EXTENSIONS OF REMARKS

IMF REFORM IS URGENTLY NEEDED

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SAXTON. Mr. Speaker, I rise in support of reforming the International Monetary Fund (IMF). The reforms to be included in the appropriations bill, and particularly the enforcement provisions, are not nearly as extensive as I would have liked. Nonetheless, if these reforms are permitted to take effect, they will be steps in the right direction toward a longer-term reform of the IMF.

The implementation of the IMF reforms in this bill will be an important test of the good faith and credibility of the Treasury Department and IMF. We in Congress will also have to do our part to maintain vigilant and intensive oversight to ensure these reforms are implemented in accordance with congressional intent, and I am planning to establish a systematic way to do this while also advancing an agenda for further IMF reform.

With regard to the reforms themselves, a review of their development from earlier legislation is critical to understanding congressional intent. The structure of the reforms pertaining to transparency and market interest rates is clearly based on the IMF Transparency and Efficiency Act, H.R. 3331, which I introduced with Majority Leader Armey and others last March. The reform proposals in the budget bill are essentially narrowed versions of the policy changes mandated in the IMF Transparency and Efficiency Act.

The biggest change is in the enforcement mechanism in this act, which has been replaced by a much weaker enforcement provision in the appropriations bill. Obviously I am disappointed with these changes, particularly with the weaker enforcement provisions, because it is unclear how diligently the Treasury and IMF will implement the reforms without airtight enforcement. Further enforcement measures will be called for if this mechanism proves insufficient.

With respect to the IMF transparency reforms in the appropriations bill, suffice it to say they reflect a strong congressional consensus that IMF documents be publicly released, and that IMF minutes of IMF board meetings should be publicly released in some form. Any abuse of the flexibility provided in this language would clearly not be acceptable.

With regard to the interest rate provisions, the higher interest rates are required any time the defined conditions of a balance of payments problem emerge. The compromise language uses some terms to describe these conditions also used by the IMF to describe an existing IMF loan facility, but there are essential differences that are important to note. Most importantly, the reform is to apply to all situations where the defined and rather typical characteristics associated with a balance of payments problem are present, whereas the IMF loan facility is to be used only in ''exceptional'' circumstances.

Furthermore, the clear intent of this reform initiative is to require interest rates comparable to market interest rates, as expressed in H.R. 3331. What I intended in my bill was the use of a basic reference market interest rate, with an adjustment for risk added, so as to approximate the market interest rate a particular borrower would face. This would be at least equal to the market interest rates available to a borrower just before a crisis.

Prior to these negotiations, the staff of the Joint Economic Committee devised a floor to permit an objective limit on how low the rate could go for the sole purpose of limiting the potential for egregious abuse. What emerged in the reform was an interest rate formula providing a floor, whereas in the IMF lending facility this approach appears to be effectively a ceiling. The interest rates floor in the reform should not be viewed as determining the appropriate interest rate, which will vary depending on the risk factors present in different borrowing countries.

In the course of four hearings held by the Joint Economic Committee (JEC) the issues involving transparency and an end to interest rate subsidies were explored in extensive detail, as well as other issues. A complete legislative history of the IMF reforms about to be enacted with a view toward establishing congressional intent must include not only H.R. 3331, but also the germane material covered in these JEC hearings, the only hearings held that examined these reforms in any detail.

In summation, the broad congressional intent behind these IMF reforms is clear, and is reflected in the legislative history. A good faith effort to carry out these IMF reforms in keeping with the letter and spirit of the law will be as evident as the failure to do so.

REQUIRING THE SECRETARY OF STATE TO SUBMIT AN ANNUAL REPORT TO CONGRESS CONCERNING DIPLOMATIC IMMUNITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in strong support of S. 759 which requires the Secretary of State to submit an annual report to Congress concerning any pending or ongoing cases involving foreign diplomats in the United States who commit serious crimes. This measure will allow the Congress to monitor serious offenses committed by individuals with such immunity to ensure that this privilege is not abused.

This bill directs the Department of State to provide adequate and pertinent information to the Congress for determining the frequency and legitimacy of diplomatic immunity claims requested by foreign governments. Moreover, the report will include incidents in which foreign governments have requested that the United States waive immunity for American diplomats who have committed serious crimes.

The information provided will allow the Congress to reexamine its current policies regarding diplomatic immunity while determining whether further agreements between nations and/or legislation is needed to reduce the applicability of such privilege.

Mr. Speaker, while it is clear that most individuals entitled to diplomatic immunity maintain the highest standards of conduct while carrying out their duties, we must recognize instances when such privilege should not be provided. I am often reminded on Viviane Wagner's struggle to hold a foreign diplomat criminally responsible for a drunk driving accident which claimed the life of her daughter, Joviane Waltrick. Although the diplomat's immunity was later waived, we must recognize that such reckless conduct should not be subject to immunity under any circumstance or in any country.

Mr. Speaker, I urge my colleagues to support passage of S. 759. This measure will provide useful information for the Congress to determine more appropriate circumstances for the application of diplomatic immunity. Vote yes on S. 759.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PASCRELL. Mr. Speaker, I strongly support Section 117 of the Treasury Appropriations Conference Report now part of the FY 1999 Omnibus Appropriations Bill, which passed the House of Representatives on October 20, 1998. This Section arose out of a need to assist American victims of terrorism in recovering assets of states that sponsor terrorism in order to help satisfy civil judgments against such state-sponsors. The purpose of this provision is to put teeth into the laws that this Congress has passed regarding those nations who sponsor terrorism.

I would like to briefly comment and clarify the operation of Section 117. Subsection (f)(1)(A) clarifies existing law to allow the post-judgment seizure of blocked foreign assets of terrorist states to help satisfy judgments resulting from actions brought against them under Section 28 U.S.C. 1605(a)(7), the Foreign Sovereign Immunities Act's exception to immunity for acts of state sponsored terrorism involving the death or personal injury of a United States national.

Subsection (f)(2)(A) establishes requirements upon the Secretary of the Treasury and Secretary of State to assist in locating the blocked assets of terrorist states in order to facilitate attachment and execution. Section (d)

allows the President to waive the requirements of Subsection (f)(2)(A). Section (d) does not, however, allow the waiver of subsection (f)(1)(A), as that subsection modifies existing law, but imposes no ''requirement.''

The intent of Congress is clear and unambiguous. The provision under discussion, Section 117, is designed to send a message around the globe to those nations who sponsor terrorism. That message is straightforward—your assets are no longer protected from justice. The United States will no longer sit idly on the sidelines when our citizens and children are ruthlessly murdered in acts of state-sponsored terrorism. When a Court of competent jurisdiction has determined that a terrorist state has sponsored acts of terrorism resulting in the death or personal injury of a United States national, any and all of their assets in this country may be attached and executed to satisfy the judgment. The reality of significant financial loss to terrorist states will be a critical deterrent to further acts of terrorism targeted at the citizens of this country.

TRIBUTE TO THE HONORABLE THOMAS J. MANTON

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to Representative THOMAS J. MANTON for fourteen years of service to the citizens of the United States and New York City. Congressman MANTON departs Congress with the respect and admiration of his colleagues for his accomplishments and dedication to our nation.

Congressman MANTON's life truly is a shining example of the American Dream. He was born in 1932 to Irish immigrant parents and grew up in New York City. He graduated from St. John's University and St. John's Law School. After being admitted into the bar in 1963, Congressman MANTON served in the United States Marine Corps as a flight navigator and as an officer in the New York City Police Department. Eventually however, he practiced law as a senior partner in a Queens law firm.

Recognizing the chance to continue serving the public, Congressman MANTON successfully ran for the House of Representatives in 1984 and for seven consecutive terms has honorably served our nation. Since coming to this legislative body, he has served on the House Committees on Banking, Merchant Marine and Fisheries, House Administration and, for the past ten years, on the Commerce Committee. Needless to say, he has had many achievements, including championing the passage of the Clean Air Act of 1990, the Telecommunications Act of 1996 and Financial Services Reform. Also, as Co-Chairman of the Congressional Ad-Hoc Committee on Irish Affairs, he has been a strong voice for bringing peace to Northern Ireland. Congressman MANTON was instrumental in the implementation of the McBride Principles and the recent Good Friday Irish Peace Accord.

Mr. Speaker, since entering this body six years ago, it has been an honor and privilege serving with Congressman MANTON. His work for the 7th District of New York has been outstanding, and his constituents can be proud of his tireless efforts on their behalf. I wish him success in his future pursuits and happiness in the years to come.

TRIBUTE TO MCREST

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BONIOR. Mr. Speaker, I am honored to have the opportunity to recognize the achievements of a very special organization. For the past ten years, the Macomb County Rotating Emergency Shelter Team has been providing temporary emergency shelter for the homeless in Macomb County, Michigan. On November 5, 1998, community members, volunteers and host church participants will join in to celebrate the 10th Anniversary of this exceptional organization.

Prior to the opening of MCREST in 1988, many of the homeless from Macomb County were forced to go to other counties due to lack of shelter facilities. During their first year, eight churches participated in the program and could only provide for the very basic needs of the homeless. MCREST is unique in that the homeless are actually sheltered in each participating church, not a permanent shelter building. Bedding, beds, and all other equipment, supplies and materials needed to house the homeless, are actually transferred each week from church to church. These churches agree to open their facilities and their hearts to the homeless for a period of one week.

Throughout the years, MCREST has been a haven for the less fortunate members of society in Macomb County. While their goal is to no longer be needed because every person has a home, experience has taught them that the homeless will be with us for a long time to come. During 47 weeks of the year, MCREST and its participating member churches provide up to 65 shelter beds per night. In cooperation with other agencies, guests are offered medical screening and counseling. This humanitarian effort could not be accomplished without the tremendous dedication of over 5,000 church member volunteers.

I commend the work of MCREST and all member churches as they celebrate ten years of devotion to the homeless in Macomb County. Few people have the spirit and dedication to give to their community as they have given of themselves. I would like to congratulate MCREST and hope the goal of this organization can someday be realized.

BRUSSELS, ILLINOIS: A NATIONAL HISTORIC DISTRICT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SHIMKUS. Mr. Speaker, I rise today to commend the residents of the tiny town of Brussels, Illinois for being named as a National Historic District. On October 4th, citizens of Brussels celebrated this honored event with displays reflecting the town's history and a festival where people dressed in period customs.

Brussels, which is located between the Illinois and Mississippi Rivers, has a unique and special quality that is missing in many cities today. In our time of highly advanced technology it is refreshing to see a community like Brussels cherished for its heritage and history.

Again, I would like to congratulate Mayor Sarah Kinder and the residents of Brussels, Illinois for making this town special, not only because of its great history, but because of its great people.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CONYERS. Mr. Speaker, on October 9, 1998, I inserted a brief statement in the RECORD regarding S. 505, the Sonny Bono Copyright Term Extension Act.

In my statement, I expressed strong support for the extension of the statutory term of copyright protection. I neglected to note how appropriate it was to name the bill after the late Sonny Bono. Although we on the Judiciary Committee are now fortunate to have MARY BONO amongst our ranks, I would like the record to reflect how much we miss Sonny. Members of Congress have very few bills named after them, and the Copyright Term Extension Act is a very fitting tribute to Sonny.

But while I am happy to have honored Sonny in such a manner, I am not happy about the gamesmanship that accompanied its passage. The Republican leadership—at the behest of certain large restaurants who object to paying royalties to musical creators whose music is performed in their establishments—kidnapped term extension and used it as a hostage. To liberate the hostage, we were forced to pay a high ransom by attaching a second bill—misnamed ''fairness in music licensing''—that deprives just compensation to songwriters and composers, particularly those who write as individuals and small businesses.

In my statement, I referred to the combined bill as a ''compromise,'' so I want to clarify my use of that term. I used the word compromise not to indicate that the substance of the music licensing provision was arrived at through a fair negotiation between the restaurants and musical creators. Rather, I used the term compromise in a procedural sense, to merely indicate that something had happened to allow S. 505 to pass the Senate, to come to the House floor, and to be acceptable to a large number of legislators. I used the word ''compromise'' as ''a consequence of majority decision making'' to paraphrase a former House number, Abner Mikva.

I did not mean to imply that the parties who ultimately must pay the ransom—the hundreds of thousands of songwriters, composers, music publishers and the performing rights organizations, BMI, ASCAP and SESAC, that so ably represent their interests—were willing signatories to the compromise. To the contrary, they were the hostages. They will now pay the price. They are the victims of the legislation and it would be unfair to characterize them, as we often do to victims of crime, as willing participants.

If Sonny Bono had been here, he would have reminded us of these facts. His reminder

would probably not have saved the hostages, but he would have instructed us, with wit and humor, about what is right and what is wrong. He would have told us that we were wrong to pass the fairness in music licensing legislation.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I am pleased to support the fiscal year 1999 budget agreement. However, I am disturbed by a provision in the bill that calls for a study—and declares a one year moratorium—on the Department of Health and Human Services (HHS) Secretary's regulations to reduce fundamental unfairness in the nation's organ transplant network.

