducted into the Indiana Basketball Hall of Fame in 1982, certainly a very rarefied group. I would simply, in my remarks, wish LEE, his wife, Nancy, and their children Debbie, Tracy and Doug, every joy and every happiness that life has to offer.

Mr. Speaker, I rise today to pay tribute to a colleague and mentor, LEE HAMILTON.

LEE will retire this year after thirty-four years of distinguished service in the House of Representatives. The leadership LEE demonstrates in his roles as the senior member of our delegation and the Chairman of the International Relations Committee are only the most recent examples of greatness in a career that spans decades.

When I first ran for Congress in 1984, LEE was a confidant and a valuable resource. When I won the Democratic primary, LEE became my patron. And, after I became a Member of Congress, LEE's opinions on policy and the issues of the day were among the first I sought. Needless to say, this House will be a different place for me, without LEE HAMILTON.

The one thing that each of us has a finite amount of, is time. One thing LEE has always been ready to share with me, and each member, is his time. On both the professional and personal levels, LEE never hesitates to lend an ear and impart sage counsel.

I would point out that it is not just his friends and colleagues for whom LEE makes time. LEE has always striven to make sure the voices of those less fortunate, in our nation, and throughout the world, are heard. As Chairman of the Joint Economic Committee, he also worked to make sure that we have the strongest of economies in this country, and that every American has the chance to get a good job.

When you think of LEE, you think of someone who is judicious, deliberate, and serious about his work, without being serious about himself.

Aside from his interest in international affairs, LEE is deeply committed to the people of Indiana's ninth congressional district, the state of Indiana, and this nation. Now, LEE will take his commitment to public service to Indiana University, where he can keep a closer eye on the I.U. football program.

Congressman HAMILTON will be dearly missed in the counsels of government everywhere. He is a gentleman in the truest sense of the word. I wish LEE, Nancy, and their family continued success and happiness in the future.

Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, it is with mixed emotions that I rise to join in this special order for our good friend and colleague from Indiana, the rank-

ing Democratic minority member of our Committee on International Relations, LEE HAMILTON.

On the one hand I am delighted with this opportunity to pay tribute to a Member of Congress who has exemplified and personified the highest standards of public service to our Nation for a period that extended over more than a third of our century.

I want to thank our colleague, the gentleman from Indiana (Mr. BURTON), distinguished chairman of our Committee on Government Reform and Oversight, and the gentleman from Indiana (Mr. VISCLOSKEY) for taking the initiative in arranging for this special order this evening.

On the other hand, I am saddened that this well-deserved tribute is occasioned by the fact that LEE HAMILTON has decided to retire at the end of this Congress. I say it is premature. The courage, fortitude and plain midwestern common sense that have been his trademark will be long remembered and deeply missed.

LEE was first elected to Congress in 1964 and he was already a veteran House Member of four terms when, in January of 1973, I was privileged to join him as a freshman on what was then the House Committee on Foreign Affairs in the 93rd Congress. At that time Doc Morgan of Pennsylvania was our chairman, and our good friend PETER FRELINGHUYSEN of New Jersey was our ranking Republican. But LEE became my squad leader, so to speak, as chairman of the Subcommittee on Near East and South Asia, to which I was assigned as a junior member. And so began a working relationship that has spanned more than three decades, although our joint service on that subcommittee lasted only through that Congress.

We did not serve together on the subcommittee again until 1985, when LEE HAMILTON was chairman of the Subcommittee on Europe and the Middle East and I became its ranking Republican.

You might say that since then we have been joined at the gavel.

I was privileged to serve with LEE as cochairman of the Task Force on Foreign Assistance that was established by our good friend and former chairman, Dante Fascell from Florida during the 101st Congress. The report of our task force was a groundbreaking achievement that has served as a blueprint for many of the reforms that have helped to make our foreign assistance programs and the Agency for International Development, which administers them, even more effective.

The trademark of LEE HAMILTON's service in Congress has been his thoughtful and analytical approach to foreign policy. At times we may have disagreed, but we have always been able to work together on so many important foreign policy issues.

LEE HAMILTON has been a man of candor, of conviction and integrity. His sage and deliberate counsel will long be

missed as Congress continues to take up the many complex foreign policy issues that face our Nation. We hope LEE will not be a stranger to this body.

In closing, Mr. Speaker, permit me to say to LEE HAMILTON, God bless, God-speed, and best wishes for success and happiness to both Nancy and yourself in all of your future endeavors.

Mr. VISCLOSKEY. I yield to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from the northwestern part of the great State of Indiana, and I thank my friend, the gentleman from Indiana (Mr. BURTON), from down south of me, more of southern Indiana, who join together in paying tribute to LEE and Nancy Hamilton. I know Nancy joins us in the gallery this evening as well, too.

I recall, Mr. Speaker, that John Quincy Adams, after he had served in the presidency, was elected to the United States Congress. When asked about his service in the United States Congress, he said that it was probably the highest honor he served, a great compliment to this distinguished institution.

I do not think it is overemphasizing anything at all when we talk about LEE HAMILTON's 34 years of service to the people of Indiana, to the people of this country, and to those who have served with him over those 34 years in this body, to say that LEE HAMILTON has lived up to those kinds of accolades and expectations laid out by John Quincy Adams.

He ranks up there with the people that I look up to and admire through the history of this country. I will talk a little bit about some of those names as I close.

I want to talk about three instances, very briefly, Mr. Speaker, that really epitomize and bring out the talents and the skills of LEE HAMILTON. First, the Iran Contra hearings. These hearings, LEE HAMILTON conducted with civility and bipartisanship. He had a tight grasp of the law, a firm understanding of how to apply it fairly, and he epitomized, I think, what we vitally need in this body today, and that is that sense of objectivity and fairness and application of the law.

Secondly, on the Persian Gulf, that was my very first vote as a freshman Member of Congress, and I looked to the distinguished gentleman from Indiana (Mr. HAMILTON) for his understanding of foreign policy, for his spirited argument on why we should wait and have sanctions apply. And I think LEE's statement that I reread a few weeks ago probably is as applicable today as it was 8 years ago.

And thirdly, I think LEE HAMILTON has overseen and contributed to some of the most fundamental changes over these 34 years to make the domestic and the foreign policy institutions that we have in this country adopt to world changes and make sure we stay in a peaceful environment and an environment that is prosperous for our people;

not an easy task at all, as we have seen such change from the Cold War to the new environment in 1998.

I do not think anybody can be a public servant and have public service as their goal without a family that supports them. I cannot think of anybody that my wife Sally looks up to more than Nancy Hamilton. Nancy's paintings adorn LEE HAMILTON's office. They are all over his office. They are beautifully done and show her talent, her skill and her commitment.

LEE and Nancy's children, Debbie and Tracy and Doug, are also in different areas that epitomize LEE and Nancy's teachings and their parental skill and their devotion to family.

In conclusion, Mr. Speaker, Ernest Hemingway, in John Kennedy's book *Profiles in Courage*, talked about the meaning of courage. And he defined it as grace under pressure, grace under pressure.

I do not think anything epitomizes LEE HAMILTON or Nancy Hamilton or their family more than grace, more than civility, more than helping the people of Indiana, intelligence, commitment, wit, style, charm and devotion to this great country of ours.

LEE will continue to live up to those standards and goals, as he works at the Woodrow Wilson Center and establishes a center for a better understanding of Congress at Indiana University. I think we could all use a better understanding of Congress. LEE's work is cut out for him. We wish him well. We pray for him, and we wish his family well.

Mr. VISCLOSKY. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BURTON), the senior Member of the Indiana delegation.

Mr. BURTON of Indiana. Mr. Speaker, that means that I am now going to be the oldest.

Mr. Speaker, you can tell an awful lot about people by their children. And I regret that I never had the chance to meet LEE HAMILTON's mom and dad, because they sure raised a wonderful son. I know his brother is a minister. I have never had the pleasure of meeting him, but I understand he is a wonderful guy as well.

Let me just say that in the time that I have worked with LEE HAMILTON on the Committee on International Relations, I have not known a nicer fellow than LEE HAMILTON. Obviously, we have strong differences of opinion on issues, but LEE handles those strong differences in a way that even though you strongly differ with him, you still like him.

That is very difficult in a body such as this. Sometimes our tempers get awfully hot and we explode and we say things that we do not mean, and we even say things about our colleagues that we should not say. But LEE HAMILTON has never made that mistake. I have watched him year after year on this floor and in the committee, and he handles those issues with diplomacy and understanding and tact. And he has just been an exemplary Member of this

body and an exemplary member of the Committee on International Relations.

I, too, am a great admirer of athletic prowess, and I was talking to LEE just a few moments ago. I knew that he had won the Trester award when he was in high school back in 1908, excuse me, 1948. I am just teasing, in 1948.

And it came to my attention tonight that he was disabled in the State championship game by a torn cartilage in his knee, and they worked all afternoon trying to fix it so he could play that night, and he was only able to play about 3 or 4 minutes. With all deference to the team that won the State championship in 1948, I am confident that if LEE HAMILTON had been able to play the whole game in sound physical condition, his team would have been the State champion. But I doubt, LEE, if you would have won the Trester award had that happened.

Let me just say, once again, in closing that LEE HAMILTON will be missed by both Democrats and Republicans in this body because he is a good man. He is a kind man. He is a thoughtful man. He is a caring man. And he is a man that will be remembered by every Member who has served with him as a great Congressman.

Thank you, LEE, for all your service.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for his remarks.

I yield to the gentleman from Ohio (Mr. REGULA).