The issues of organ procurement and allocation are of particular importance to the African-American community. Yet, the current organ transplant network is founded on a system that discriminates against patients on the basis of where they live. It is biased, inequitable and particularly unfair to minorities. In fact, according to the Inspector General of the Department of Health and Human Services, African-Americans wait twice as long as white Americans for kidney transplants. In 1994, African-American patients waited more than 3 years for a kidney transplant, while white patients waited an average of 1 year and 8 months. Some of the disparity is due to biological matching problems. But not all of it. Minorities are clustered in urban areas with long organ transplant waiting lists.

This dire situation is magnified by—what renowned organ transplant surgeon and founder of the national minority organ/tissue transplant education program, Dr. Clive Callender commonly refers to as the ''green screen.'' This is a barrier that prevents patients who lack fiscal resources from being added to the transplant waiting list. Many of them die without having been given the option of transplantation.

African-Americans and other minorities are not the only Americans who suffer as the result of an unequitable organ allocation system. Depending on where they live, some of our citizens wait five times longer than others for liver transplants, even though their medical conditions are similar. I believe that the current system, which makes life and death decisions on the basis of geography, is unfair and should be changed. I support the organ transplant regulations issued by the Department on the April 2nd. They provide the best opportunity to reduce geographic bias and put all Americans in need of transplantation, regardless of race or geographic status, on an equal playing field.

The HHS rule does not dictate medical policy. Rather, it simply calls upon the community of transplant professionals to devise uniform, fairer policies for the organ transplant network. It requires only that the medical criteria be used as the basis of any new policies for the organ transplant. Through this rule, HHS is taking a stand for fairness.

Mr. Speaker, it is for these reasons that I support the Department of Health and Human Services' rule on the organ transplant network. I urge my colleagues to do likewise.

HONORING LEE ROSENBERG

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CARDIN. Mr. Speaker, I rise today to honor Lee Rosenberg, a retired home builder who for the last 14 years has dedicated himself to providing shelter and housing to homeless veterans and low-income families throughout the Baltimore area.

As the founder of Howard Homes, Mr. Rosenberg was a successful builder who retired and turned his attention to helping numerous non-profit and community organizations. He has earned the love and respect of the countless organizations he has assisted. They include The Enterprise Foundation, Maryland Homeless Veterans, Inc., Action for the Homeless, and Comprehensive Housing Assistance, Inc., an agency of the Jewish Community Federation of Baltimore.

Lee Rosenberg, a quiet, soft-spoken man, has dedicated himself to helping those less fortunate find affordable, quality housing. His skill, knowledge and energy has helped provide housing for thousands of Marylanders. He has done all this without a lot of attention or fanfare. As the Executive Director of Comprehensive Housing Assistance, Inc. once said, ''Lee remains one of the best kept secrets in Baltimore.''

His commitment to those who are less fortunate has helped transform our community. From helping low-income families become homeowners in the Sandtown-Winchester neighborhood of West Baltimore to helping the Jewish Historical Society become a viable presence in East Baltimore, he has helped transform distressed inner city neighborhoods into successful, stable communities with a future.

I invite my colleagues to join me in honoring Lee Rosenberg for his dedication and commitment to helping those in need find affordable, quality housing. He knows that the true secret of success is helping others.

TRIBUTE TO CONGRESSWOMAN ELIZABETH FURSE

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to retiring member, Representative ELIZABETH FURSE. I have known Representative FURSE since we both successfully campaigned to become members of the House of Representatives in 1992—amazingly only twenty years after she became a naturalized United States citizen.

Born in Nairobi, Kenya, Congressman FURSE has spent her entire life fighting the tough fight. As a young white adolescent, she spent her childhood on the outside of South African society. Living in a segregated nation, ''fitting in'' was an unattainable goal due to the fact that her mother was one of the founding members of the Black Sash, a woman's anti-apartheid organization. However, because popularity was not her goal, she has been able to achieve amazing things. For example, at the age of fifteen, she joined in the organization's very first demonstration, which resulted in the brutal beating of the protestors. While Ms. FURSE may have been scared often, more importantly she is inspired always.

Even though the politics and culture of South Africa have changed over the years, the dedication and spirit of Congresswoman FURSE have not. At the age of 17, Representative FURSE left South Africa as a part of her own personal boycott, and now she has the opportunity to return to help this same nation re-enter the global community. Furthermore, the gentlelady from Oregon spearheaded a push to name Cape Town as the site of the 2004 Summer Olympic Games, which would have had innumerable benefits to South Africa's economy. This kind of vision is not surprising considering that in 1996, Ms. FURSE led a twenty-six member trade delegation to South Africa.

As she begins to bring her life's work full circle back to South Africa with her bid to become that country's new Ambassador of South Africa, it is clear that she will be missed here inside the beltway as well as in her congressional district. As Congresswoman FURSE's colleague and her friend, I would like to say that it has been an honor and a privilege to have served with her in this body.

FAIR TREATMENT FOR ADMINISTRATIVE LAW JUDGES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GEKAS. Mr. Speaker, my colleague Congressman BENJAMIN GILMAN and I introduced in the 105th Congress, H.R. 1240, a bill to provide pay parity for the 1400 Administrative Law Judges (ALJs) with other members of the federal executive branch workforce. The bill was referred to the Civil Service Subcommittee of the Government Reform and Oversight Committee, chaired by Congressman JOHN MICA. Chairman MICA supported the bill by including it in the Subcommittee's draft Civil Service Reform Bill, which did not pass this Congress.

The provision to grant ALJs a cost of living adjustment (COLA) when federal employees in the General Schedule receive a COLA became necessary when ALJs as part of the Executive Schedule were denied regular COLAs when Members of Congress restricted COLAs for themselves. ALJs have had only two COLAs in the last eight years, even though they make salaries more like the general schedule employee, rather than the salaries of Cabinet Secretaries, Members of Congress or Federal District Court Judges. More importantly, the only merit-selected administrative judiciary in the world are forever prejudiced by the lack of annual COLAs because their retirement pay will be reduced as a result.

During this Congress, we learned a great deal about how unfair the treatment for ALJs is because they are included in the agency budget request for the COLA granted the executive workforce. This is not an appropriation

request but simply the authority to access the funds already granted to the agency. There was bipartisan and widespread support for H.R. 1240 to be included in the FY'99 Treasury, Postal Service, and General Government Appropriations bill at the urging of the American Bar Association, Federal Bar Association, Association of Administrative Law Judges and the Federal Association of Administrative Law Judges. The House Judiciary Committee included H.R. 1240 as an amendment to H.R. 1252, the Judicial Reform Bill of 1998. Despite all of this support, ALJs will be the only federal employees in their hearing offices to not receive a 3.6 percent COLA, as hearing office clerks, secretaries and staff attorneys all benefit from the annual COLA and increase in their retirement as well.

This disparity between ALJs and other federal employees has not gone unnoticed by the Administration and the Office of Personnel Management (OPM). OPM commented on H.R. 1240, when it was included in the Civil Service Subcommittee draft, stating that OPM supports a COLA for ALJs but at the discretion of the President, who would determine the amount, giving ALJs equal treatment with federal employees in the Senior Executive Service (SES). I support this result in the assurance that ALJs receive their well-deserved COLAs. Unlike ALJs, the SES this year will most likely receive a COLA at the President's discretion. Unfortunately, OPM's proposed statutory change for ALJ fair treatment was not received until the eve of the FY'99 Treasury, Postal Service & General Government Appropriations markup.

Mr. Speaker, I am including for the RECORD the proposed text of OPM's draft legislation to ensure fair treatment for ALJs. My colleague on the bill, Mr. GILMAN, and I pledge to work with the Administration and OPM to enact this suggested change for ALJs in the 106th Congress. We regret that it was unable to be resolved this year but the attached proposal is a good start to correcting this inequity. Text of OPM proposal follows:

PAY FOR ADMINISTRATIVE LAW JUDGES

Sec. . Section 5372(b) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking the second sentence and inserting the following:

''Within level AL–3, there shall be 6 rates of basic pay, designated as AL–3, rates A through F, respectively. The rate of basic pay for AL–3, rate A, may not be less than 65 percent of the rate of basic pay for level IV of the Executive Schedule, and the rate of basic pay for AL–1 may not exceed the rate of basic pay for level IV of the Executive Schedule.''.

(2) in paragraph (3)(A) by striking ''upon'' each place it appears and inserting in each such place ''at the beginning of the next pay period following''; and

(3) by adding at the end the following new paragraph:

''Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of basic pay under the General Schedule, each rate of basic pay for administrative law judges shall be adjusted by an amount determined by the President to be appropriate.''.

TRIBUTE TO PETE TIRRI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Pete Tirri, President of the Paterson Education Association (PEA). Pete is being recognized this evening for his 25 years of service to the PEA.

Pete was born and raised in Paterson, New Jersey. He attended the local public school system, graduating from School #12 in 1960 and from Central High School in 1964.

Upon graduating from Central, Pete attended Paterson State College, now known as William Paterson University, and graduated in 1968 with a degree in Social Studies. In 1974, he graduated from William Paterson College with a Master's degree in Teaching and 1980, he received a Master's degree in Education with certification in Administration and Supervision.

Pete's service to the Paterson Education Association began in October 1973, as a member of the negotiating team. He has also been involved in the New Jersey Education Association (NJEA), having served on the Delegate Assembly (DA) or an alternate DA member throughout his career and as Chair of the Urban education Committee.

Pete served also as the NJEA legislative contact for the late State Senator, and Mayor of Paterson, Frank X. Graves. Currently he is chairing the Working Conditions of the NJEA and is a member of the Executive Board of the Passaic County Education Association (PCEA).

From 1980 to 1986, Pete served on the Pequannock Board of Education and is currently serving on the New Jersey State Board of Examiners, a position to which he has been reappointed to several times.

Mr. Speaker, I ask that you join me, our colleagues, Pete's family and friends, and the State of new Jersey in paying tribute to Pete Tirri's 25 years of outstanding and invaluable service to the Paterson Education Association.

RECOGNITION AND CITIZENSHIP FOR HMONG-AMERICAN VETERANS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. ROHRABACHER. Mr. Speaker, it is important to note that the years of the 105th Congress have been historic for the Hmong and Lao people. For the first time in their long history, the Hmong and Lao people have received long overdue national recognition from the United States Congress and American officials for their pivotal efforts in fighting for freedom and helping to defend U.S. national security interests during the Southeast Asian conflict. I was honored to play a role, along with many bipartisan Congressional colleagues, to honor these courageous veterans and speak at both of the two Lao Veterans of American National Recognition Day ceremonies held in 1997 and 1998 at the Vietnam War Memorial and Arlington National Cemetery.

Mr. Speaker, I would like to extend my utmost appreciation to General Vang Pao, Colonel Wangyee Vang, Cherzong Vang, Ching Bee Vang, Ying Vang, Song Ge Kue, Philip Smith, Grant McClure and Dr. Jane Hamilton-Merritt of the Lao Veterans of America and the Lao Family Community organization for helping to organize these historic ceremonies which received national media attention. I would also like to include in the RECORD the following important article from the Washington Times about these events, as well as the ongoing patriotic efforts of elderly Hmong combat veterans to become American citizens.

[From the Washington Times, May 15, 1998]

HMONG ARMY VETERANS ASK FOR U.S. CITIZENSHIP—WANT TO TAKE EXAM WITH INTERPRETERS' HELP

(By Ben Barber)

Thousands of Hmong veterans of the CIA's secret army in Laos from 1960 to 1975 assembled in camouflage uniforms at the Vietnam Veterans Memorial yesterday to mark their flight from communism and to ask for U.S. citizenship.

''We fought in Laos so that young American soldiers would not have to fight in the mountains,'' said Gen. Vang Pao, leader of the one-time secret Hmong army.

''Members of Congress: These former soldiers who escaped death at the hands of the Lao communists and stand here in from of us today appeal for your assistance'' in becoming U.S. citizens.

Thousands of aging soldiers dressed in camouflage and hundreds of Hmong women wearing traditional colored dresses, jewelry and headcoverings, spread out in a neat formation on the grass of the Mall.

''America has been good to us—four of my children have good jobs, another is in college, and one is in high school,'' said former Capt. Lapien Sphabmixay, 64, from Charlotte, N.C.

Philip Smith, executive director of the Lao Veterans of America, said 4,000 Hmong-Americans arrived in Washington yesterday for the second annual celebration of the start of the Hmong exodus across the Mekong River into Thailand.

From 1975 until about 1988, some 300,000 Hmong fled Laos after its takeover by Laotian communists, with the help of then-North Vietnamese troops.

About 25,000 of the refugees came to the United States and largely collected in Fresno, Calif., and St. Paul, Minn.

Last year was the first time since the war that the Hmong veterans had assembled. Then, as yesterday, members of Congress and former CIA officers honored the sacrifices the Laotian hill tribe made during the war.

The Hmong continued yesterday to call for passage of a bill to allow the refugees to take U.S. citizenship exams with the help of interpreters, since many of the aging fighters and their spouses still have not mastered English.

In Laos, most Hmong did not attend school and could not read Hmong or Lao. Fifty-seven members of Congress have co-sponsored a bill to grant the Hmong exemptions from the English language exam.