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

Maxwell Anderson wrote of George Washington: There are some men who lift the age they inhabit until all men walk on higher ground in that lifetime. LEE HAMILTON, by his presence, has lifted the age in which he has inhabited the House of Representatives. Perhaps the greatest comment on a person's life is the legacy one leaves behind, and LEE's legacy will be his unwavering dedication to the House and our legislative responsibilities in regard to our Nation's role in world affairs as well as domestic challenges.

□ 2000

LEE has long recognized that we must not look only inward, we must be a Nation actively engaged in the world around us. LEE has been a leader in promoting an appropriate role for Congress in the foreign policy-making process and, at the same time, educating legislators, his colleagues, on world affairs and their need to understand those issues.

He nonetheless never has forgotten his roots in the soil of Indiana. Buckeyes and Hoosiers are down to earth people, well grounded, if you will. That grounding in love of country and a profound understanding of its good people augmented LEE's ability to represent our Nation's foreign policy in Congress and overseas. Now he leaves us to embark on a new mission as Director of the Woodrow Wilson Center.

I have raised some challenges to the Wilson Center in the past few years, be-

cause I believe that the center has strayed from its mission and its dedication to serving the public purpose. With LEE's leadership, I am confident that the Wilson Center will be in good hands and will be responsive to fulfilling its goals. I am also pleased that in this new assignment I will have the opportunity to continue working with LEE.

I wish LEE and Nancy the best for their continued success; LEE in the role of inspiring Americans through the Wilson Center; and Nancy in the world of beauty through art.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's participation, and yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Indiana for yielding to me. I too want to rise before this body tonight and offer my sincere thanks and congratulations to LEE HAMILTON.

LEE, I was 1 year old when you joined this great body, the United States Congress. Not to date you or anything. As a freshman Member, when I am back home in Western Wisconsin people come up to me and ask me how do you do it, how do you come up to speed with all the procedures and all the substance that you are confronted with out in Washington, D.C. And in a large respect it is by just listening and getting feedback from the people who sent me there to represent them. But I also tell them that as a new Member you seek out role models in this body, people who you can admire and emulate, that you can sit back and watch and listen to, see how they conduct themselves, see how they handle themselves during debate, and sit next to them at times before votes and as policy is starting to develop, especially in the area of foreign policy, and just pick their brains.

And, LEE, I am not too proud to admit tonight to you and to the Nation that you have always been one of my role models as a freshman Member. There have been countless times when I have taken the opportunity, that we so often have in between votes, to sit down next to you and talk to you about events in China, Kosovo, Bosnia or Russia, understanding the wisdom and experience that you bring and insight that you bring to these discussions that we wrestle with day-to-day in the United States Congress.

I have always been amazed at how oftentimes you turn the subject back to me in your questions, about me personally and the family and the children, my athletic career, which too was shortened because of a career-ending injury, and your intense interest on the Wisconsin Badgers. I was not so sure if it was because of your interest in Big 10 football, or if you were just getting a scouting report for Indiana University before the big game.

But I really have admired you and I have appreciated all the advice and counsel you have given me, someone who has an interest in foreign policy,

having studied abroad, in London for a couple of years; having traveled in Europe extensively, Central Europe, North Africa, and realizing the importance that foreign policy decision-making is to this place, the United States Congress.

It is my only hope, LEE, that when I finish my career here, however long the people in Western Wisconsin want me to represent them, that I will have lived up to the very high standard of personal integrity and honor that you have brought to this institution; that you have established while you have been here. I think the Woodrow Wilson Center and Indiana University are extremely lucky to get you, your wisdom, your integrity and your experience with the greatest Democratic institution in the world.

I wish you and your family a very long and very happy retirement. Thank you, LEE.

Mr. VISCLOSKEY. Mr. Speaker, I appreciate the gentleman's participation and would recognize and yield to the gentleman from Indiana (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I thank my colleague from Indiana for yielding to me, and I rise to add my voice to the chorus commenting on the contributions and virtues of my friend from Indiana, the distinguished Congressman from the 9th district, LEE HAMILTON.

It is typical of us Hoosiers to be obsessed with basketball and politics. Mr. HAMILTON is the quintessential Hoosier, because he has excelled in both. As a high school athlete, he propelled the Evansville Central Golden Bears to the Indiana High School State championship basketball game. And the Bears would have won if the future Congressman had not suffered an injury during the afternoon game.

He was awarded the coveted Trester award, which goes annually to the high school basketball player who has the best mental attitude. It is the most prestigious award conferred on an Indiana high school athlete, and it defines all that is best in sportsmanship and fair play. He went on to DePauw University, a fine institution, coincidentally in my district, where he also excelled in basketball and academics.

He is the son and brother of United Methodist ministers. Perhaps this background is responsible for the strong moral and ethical behavior that he has demonstrated over his lifetime and his career in the House of Representatives. He is well-respected by Members of both major political parties in Indiana.

Mr. HAMILTON and Senator DICK LUGAR make joint appearances in Indiana each year to enlighten the members of the press and others about the current aspects of United States foreign policy. I hope you will forgive my Hoosier pride for my belief that these two gentlemen are among the most knowledgeable Members of Congress on foreign policy issues.

There is no doubt that LEE HAMILTON could have had his party's nomination

in Indiana for governor, for United States Senator, perhaps on more than one occasion. However, his devotion to his work in the United States House of Representatives precluded his accepting those opportunities, which many, though probably none in this chamber, would have thought were promotions.

On a personal note, let me say that Mr. HAMILTON, who came to this House when I was in junior high school, has been an example, a mentor, and a leader, but, most important, a friend to me as a freshman Member of this House. He has helped me professionally, he has supported me personally. His staff has helped mine as they have learned how this place works, and they reflect his professionalism and his ethical action.

LEE, please accept my thanks for all you have done for me, for our State, for our Nation. My best wishes to you and Nancy as you begin a new career, and may God continue to bless your life and your work. I thank the gentleman from Indiana.

Mr. VISCLOSKEY. Mr. Speaker, I deeply appreciate the gentleman's participation and would yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding to me, and I guess I have to start off by saying how old I was when LEE HAMILTON was first elected. LEE, I was 10, and it was shortly thereafter, living in Cincinnati, Ohio, in a district that actually borders Mr. HAMILTON'S district, we are in Southwestern Ohio, he is in Southeastern Indiana, that I began to hear about LEE HAMILTON.

I worked up here on the Hill briefly for my predecessor, Bill Gradison, and looked up to Mr. HAMILTON as someone of high integrity. And particularly in the foreign policy area, he was deemed, even in those early days, as being truly an expert.

He has been talked about tonight by a lot of people, including the chairman of the Committee on International Relations as an expert on international matters, and he is. Free trade is something that LEE has taken a courageous stand on over the years in that context, and I appreciate what he has done for our country in that regard. He has often stood up against his own party and done what is not necessarily popular politically, whether it is free trade generally or talking about our misguided sanctions policy, because he believes strongly in the fact that through trade we will create jobs and make a better country. He has put the Nation first, I really think, on foreign policy, again and again. And I am one of those who want to stand up here tonight and tell him that we appreciate that.

I got to work with LEE not too long ago on the Tropical Forest Conservation Act. Again, he put the interests of his country first and, frankly, gave us credibility to be able to promote that idea, which is a debt-for-nature swap. It makes all the sense in the world. I then went down with LEE to Santiago, Chile, for the Summit of the Americas,

several months ago, and got to see him in action not only as someone who is highly regarded by the current administration, in terms of his foreign policy expertise, they do turn to him frequently, that is when all the right decisions are made, LEE, I understand, but also by leaders from around the hemisphere. There were 34 presidents there from 34 countries in our hemisphere, and it was amazing the respect that he has among those leaders and among their foreign ministers, their trade ministers and so on. And I got to see that firsthand, LEE, and was greatly impressed.

Again, he came to my aid recently. I told him on that trip to Santiago about an effort underway to try to pay tribute to George Bush, our only President who had served as the Director of the Central Intelligence Agency. And it was LEE HAMILTON who stood up, when needed, and provided a strong bipartisan support for that effort, which I think will probably be enacted into law, LEE, here in the next few weeks. And, again, I personally appreciate what you did there, putting your country first and making sure that this place continues to operate on a bipartisan basis.

One thing I want to mention briefly, if I might, and is something that folks may not be as familiar with about LEE'S background and his interests. He has been known, again, as truly one of the most distinguished leaders on foreign policy in this body, but he has also focused on illegal drugs in a very interesting way, not only on the interdiction side, which would make sense, given his focus and his experience, but also in his own back yard, in rural Indiana.

LEE has held meetings throughout rural Indiana, talking with law enforcement officials, talking with parents, talking with school administrators, talking with people in the trenches who are trying to deal with the problem of illegal drugs. He has spearheaded a project called Rural Indiana Profile, a comprehensive study that gives community officials, public officials throughout Indiana a sense of what is going on in our rural communities with regard to the illegal drug problem that is robbing so many of our young people of their dreams, indeed of their lives at times. And, LEE, I want to thank you for that, which is something that probably is not well-known in this body.

He was also a strong supporter of the Drug-Free Communities Act that was signed into law last year because of his recognition that we are not going to solve this problem just by focusing on source country problems, interdiction, but that we also have to look into our own hearts to see what we are doing wrong in our own communities and to begin to change the attitudes of our young people.

Mr. Speaker, my neighbor, LEE HAMILTON, is truly an example of the best in public service. The gentleman from

Wisconsin said earlier that he has been a role model. He certainly should be a model for all of us who have been fortunate enough to serve with him in Congress. I will miss his friendship in Congress. I hope we can stay in touch in his new role at Woodrow Wilson School and at Indiana University. I will miss his common sense. He has the most commonsensical haircut in the United States Congress, incidentally. And I wish him very well in his new responsibilities and also in his renewed responsibilities.

I know he had other opportunities to lead this country and to serve this Nation in very substantial and prestigious ways with the current administration and, instead, chose to remain here, closer to his family, closer to his beloved wife, and so I also wish him luck in his renewed responsibilities as a husband, as a father, and as a grandfather.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's participation very much, and now yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I want to thank very much the gentleman from Indiana (Mr. VISCLOSKY) for arranging for this special tribute to the Honorable LEE HAMILTON. This tribute is reminiscent of a poet that wrote many years ago that "He shall be like a tree that is planted by the rivers of water that bring forth fruit in its season."

I rise today to pay tribute to a towering figure in the House of Representatives and this Nation, and certainly on behalf of the State of Indiana. It comes as no surprise to those who have observed the Honorable LEE HAMILTON that he is the son and brother of Methodist ministers. In a political world sometimes characterized by dishonesty and backstabbing and inter-party feuding, LEE HAMILTON stands out as a rock of integrity and someone that certainly I have been extremely blessed to have had an opportunity to know even before I became a Member of this distinguished body.

□ 2015

In the 34 years that the gentleman from Indiana (Mr. HAMILTON) has been in the House of Representatives, he has built bonds of trust on both sides of the political aisle, and he can always be counted on to put the country ahead of any partisan political politics.

He is a man of great intellect. He has become perhaps the leading congressional spokesman on our relations with foreign lands and peoples. He also is a leading exemplar of the concept all too rare in Congress today, that politics stops at the water's edge.

The gentleman from Indiana (Mr. HAMILTON) has been a forceful advocate for honor with pragmatism in foreign affairs regardless of which party controls the White House. As chair of the Committee on Foreign Affairs and ranking member of the Committee on International Relations, the gentleman from Indiana (Mr. HAMILTON) has been a strong defender of the President's

right to determine foreign policy, but was opposed to Presidents in both parties when he thought they were wrong. He exemplifies the highest degree of courage and commitment to the patriotism that all of us enjoy.

I remember in 1987 Mr. HAMILTON served as House chairman for the committee investigating the Iran-Contra matter. In his post he was stern, but a fair inquisitor in terms of where we were and where we ought to be in that particular situation. He is a firm believer in the rule of law. In the Iran-Contra investigation, he decried the establishment of a government within a government that was not ruled by the democratic process. He has always been guided by his belief that all public officials should be accountable to the law and to the voters.

It is for all of those reasons and certainly more than I could delineate here tonight that I am just happy that I have had an opportunity to stand in the Chamber that the gentleman from Indiana (Mr. HAMILTON) has served so well for so many years. And even though he has chosen not to run again for the House of Representatives, he will always be a Member of the House of Representatives because he will continuously be sought after for his wise advice, especially on foreign affairs.

The gentleman from Indiana (Mr. HAMILTON), in closing, exemplifies what a gentleman's gentleman is like. Andy Jacobs told me a few minutes ago that Mr. HAMILTON has always been a very civil person and very determined and dedicated.

I pay a special tribute to LEE HAMILTON, and certainly to Nancy, as he begins his next life as a scholar and a statesman in the academic community. And I certainly wish him good luck and Godspeed and thank him very much for all that he has done for Americans. It has really been a pleasure to have known him.

Mr. VISCLOSKY. Mr. Speaker, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I have been privileged in preparing my remarks to have the benefit of the wisdom of Mr. Ben Cole, who for many years was the Washington correspondent of the Indianapolis Star and who I have the privilege of calling father-in-law. And Ben told me that in all of his time watching the Members of the House of Representatives from the Hoosier State, there is no one who in commitment to principle, integrity, intelligence, stands out more than the gentleman from Indiana (Mr. HAMILTON).

But passing now to my own remarks, as I say informed by my father-in-law, let me say there has been too much of a note of sadness here about the departure of Mr. HAMILTON from the political world. There should instead be a note of celebration at his admission to the world of professors.

Mr. Speaker, I ask to advise the gentleman from Indiana (Mr. HAMILTON)

that this is a much better world and he has the qualities that will make him a superb teacher. Here is what I see when I make that statement.

First of all, a good teacher knows his subject and the students know it real fast if he does not. And just from what I have seen on the Committee on International Relations, Mr. HAMILTON knows the subject matter. People come to him because they know that he can recite it from memory, he can recite it from his experience, he can recite it because he has studied it. The gentleman from Indiana (Mr. HAMILTON) will be a superb teacher for that reason.

Secondly, students catch on if we are one-sided and they turn off. Nothing is worse than using the platform of a professor to be a proselytizer, and that happens on the right as much as on the left. Mr. HAMILTON does not use that platform to proselytize. As a professor, Mr. HAMILTON will find his students excited and interested because they will know that his point of view is not predetermined as to whether their point of view will be welcome in class discussion or not, but rather that he will be seeking the truth and inspiring them to find the truth through their own processes and their own gifts that God gives them.

And third and last, probably the most important aspect of a good professor is that there be something deep that the student sees, something worth admiring. Any idiot can hand out a grade. What matters is that the students admire the professor because there is something worth admiring in that professor. And that is what all of our colleagues have spoken to tonight. That is why we have as many Republicans as Democrats taking part in this special order.

Mr. Speaker, Mr. HAMILTON's students will see in this teacher a person who went into public life for all the right reasons, who went into the field of international relations in order to do his best for the people whom God made on this earth who may not have as many advantages as those of us with the tremendous privilege of being born in the United States.

I close by commenting with all sincerity that the students of the gentleman from Indiana (Mr. HAMILTON) will see in him a peacemaker whom our Lord has blessed; those who seek peace shall be called the children of God. And they will see in him a man who seeks after justice, who hungers and thirsts for justice, for he will be satisfied.

Mr. Speaker, on the graduation of our colleague the gentleman from Indiana (Mr. HAMILTON) from this institution to the new and in many ways more important institution of teaching, I offer my congratulations and my expectations of continued excellence in every respect.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the participation of the gentleman from California (Mr. CAMPBELL).

I yield to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, I too join my colleagues in praising our friend and colleague, the gentleman from the great State of Indiana (Mr. HAMILTON). I know I speak for other Members in saying that it will be sad to see him leave this place.

As a member of the Committee on International Relations, which Mr. HAMILTON is the ranking member, he has held many hearings, timely hearings succinctly on issues of great concern to American people and people throughout the world.

I thank the gentleman from Indiana (Mr. VISCLOSKY) and the others who have called this special order because I know that the 9th District will be pleased to have Mr. HAMILTON come home. He has developed a reputation here in Congress as a very thoughtful and committed person. To countries going through transition, in particular trying to struggle with democracy and new issues, he has had keen interest in that. He is an independent thinker and treats foe and friend alike.

In some of the hearings, we would hear him question members of the administration, whether it was this current administration or previous administrations run by the other party. And so he is an independent thinker, a person who has served for 33 years in this House.

In 1964 the gentleman from Indiana (Mr. HAMILTON) was elected to Congress at his first attempt at public office, which is a very unique and honorable position to be in. As a matter of fact, it was not until my third attempt that I was able to get here, so I should have studied Mr. HAMILTON's techniques a little earlier before I took the challenge on.

But during his tenure in Congress, he has often been tapped for key leadership positions. In 1993 to 1994, as my colleagues know, he chaired the House Committee on Foreign Affairs, currently serves as our ranking member, and also chaired the House Intelligence Committee, and cochaired the House-Senate Committee which investigated the Iran-Contra affair.

Mr. HAMILTON has taken a lead in working to make Congress more effective. In 1991 he sponsored legislation to create a joint committee on the organization of Congress. Under his leadership, this committee recommended major reforms to Congress, a number of which have been adopted, and he continues to push vigorously for enactment of further reforms.

His leadership on the Joint Economic Committee has allowed Mr. HAMILTON to give even greater emphasis to some of the key interests in Congress, ensuring a sound and healthy economy and promoting economic development. Through his continuing service on the panel, the gentleman from Indiana (Mr. HAMILTON) has held many hearings and discussions on economic challenges

facing the 9th District, and he has worked long to improve education and job training and the infrastructure in southern Indiana.

I am pleased to hear that he will not go far from issues of real concern to all of us, as he will be appointed as the new director of the Woodrow Wilson International Center for Scholars. He will continue the legacy that he left behind and will continue to work for all the people of the world.

I have enjoyed working with him. I know during 1992, when we had to reduce our standing committees or our subcommittees in the Committee on International Affairs from 8 to 6, I was very interested in the fact that I wanted the Subcommittee on Africa to remain as a standing subcommittee, and working with Mr. HAMILTON, working with other members of the committee, we were able to preserve it during that cut and even further when we reduced the number of subcommittees to five. And it has been his support that has allowed us to continue to move forward.

So I wish him well in his retirement. I started as a teacher and tried to come to Congress. He came to Congress and will end as a teacher. And so I do want to compliment him again for his success.

Mr. VISCLOSKY. Mr. Speaker, reclaiming my time, I appreciate the remarks of the gentleman from New Jersey (Mr. PAYNE), and I do have some concern based on the comments made by the gentleman from California (Mr. CAMPBELL) about Mr. HAMILTON's impact on academic politics, but I guess only history will tell the story.