The Hmong also observed a memorial to victims of a Laotian offensive against Hmong fighters and villages around Phu Bia mountain, where many had retreated after the 1975 communist takeover of the country.

PERSONAL EXPLANATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PACKARD. Mr. Speaker, on August 6, 1998, I was incorrectly recorded as voting ''aye'' on rollcall vote 405, which was final passage of H.R. 2183. I oppose H.R. 2183 and intended to vote ''no'' on rollcall vote 405.

REGARDING STEEL IMPORTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. STOKES. Mr. Speaker, I rise in support of H. Res. 598, the resolution calling on the President to take all necessary steps to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions for other purposes. I commend my Ohio colleague, Representative JAMES TRAFICANT, Jr., for introducing this resolution that calls for the President of the United States to impose a one year ban on steel imports from Japan, Russia, and Brazil.

During the 1980's, there were massive layoffs in Ohio that I will never forget. There were two steel mills that had gone bankrupt in Warren County, Ohio. Companies that depended on steel dollars filed for bankruptcy. Our tax base was eroded. Ohio had to cut back on vital city and council services.

My State, Ohio and the United States as a whole suffered dramatically from 1980 to 1992. The U.S. steel industry's workforce was cut by 57 percent, eliminating hundreds of thousands of jobs as 450 facilities were closed. Ohio's residents have made extraordinary and painful sacrifices, losing hundreds of thousands of jobs. But out of this, the American steel industry was rebuilt into the most efficient and productive, and the most competitive in the world.

Unfortunately, the dire situation of well over a decade ago is happening again. Newspapers across Ohio carry articles about layoffs at various steel plants. As a nation, we cannot afford to remain silent.

In Cleveland, coils of imported steel are stacked high in every direction. These thousands of coils, as well as the warehouses that are full of imported steel throughout Ohio are just one indication of the surge of imports hitting our shores in recent months. This caused spot prices to fall to levels that we have not seen since the mid 1980's.

Mr. Speaker, the Congress must call on the President to pursue vigorous enforcement of United States trade laws relating to unfair trade practices especially with respect to the significant increase of steel imports into the United States. There is a great need for the President to pursue consultations with officials of Japan, Korea, the European Union, and other nations that may play an important part in eliminating import barriers that affect steel mill products. It is very clear that we must take action to preserve U.S. jobs in the vital sector.

Mr. Speaker, vote ''yes'' on H. Res. 598.

VAIL, CO, ARSON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I submit three recent newspaper articles concerning issues surrounding the mysterious fires in Vail, CO, to be included in the CONGRESSIONAL RECORD and recommend that my colleagues read them.

[From the Salt Lake Tribune, Oct. 21, 1998]

ROMER TABS RESORT FIRES AS TERRORISM

VAIL, COLO.—Seven separate fires that destroyed a ski lodge and other buildings at 11,000 feet were an ''act of terrorism,'' Gov. Roy Romer said Tuesday as workers resumed an expansion project at the Vail Mountain resort.

''I know that mountain quite well, and it's inconceivable some natural occurrence would cause simultaneous fires on that ridge,'' Romer said at a news conference in Denver, 100 miles to the east of Vail.

The fires broke out early Monday and caused an estimated $12 million in damage, destroying the luxurious Two Elk restaurant, the Ski Patrol headquarters, a picnic spot and four chairlifts.

The fires came after the Rocky Mountain resort on Friday began an 885-acre expansion project that wildlife groups say will make the area uninhabitable for endangered lynx. Cross-country skiers say the project will limit access. The groups have denied any involvement.

State and federal agents were investigating the fires, which burned independent of each other. Two of the buildings destroyed were more than a mile apart.

Vail officials said the nation's busiest ski area would open as planned on Nov. 6.

If the fires are linked to Vail's expansion, they would rank among the worst acts of eco-terrorism in the past decade, said Ron Arnold, executive vice president of the Center for the Defense of Free Enterprise, a Bellevue, Wash., group that tracks ecological crimes.

[From the New York Times, Oct. 22, 1998]

GROUP SAYS VAIL FIRES WERE IN BEHALF OF LYNX

(By James Brooke)

DENVER.—The Earth Liberation Front, a shadowy group that has taken responsibility for a series of arson fires in the Northwest, declared in an e-mail communique Wednesday that the fires atop Vail mountain on Monday were carried out ''on behalf of the lynx.''

''Putting profits ahead of Colorado's wildlife will not be tolerated,'' read the brief statement, which was sent electronically to several Colorado news organizations. ''We will be back if this greedy corporation continues to trespass into wild and unroaded areas.''

The seven fires caused about $12 million worth of damage to buildings and chair lifts along a 11,200-foot-high ridge that overlooks a National Forest area where the Vail ski area started clearing trees on Friday as part of a controversial expansion. Earlier this year, environmentalists, back country skiers and many residents of Eagle County had spoken out at public meetings to block Vail's plan to expand into an area seen as potential habitat for the reintroduction of the lynx in the Colorado Rockies.

Vail, which plans to open for skiing on Nov. 6, is the nation's busiest ski area, selling 1.6 million lift tickets last winter.

Addressing the nation's skiers, the communique warned: ''For your safety and convenience, we strongly advise skiers to choose other destinations until Vail cancels its inexcusable plans for expansion.''

Wednesday evening in Vail, the Eagle County sheriff's office said after receiving the two-paragraph statement by fax: ''Currently investigators are reviewing the origin and the content for credibility and will continue its investigation using this communique as a source for information.''

A Vail Resorts spokesman did not return telephone calls for comment. Although the fires here appear to be in response to a local dispute, security was tightened this week at other ski areas around Colorado, the nation's most popular skiing state.

Barry Clausen, a Northern California researcher who studies terrorist acts claimed by environmental extremists, said Wednesday that the Earth Liberation Front has taken credit for most of the arson fires linked to environmental protests.

He said the language in Wednesday's communique ''is almost identical to other letters the ELF has sent to other victims of arson fires.''

Over the last two years, Clausen said, the Earth Liberation Front has taken credit for five arsons against federal government buildings in Oregon and Washington state.

''We are seeing a decline in small acts of sabotage, against timber and mining, and an escalation of large acts of terrorism,'' Clausen said from his office in Eureka.

Noting that an article criticizing Vail's expansion plans appeared in the May-June issue of Earth First Journal, Clausen said: ''It's a real pattern. Many times articles come out in the Journal. Then, there is sabotage.''

The article, headlined ''Super Vail . . . Super Ugly!'' charged that Vail wanted to ''bring the resort lifestyle into some of the last, best old-growth habitat for lynx in the southern Rockies.'' But the author, Ben Doon, did not advocate violence. Citing legal efforts to stop the expansion, Doon urged readers to contact Ancient Forest Rescue, an environmental group.

In interview in Vail on Tuesday, Jeff Berman, the local representative of Ancient Forest Rescue, appeared depressed by the fires, deserving them as a setback in his battle for public opinion. He asked: ''Does this help us? Of course not.''

Wednesday, Theresa Kintz, editor of the Earth First Journal, said after reading the communique: ''It is entirely possible that it was an ELF action.''

''Personally, I don't have a problem with hitting people like Vail Inc. in their pockets,'' said Ms. Kintz, who dedicates a page of news, headlined ''Earth Night,'' to sabotage actions claimed by the Earth Liberation Front. ''I don't have a problem with seeing their facilities burn down. It's a war.''

''Monkey wrenching and eco-sabotage are strategies that some people feel are justified in some circumstances,'' she continued, using Earth First! jargon for sabotaging machinery. Noting that arson was a new step, she added: ''Classic eco-sabotage would be monkey wrenching bulldozers.''

In its November 1990 edition, the Earth First Journal published a photograph of a bulldozer apparently sabotaged by militants opposed to a ski area expansion near Pagosa Springs, Colo., the only other recent case of environmental terrorism against a Colorado ski area.

[From the Washington Times, Oct. 27, 1998]

RADICAL ENVIRONMENTALISTS TAKE NEW APPROACH

(By Robert Weller)

VAIL, COLO.—Mining and logging, the industries that helped build the West, used to

be favorite targets of environmental extremists. Now they are taking aim at something else—tourism.

Targeting so-called ''industrial tourism,'' the Earth Liberation Front admitted setting fires last week that caused more than $12 million in damage at Vail, the nation's busiest ski resort. The goal was to halt another expansion because of fears it could harm a potential habitat for the lynx, a threatened species of mountain cat.

The mainstream environmental movement denounced the arson, but some are surprised such an attack didn't happen sooner.

''I know in my heart there has been an environmental time bomb waiting to go off in Vail and other ski areas for a long time,'' said environmental writer J.D. Braselton.

The ski areas have also come under attack for creating a widening economic gap between the haves and have-nots near resort towns.

''A classic story in Telluride is of two people who came here to build trophy homes. And they built them on mesas facing each other. Each then filed suit against the other because they didn't want to see another home,'' said Peter Spencer, a former mayor in Telluride, in southwest Colorado.

Such trophy homes ultimately lead to skyrocketing property values, which force the working population to move to less desirable areas and commute many miles over snow-covered mountain passes.

''We lose employees on a regular basis to jobs down valley, where they live,'' said Bob McLaurin, Vail town manager.

He worries that someday there won't be anybody available to answer police or fire calls, or serve tourists in restaurants.

Friends say Edward Abbey, author of the book ''The Monkey Wrench Gang,'' a fictionalized account of his guerrilla-style attacks on mining and dam-building, would turn over in his grave if he could see the effects of the tourism that replaced them.

''There will be more [negative] impact through tourism than all the mining, logging and ranching combined,'' said Ken Sleight, a Moab, Utah, outfitter who served as the model for the outfitter ''Seldom Seen Smith'' in Mr. Abbey's book, which is considered a major force in launching the environmental movement in the Southwest.

Dan Kitchen, an Aspen environmentalist once convicted of cutting down a fence a homeowner had built to keep out wildlife, calls ski areas ''developmental terrorists'' because they finance much of their operations through the sale of million-dollar monster homes.

Colorado traditionalist have another gripe. Tourism and other service jobs pay an average of $13,000 annually, compared with the $40,000 that miners or loggers might earn, says Greg Walcher, president of Club 20, a western Colorado trade promotion group.

They blame past efforts by environmentalists for helping drive away the higher paying jobs, and now see the same pattern surfacing again.

''The environmental movement is at least partly responsible for a massive shift away from our traditional industries. Tourism is all some of these towns have left. An attack on the ski industry is an attack on the economy of western Colorado,'' Mr. Walcher said.

A recent economic study done for the U.S. Forest Service found that from 65 percent to 75 percent of the jobs in the White River National Forest, site of more ski areas than any other national forest, are in tourism.

WHERE THE JOBS ARE

[Many jobs in Colorado countries with ski resorts are tourism-related.]

County	Major ski resort	Tourism jobs	Percent of total	Income ($1,000)	Income (% of total)
Eagle	Vall	12,530	45	236,836	28

WHERE THE JOBS ARE—Continued

[Many jobs in Colorado countries with ski resorts are tourism-related.]

County	Major ski resort	Tourism jobs	Percent of total	Income ($1,000)	Income (% of total)
Pitkin	Aspen	11,854	53	232,459	38
Summit	Breckenridge	11,327	53	182,145	36

Source: 1995 White River National Forest Interdisciplinary Team.

The saying goes that the most common greeting in western Colorado is: ''Can I take your order?''

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SHUSTER. Mr. Speaker, earlier this year, the Airline Service Improvement Act, H.R. 2748, was approved by the Transportation and Infrastructure Committee. This bill contained two sections (sections 401 and 402) on airline alliances and Department of Transportation competition guidelines. H.R. 2748 never passed the House. However, sections 401 and 402 were included, without change, in subsections (f) and (g) of section 110 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[1] The rationale and purpose of these two provisions are more fully explained in the Committee's report on H.R. 2748. The number of that report is H. Rept. 105–822. The relevant portions of that report are set forth below.

MAJOR AIRLINE ALLIANCES

Alliances between major airlines and regional airlines are quite common. These usually involve code-sharing and other marketing arrangements. However, such alliances between two major airlines are more unusual.

Earlier this year, Northwest and Continental, United and Delta, and American and US Airways announced plans to form 3 separate alliances. These 6 airlines carry about 70% of passengers within the U.S.[2] These airlines contend that their alliances will benefit passengers by increasing the number of destinations and flights they can offer economically. Critics, however, argue that this consolidation will undermine the benefits of deregulation by decreasing competition, which will ultimately reduce passengers' choices and increase fares.

Committee members have differing views on the merits of these alliances. However, the Committee does believe that they raise important issues that should be considered by the DOT. Accordingly, the reported bill establishes a procedure under which DOT is given a specified period of time to review the alliances before implementation.

It is important to note that the reported bill does not expand or diminish DOT's authority to review airline alliances. It simply provides for a waiting period before a proposed alliance can take effect. During that period, DOT can take action it deems necessary under its existing statutory authority. No additional substantive authority is provided by the reported bill.

COMPETITION GUIDELINES

On April 10, 1998, DOT issued a request for comments on an ''Enforcement Policy Regarding Unfair Exclusionary Conduct in the Air Transportation Industry.''[3] It took this action in response to complaints from new entrant airlines that the larger more established airlines were using unfair methods to compete against them.