Mr. Speaker, before I conclude my remarks, I would simply reference several essays that the gentleman from Indiana (Mr. HAMILTON) wrote a number of years ago about the influence of religion on politics. I have kept those theses that Mr. HAMILTON prepared, and was struck by the theme of both articles, and that is his abhorrence of those who are intolerant to others' ideas and the civility in which he connoted that we ought to, again, respect our differences of opinion, seek a responsible middle ground, and recognize that we have a country to govern in a moral perspective and that we ought to balance those two interests. I think it represents the gentleman that Mr. HAMILTON is and every good thing that that term connotes.

Mrs. NORTHUP. Mr. Speaker, I am proud to be here today to honor LEE HAMILTON, who has served this distinguished body for 33 years.

Divided only by the Ohio river, his district of Southern Indiana and my district of Louisville, Kentucky have shared a great deal together: The tribulations of the river flooding, the highs and lows of economic success, and the community spirit which makes Kentuckiana what it is today.

LEE HAMILTON is a part of that spirit.

While his talents have served his district and mine, his work on international issues has made him well known and well respected worldwide.

As the former chairman of the Committee on Foreign Affairs, and now the ranking member of the House Committee on International Relations, LEE has represented our country with the utmost dignity and dedication to helping others internationally, while maintaining our nation's place in international affairs.

Although he has served this Congress for many years and in the role of both the majority and the minority, LEE has always been able to work on a bipartisan nature.

Last year, I had an opportunity to work with LEE on a project that would help bring our districts even closer by providing the infrastructure needed to cross the Ohio River. Although we may be from different political parties, and even though he had been here many years and I was just a freshman, LEE HAMILTON treated me with the same respect as he has treated more senior members.

For this, I will always admire and respect him.

Mr. Speaker, it is only appropriate that we honor LEE HAMILTON today to thank him for his service and to wish him the best in the future. His presence in Congress will be missed by his colleagues and his district.

Mr. DREIER. Mr. Speaker, few of our former colleagues can claim, upon retirement, to have had a profoundly positive impact on the House of Representatives, but LEE HAMILTON is clearly one of them. His fairness and professionalism as a committee chairman, his leadership on trade and foreign policy issues, and his respect for the institutions of government are attributes that I strive to emulate in my day-to-day work as a Member of Congress.

Serving with LEE on the Joint Committee on the Organization of Congress in 1993 was a particularly rewarding experience, and I value our resulting friendship. Although our reform efforts did not meet with immediate success, LEE's leadership was instrumental to our later success in adopting a number of significant institutional reforms with strong bipartisan support.

Commentators regulatory highlight the partisanship that so often prevails on Capitol Hill these days. LEE is certainly a good Democrat, but he understands the value and importance of listening to other people's ideas, even if they come from Republicans. Our Joint Committee was evenly balanced between Democrats and Republicans and I can attest that LEE gave everybody a chance to be heard. He found friends and allies on both sides of the aisle.

I know I speak for many of our colleagues in saying that LEE's decision to retire at the end of this Congress is more than a personal loss. The institution will be losing one of its most respected Members and effective advocates. At a time when citizens generally view Congress skeptically and many of our colleagues feed their skepticism and even cynicism by blaming Congress for things that go wrong, no one has stood up more for the institution than LEE HAMILTON.

Fortunately, when LEE retires from Congress at the end of this year, he will remain close by as a result of his new career as director of the Woodrow Wilson International Center for Scholars. There, he will undertake a project to combat public cynicism toward and distrust of Congress. I am confident that he will do an outstanding job, I look forward to playing a role in making the project an enormous success.

Mr. ROTHMAN. Mr. Speaker, I rise today to join my colleagues in honoring LEE HAMILTON, a man who has rendered thirty three years of distinguished service as a member of the U.S. House of Representatives.

It was nearly two years ago that I, as a freshman member of Congress, first met LEE HAMILTON. Having been newly assigned to the House International Relations Committee, LEE HAMILTON was there to assist me during my very first days on the committee. And whether it has been learning more about the foreign policy challenges facing America, or working to build a consensus to support American efforts to bring peace abroad, LEE HAMILTON has always been there for me and the Democrats who serve on the International Relations Committee.

For all his work to enhance and advance American interests abroad, LEE HAMILTON deserves our enduring thanks. He has been a champion of U.S. engagement abroad, fighting this fight, often in the face of isolationists here in this very Congress.

I wish LEE HAMILTON the best as he takes leave of this body. I know that I and my colleagues on the House International Relations Committee, both Democrat and Republican, will miss his remarkable contributions, not only to our committee, but to the entire Congress and to our entire nation. LEE HAMILTON is and will continue to be a leading voice on foreign affairs.

Mr. Speaker, over eight decades ago President Woodrow Wilson remarked that "there must be, not a balance of power [in the world], but a community of power; not organized rivalries, but an organized peace." LEE HAMILTON, to his credit, has worked to advance this goal like no other member of Congress during his 18 terms in the House of Representatives. For that our nation is eternally grateful.

Mr. SKAGGS. Mr. Speaker, when the gentleman from Indiana retires at the end of this session of Congress, this body will be losing one of its most thoughtful leaders.

LEE HAMILTON will be rightly lionized as an expert and a statesman in foreign policy matters; a Member whose thinking is consistently sought out to illuminate foreign policy debates. During his tenure on the International Relations Committee, he has brought a reasoned and careful approach to foreign policy. He's been irrepressibly constructive, keeping in mind the longer-range goal of leading Congress and the country along the path of international engagement where he knew we needed to go. He's never shrunk from being one of the few to stand up against popular but wrong-headed policies, even if that meant being on the losing end of a very lop-sided vote. He has been even-handed in the hard cases in foreign policy, such as U.S. policy toward the Middle East, or Cuba.

This body will also be losing a Member who cares deeply about the institutions of government, particularly Congress and its role under the Constitution. He played a leading role in one of Congress' best hours in recent years—the 1991 debate about whether to go to war with Iraq. He led the inquiry into the Iran-Contra scandal—an abuse that threatened our Constitutional order more than any in recent years. He led the panel in the 103rd Congress that resulted in important institutional reforms, including the gift ban and the application of workplace rules to Congress, that were implemented in the next Congress. LEE served as

Chairman of the Intelligence Committee and of the Joint Economic Committee. He has been a workhorse on often unheralded projects, like the panel that reviewed government secrecy.

While focusing on Congress' role in foreign policy, LEE has also been mindful that Congress should not encroach on powers and responsibilities that are properly the President's. He has often worked to be sure that Congress' zeal on a particular issue does not tie the President's hands and impair the flexibility he needs in conducting our foreign policy.

LEE HAMILTON is a serious legislator, and a work-aholic. He is never too busy to discuss issues at length with other Members—or with his constituents. With all the time he spends on the big picture and on U.S. foreign policy, LEE has never forgotten the people of Indiana's 9th Congressional District. At a time when more and more Members are abandoning town meetings, LEE has continued to see the value in that kind of direct contact with the people he serves, hosting several meetings each year in the 20 counties of the 9th.

LEE HAMILTON is irreplaceable. He is a role model others can aspire to follow. I hope the 106th Congress will see Members of LEE HAMILTON's stature. But if it doesn't, it will have the benefit of his example and his legacy.

At a time when Washington desperately needs all the grown-ups we can find, LEE HAMILTON has been a reliable adult. We all join in thanking LEE for his exemplary public service and wishing all the best.

Mr. ROEMER. Mr. Speaker, LEE HAMILTON is a tall order to follow. I am not making allusions to his height, although he is a tall man. But he stands tall in so many other ways. He is the conscience of America's foreign policy. He is the soul of dignity in politics. He is an institutional memory of the Congress. He is the epitome of clear, concise thinking and reasoning.

LEE HAMILTON is also the Dean of my State's delegation. He has been and remains to me an inspiration, a mentor, and a true friend. I will miss his presence here dearly.

Mr. Speaker, five decades ago, a young athlete at Evansville Memorial High School gained a reputation for dogged hard work, dedication, and perseverance. This student, LEE HAMILTON, would maintain the same reputation in the congressional career that began 16 years later, and keep it for over 30 years. When I first arrived here nearly 8 years ago, LEE was here to show me the many ropes. His quiet dignity, hard work, and keen knowledge of the issues has been a fine example every day since.

LEE has a talent for respecting the past while building the future, for defending and maintaining what is good in the world, and educating colleagues and citizens about what must change. He is a traditional man with conservative instincts, yet can still inspire young people and new Members with ideas about the future. Like the best thinkers of any generation, LEE teaches us that progressive ideas work best on solid foundations.

It is sad to reflect on the loss of talent that LEE HAMILTON's departure brings to the Congress. LEE is the epitome of bedrock values, straightforward thinking, and most of all, Hoosier common sense. He leaves a gap that will not be filled easily or soon.

Mr. Speaker, I join all of our colleagues in saluting LEE HAMILTON and his wife, Nancy, their children and family. I wish them all the

very best for the future. I want LEE to know that following in his shoes is, for me, a very tall order. But LEE set such a good example, and has been such a good teacher, that he has given us all a very tall head start. I sincerely am indebted to him, as is the Nation, for his service, his leadership, and his dedication. I will have very few such friends in this life, indeed.

Mr. HALL of Ohio. Mr. Speaker, I rise today to express my thanks to one of our nation's tireless advocates of responsible and thoughtful American foreign policy. LEE HAMILTON is known around the world for the critical role he has played in shaping our relations with other countries.

But his also is a familiar hand in guiding our country's domestic initiatives, and by adding his strong voice to so many noble causes, LEE has ensured that the voices of millions of Americans have been heard.