Under this proposed policy, DOT stated that it would trigger a review, including possible enforcement action, in the following circumstances:

1. When the major airline both adds flights and sells such a large number of seats at very low fares that it ends up losing more money than it would have if it had adopted a more reasonable competitive response;

2. When the major airline carries more passengers at the new airline's low fares than the new airline has in available seats and as a result ends up losing more money than it would have if it had adopted a more reasonable competitive response; or

3. When the major airline carries more passengers at the new airline's low fares than the new airline carries and as a result ends up losing more money than it would have if it had adopted a more reasonable competitive response.

The Committee certainly supports fair competition and believes that new entrants should have a reasonable chance to survive since they often are the catalyst for low fares and improved air service to many communities including the sort of communities that are the focus of this bill.

Many have expressed support for the Department's guidelines. The Attorney General of Iowa, the co-chair of a working group of over 20 states which are reviewing airline competition, stated the proposed guidelines are ''a sound common-sense, and much-needed tool'' with regard to airline competition. In testimony before Congress, Spirit Airlines stated that it was forced out of markets because a major airline, in protecting a monopoly route, was engaging in exactly the type of behavior the Department is proposing to find unlawful. And Alfred Kahn, the father of deregulation, has praised the Department's initiative for promoting competition by providing air carriers clear guidance in distinguishing legitimate competition from what is intended to drive competitors out and exploit consumers.

However, others have expressed concern that the proposed guidelines will not increase competition but may hurt the very communities that they are designed to help by raising air fares and reducing air service, the exact opposite of the goals of the reported bill. Not only the major airlines, but also small and medium-sized airports, airline employees, both liberal and conservative think tanks, and at least one consumer group have indicated their opposition to the guidelines. For example, the Aviation Consumer Action Project stated that the ''DOT initiative in the area of airline competition is likely to effectively prohibit airfare price wars and increase airfares higher than they would otherwise be''[4] and a small airport

[1] See page H11203 of the Congressional Record of October 19, 1998.

[2] Hearings Before the Subcommittee on Aviation of the Senate Committee on Commerce, Science, and Transportation, 105th Congress, 2d Session (June 4, 1998) (Statement of John H. Anderson, Jr., Director, Transportation Issues; Resources, Community, and Economic Development Division, U.S. General Accounting Office).

[3] 63 Fed. Reg. 17919. April 10, 1998.

[4] ''Impact of Recent Alliances, International Agreements, DOT Actions and Pending Legislation on Air Fares, Air Service, and Competition in the Airline Industry'' Hearings before the Subcommittee on Aviation of the House Committee on Transportation and Infrastructure, 105–64, 105th Congress, 2nd Session, (April 30, 1998) 473.

wrote to DOT on May 25, 1998 complaining that under its guidelines, ''the loser is the consumers in small markets who are looking for increased service and capacity.''

In light of these arguments, it is important that a closer look be taken at the issue. Accordingly, the reported bill mandates two studies.

The first, by the Transportation Research Board (TRB), would update their highly-regarded work on airline deregulation published 7 years ago.[5] This is designed to take a broad look at the issue of airline competition today and provide guidance to Congress and DOT for future policy decisions. While it is hoped that TRB can complete its work soon enough so that DOT can take advantage of it in its reconsideration of its guidelines, the issuance of the guidelines is not tied to completion of TRB's work.

The second study would be conducted by DOT and would be focused more specifically on the proposed guidelines and any alternatives to it. DOT would be expected to address many of the concerns raised by the opponents of the proposed guidelines in this study.

No deadline is imposed on DOT for the completion of its study. However, it could not issue final guidelines until the completed study was transmitted to Congress. If as a result of the study, DOT still believes the guidelines are justified, those guidelines would have to be transmitted to Congress as well and there would be a period for Congressional review before those guidelines could become effective.

As with the alliances, it is important to note here as well that the reported bill does not take any position on DOT's authority to adopt competition guidelines. The reported bill merely calls for studies on the factors which may impact competition in the airline industry. These studies are designed to provide guidance to Congress and DOT in deciding what if any action should be taken to enhance or modify the level of competition in the airline industry.

If, upon completion of these studies, DOT decides to issue competition guidelines, those guidelines must be within the agency's existing statutory authority. Nothing in the reported bill expands or diminishes DOT's authority in this regard or expresses a position on DOT's existing authority.

SECTION-BY-SECTION SUMMARY

Section 401. Joint venture agreements

Establishes a procedure for DOT review of major airline alliances.

Subsection (a) defines terms.

Paragraph (1) defines the sort of alliances between major airlines that are covered by this section. They are—

(A) Code-sharing, blocked space, long-term wet leases, and frequent flyer programs; and

(B) Other cooperative working arrangements that affect more than 15% of the major airlines' available seat miles.

Paragraph (2) cross-references Part 241 of DOT rules to define which airlines are covered by this section.

Subsection (b) requires major airlines covered by this section to file with DOT a copy of their alliance agreement and other information that DOT, by regulation, requires at least 30 days before an alliance covered by this section takes effect.

Subsection (c) permits DOT to extend the 30-day period for 150 days in the case of an alliance involving code-sharing and for 60 days in the case of any other alliance covered by this section. However, DOT could not automatically extend the time as a matter of course but would have to publish in the Federal Register the reasons that the extension is needed.

Subsection (d) permits DOT to shorten the waiting periods at any time.

Subsection (e) makes clear that the waiting periods could not be delayed while DOT is developing regulations to implement this section.

Subsection (f) directs DOT and the Justice Department to develop a memorandum of understanding on pre-clearance procedures to prevent unnecessary duplication of effort.

Subsection (g) states that the waiting period for alliances entered into before the date of enactment begins on the date, as determined by the Secretary, on which all of the required information was submitted and ends on the last day under which the waiting period could have been extended under subsection (c) above.

Subsection (h) makes clear that the procedural authority granted to DOT under this section does not limit the authority of the Justice Department to enforce the antitrust laws.

Section 402. Competitive practices in the airline industry

Subsection (a) requires certain studies.

Paragraph (1) requires the Transportation Research Board to update the portions of its 1991 study of airline deregulation that deal with competition issues in the airline industry and include any recommendations for changes in the statutory framework under which the airline industry operates.

Paragraph (2) requires this study to be transmitted to Congress and DOT within 6 months of the date of enactment.

Paragraph (3) requires DOT to respond to this study within 2 months.

Subsection (b) directs DOT to conduct a study and transmit to Congress a report that includes the following:

(1) A description of complaints DOT has received alleging predatory pricing or unfair competition, the number of such complaints, and specific examples of unfair competition of predatory pricing;

(2) A description of the options DOT has for addressing these problems;

(3) An analysis of its proposed competition guidelines including the analysis required by subsection (c) below; and

(4) A description of how DOT will coordinate the handling of predatory pricing and unfair competition complaints with the Justice Department.

Subsection (c) prohibits DOT from issuing final competition guidelines until it transmits the report described above to Congress. If DOT decides to issue such guidelines, it must transmit them to Congress. If the guidelines transmitted are different from the ones it originally proposed, DOT must include, as part of its transmittal to Congress, information documenting and quantifying the impact of these final guidelines on the following:

(A) Scheduled service to small and medium-sized communities;

(B) Air fares including the availability of senior citizen, Internet, and standby discounts;

(C) The incentive and ability of major airlines to offer low air fares;

(D) The incentive of new airlines to offer low air fares;

(E) The ability of airlines to offer inclusive leisure travel for which air fares are not separately advertised;

(F) Members of frequent flyer programs;

(G) The ability of airlines to carry connecting passengers on the portion of the routes served by new airlines covered by the guidelines; and

(H) Airline employees.

Subsection (d) requires DOT, in conducting the study, to consult with the Justice Department, airlines, airports, academic and economic experts, airline employees, and passengers.

Subsection (e) states that, if DOT issues final competition guidelines, those guidelines shall not become effective until 12 weeks after they were transmitted to Congress. A week shall only be counted toward the 12 if the House was in session for legislative business (with votes as opposed to a pro forma session) during at least one day of that week.

[5] Transportation Research Board, National Research Council, ''Winds of Change: Domestic Air Transport Since Deregulation,'' (1991).

TRIBUTE TO BISHOP WILLIAM HENDERSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Bishop William Henderson who will be honored for his efforts in helping the sick and spiritually deprived.

Bishop Henderson has preached God's uncompromised word for more than 40 years. During his stewardship, Bishop Henderson has ministered to hurt people in the tri-state area of New Jersey and in the New York City area as well. He is responsible for ordaining countless people and was the catalyst by which Reverend Theresa Nance was ordained. He has an exemplary record in reaching out to the indigent and the sick.

For more than 20 years Bishop Henderson was employed as a nurse in area hospitals of Buffalo, New York. His healing hand aided the sick and suffering to regain their health through the healing Word of God and his impeccable nursing skills. He retired several years ago.

Bishop Henderson is married and is the father of three children and has unique ministry. Though he preaches throughout the land to large congregations, he has never shied away from preaching at storefront churches or other churches which have not yet found a location. He can be found constantly reading the Bible and teaching. The El-Bethel congregation worships virtually seven days a week, and Saturdays being no exception. Bishop Henderson has often said he leave the church doors open on Saturdays for area residents who may not have a church home, but would like to worship God at a local church.

In spite of the years he has battled illness, Bishop Henderson never allowed his ill state to keep him from preaching God's Word. ''In sickness and in health'' has been his credo regarding his commitment to the work of the Lord. Children and adolescents flock to his church because he exudes great love for them through a firm hand. Like the Apostle Paul, Bishop Henderson has planted churches around the world, including the continent of Africa. The body of Christ is blessed to have such a devoted servant in its midst and it's proud to recognize his life-long efforts.

Mr. Speaker, I ask that you join me, our colleagues, Bishop Henderson's family and friends, and the State of New Jersey in recognizing Bishop William Henderson's many years of outstanding and invaluable service to the community.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mrs. MEEK of Florida. Mr. Speaker, as a Conferee on the Treasury-Postal Appropriations Bill for Fiscal Year 1999, I note that the legislative debates in Congress include inconsistent statements regarding the proper interpretation and application of that section, and in particular in connection with subsection (d) which allows the President to waive the ''requirements of the section'' in the interests of national security.

In their joint statement, Senators MACK, GRAHAM, LAUTENBERG, and FAIRCLOTH have accurately stated my understanding of the provision and my understanding of the intent of the conferees. Any other interpretation would allow the President to, in effect, nullify this provision as if vetoing it, and thereby eliminate the important antiterrorism statement which Congress made by enacting the provision. For these reasons, I add my voice to those of Senators MACK, GRAHAM, LAUTENBERG, and FAIRCLOTH and join them in their understanding of the proper interpretation and application of Section 117.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. MICHAEL P. FORBES

OF NEW YORK

HON. FRANK R. WOLF

OF VIRGINIA

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

HON. ANNE M. NORTHUP

OF KENTUCKY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FORBES. Mr. Speaker, my colleagues, Mr. WOLF, Mr. ISTOOK, Ms. NORTHUP, Mr. ADERHOLT and I, as members of the House Appropriations Subcommittee on Treasury, Postal Service and General Government, strongly support Section 117 of the Treasury Appropriations Conference Report, now part of the FY 1999 Omnibus Appropriations Bill, which was passed by the House of Representatives on October 20, 1998 and signed into law shortly thereafter. Section 117 expands existing law to allow American victims of terrorism, who have been granted judgements against terrorists states, to attach the assets of those terrorist states that are located here in the U.S. It then requires the Secretary of State and Secretary of Treasury to assist victims of terrorism in locating assets of terrorist states here in the United States.

This provision was made necessary because of the Administration's repeated efforts in Federal Court to block terrorism victims from attaching assets of terrorist states to help satisfy judgments they had received by such courts. This misguided policy has sent exactly the wrong message to terrorist states by telling them that, in the event they are found liable for killing Americans, the U.S. government will spare no effort to prevent the seizure of their assets.

In 1996 Congress passed and the President signed the ''Anti-Terrorism and Effective Death Penalty'' Act (P.L. No: 104–132). This Act allowed victims of state-sponsored terrorism to sue foreign governments in Federal Court for damages arising from acts of terrorism. In 1997, an amendment to the Committee Report for the Omnibus Consolidated Appropriations Bill for Fiscal Year 1997 (Comm. Rept. 104–863) allowed victims of state-sponsored terrorism to recover punitive damages from states that sponsor terrorism. In enacting these two laws, Congress surely foresaw that victims would prevail in Court, and would thereafter seek to attach and execute terrorist-state assets. However, what was not foreseen was that the Administration would seek to block such attachments by arguing that such attachments violated international agreements. As a result, it was necessary to once again revisit this issue, and create Section 117.