LEE's name is recognized all over the world—in the powerful circles in New York, Geneva, Rome, Beijing, and Tokyo—and it is synonymous with integrity. His work has left its mark in other places too, because it has made a real difference to countless millions who lack power and, often, hope. Most recently, he made sure that the Freedom to Farm Act of 1996 included provisions for hungry and poor people.

Mr. Speaker, LEE HAMILTON is a legend in this Congress, and in our capitol. He was a work horse, chairing the House Foreign Affairs Committee, the Intelligence Committee, the Iran-Contra Committee, and undertaking countless other assignments that are essential to an effective Congress.

The tremendous strides we have made in almost every measurement of poverty have come during LEE HAMILTON'S tenure, and many of them bear evidence of his involvement. For example, the number of people who die every day of hunger and its related diseases is just half what it was when he first came to Congress. At 24,000 a day, that number is still tragically high, but initiatives that bear Lee's fingerprints are continuing to lessen such suffering.

And that is just one example. From infant mortality, to teaching literacy, to fighting disease, the people of the world have made unprecedented strides in the past three decades. Throughout this era, LEE HAMILTON has often been at the center of the battles that matter most: the struggles to ease suffering and make life better from millions of people.

Mr. Speaker, these are difficult times for the Congress, especially when we take up foreign policy. It is hard to imagine our debates without LEE HAMILTON'S measured contributions to them. It is harder still to assure our allies abroad that without LEE HAMILTON Congress will remain a reasonable partner in efforts to deal with the political and economic challenges ahead.

For many of us who have spent our careers in Congress secure in the knowledge that we can always turn to this senior statesman to improve our understanding or polish our approach, LEE'S retirement will be a personal loss. It has been an honor to serve with you, LEE, and you will be missed.

I join my colleagues in wishing LEE HAMILTON all the best, in thanking him for his dedicated service, and in appealing for his continued presence as we debate how America can best serve the people we represent in both our foreign policy and domestic policy.

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to LEE HAMILTON who is retiring from the House after 34 years of exemplary service. The House is losing its most respected voice on foreign policy issues, and for that the institution will be poorer.

LEE began his service in 1965, after winning election to the Congress in his first attempt. He has served the people of the Ninth District well, and they have returned him to Washington in every election since. That's a pretty good streak and it reflects the winning tradition that LEE established early in life, beginning with his leadership of Central High's basketball team all the way to the State championship.

During his tenure in Congress, LEE was often tapped to lead in very difficult situations. In 1986, he co-chaired the Iran-Contra investigation and in 1992 he chaired the Joint Committee on the Organization of Congress.

But his expertise in foreign policy rose to the fore and he was rewarded with the chairmanship of the Foreign Affairs Committee during the 103rd Congress. LEE has always led the sometimes lonely fight for the Clinton administration's policies but he has never shied away from letting the President know when the policy was wrong.

LEE's tenure on the Joint Economic Committee allowed him to pursue his interests in ensuring a sound economy and promoting economic development in order to bring economic and infrastructure development to the people of the Ninth District.

Mr. Speaker, we wish LEE well in his new roles at the Wilson Center and with Indiana University and we hope that we can continue to call on his expertise, as the Congress deals with future foreign policy issues.

Mr. BERMAN. Mr. Speaker, I rise to honor the service to the United States of America by Mr. LEE H. HAMILTON.

In my 16 years in the House of Representatives I have come to know and admire LEE for the wisdom and seriousness which he brings to consideration of the people's business. The Hoosiers of the Ninth District lose a great congressman with LEE's retirement.

In 34 years few can challenge his record for thoughtful integrity in the face of strong political pressure. While confronting some of the nation's most serious foreign policy challenges, he always approached every issue with intellectual depth.

He led the Congress in defending the President when under partisan attack, but he worked hard to ensure that the administration did not make foreign policy decisions without full consideration of every option and insisted that action be taken only after the administration had developed a rationale for its policy which would have the support of the American people.

His reputation for probity and judicious reflection have made him the leader of choice when the Congress faced difficult foreign policy issues, whether as chairman of the Select Committee on Iran-Contra or more recently of the Select Subcommittee on Iran Arms Transfers to Bosnia. I have had the honor of serving with Mr. HAMILTON on one of those select committees and seen first hand how the nation has been well assisted by his probing intellect.

I have also been proud to serve with Mr. HAMILTON when he was chairman of the Foreign Affairs Committee. In his years as chairman, he demonstrated again and again the

ability to forge the type of bipartisan political coalition essential to making government work for the people. LEE had a instinctive understanding that democracy was more important than politics and that he was elected to serve all the people, rather than a narrow agenda agreeable to the few.

The Ninth District has lost a great Representative in the retirement of Mr. HAMILTON. We honor more than Mr. HAMILTON today, we honor the principles which he has stood for against so many pressures for so long. I wish I could say that in losing Mr. HAMILTON, some are gaining more but I am afraid that his retirement is the country's loss.

I thank you for your service to the Congress and the American people. I salute you. I will miss you on the committee but I know you will not have gone far and we will continue to benefit from your expertise on foreign policy at the Wilson Center.

Mr. LANTOS. Mr. Speaker, it is truly a pleasure for me to join our colleagues in paying tribute to our colleague and my friend, Congressman LEE H. HAMILTON of Indiana, for his distinguished service to our nation as a Member of Congress for 34 years. I can think of few members who can rival his intelligence, wit, integrity, and commitment to public service.

For the past 18 years that I have been a Member of this body, I have served on the House Committee on Foreign Affairs/International Relations, and during that entire time I have served with LEE HAMILTON. For well over a decade, I sat next to him on the Subcommittee on Europe and the Middle East, which LEE chaired for two decades. When LEE served as chairman of the full Committee on Foreign Affairs, I headed one of the subcommittees, and in that capacity we worked closely together for two years.

Mr. Speaker, it has been truly an honor to serve with LEE over these many years, and to admire his commitment to democracy and America's international interests in the broadest and most positive sense. From the cold war to the collapse of the Iron Curtain to the serious challenges of the post-cold-war world, LEE has stood as a pillar of principle in defending the values that we in America cherish. In combating world hunger, firmly backing foreign assistance to the developing democracies in Eastern Europe, and fighting for developing programs for sustainable development in Africa, he has never hesitated to use his superb intellect and creativity to address our national concerns. Even when we have disagreed on policy matters, I have found it impossible to keep from admiring his independence, integrity, and moral conviction underlying his beliefs. LEE HAMILTON is a statesman, a leader, a champion for the American people.

Mr. Speaker, I also want to say something about LEE's wife, Nancy Hamilton. Of all of LEE's many good decisions, his judgment in marrying Nancy was probably his best. She has been a steadfast and dependable companion throughout his service in the Congress. She has not only brightened LEE's office with her outstanding and original art, she has added an air of elegance and quality to all that LEE has done.

While I have no doubt that LEE will continue to serve our country and the state of Indiana even though he will be retiring from the U.S. Congress. I believe that I speak for all of my colleagues in the House when I say that LEE's

voice of reason and the integrity that he brings to our deliberations will be sorely missed.

Mr. Speaker, we all owe the people of southeastern Indiana an enormous debt of gratitude for giving us LEE HAMILTON.

Mr. RAHALL. Mr. Speaker, it is with great sadness that I rise to pay tribute to my esteemed colleague, LEE HAMILTON, as he retires from the House of Representatives after 34 years of service to Indiana's Ninth District, and to our Nation.

LEE HAMILTON arrived in Washington to begin his long tenure in the House during the Lyndon Johnson administration. As those times demanded, he was present for the creation of such landmark legislation as the Elementary and Secondary and Higher Education Acts, helping assure an educated citizenry so that the socio-economic needs of this country might be met. He also presided over the enactment of legislation to assist those living at or below poverty—especially the children—as Johnson's War on Poverty began, and the President's Great Society began to take shape.

LEE HAMILTON was here in 1965 when the Medicare Program for senior citizens health care was enacted, lifting many seniors out of poverty once they no longer had to choose between paying for health care and eating, providing seniors with a healthier, quality life of hope and dignity.

There was much going on in this House when LEE HAMILTON arrived from Jeffersonville, Indiana to begin his service as the representative of the Ninth District of that great state, and aside from domestic issues, LEE was soon to become deeply involved in international issues as well.

As LEE HAMILTON's distinguished service grew and flourished on behalf of those who needed federal support in order to obtain an education, food, shelter and health care, he quietly became our most able leader in international affairs. As the chair of the International Relations Committee for many years, and as its current ranking member, LEE has devoted himself to leading this country through the cold war, helping bring about the fall of the Berlin Wall and the dissolution of the former Soviet Union and the Communist threat.

LEE HAMILTON too great care to help ensure America's security in an unsafe world.

LEE's lifetime commitment to public service, under the administrations of seven Presidents from both parties, has never faltered. His enormous achievements are a testament to a remarkable life of selfless duty and an unstinting commitment to the peace and prosperity of the people of Indiana as well as our Nation, for which we owe him a great debt of gratitude.

LEE is known for his unimpeachable integrity, his gentle voice of reason, and a firm hand, and I have personally benefited from both his reason and his strength.

I take this opportunity, Mr. Speaker, to publicly thank LEE for his assistance to me over the years with concerns I have had over events in the Middle East, and especially in the land of my grandfathers, Lebanon. His deep understanding of the culture, history and traditions of the Middle Eastern countries is enormous. I know there have been many times over the years when, at my request and no matter how busy he was, he has taken the time to share with me and my colleagues his remarkable insight into how best to address

events in a troubled area in times of great distress.