Section 117 has a Presidential waiver, inserted only at the insistence of the Administration, which allows the President to issue a waiver over the ''requirements'' of the section in the interest of ''national security.'' The intent of this waiver was to allow the President, only in limited circumstances, to waive the requirement that the Secretary of State and Secretary of the Treasury, under Subsection (f)(2)(A), cooperate with victims in locating terrorist assets. It was never intended to allow the President to waive Subsection (f)(1)(A), the change in the law which allows victims to attach such assets they are able to find on their own. Unfortunately, shortly after signing the Omnibus Appropriations Bill, the President issued a blanket waiver, in which he invoked a national security waiver over the application of both Subsection (f)(1)(A) and Subsection (f)(2)(A).

It should be clear that the waiver provision of Section 117 only applies to Subsection (f)(2)(A). This reading of legislative intent is crucial in order to allow the victims of Pan Am 103, the families of the Brothers to the Rescue, the Cicippio and Jacobsen families and the Flatows, to go forward with their respective cases. The Court should not permit the expansive reading of Section 117 the President is attempting to invoke. Nor should the Court mistake the intent of Congress in allowing this waiver to be inserted.

It is clear to us that, at no time, did Congress intend to give the President the absolute veto power he would have over the application of Section 117 should his expansive interpretation hold.

The intent of Congress is clear. We will not tolerate the murder of our citizens in acts of state sponsored terrorism without a serious price to pay. The President has clearly exceeded his authority in exercising a blanket waiver over the application of Section 117, which would affect the victims' attempts to attach not only diplomatic assets of terrorist states, but commercial assets as well. It is our view that the Court should firmly and swiftly reject the President's interpretation of legislative intent and permit the victims to go forward in attaching and executing all property of terrorist nations they are able to locate.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SOLOMON. Mr. Speaker, it is only fitting that on the final day of the 105th Congress, the final bill to be considered is Solomon-authored legislation. H.R. 2070, the Correction Officers Health and Safety Act of 1998, as amended, passed the House of Representatives on October 21. This legislation is absolutely vital to protect our nation's correction officers from vicious attacks by prison inmates.

Mr. Speaker, H.R. 2070 grants the Attorney General authority to test high-risk, incoming federal inmates for the presence of the human immunodeficiency virus. It also allows the testing of prisoners who may have intentionally or unintentionally transmitted the virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there. The results of any test are communicated only to the inmate tested and those whose blood came into contact with the inmate. Furthermore, the bill authorizes the Attorney General to provide the appropriate access to counseling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

This bill could not have passed without the strong support of Council 82, the correction officers union in New York, AFSCME, and the Law Enforcement Alliance of America. Also, Senator ORRIN HATCH was instrumental in pushing this legislation through the Senate.

ADDING MARTIN LUTHER KING, JR., HOLIDAY TO LIST OF DAYS ON WHICH FLAG SHOULD ESPECIALLY BE DISPLAYED

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BENTSEN. Mr. Speaker, this legislation corrects an oversight that occurred in the 98th Congress during the establishment of the federal holiday celebrating the birth of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. It is customary during the establishment of an official federal holiday to signify the importance of the date through its recognition in the U.S. Flag Code. The U.S. Flag Code encourages all Americans to remember the significance of each federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days every year, displaying the flag will show respect for the people and events that have shaped our great Nation.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all his marvelous achievements by displaying our flag on his birthday. Dr. King is the only American besides George Washington to have a national

holiday designated for his birthday. However, of the ten permanent federal holidays, only The King Birthday lacks the notation in the U.S. Flag Code, and it is appropriate to correct this omission.

I would also like to offer my appreciation to Mr. Charles Spain, a resident of Houston and president of the North American Vexillological Association, which studies flags. Mr. Spain brought this very important matter to my attention, and I am grateful for his diligence and assistance in helping my office to correct this error. His effort demonstrates that all citizens have the ability to contact Congress and make important contributions to the legislative process.

Mr. Speaker, I rise in support of the unanimous consent request for the House to take up and pass H.R. 3216, legislation I introduced to amend the Act commonly known as the United States Flag Code and add the Martin Luther King, Jr., holiday to the list of days on which the flag should especially be displayed. I want to thank the Chairman of the Rules Committee for making this request.

While I am disappointed the Senate will not be able to consider this important legislation during the 105th Congress, I am very pleased the House will pass the legislation this evening and send a strong signal that this legislation will be enacted in the 106th Congress. I urge my colleagues to support this measure. Let us continue to honor the legacy of Dr. King and move forward with his dream.

DIGITAL MILLENIUM COPYRIGHT ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BERMAN. Mr. Speaker, anyone trying to discern the meaning of the anticircumvention provisions of H.R. 2281 risks bewilderment by the many pages of the CONGRESSIONAL RECORD that have been devoted to the detailed analyses submitted by one or another Member of this House. I am a member of the Judiciary Committee, which reviewed this legislation in detail, and which reported the key provisions in a form in which they ultimately received the approval of the House and of the conference committee, on which I also served.

First, the operative provisions which define the key prohibition of trafficking in the tools of circumvention of technological protection measures—section 1201(a)(2) and (a)(3), and section 1201(b)(1) and (b)(2), of Title 17—were not changed throughout the legislative process. They read almost verbatim in the final version of this legislation, which is on the way to the President's desk, as they read when the legislation was first introduced, when it was reported by the Judiciary Committee, and when it was unanimously approved by the House. Thus, statements on the floor that purport to explain how these provisions have been narrowed, or how implicit exceptions to them—not spelled out in the language of the bill—have been expanded, deserve little attention. In particular, the three-point test spelled out in sections 1201(a)(2) and 1201(b)(1) for determining whether a particular product or service runs afoul of the legislation has never been substantively amended. This test remains operative, not the test of ''no legitimate purpose'' imagined by some of my colleagues.

Second, the operative provision defining the prohibition on the act of circumvention of technological protection measures that control access to copyrighted materials—contained in section 1201(a)(1)—has also emerged from the legislative process completely unchanged. It is true that the effective date of this prohibition has been delayed, and that a rulemaking proceeding has been grafted on to this provision to determine whether, with regard to particular classes of copyrighted materials, the applicability of this particular prohibition should be delayed even further. But the prohibition itself remains unchanged, and means exactly what it meant when our committee first reported it several months ago.

Third, section 1201(c)(3)—the no mandate provision—in the final text of this legislation is identical to the provision that emerged from the Senate Judiciary Committee over six months ago. The changes proposed by the House Commerce Committee, which threatened to open a huge loophole in the protections afforded by the legislation, were rejected by the conference committee. The no mandate provision means what it says, and what it says is this: there is no design mandate in this legislation, other than the negative mandate to avoid designing a product primarily for the purpose of circumventing an effective technological measure. The addition, by the conference committee, of specific provisions concerning certain protections used to control copying of audiovisual works in analog formats does not change the meaning of section 1201(c)(3) one iota. If the conferees had intended that these new provisions were to have had any impact on the application of the ''no mandate'' provisions to other technological protection measures, we would have said so. We did not, in fact, we said the opposite.

Fourth, on the much-contested issue of playability, the language adopted in the conference report is the most definitive statement substantively on the circumstances under which product performance adjustment does or does not violate the anticircumvention provisions of this legislation. The conference report, which specifically addresses this issue, has been adopted without recorded dissent in both Houses, and any subsequent inconsistent interpretation should carry no weight.

I do not seek to put a new gloss on the words in the conference report. Those words speak for themselves. I would simply point out that nearly all the fundamental operative provisions of Title 1 of H.R. 2281, and indeed, of much of the rest of the bill as well, simply recapitulate the provisions that have been part of this legislation since it was introduced, that have remained unchanged throughout the complex and protracted legislative process, and that are amply explained by the reports of the respective Judiciary Committees, which first approved them.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WEYGAND. Mr. Speaker, on October 20, 1998, this House was finally able to bring to a close our Constitutionally-required duty of approving a budget for the United States. I regret, however, that while we have brought this process to a close, it is in no way complete. As a member of the House Budget Committee, I find it distressing that this year marks the first year that Congress failed to properly begin the process by not completing its work on a Budget Resolution.

While there is much to criticize about the process that produced this bill and the lack of time we had to carefully review it, the fact remains that there is much in this bill that I believe is good for Rhode Island and for Rhode Islanders.

Last year, the Balanced Budget Act created a new interim payment system (IPS) for home health care benefits under Medicare. The IPS was enacted to decrease the rate of growth of home health care spending until a prospective payment system (PPS) was implemented. Unfortunately, the IPS adversely impacted home health agencies and Medicare beneficiaries across this country. Due to the manner in which it was written into law, the IPS rewarded agencies whose costs were inflated, while effectively punishing those which had worked hard to contain their costs. In fact, it was estimated that Rhode Island lost more than $18 million in home health care reimbursement due to the IPS.

Since the passage of the Balanced Budget Act, I have been working hard with several colleagues to reform the IPS and make the system more equitable and fair. Following the passage of my amendment to the Budget Resolution calling on Congress to reform the IPS, we were able to form a bipartisan coalition to work diligently on this issue. I felt, and continue to feel that we need to do all we can to ensure home health care is available to every Medicare beneficiary who truly deserves to retain their independence and dignity by receiving care at home.

I was pleased that the Omnibus Appropriations Act includes a small measure of relief for home health care agencies throughout our nation and in Rhode Island. Provisions related to home health care were hard fought and will provide additional reimbursement to home health care agencies with per-beneficiary limits below the national average. In addition, the bill increases per-visit limits for certain home health care agencies.

One of the most significant home health care related provisions in this bill is the one year delay of the automatic 15% cut in home health care reimbursement until October 1, 2000. As my colleagues are well aware, the Balanced Budget Act mandated that an automatic cut occur on October 1, 1999 if the PPS is not fully implemented. Earlier this year, the Health Care Financing Administration stated that the PPS would not be ready and that a 15% cut would be necessary. I am pleased my colleagues joined me in recognizing the

importance of delaying these additional cuts to home health care agencies, which were already struggling with the negative affects of the IPS.

Although I believe much more must be done, I believe the home health care related provisions in the legislation are a small, yet positive step forward.

One of the first bills I introduced when I came to Congress was legislation to allow for the deduction of health care benefits by small businessmen. I was pleased that a version of my legislation was included in the FY98 budget. This year, the Omnibus bill provides for the acceleration of the health insurance deduction for self-employed individuals. This will provide much needed tax relief to small businesses and place them on a level playing field with large businesses that can already deduct 100 percent of their health care costs.

As Rhode Island works to develop the former Quonset Point Naval Air Station in North Kingstown, Rhode Island into an intermodal industrial park, efforts are underway to provide for a third rail track between Quonset Point and the Massachusetts state line allowing uninhibited movement of freight through Rhode Island and the Northeast rail corridor. Completion of this track is a critical component for the development of Quonset Point Davisville and the future of Rhode Island's economy. The Omnibus bill includes $5 million for the continuation of the Rhode Island Rail Development Project.

As a landscape architect, I have a particular interest in and concern for our environment. I am pleased that the final agreement includes significant funding for the Blackstone River Valley National Heritage Corridor, including $750,000 for construction of exhibits throughout the corridor, $328 million for the Land and Water Conservation Fund (LWCF) for the protection of sensitive and valuable public lands. In addition, the bill eliminates the wasteful purchaser road credit program. I do not believe it necessary for the federal government to subsidize the building of roads in our national forests by timber companies.

As a member of the House Committee on Banking and Financial Services, I am pleased that the Administration and the majority were able to come to agreement on the important matter of funding for the International Monetary Fund. Along with the money—the bill provides $17.9 billion—are the reforms that the IMF must make. These reforms are similar to the ones approved by the Banking and Financial Services Committee. This will help stabilize foreign economies while at the same time make the IMF's transactions more transparent, liberalize the IMF's trade policy, and require the IMF to address environment, labor and human rights conditions in the nations they lend to.

The bill also provides funding for the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank (Ex-Im) that help U.S. business enter foreign markets.

Title II–B of the Job Training Partnership Act (JTPA), known as the Summer Youth program at the Department of Labor, has been fully funded at $871 million. The purpose of this program is to enhance the educational skills of young people, encourage enrollment in additional education, and provide exposure to the working world. It is estimated that Rhode Island will receive $2,671,035 which will allow 2,081 young Rhode Islanders between the ages of 14 and 21 to participate in this worthwhile program.

I am particularly pleased that Congress provided funding equal to the amount requested for the Job Corps program. I hope that full funding will pave the way for approval, by the U.S. Department of Labor, of an application by the state of Rhode Island for a new Job Corps Center. Rhode Island is one of only four states in the nation without a Center.

Since its creation in the early 1960's as part of President Johnson's War on Poverty, the Job Corps Program has provided hundreds of thousands of poverty level young men and women all over the United States with one last opportunity to become contributing members of their community. It is always a trying decision for any young person to say no to their family, friends and neighborhoods and yes to Job Corps and the possibility of a new beginning. Unfortunately, that decision has been all the more difficult for the young people in Rhode Island who have been forced to travel to other states for Job Corps training. In all too many instances, the distance has been just too difficult. Hopefully, saying yes to Job Corps and a brighter future will be just a little bit easier for Rhode Islanders in the near future.

Two other job training programs important to Rhode Island also received proper funding in this budget. Both Title II–A of JTPA, the adult training program and Title III, the Economic Dislocation and Worker Adjustment Assistance Act, may provide close to $7 million in training aid to Rhode Island workers. Regrettably, funding for these programs remains of great importance to Rhode Island. In recent weeks I have been working with the U.S. Department of Labor and the Rhode Island Department of Employment and Training to assist the employees of two separate companies who have lost their jobs and are in need of retraining for the future. Historically, Rhode Island's economy has been blue collar in nature. As we stand at the doorway of the next century, Rhode Island is making the changes necessary to compete in the high tech, global economy of the future. As we make that conversion, it will be very important that our workers receive retraining to make the jump to that new economy.

In August of this year, I joined with South County Community Action, West Bay Community Action, Self Help, Inc., Tri-Town Community Action, Providence Community Action, the Blackstone Valley Community Action, the Rhode Island Department of Elderly Affairs and several representatives from energy companies comprising the Good Neighbor Energy Fund to express our concern about proposed cuts in the Low-Income Home Energy Assistance Program (LIHEAP) then proposed by House Republicans. I am pleased that the final budget will fully fund LIHEAP. This program will provide much needed heating assistance to over 17 thousand Rhode Islanders this year. Nobody should ever have to choose between heating or eating. Without LIHEAP, too many people would be forced to make that terrible decision.

As I have stated time and time again, our children deserve a world class education. With a quality education, children can succeed in this ever evolving and ever competitive global society.

I am pleased the Omnibus Appropriations Act includes critical money for local school districts to begin hiring additional teachers to reduce class sizes, especially in the lower grades. This $1.2 billion down payment will provide over $5.6 million for the State of Rhode Island to lower class sizes. Reducing class sizes has proven successful in raising education outcomes, not only for students in the classrooms where the sizes are smaller, but also for students in higher grades. The 30,000 teachers provided in this budget will assist our neighborhood schools to provide quality education for all of our children. We need to continue funding this important program and realize the goal of 100,000 additional, well-trained and highly qualified teachers in the near future.

I was disappointed that the budget did not include much needed money for school construction and modernization. Countless school buildings in my district are in need of repair and rehabilitation. Countless others need assistance with modernizing their facilities, so they can prepare their students to compete well in the global economy. The federal government must provide some measure of assistance to local school districts to respond to their infrastructure needs. Although I am troubled that the Omnibus Appropriation Act does not provide this assistance, I am pleased that Congressional Democrats and the White House were able to succeed in providing some assistance to the students of our nation.

All in all, Mr. Speaker, I think this legislation is good for Rhode Island. For that reason, I voted in favor of the bill.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. EVANS. Mr. Speaker, I rise today to support H.R. 4328, The Omnibus and Emergency Appropriations Bill of 1998. Many of the provisions contained in this measure are deserving of support—these include aid to farmers, support for education and other worthy programs. However, I do have some serious reservations about one provision—Division D—Persian Gulf War Veterans Act of 1998. This measure incorporates text from S. 2358, including compensation legislation for Gulf War veterans that would attempt to override a compromise developed by both bodies' authorizing committees. This provision was inserted over objections in both Chambers in an effort to conciliate one member of the other body. I am unaware of any prior conference process that has been blatantly overridden to account for the desires of one Member. I am also extremely disappointed with my colleagues on the Appropriations Committee of the House and Senate for acceding to the demands of one individual who clearly did not express the authorizers' views.

By putting this authorization into ''must pass'' legislation with a number of worthy funding initiatives, I feel that my colleagues have exploited the position in which I and others find ourselves today. The Veterans Affairs Committee in the House and the other body, the committees of jurisdiction, agreed to comprehensive veterans' legislation which is now

awaiting passage by the other body. This measure, H.R. 4110, the Veterans' Programs Enhancements Act of 1998, was approved on October 10, 1998 by the House by a unanimous vote of 423 to 0. As agreed to by the House and Senate Veterans Affairs Committees and approved by the House, H.R. 4110 resulted from a consensus building process. This process created a bill that all concerned believed was cumulatively better than the sum of its parts. The compromise included parts of S. 2358, and of my bill, H.R. 3279, that allows the use of epidemiological models to determine what conditions ought to be compensated with regard to Persian Gulf War veterans. I considered this step to be a major gain for veterans. I sincerely believe that, in overriding the compromise, we will do a great disservice to our Gulf War veterans.

H.R. 4110 allows the prevalence of illnesses veterans experience to serve as a basis for compensation determinations. This model—one supported by the Presidential Advisory Committee on Gulf War Illnesses—is thought by many scientists to provide an approach that gives veterans the benefit of the doubt. Even if veterans are unable to prove that their illnesses resulted from any of a host of possible causes, as the language in S. 2358 and now, would require them to do, conditions that they experienced more frequently than their peers could serve as a basis for compensation.

By including the text of S. 2358 in the Omnibus and Emergency Appropriations Bill of 1998, those who have wrought the Omnibus and Emergency Appropriations Bill of 1998 have violated not only the spirit, but the letter, of the agreement of the authorizing committees. This is nothing less than a travesty of the legislative process. This is nothing less than using strong arm tactics to achieve the will of one. This is wrong, plain and simple.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, while I support the Omnibus Appropriations Act of 1999, I am very concerned about a provision in the bill that only provides funding for the Departments of Commerce, Justice and State through July 15th; thereby delaying Congress' decision on statistical sampling in the 2000 census until the Supreme Court rules on the legality and constitutionality of this method. I am not comfortable with this. It is yet another Republican-led effort to ensure that all Americans are not counted in the 2000 census.

For quite some time, we have been engaged in what has become a bitter fight over the use of statistician sampling. How we choose to handle the year 2000 census is one of the most important issues facing State and local communities across the Nation. In fact, it is an issue of fundamental fairness and basic economics. With the year 2000 census upon us, we cannot afford to further delay the implementation of the most effective means of counting the U.S. population.

The census count is a constitutional requirement for reapportioning the House of Representatives. It is also used to: determine the allocation of billions of taxpayer dollars to States and localities; determine within-State legislative redistricting; make decisions regarding the administration of various Federal programs; and compile many kinds of economical and statistical research.

Statisticians across the Nation have already indicated widespread support of sampling as the most scientifically accurate and cost-effective census enumeration method. In fact, in 1991, a congressionally mandated National Academy of Sciences panel of nationally recognized experts supported this conclusion by stating that a ''Differential undercount cannot be reduced to acceptable levels at acceptable costs without the use of integrated coverage measurement and the statistical methods associated with it.''

A second panel of experts confirmed these findings, in 1992 and 1996, when it further determined that sampling is critical to the success of the 2000 census. There is no other way to avoid the mistakes of the past.

Speaking of the past, it is a well known fact that the 1990 census, which cost a recorded $2.6 billion, repeated a disturbing trend of disproportionately missing higher numbers of minorities than non-minorities in the census enumeration. For the first time in history, this most recent census was less accurate than the preceding one. In fact, the 1990 census undercount is estimated to have been 33 percent greater than that of the 1980 census. Four times as many blacks, 5 times as many Hispanics, 2 times as many Asians and Pacific Islanders, and 5 times as many American Indians as non-Hispanic whites were missed in the count. This resulted in greater expenditures for non-response follow-up.

Mr. Speaker, we cannot afford the consequences of another inaccurate census. We have scientific proof that sampling is the only method of ensuring that the 2000 census is fair and accurate and that it is inclusive of all Americans. If we do not utilize sampling techniques, we can expect an undercount of at least five million people, the majority of whom will be children, minorities and the urban and rural poor. We can also expect to waste valuable taxpayer dollars. For according to the U.S. Census Bureau, a year 2000 census that incorporates sampling surveys would save from nearly $675 million to $800 million.

It is for these reasons that I urge my colleagues not to hesitate to do what is right. We must not forgo the cost effectiveness and accuracy of statistical sampling.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2431, the religious persecution freedom bill. In its current form, this measure is too narrow to address the issues facing the global community today.

H.R. 2431 implies to the world that somehow religious persecution should be given protection and heightened priority before other forms of abuse. I strongly believe that all forms of oppression and persecution, whether they are for religious, racial, or nationality reasons, or whether the are due to individuals standing up for their political beliefs which are most often in defense of democracy, should be addressed in this legislation. There must be special protections against all forms of persecution.

Operationally, the religious persecution freedom bill would undermine U.S. efforts to support the goal of religious freedom, as well as other important U.S. foreign policy interests. More specifically, the measure would establish an office of religious persecution monitoring to provide the imposition of sanctions against countries engaged in a pattern of religious persecution.

This measure would prohibit Federal agencies and U.S. citizens and exporting goods, including religious torment facilitating products, to countries and significant entities engaged in religious torture. H.R. 2431 proposes sanctions that would be counterproductive to convincing foreign governments to prevent limitations on religious freedom. This could possibly lead to misguided repercussions against minority religious groups that are perceived as causing deterioration of relations with the United States.

By imposing automatic sanctions, this legislation could harm bilateral relations with allies, as well as limit Presidential flexibility and raise questions regarding U.S. international obligations. In addition, this bill undermines the U.S. policy to respect all human rights.

Mr. Speaker, current law already provides an adequate basis for the United States to impose sanctions on foreign entities that violate human rights. Furthermore, automatic imposition of sanctions could dissuade foreign governments or persons from cooperating with the United States to prevent limitations on religious freedom. In its current form, this bill could harm U.S. political and economic relationships with other countries. For example, it legislates sanctions without consideration for exempting emergency food aid and distribution programs that would place many innocent civilians in danger of starvation.

Mr. Speaker, I strongly believe that legislation sanctions would alienate significant diplomatic and trade partners. It is for these reasons that I urge my colleagues to join me in opposing H.R. 2431, the religious persecution freedom bill. Vote ''no'' to H.R. 2431.

CELEBRATING 75 YEARS OF INSPIRATION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BARCIA. Mr. Speaker, one of the reasons that our nation was created was to celebrate the freedom of religion. And over the years, many Americans have devoutly professed their faiths and found strength within their churches. Next month, on November 15, Bay City First Church of the Nazarene is celebrating its 75th anniversary of inspiring its members to follow God's guiding light, and, most importantly, the success that the Church has had in achieving that goal.

As Reverend Marc Meulman points out in his announcement of this special event, on November 15, 1923, a small group of Nazarenes joined together to officially organize the

First Church of the Nazarene of Bay City. The church was organized by Reverend C. Preston Roberts, the District Superintendent, at the home of Mr. and Mrs. Oscar Freeman. Reverend Charles Strait, who had come to Bay City in the summer of 1923, was named pastor. Ms. Jessie Bright was elected Secretary, Oscar Freeman was elected Treasurer. The Board of Trustees included John Copeland, Don Dickinson, and William Hess.

The present building was begun in May, 1939, and completed the following November. Merrit & Cole of Detroit were the architects for this 72 by 36 feet building, which had a seating capacity of 375. It had a front and rear hall, balcony, annex, main auditorium, chancel, choir loft and pastor's study. Room was made in the basement for Junior and Intermediate classes, where young people would be properly instructed of the principles of the Church, and its goal of creating significant meaning in the spirit of Christ in each person's life. The building was appropriately described at its dedication as ''...simple, harmonious, and consistent with the Gospel of Christ, and is intended to promote a spirit of reverence and worship.''

Since its founding and the dedication the present building, thousands of people have felt the strength of Bay City First Church of the Nazarene as the lever that has helped move them through life. From the days as children learning God's life lessons, to the responsible days of adulthood when the mission changes from one of learning to one of teaching, to the latter days of life when the Church is a place of solitude for reflections on life's achievements, parishioner after parishioner has received an invaluable benefit from their membership.

Mr. Speaker, so often we ask about the morals of America, the values of the American family, and the vision of greatness that we want for our nation. For the past seventy five years Bay City First Church of the Nazarene has provided all of these elements and so much more. I ask you and all of our colleagues to join me in congratulating Reverend Meulman and all of the members of the Church on this momentous anniversary, and in wishing them all many more years to come.

HONORING POLICE CHIEF JOHN AMBROGIO FOR EXCELLENCE IN SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. DeLAURO. Mr. Speaker, I rise in honor of a dedicated and highly respected member of the Hamden Police Department whose decision to retire ended a career in law enforcement which spanned more than forty years. Chief John Ambrogio leaves a legacy of dedication, integrity, and excellence spanning over four decades, and he will not be forgotten by his fellow officers or by the citizens of Hamden.

Chief Ambrogio dedicated nearly a third of his life to leading the Department of Police Services with dignity and virtue, and his work has had a profound effect on the quality of life in Hamden. Eighteen departmental commendations as well as various other professional accolades reflect the commitment and devotion John has given to Hamden and its residents. John's good work is reflected in dramatic reductions in crime rates, the inauguration of the annual Halloween party, and the development of a progressive and highly effective police department—just a few examples of the contributions he has made to the Hamden community.

As a professional law enforcement officer, the various ways John has influenced the community are innumerable. Hamden residents credit John's work as Chief of Police as the most important factor in keeping Hamden a safe community, which is relatively free of criminal activity and drug trafficking. John Ambrogio has become an indispensable figure in Hamden and replacing him will be a tremendously difficult task.