I thank him also for his direct assistance to me as I have endeavored to bring humanitarian and non-lethal military assistance into Lebanon as that country struggles to return to its former state of independence and sovereignty after a 17 year civil war.

And so it is with warmest personal regard, highest esteem and deepest appreciation that I rise to pay tribute to LEE HAMILTON as he takes his leave of this House where he has served with distinction for more than three decades. I wish him God Speed, and great personal happiness and success as he embarks upon his newly chosen career path.

Mr. LUTHER. Mr. Speaker, the House of Representatives will lose one of its most respected members with the retirement of LEE HAMILTON. As a junior member of the International Relations Committee, I have come to greatly admire LEE's evenhanded and bipartisan approach. At a time when far too often questions of foreign policy become mired in partisan battles, I believe it is essential that we continue LEE's tireless efforts to achieve bipartisanship on international relations matters.

Because of his extraordinary leadership in foreign affairs, many people don't realize LEE's many other significant accomplishments. For example, he was among the first to call on Congress to reform its internal operations. In 1992 he served as co-chairman of the Joint Committee on the Organization of Congress which was among the first to recommend long overdue ideas, which we now take for granted, such as the gift ban, tightening lobbying regulations and applying laws of the workplace to Congress.

Coming from Minnesota where we have had great leaders like Hubert Humphrey, Walter Mondale and former Congressman Don Fraser, I have been particularly impressed with LEE's leadership on international issues. Just one current example is his highlighting the many negative effects that the proliferation of unilateral economic sanctions have had on our relationship with our economic allies. As many of you know, LEE is the lead House author of legislation which would establish a more disciplined and deliberative process for imposing unilateral sanctions.

I am going to miss LEE HAMILTON not just because he is an excellent leader on foreign policy and an admirable person, but because he is the kind of person we need more of in Congress. A person truly dedicated to making government work better for our employers, the people we represent. As a relatively new person to this institution, I sincerely thank him for the guidance he has given me and for his outstanding service to the people of our country and the world.

Mr. FROST. Mr. Speaker, I rise today to commend LEE HAMILTON for his 34 years of service to the House of Representatives and our great Nation. LEE HAMILTON is one of the greatest statesmen of our time and I am honored to be able to count LEE HAMILTON as a friend, fellow Democrat, role model, and inspiration. Through his hard work, dedication, sensitivity, and strong ethical underpinnings; LEE HAMILTON has forged a path in the U.S. House that all politicians strive to duplicate.

LEE is one of the most influential policy makers of this century, both domestically and internationally. This is not by accident—his hard work and determined spirit, coupled with

his strong efforts to promote ethical behavior in those that govern, has distinguished him as an exemplary statesman and policy maker, a positive role model not only to those of us in Washington, but for our Nation and future generations.

LEE has excelled as a U.S. leader at the forefront of world affairs by distinguishing himself as a thoughtful policy maker, with a strong understanding of the difficult issues that effect the world political environment. To name but a few examples: His support of the Middle East peace process over the entirety of his career and his leadership in initiating and crafting U.S. aid to the former Soviet Union in the late 1980's and early 1990's has helped to craft the social, political, and economic environment of both of these regions.

But probably the most important contribution LEE has made to this House is the contribution he has made to the foreign affairs debate over the last three decades. LEE has been instrumental in not only addressing the important issues; but in bringing the foreign policy debate to a new level. He has served to broaden Members' understanding of the issues through his careful review of these issues. LEE has impacted the foreign affairs agenda for an entire generation of Americans—for both Congressman, political leaders, and individual citizens.

LEE HAMILTON stands for all that is good about the American political system. It has been an honor to serve with him and follow his example of ethical behavior, dedication to the American people, the determination to bring and keep important issues at the forefront of the national American debate. LEE's contribution to this House will be sorely missed, but luckily in his new capacity as director of the Woodrow Wilson Center, we in Congress will be able to continue to rely on his valuable contributions to the foreign policy debate.

Ms. ROS-LEHTINEN. Mr. Speaker, if there is a Member who deserves recognition for his years of service to his constituents, to the country, and to this institution—it is LEE HAMILTON.

Throughout his distinguished career as a Representative from the Ninth District of Indiana, LEE has challenged generations of Members to research the issues, make them their own, to defend their positions with vigor—even if that position meant being philosophically and fundamentally opposed to LEE's views.

LEE and I have certainly had our fair share of disagreements on U.S. foreign policy, in particular, when it came to the best approach to bring about freedom and democracy to the Cuban people. However, he was always respectful of differing views, advocating open, comprehensive, and frequent—very frequent—debate.

LEE has been more than a participant in the formulation of foreign policy. He is truly dedicated to studying the nuances of world events. He excels in times of crises and thrives on analyzing the potential impact of global developments on U.S. national security.

Whether the issue is the proliferation of chemical and biological weapons, or climate change and the Kyoto Protocol, or reform in Latin America or NATO enlargement, we have grown to expect LEE HAMILTON to know every intricacy and to be able to encapsulate the contending approaches.

While he may be leaving this body, I am certain his involvement in foreign affairs will continue. We would not want it any other way.

We are all the better for having had LEE HAMILTON as a Member of this body for over three decades.

He is a scholar, an exemplary public servant, a formidable adversary, and a gentleman. LEE, you will be missed.

Mr. VISCLOSKY. Mr. Speaker, it is certainly my honor to yield to the gentleman from Indiana (Mr. HAMILTON), our leader in the Indiana delegation.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding. And of course, first I want to express my appreciation to my friends and Indiana colleagues, the gentleman from Indiana (Mr. BURTON) and the gentleman from Indiana (Mr. VISCLOSKY), for making arrangements for this special order. I am most grateful to them.

Secondly, I want to express my thanks to all of the Members who have spoken and a large number of Members who have submitted their statements to me, many of which I have had an opportunity to read.

I must say that the constant references to my age and the references to how young they were when I first came to Congress have made me feel a little uneasy tonight, but it has impressed me about how young the Members of this institution are and how able they are as well.

All of their remarks have been very kind and generous, and of course for me memorable. I shall think very often of this evening and the comments that have been made about me. I have always wanted to walk off the stage before I was kicked off or shoved off, and I think their comments tonight have made me think I have done that.

I had the Library of Congress check the other day, and I have worked with 1,515 House colleagues. I guess with most of those colleagues I have had differences from time to time, but I think I can say that I have liked all of them, I have enjoyed their friendship, and I have certainly tried to respect them.

The Members of this House reflect the American people I believe more than any other institution in America, at least so far as I know. Getting to know the Members has been just an extraordinary privilege. The recollections of my colleagues form in my mind an endless line of splendor. Working with them has given me insights into the vastness and the complexity and the diversity of this country. It has reinforced my belief in representative government and the crucial role that Congress plays in reflecting the diverse points of view, acting as a national forum in this room, managing conflict in the country, and over time, usually but not always, developing a consensus that reflects the collective judgment of the people.

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I have been impressed almost daily with the enormous importance and resilience of the institution of the Congress and the Members who make up this body. It has always been a source of great pride for me to say, as I have

done on so many occasions, that I am a Member of the House of Representatives.

So it has been a great privilege to work in this chamber and in this Capitol building in the area of my interest, which is public policy. I have been grateful for every day that I have been part of this House. I do not know of any place in the world that I would have preferred to be.

I am pleased that this evening my colleagues, for whom I have the greatest respect and affection, have noted my work, and I thank you all.

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

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

There was no objection.

EFFECTS OF HURRICANE GEORGES ON THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Virgin Islands (Mrs. CHRISTIAN-GREEN) is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, before I begin, I would like to join my colleagues in adding my commendations, gratitude and well-wishes to the gentleman from Indiana (LEE HAMILTON) and Mrs. Hamilton as he retires from this House.

Mr. Speaker, today I rise to inform the House of the relative good fortune fared by my constituents when the Virgin Islands was hit by Hurricane Georges last Monday. We are sure it is only through prayers and the grace of God that the storm downgraded from a category 4 to a 2 before it passed over our islands, and the eye, which was to have traversed my home Island of St. Croix, shifted and instead passed between the islands. Thus we were spared the widespread devastation suffered by many of our neighboring Caribbean islands.

By all accounts, the Virgin Islands and Virgin Islanders responded well to the challenges presented to us by Hurricane Georges. As of midday last Wednesday morning, less than 48 hours after Georges, life was almost back to normal on the island of St. Thomas. Although we were and still have power outages, the resilient island of St. Croix has held its own. We suffered no deaths directly attributable to the storm and no major injuries on any of our islands.

Despite the fact that over all the islands only suffered mild damage, we must not forget that there are those individuals who suffered significant damage to their homes and businesses. Some hotels and shops suffered minor damages, but most have remained in-

tact and open for business. Crop and fruit farmers suffered total losses, and livestock farmers and fishermen were also severely affected. Many public buildings suffered moderate damage and curtailed services, but our hospitals and health department facilities stood up well and no services were disrupted there.

Mr. Speaker, while I rise tonight to give thanks for our good fortune in the Virgin Islands, I must also ask my colleagues to continue to pray and support the people of the other Caribbean islands, as well as the residents of South Florida and the Gulf Coast, who were not as lucky as we were.

On our sister U.S. island of Puerto Rico, at least three people were directly killed by the storm and damages surpassed nearly \$2 billion. Likewise, in the Dominican Republic and Haiti, over 300 persons have been reported dead and damages have been estimated in excess of \$1 billion.

I look forward to joining our First Lady and my other colleagues tomorrow to view firsthand their damages and early recovery efforts and to bring the prayers, support and good wishes of this House, as well as of their sisters and brothers from my district and the U.S. Virgin Islands.