It is with great pleasure that I join with his wife, Maureen, his children, and grandchildren as we honor my dear friend Police Chief John Ambrogio for more than forty years of dedication and commitment to the Town of Hamden. I wish him many happy years in his retirement.

IN MEMORY OF SOHAN SINGH RANDHAWA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FARR of California. Mr. Speaker, I rise to honor a beloved member of our community, Sohan Singh Randhawa, who died in a tragic accident last month at the age of 69.

Randhawa was born in 1930 in Pakistan, and, as a young man became a police officer in the Punjab village of Dhano Vali, rising to serve in the national police force. He brought his family to California in 1968, eventually settling in Watsonville where Randhawa and his wife, Gurmej Kaur raised their four daughters, Kuldip Kaur, Manjit Kaur, Balwinder Kaur and Surinder Kaur. In 1978, Randhawa and three partners began Paul Trucking, which expanded quickly from one truck to ninety-five, and became an important element in the refrigerated agricultural shipping industry.

Randhawa was a central member of the Sikh community, a past President of the Sikh Temple in Stockton and an active member of the Sikh temples in San Jose and Fresno. Randhawa showed a generosity of spirit toward the people whose lives touched his, becoming a father and advisor to the Indian community. He took a personal interest in helping with the problems of new immigrants, settling disagreements, looking for solutions to immigration problems, resolving business issues, and helping with cultural assimilation.

Lifelong friend, and Mayor of Watsonville, Dennis Osmer spoke of his death as a loss to all of central California. We will miss this true advocate and benefactor, Sohan Singh Randhawa, but he is being survived by loving family and friends who will never forget his kindness.

HONORING ROCKY RIVER MIDDLE SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Rocky River Middle School, which has been named a 1997–1998 Blue Ribbon School of Excellence by the U.S. Department of Education.

Only 167 schools in the country earned this prestigious award this year. Ten public schools in Ohio received the award, and two schools in Rocky River have been recognized. Blue Ribbon Schools are considered to be models of both excellence and equity where educational excellence for all students is a high priority. Rocky River Middle School had to demonstrate its effectiveness in meeting local, state and national educational goals and had to successfully complete a rigorous application process. Blue Ribbon Schools must offer instructional programs that meet the highest academic standards, have supportive and learning-centered school environments, and demonstrate student outcome results that are significantly above average.

Rocky River Middle School is an outstanding school that is well deserving of this national recognition. Its academic programs and environment will serve as a model for schools across the country. My fellow colleagues, please join me in congratulating the students, teachers, and administration of Rocky River Middle School for their commitment to excellence.

TRIBUTE TO HON. M. BEN GAETH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay very special tribute to an outstanding public servant from the state of Ohio. Following the One Hundred Twenty-Second Session of the Ohio General Assembly, the Honorable M. Ben Gaeth will retire as a member of the Ohio Senate from the First District.

Mr. Speaker, Senator Gaeth has dedicated much of his life to serving the people of the First District and all of the state of Ohio. Ben Gaeth began his career in public service in 1962 as the Safety Director of the City of Defiance. After three short years, he turned his attention to politics as he became the Mayor of Defiance. For nearly ten years, Ben Gaeth guided government and politics in Defiance, while always concentrating on working for the people whom he represented.

In 1975, M. Ben Gaeth was elected to his first term as a member of the Ohio State Senate from the First District. For more than twenty-three years, Ben Gaeth has been an ardent supporter of his constituents in Northwest Ohio. During his time in the Senate, Ben has served as Chairman of the Senate Reference Committee, Chairman of the Senate Agriculture Committee, Vice Chairman of the Rules Committee, and was a member of numerous other committees.

Mr. Speaker, I had the good fortune of working with Ben Gaeth in the Ohio Senate. From the days that Republicans were in the Minority to the time in which I served as President of the Senate, Ben Gaeth was seen as a hard working and outspoken advocate for his district. His diligent yet humble efforts made him a very well liked Senator by his colleagues on both sides of the aisle. I think I can speak for my colleagues in saying that it was certainly a pleasure to work with Ben Gaeth. His efforts will be sorely missed.

Mr. Speaker, it has been said that America succeeds due to the selfless acts of her sons and daughters. Whether it was on the battlefields of World War II, where he won the Purple Heart, to his days as Mayor of Defiance, to his current position in the Ohio Senate, M. Ben Gaeth has dedicated his life to service to his community, state, and country. He is a leader and a true American patriot. I would urge my colleagues to stand and join me in paying special tribute to the Honorable M. Ben Gaeth, and in wishing him the very best in the future.

TRIBUTE TO CONGRESSWOMAN JANE HARMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. WOOLSEY. Mr. Speaker, I rise to honor one of California's very distinguished and dedicated public officials, Representative JANE HARMAN. JANE is being honored as she retires from the House of Representatives after three terms of significant public service. I am proud to mark this occasion with my fellow colleagues in the House of Representatives.

JANE is widely recognized for her instrumental work on behalf of women's issues in her service to California's South Bay. As a native Californian, private lawyer and legislator, JANE fought for a woman's right to reproductive choice and led investigations of sexual misconduct in the military, roles for women in combat, and access to reproductive services for military women and their dependents.

JANE's career accomplishments are many. Among the most noteworthy is her attendance at the bipartisan U.S. congressional delegation at the United Nations Fourth World Conference on Women, where JANE solidly voiced her support for China as an appropriate site for a healthy debate on women's issues. As an esteemed Member of the House National Security and Select Permanent Intelligence Committees, JANE was first appointed to the Congressional Conference Committee to meet on the Fiscal Year 1998 National Defense Reauthorization. As a conferee, JANE consistently sought to reinstate the right of military women and their dependents to have access to a full range of reproductive choices. This year JANE was again appointed as a conferee member to the Fiscal Year 1999 National Defense Reauthorization where she had the lead role on the particularly contentious debate over how to best train our military's new recruits.

JANE has unfailingly served this institution over the years. After first serving as Legislative Director to U.S. Senator John Tunney (CA), and then as Chief Counsel and Staff Director to the Senate Judiciary Committee on Constitutional Rights, in the late 1970s, she was Deputy Secretary to the White House Cabinet and Special Counsel to the Department of Defense.

Mr. Speaker, it is my great pleasure to pay tribute to Congresswoman JANE HARMAN. The State of California owes JANE a great deal of gratitude for her tireless efforts throughout her public service in the House of Representatives I extend my hearty congratulations and best wishes to JANE, her husband Sidney, and her four children, for continued success and joy in the years to come. JANE HARMAN will be missed and remembered.

TRIBUTE TO JANE HARMAN

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to pay tribute to our friend and colleague, JANE HARMAN, who will be leaving Congress after 6 years of distinguished service.

I had the privilege of meeting JANE when we came to Washington as part of the 103rd Congress, often referred to as ''The Year of the Woman.''

At that time, there was great hope and expectations about the impact the new surge of women would have on Congress and our Nation.

JANE HARMAN has not only lived up to those expectations and hopes, but she has indeed exceeded them.

Clearly, no one works harder than JANE on behalf of her constituents and for the issues in which she believes.

When an issue is important to JANE, the word ''no'' is simply unacceptable.

JANE personifies the term ''can do. ''If anyone doubts JANE's vigor, one need look no further than her stellar performance on the military basic training fitness test that she passed with flying colors.

Strong and determined, intelligent and bright, she is also compassionate and caring and willing to stand up for her beliefs regardless of the consequences.

Many times I witnessed JANE vote her conscience, knowing full well it could jeopardize her next election in the politically tough district she represents so well. She once said to me before a difficult vote. ''I know it's going to hurt me politically, but I've got to vote for what I believe is right or I can't live with myself.'' She then made the tough vote.

Since our offices were across the hall from each other, I often witnessed JANE succeeding in the balancing act of being a legislator, manager, and mother. I remember on one occasion, amidst a series of votes, JANE was on the phone counseling her daughter and helping her with her homework.

JANE is proof positive that when given the opportunity, women can meet the challenges of national leadership with intelligence, dignity, and grace.

It may surprise you, but I'm not going to say goodbye. For I am convinced we haven't seen the last of you.

In fact, I suggest that in the not too distant future, we may yet address you as Madam Governor or Madam Secretary.

Thank you for all you have done and will continue to do for California and our Nation.

I'm proud to have served with you and proud to have you as a friend.

My best wishes are with you always.

IN SUPPORT OF H.R. 930, THE TRAVEL AND TRANSPORTATION REFORM ACT OF 1998

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 930, the Travel and Transportation Reform Act of 1998. This important legislation will streamline the way our Federal Government accounts for all job related transportation and travel expenses of Federal employees.

The idea of requiring the use of a Government-issued charge card for all official travel related expenses is long overdue. In December 1995, the Joint Financial Management Improvement Program [JFMIP] published a report detailing nine recommendations on improving temporary duty travel. Among these recommendations was the use of a Government charge card for all travel-related expenses. This provision creates an efficient standard for the Government to obtain the proper information needed to verify all business related charges.

By implementing such a requirement, the Government will be able to become more efficient in its operations while taking advantage of money saving charge card rebate programs. This bill is also a victory for Federal employees who currently utilize charge cards not specifically issued for Government travel.

While authorizing heads of Government agencies to hold employees responsible for being delinquent on their Federal charge card accounts, this measure clarifies the Federal Government's authority to access an employee's financial information, including accounts maintained by the Government. In order to protect an individual's privacy, this measure provides clear guidelines for accessing information relating to such charges.

In addition, the bill corrects an inadvertent tax liability imposed on Government employees during the tax years of 1993 and 1994. Since most Government agencies were not notified by the Internal Revenue Service [IRS] of a tax liability imposed on certain Federal employees created in the 1992 Energy Act until December 1993, many Federal employees became liable for taxes relating to business travel expenses. Fortunately, this bill authorizes reimbursement to employees who incurred such tax liabilities, along with interest and penalty charges for late payment.

Finally, this measure authorizes Government agencies to participate in travel pilot tests designed to save taxpayer dollars. Although this provision is limited to only 10 initial pilot programs in the areas of temporary duty and relocation travel, agencies are permitted to seek approval of the General Services Administration, along with congressional oversight, to initiate a specific pilot program. This will allow agencies to design and implement improved benefit systems to incur further savings.

Mr. Speaker, as we strive to help our Government agencies to become more efficient, we must upgrade agency management policies and practices to provide the most effective Government to our taxpayers. I believe

that H.R. 930 provides a delicate balance of greater Government efficiency, without compromising the integrity of its employees. I urge my colleagues to join me in supporting the Travel and Transportation Reform Act of 1998. Our taxpayers and Government employees deserve nothing less. Vote ''YES'' on H.R. 930.

HONORING THE REGIONAL WORKFORCE DEVELOPMENT BOARD FOR CONTINUED EXCELLENCE IN COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I rise to recognize and congratulate the Regional Workforce Development Board for its service to the greater New Haven community in Connecticut. The backbone of any community is the relationship between businesses and residents. For the past twenty years, the Board, which is the Private Industry Council for greater New Haven, has nurtured this relationship to expand the regional economy. The Regional Workforce Development Board has served as a liaison between the business community and area residents, narrowing the gap between employers' needs and the skills of the region's potential and existing workforce.

With advancing technology rapidly changing the business environment, employers face the challenges of upgrading the skills of their workforces. Employees must obtain the skills needed by industry. The Board has implemented a strategy that gives residents of Greater New Haven essential skills, and creates a pool of qualified individuals available to work.

The Regional Workforce Development Board provides job training to thousands of greater New Haven residents each year. It focuses on the entire community including summer youth job programs and special opportunities for the economically disadvantaged. The contributions that the Board has made to the New Haven community are remarkable. Its work truly represents the heart and the spirit of our community by ensuring that residents and businesses grow together.

1998 marked three anniversaries for the Board. It marked the twentieth anniversary of the creation of private industry councils. Fifteen years ago, the council assumed responsibility for overseeing federal employment and training programs. And, the Private Industry Council evolved into the Regional Workforce Development Board five years ago.

By administering a variety of innovative federal and state job training programs, the Board has filled a need for thousands of area residents and businesses. Businesses are helped by ensuring that job applicants have the training they need. Employees are helped by receiving skill training so that they are employable after downsizing or a layoff. Area residents have been trained to work in manufacturing, at hotels, and to develop the skills of at-risk youth. They have assisted many families in making the transition to the workforce following passage of the welfare reform bill.

The Workforce Development Board has made greater New Haven a far better place to live and work. I am proud to honor the Board for these accomplishments, and for all of the work it has done to help our region's workforce, businesses and community.

A SPECIAL TRIBUTE TO BROWN'S BAKERY ON THE OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay a very special tribute to an outstanding organization from Ohio's Fifth Congressional District. This year, Brown's Bakery, in Defiance, Ohio, is celebrating a milestone achievement. 1998 marks the One Hundred Twenty-Fifth Anniversary of operations for Brown's Bakery.

Brown's Bakery has been a mainstay of the Defiance community for more than a century. Brown's Bakery is much more than just an employer for the area. Brown's has been and continues to be part of a close-knit family in and around Defiance. Brown's Bakery is an invaluable partner to Defiance and all those living in the community.