While we must express our concern and extend aid to the residents of the larger Caribbean islands of Puerto Rico, the Dominican Republic and Haiti, we must not forget our smaller neighbors to the south, like Antigua and St. Kitts, which also suffered serious devastation from Georges. On Antigua, two persons lost their lives and hundreds of homes lost their roofs. Similarly devastated was St. Kitts, where 3 persons were reported dead and 85 percent of the homes on the island were reported damaged. The residents of these smaller islands also need our help.

Mr. Speaker, I must also thank director of the Federal Emergency Management Agency, James Lee Witt, and his entire Washington headquarters and Virgin Islands field office staff for the opportunity to participate in all of the relevant briefings and for their immeasurable assistance in keeping us informed of the status of the storm and the extent of the damage we suffered once the storm had passed.

On this latter point, I want to particularly thank Barbara Russell of FEMA and her team who rode out the storm in the Virgin Islands and provided early information as well as critical help in damage assessment and coordination of the initial response. Special commendations to Colonel Gene Walker, his assistant, Elroy Harrison, the entire VITEMA staff and Emergency Service Coordinating Team for their preparation and response, and to the hundreds of volunteers who gave up their time to help. We especially thank President Clinton for his immediate response to our request for disaster assistance, and he and Mrs. Clinton for their concern, as well as the Members of his cabinet.

One of the most difficult aspects of experiencing a hurricane is not being able to obtain information about an affected area when long distance phone service has been disrupted, as it was in our case. I especially want to thank my Washington office staff for their tireless work in keeping Virgin Islanders and others here on the mainland informed on how their relatives and friends in the islands were faring.

My Washington office was open around the clock from the point when we were certain on Monday the 21st that we were going to be hit and for 72 hours afterward. In addition to fielding telephone calls, we were pleased to be able to inform business people, students, friends and relatives of Virgin Islanders viewing the storm via mainland media through press conferences and interviews on TV and radio, as well as providing the most reliable information through several Internet sources, including our own web site. I also want to thank the many Virgin Islanders who came to my office to assist.

Mr. Speaker, the Virgin Islands is a testament to the effectiveness of mitigation, for without the many improvements made in the wake of the major storms of the last nine years, we would not have been able to bounce back. We still have work to be done and that needs to be addressed.

Today the Virgin Islands are back, businesses are open and we welcome you. Our hotels, our beaches, our tropical breezes and the warm hospitality of our people welcome you back to our shores.

TRIBUTE TO BONNIE LOIS KELLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the full 60 minutes. I will just take a few minutes here tonight to talk about my mother, Bonnie Lois Kelly. She was born in February 1920, and she died last Wednesday. We had the funeral on Saturday.

She was one of those unique individuals that never gets much attention, but she did a tremendous job in raising three children through a great deal of hardship. She was five feet and one-half inch tall, but, to me and my brother and sister, she was ten times that height.

She married when she was 18 to a brutal person, my father, who was 6-foot-8 and who terrorized her and my brother and sister and I for 12 long years. I can remember during all that time, every time that my father started to mistreat me or my sister or my brother, she would stand between us and take the body blows and stand up for us, no matter what the cost, and many times the cost was almost her life. She finally was able to get away from him when I was 12 years old, after 13 years of married torture.

I can remember many times she would take us to the police department in the middle of the night. Back in those days there was not much sympathy from a lot of the people in blue toward abused wives and children. I can remember one night the police told her that if she did not take the children home at that moment, which was about 1 o'clock in the morning, with her face all bruised, that they would arrest her, which I could not understand.

Anyhow, she finally met a really nice fellow, after she was divorced from my father. Incidentally, my father came in through the floor of the house where we lived on the West side of Indianapolis with a sawed-off shotgun and took her away after breaking down the door, and we did not know whether she was dead or alive for many days, and we spent quite a bit of time at the Marion County Guardian's Home while she was away. But, thankfully, she was able to get away from him and survive.

She finally met a very nice man, Kindeth A. Kelly, who ended up becoming my stepfather on December 23rd, 1950. He and my mother were married for 48 years. He worked in a foundry as a sand hog and later as a foreman of that foundry for a long, long time, I think it was 30-some years, and my mother worked in Ayres Tea Room as a waitress for 18 years.

The thing I recall about her was that she never complained. She would get up every morning and go to work at the tea room, work all day long on her feet, and come home at night and fix dinner for us, and I never heard her complain once. Those were very difficult times.

Looking back on those times, I realize how really wonderful she was. I do not recall that I told her very many times how much I appreciated her, but I did, and I was able to at least convey some of that to her in her last days.

There are so many things that you would like to say about your mother at a time like this, and you just cannot recall all of them. But she was really something special. She instilled in her children a love of nature, a love of art, and a love music and poetry. In fact, she requested that I memorize a lot of poems when things were going very difficult for the family in my formative years. Those poems, that poetry, gave me a lot of strength and courage during some very difficult times that I encountered in my life.

One of the poems that she asked me to commit to memory was one that I would like to just recite for my colleagues who may be paying attention tonight, Mr. Speaker.

When things go wrong, as they sometimes will,

When the road you are trudging seems all uphill;

When care is pressing you down a bit,
Rest, if you must, but don't you quit.

'Cause life is queer with its twists and turns,
As every one of us sometimes learns;
And often the goal is nearer than it seems,
To a faint and faltering man.

Often the loser has given up,
When he might have captured the victor's cup;

And he learned too late when the night came down,

How close he was to the golden crown.
Success is failure turned inside out,

The silver tint on the clouds of doubt;
So stick to the fight,

When you're hardest hit;

It's when things go wrong,
That you mustn't quit.

My mother was not a quitter; my stepfather, who really was my father because he treated us so well, was not a quitter; and I will never forget as long as I live the wonderful things that she did for me and the things she taught me.

OMISSION FROM THE CONGRESSIONAL RECORD OF SATURDAY, SEPTEMBER 26, 1998

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4112. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COMBEST (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. FOWLER (at the request of Mr. ARMEY) for today and tomorrow on account of family medical emergency.

Mr. GOSS (at the request of Mr. ARMEY) for today and on September 29 on account of illness in the family.

Mr. JENKINS (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for today on account of personal 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. VISCLOSKY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. LUCAS of Oklahoma) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. CASTLE, for 5 minutes, today.

Mr. BATEMAN, for 5 minutes each day, today and on September 29.

Mr. METCALF, for 5 minutes, today.

Mr. LUCAS, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. VISCLOSKY) and to include extraneous material:)

Mr. VENTO.

Mr. KIND.

Mr. HAMILTON.

Mr. STARK.

Mr. FRANK of Massachusetts.

Mr. STOKES.

Mr. EVANS.

Mr. BERMAN.

Mr. FROST.

Mr. ROTHMAN.

Ms. VELÁZQUEZ.

Ms. DELAURO.

Mr. CLAY.

Mr. SKELTON.

Mr. MARTINEZ.

Mr. LANTOS.

Mr. MARKEY.

Mr. KUCINICH.

(The following Members (at the request of Mr. LUCAS of Oklahoma) and to include extraneous material:)

Mr. BOB SCHAFFER of Colorado.

Mr. SAXTON.

Mr. DREIER.

Mr. GILMAN in two instances.

Mr. PORTER.

Mr. GEKAS.

Ms. PRYCE of Ohio.

Mr. ENSIGN.

Mr. HUTCHINSON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2511

An Act to authorize the Secretary of Agriculture to pay employees of the Food Safety and Inspection Service working in establishments subject to the Federal Meat Inspection Act and the Poultry Products Inspection Act for overtime and holiday work performed by the employees; to the Committee on Agriculture; in addition to the Committee on Government Reform and Oversight 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.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 29, 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:

11302. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions [7 CFR Part 457] received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11303. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Nursery Crop Insurance Regulations; and Common Crop Insurance Regulations; Nursery Crop Insurance Provisions (RIN: 0563-AB65) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11304. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Agency Disapproval of Directors and Senior Executive Officers of Savings Associations and Savings and Loan Holding Companies [No. 98-96] (RIN: 1550-AB10) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11305. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Methylene Chloride; Final Rule [Docket No. H-71] (RIN: 1218-AA98) received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11306. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Glasford, Illinois) [MM Docket No. 97-186] (RM-9130) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11307. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit, Howe and Jacksboro, Texas, Antlers and Hugo, Oklahoma) [MM Docket No. 97-26] (RM-8968) (RM-9089) (RM-9090) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11308. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sturgis, Kentucky) [MM Docket No. 96-226] (RM-8893) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11309. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beaver

Dam and Brownsville, Kentucky) [MM Docket No. 98-17] (RM-8819) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11310. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Physical Protection For Spent Nuclear Fuel And High-Level Radioactive Waste: Technical Amendment (RIN: 3150-AG00) received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11311. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revocation of Reexport Authorization Issued Prior to June 15, 1996 [Docket No. 980821223-8223-01] (RIN: 0694-AB74) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11312. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the San Bernardino Kangaroo Rat as Endangered (RIN: 1018-AE59) September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11313. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Subpart J—Pipelines and Pipeline Rights-of-Way (RIN: 1010-AC39) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11314. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—An update of Addresses and OMB Information Collection Numbers for Fish and Wildlife Service Permit Applications (RIN: 1080-AF07) received September 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11315. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Indiana Regulatory Program [SPATS No. IN-131-FOR; State Program Amendment No. 95-13] received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11316. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Regulatory Program [OH-218-FOR; Amendment Number 61] received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation Of Nonimmigrants Under The Immigration And Nationality Act, As Amended—Fees For Application And Issuance Of Nonimmigrant Visas [Public Notice 2894] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11318. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-400 Gliders [Docket No. 98-CE-12-AD; Amendment 39-10757; AD 98-19-17] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11319. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98-NM-26-AD; Amend-

ment 39-10764; AD 98-19-23] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11320. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes [Docket No. 98-NM-17-AD; Amendment 39-10763; AD 98-19-22] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11321. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 96-NM-232-AD; Amendment 39-10765; AD 98-19-24] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11322. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777-200 Series Airplanes Equipped with Air Cruisers Evacuation Slide/Rafts [Docket No. 97-NM-95-AD; Amendment 39-10766; AD 98-19-25] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11323. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 98-NM-236-AD; Amendment 39-10767; AD 98-20-01] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11324. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models T210N, P210N, and P210R Airplanes [Docket No. 97-CE-62-AD; Amendment 39-10773; AD 98-05-14 R1] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11325. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56-5B/2P Series Turbofan Engines [Docket No. 97-ANE-29-AD; Amendment 39-10286; AD 98-02-04] (RIN: 2120-AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11326. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Update of Existing and Addition of New Filing and Service Fees [Docket No. 98-09] received September 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11327. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contracting by Negotiation [48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872] received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11328. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury BONDS, Notes, and Bills; Determination Regarding State Statutes; Wisconsin, New Hampshire and Michigan [Department of the Treasury Circular, Public Debt Series, No. 2-86] received September 21, 1998, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

11329. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Lay Order Period; General Order; Penalties [T.D. 98-74] (RIN: 1515-AB99) received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11330. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress for FY 1999; to the Committee on Appropriations.

11331. A letter from the Commissioner for Rehabilitation Services, Department of Education, transmitting the annual report of the Rehabilitation Services Administration on Federal activities related to the administration of the Rehabilitation Act of 1973, Fiscal Year 1995, pursuant to 29 U.S.C. 712; to the Committee on Education and the Workforce.

11332. A letter from the Secretary of Health and Human Services, transmitting the annual summary report on the findings of the monitoring reviews, this initial report covers fiscal years 1994 through 1997; to the Committee on Education and the Workforce.

11333. A letter from the Acting Museum Director, Holocaust Memorial Museum, transmitting the consolidated report on accountability and proper management of Federal Resources as required by the Inspector General's Act and the Federal Financial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

11334. A letter from the Benefits Administrator, Western Farm Credit Bank, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report as required by Public Law 95-595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

11335. A letter from the Director, Financial Services, Library of Congress, transmitting the financial statements for the first nine-months of fiscal year 1998, which ended on June 30, 1998, and the comparable data for the same period of the previous fiscal year for the Capital Preservation Fund; to the Committee on House Oversight.

11336. A letter from the the Kenneth W. Starr, the Office of the Independent Counsel, transmitting starr; (H. Doc. No. 105-316); to the Committee on the Judiciary and ordered to be printed.

11337. A letter from the Secretary of Health and Human Services, transmitting a report that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Act of 1981, pursuant to 42 U.S.C. 8623(g); jointly to the Committees on Commerce and Education and the Workforce.

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. YOUNG of Alaska: Committee on Resources. House Resolution 494. Resolution expressing the sense of the House of Representatives that the United States has enjoyed the loyalty of the United States citizens of Guam, and that the United States recognizes the centennial anniversary of the Spanish-American War as an opportune time for Congress to reaffirm its commitment to increase self-government consistent with self-determination for the people of Guam (Rept. 105-751). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2943. A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes (Rept. 105-752). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1608. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have died in foreign conflicts other than declared wars (Rept. 105-753). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 558. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105-754). Referred to the House Calendar.

Mr. GILMAN: Committee on International Relations. H.R. 633. A bill to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes; with an amendment (Rept. 105-755 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 633 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 633. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than September 28, 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. LAZIO of New York (for himself, Mr. STARK, Mr. HASTERT, Mr. CAMP, Mrs. KELLY, Mrs. MORELLA, Mr. ROGAN, Mr. EHLERS, Mr. BARRETT of Wisconsin, Mr. SHAYS, Ms. PRYCE of Ohio, Mr. MCHUGH, and Mr. VENTO):

H.R. 4650. A bill to amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities; to the Committee on Commerce.

By Mr. MCCOLLUM (for himself and Mr. CONYERS):

H.R. 4651. A bill to make minor and technical amendments relating to Federal criminal law and procedure; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 4652. A bill to provide for adjustment of status for certain nationals of Bangladesh; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself and Mrs. KENNELLY of Connecticut):

H.R. 4653. A bill to amend title XVIII of the Social Security Act to prevent sudden disruption of Medicare beneficiary enrollment in Medicare Medicare plans; 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. LOWEY (for herself and Mr. BARTON of Texas):

H.R. 4654. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. FRANKS of New Jersey, Mr. ACKERMAN, Mr. BERMAN, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CHABOT, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. FOX of Pennsylvania, Mr. FROST, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HORN, Mrs. LOWEY, Mr. MENENDEZ, Ms. ROSLEHTINEN, Mr. SANDERS, Mr. SCHUMER, Mr. SHERMAN, Mr. SISISKY, Mr. WAXMAN, and Mr. WEXLER):

H. Res. 557. A resolution expressing support for U.S. government efforts to identify Holocaust-era assets, urging the restitution of individual and communal property, and for other purposes; to the Committee on International Relations.

By Mr. EHLERS (for himself and Mr. ROYCE):

H. Res. 559. A resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

400. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution 41 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than six and to limit the number of terms a person may serve in the United States Senate to no more than two; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 372: Mrs. EMERSON.

H.R. 902: Mr. GOODE and Mr. HYDE.

H.R. 1375: Mr. HEFLEY and Mr. SHADEGG.

H.R. 1531: Mr. LEWIS of California.

H.R. 1608: Mrs. FOWLER and Mr. ENGLISH of Pennsylvania.

- H.R. 2327: Mr. NEY and Mr. SHADEGG.
 H.R. 2882: Mr. NEY, Mr. BONILLA, and Mr. ROTHMAN.
 H.R. 2950: Mrs. CUBIN.
 H.R. 3081: Mr. WEYGAND, Ms. HOOLEY of Oregon, Mr. BOUCHER, Ms. BROWN of Florida, Mr. NEAL of Massachusetts, Mr. BILBRAY, Mr. TIERNEY, Mr. COYNE, Mr. DEFazio, Mrs. JOHNSON of Connecticut, Mr. THOMPSON, Ms. SANCHEZ, Mr. BENTSEN, and Mrs. MEEK of Florida.
 H.R. 3779: Ms. ROYBAL-ALLARD, Mr. JOHNSON of Wisconsin, and Mr. RODRIGUEZ.
 H.R. 3783: Mr. GILMAN, Mrs. MYRICK, and Mrs. KELLY.
 H.R. 3792: Mr. MANTON.
 H.R. 3833: Mr. LIPINSKI and Mr. PASCRELL.
 H.R. 4073: Mr. RANGEL, Mr. SHERMAN, and Mr. WAXMAN.
 H.R. 4126: Mr. ADAM SMITH of Washington.
 H.R. 4219: Ms. KAPTUR and Mr. EDWARDS.
 H.R. 4339: Mr. OLVER and Mr. FORD.
 H.R. 4362: Mr. FORBES, Mr. HOLDEN, Ms. RIVERS, Mr. HINCHEY, Mr. BERMAN, Mr. MCDERMOTT, and Mr. BISHOP.
 H.R. 4399: Mr. THUNE.
 H.R. 4448: Mr. HORN, Mr. BERMAN, Mr. STARK, Mr. HILLIARD, and Mr. ACKERMAN.
 H.R. 4455: Mrs. ROUKEMA.
 H.R. 4489: Mr. HILLIARD and Ms. SLAUGHTER.
 H.R. 4492: Mr. PICKETT.
 H.R. 4513: Mr. BLUNT and Mr. STUMP.
 H.R. 4514: Mr. SAWYER.
 H.R. 4531: Mr. MORAN of Virginia, Mr. LEWIS of Georgia, and Mr. SHERMAN.
 H.R. 4597: Mr. POSHARD.
 H.R. 4627: Mr. LUTHER.
 H.R. 4634: Mr. FOLEY.
 H.R. 4647: Mr. BARRETT of Nebraska, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. POSHARD, Mr. TOWNS, Mr. NETHERCUTT, Mr. FOLEY, Mr. WELLER, Mrs. EMERSON, Mr. BLUNT, Mr. THUNE, Mr. BOSWELL, Mrs. CLAYTON, Mr. LUCAS of Oklahoma, Mr. CANADY of Florida, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. GUTKNECHT, and Mr. PETERSON of Minnesota.
 H.J. Res. 123: Mr. FOX of Pennsylvania.
 H. Con. Res. 229: Mr. BURR of North Carolina and Mr. HAMILTON.
 H. Con. Res. 274: Mr. FOX of Pennsylvania, Ms. KILPATRICK, Mr. ADERHOLT, Mr. REGULA, Mr. BOYD, and Mrs. MEEK of Florida.
 H. Con. Res. 317: Mr. FRANKS of New Jersey and Mr. QUINN.
 H. Con. Res. 328: Mr. KENNEDY of Rhode Island, Mr. BUYER, and Mr. BONIOR.
 H. Con. Res. 329: Mr. METCALF, Mr. FRANK of Massachusetts, and Mr. GUTIERREZ.
 H. Res. 519: Mr. KING of New York.