Mr. Speaker, Brown's Bakery embodies the spirit of enterprise that we hear so much about. Beginning in the early 1870's, Brown's Bakery started a long lasting tradition by making some of the finest baked goods and products found anywhere in Northwest Ohio. For more than one hundred twenty-five years, the Brown family has worked diligently to ensure that the vision set by Reinhard and Emilie Curdes Brown is continued.

Throughout its long and rich tradition, Brown's Bakery has been committed to the Defiance community. Again and again, Brown's Bakery has shown its dedication through support of various groups and organizations. Whether it is assisting Defiance High School with its football stadium, local groups like the United Way or Boy and Girl Scouts of America, or its forty-year sponsorship of Bunny League baseball, Brown's Bakery is always there willing to lend a helping hand.

Mr. Speaker, it is a pleasure for me to recognize Brown's Bakery on the special occasion of its One Hundred Twenty-Fifth Anniversary Celebration. The Brown family and all those associated with Brown's Bakery truly embody the spirit of entrepreneurship, enterprise, and community-minded support and dedication. I would urge my colleagues to stand and join me in this special tribute, and in wishing them continued success in the future.

A SALUTE TO REPRESENTATIVE JANE HARMAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FARR of California. Mr. Speaker, I rise to pay tribute to a very unique Member of this body. Congresswoman JANE HARMAN is leaving the House, and while we will miss her presence and service, we can't help but share in her excitement as she moves on.

Most of us know her as our friend JANE. But many in Washington call her GI Jane, and for good reason. This is the woman who makes it through the Army physical training test without breaking a sweat, and supports our military women and men without missing a beat.

I'll always remember how JANE forced this body to recognize that the women of our Nation's armed services should be rewarded, not punished, for their bravery and service. Yet when some in our Congress sought to limit their right to control their own bodies, JANE was always there to speak out for our women soldiers.

And JANE was always there when her district needed her. She saved jobs, protected her district's military base and worked to make our Federal Government accountable to its people. Mrs. HARMAN has been an especially indefatigable advocate for her native State of California.

We'll certainly miss Congresswoman HARMAN. But we have to realize that GI Jane has bigger and better things waiting to be explored, and she has another name as well: Mom. So JANE, as you return to your family, and to the life that awaits you after Congress, take with you the memories of your service in the House of Representatives. California—and Congress—is better for your time here.

HONORING THOMAS COURY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Thomas Coury, a kindhearted man that dedicated his life to enhancing the well-being of others.

Born in Uniontown, Pennsylvania, Thomas Coury came to the Greater Cleveland area in 1958, along with his three brothers, in response to the need for concrete pouring. Within one year, Thomas and his three brothers established the Concrete Wall Company and began pouring foundations for homes all over Brook Park.

With an innate ability to care for others and a passion to reach out, Thomas and his brothers established Aristocrat Health Care. There, Thomas began his lifelong career in elderly care, converting schools, motels and other buildings into nursing and retirement homes. Through years of experience and development, Thomas and his brother have expanded Aristocrat Health Care into a multi-operational business. Stretching services throughout Cuyahoga and Lorain County extending into Florida.

Outside of the business sector Thomas Coury was a man of vision, and dedicated much of his time to civic and political affairs. Striving for our youth to succeed, Thomas helped many young people higher their education and set endowment funds at area Catholic Schools. In addition to helping the youth, Thomas was a leader in the community as well. In 1995, Thomas accompanied President Clinton and Hillary Rodman Clinton on Air Force One to Jordan for the signing of a historic Middle East peace accord.

My fellow colleagues, please join me in honoring the memory of Thomas Coury, a man who labored for the people and gave to his community all that he had to offer.

Mr. Coury is survived by his wife, Theresa; a son, Thomas J.; daughters, Teri Strimpel and Tracy A. Ade; six grandchildren; three brothers and two sisters.

HONORING EDWARD ALEXANDER BOUCHET FOR OUTSTANDING LIFETIME ACHIEVEMENTS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, the Beta Tau Boule Chapter of the Sigma Pi Phi Fraternity is memorializing a man whose lifetime achievements can only be described as inspiring. As a resident of New Haven, Connecticut, Edward Alexander Bouchet was both an accomplished physicist and educator-described as a consummate scholar, very knowledgeable in all areas, yet extremely modest and a person who set a wonderful example of politeness and graciousness for the community.

Born in 1852, Edward Bouchet grew to be an exceptional figure in African American history. Bouchet's accomplishments as a leader in the academic achievements of African Americans are a true legacy to their heritage. Bouchet became not only the first African American to obtain a doctorate in any discipline, but one of the first six to be honored with a Doctorate in Physics in the Western Hemisphere and one of the few among many entitled to wear the Phi Beta Kappa Key.

The countless lives which he touched as he traveled the country, were inspired by this remarkable man. Dr. Bouchet has been described by former students as the contributing factor to continue and go on to greater achievements in higher education. Dr. Bouchet's quiet, scholarly life reflects a deep devotion to teaching and good works.

Returning to New Haven in 1916, Dr. Bouchet was laid to rest in his place of birth two years later. Today, I am honored to join with Paul McCraven and the Beta Tau Boule Chapter of the Sigma Pi Phi Fraternity, and the many sponsors, as they commemorate the outstanding lifetime achievements of Doctor Edward Alexander Bouchet with the unveiling of a new burial monument. His lifelong dedication to education and his contributions to African-American history set in stone—a legacy never to be forgotten.

TOM BRADLEY TRIBUTE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CLAY. Mr. Speaker, I rise today to add my voice in tribute to the former mayor of the City of Los Angeles, and a friend, the late honorable Tom Bradley. Mayor Bradley was a trailblazer and a leader among leaders. History will record that Tom Bradley was the first Black mayor of Los Angeles. He led that city through two decades that were often filled with tumultuous social change. Mayor Bradley integrated Los Angeles' City Hall from the top down and in so doing he inspired courage and success throughout the nation's Black community.

Those who knew Mayor Bradley, knew him as a soft-spoken man who came from humble origins, a share cropper's son who was so dedicated to public service he rose to become a world class leader. Tom Bradley spent his life crossing racial barriers and fighting racism. He made many remarkable contributions to our nation and forever changed our society for the better. Today we celebrate the legacy Tom Bradley gave us. We cherish his memory. May his spirit continue to guide us for generations to come.

IN OPPOSITION TO H.R. 3789, THE CLASS ACTION JURISDICTION ACT OF 1998

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 3789, the Class Action Jurisdiction Act of 1998. This legislation severely hinders the rights of individuals seeking relief in the form of a State class action claim.

Under the current system, individuals with similar injuries but limited resources are able to seek compensation as a certified State class action. Beneficiaries of the current system include injured individuals that are seeking relief under State consumer protection laws. However, this measure seeks to remove certified class action claims from State to Federal court when any member of the plaintiff class is a citizen of a different State than the defendant.

Further, it eliminates the minimal claim amount currently required for a class action claim to be removed to Federal court. These provisions will only increase the difficulty of plaintiffs seeking relief when individual and widespread harm has been inflicted.

Whether the issue involves excessive amounts of judicial vacancies on the Federal bench, or the lack of judgeships within the system, the removal of State class action claims to the Federal court system will create an enormous caseload burden. Further, it is becoming more costly and time consuming for individuals seeking class action certification in Federal court under rule 23 of the Federal Rules of Civil Procedure. This combination is an affront to the basic rights of individuals seeking compensation in cases where the public's health and safety have been compromised.

Without regard for individuals subjected to careless and reckless health and safety violations, this measure provides significant protections and benefits to corporate America. As the 105th Congress debates proposals regarding health care, and environmental and consumer protections, H.R. 3789 will usurp the rights of individuals to seek relief through class action claims in States which provide stronger protections than currently provided under Federal law.

For example, enactment of this bill into law would provide a vehicle for removal of class action cases against the tobacco industry to Federal court. Such changes will create further difficulties for claimants seeking compensation under more stringent Federal laws, while protecting the willful and reckless practices of these companies.

In addition, this bill would hinder class action claims against the gun manufacturing industry, since Federal courts are not likely to apply the forum State's laws with regard to the plaintiff's claims. Finally, this measure would further limit the already restricted abilities of ERISA-insured patients to seek the cost of benefits denied in a State court. Overall, this bill allows companies to engage in careless and damaging marketing, manufacturing, and service practices without regard for those who rely on their products.

Mr. Speaker, this special interest legislation provides further protections to major corporations who seek to avoid being held responsible for their reckless actions. Further, it unilaterally rescinds a reasonable mechanism for State courts to resolve cases brought before them, only to further overburden our Federal court system.

A SPECIAL TRIBUTE TO DR. HELMUT SCHMIDT FOR HIS OUTSTANDING ACHIEVEMENTS TO THE FIELD OF MEDICINE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay very special tribute to one of Ohio's finest citizens, Dr. Helmut Siegfried Schmidt.

Dr. Schmidt is truly an internationally recognized scholar, who has worked tirelessly in pioneering an important aspect of medical science. Through outstanding leadership and unwavering vision, Dr. Schmidt burgeoned the field of sleep medicine.

Dr. Schmidt began his medical career in Canada. A graduate with a Doctor of Medicine degree from the University of Toronto, he completed his one-year rotating internship at the Toronto East General Hospital in Toronto, Ontario. A few short years later, Dr. Schmidt extended his studies to the Buckeye State by completing his residency training at the Ohio State University Hospitals.

Mr. Speaker, not long after coming to Ohio and completing his formal medical training, Dr. Schmidt became a naturalized United States citizen. Upon taking his oath of citizenship in the early 1970's, he began a long and decorated service career in the United States Army Reserve achieving the rank of Colonel, and commanding several Hospital and Medical Units during his illustrious twenty-two year career. He is truly a great American patriot.

Dr. Schmidt's crowing achievements have been in the area of sleep medicine. In recent years, Dr. Schmidt has founded the Ohio Sleep Medicine Institute, the Sleep Medicine Research Foundation, and Sleep Medicine International. He was the first president of the American Board of Sleep Medicine, and chaired the Ohio Psychiatric Association Task Force on Sleep Medicine. Dr. Schmidt was awarded the Nathaniel Kleitmen Distinguished Service Award—the highest award given in North America in the field of Sleep Disorders

Medicine. To recognize his remarkable contributions, the American Board of Sleep Medicine has named its highest honor the Helmut S. Schmidt Award.

Mr. Speaker, without question, Dr. Helmut Schmidt has helped lead the way to new, innovative discoveries in medicine, and has established himself as a world-renowned leader in tracking and treating sleep-related disorders. He is a credit to medicine, a trend-setter in sleep medicine, a valued asset to the state of Ohio, and a true Buckeye.

Mr. Speaker, I would urge my colleagues to stand and join me in this special tribute to Dr. Helmut Schmidt, a great physician, a great Ohioan, and a great American. For his exemplary service to medicine and to his country, we salute Dr. Helmut Siegfried Schmidt.

FAREWELL TO JANE HARMAN

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. MARTINEZ. Mr. Speaker, I rise to say farewell to Representative JANE HARMAN, an outstanding Member of the California congressional delegation and of this House, who is leaving public service at the end of this Congress. While a relative junior Member of this institution, she has been one of this body's most thoughtful Members.

Since joining the House in 1993, Congresswoman HARMAN has fought tirelessly for a smarter and stronger defense. She successfully fought to keep critically important military bases in California off the base closure list. She fought to fully fund the C–17 cargo plane and secured funding for the F/A–18 fighter plane. As a respected member of the National Security Committee, JANE HARMAN has supported innovative defense conversion, reinvestment, and transition programs that have had a positive effect on the lives of tens of thousands of defense workers.

Representative HARMAN has also been a champion of women's issues during her congressional tenure. She has been a leader in fighting to preserve a woman's right to choose. Year after year she has come to the well of the House and spoken eloquently and forcefully on behalf of women's rights here at home and abroad. Representative HARMAN played key roles in the congressional investigations of sexual misconduct in the military, on the question of women in combat, and on the critical issue of access to abortion for military women and their dependents.

Congresswoman HARMAN has been a great credit to her district, to California, to our Nation and to the House of Representatives. Mr. Speaker, JANE HARMAN will be sorely missed in the 106th Congress.

HONORING JUDGE PHILIP PASTORE ON HIS 100TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I rise to call to your attention the 100th anniversary of the birth of the Honorable Philip Pastore, a lifelong New Haven resident who has served both the city of New Haven and the State of Connecticut with distinction throughout his law career.

Judge Pastore has dedicated his life to making our justice system work. In both his personal and professional life, he has earned a reputation for his fairness, integrity, and commitment to upholding and respecting the law. These qualities are demonstrated in the many judicial cases he has tried, presided over, and rendered judgments on for more than half a century. Judge Pastore retired only 3 years ago, leaving a legacy which included positions as a Democratic state representative and Superior Court judge.

It is fascinating to listen to Judge Pastore's stories of the century of history he witnessed, along with the remarkable changes and tremendous progress to the judicial system. Although he no longer practices professionally, he continues to keep up-to-date on current case law, and his wife still reads the Connecticut Law Journal to him. Many seek his advice, knowing his counsel is offered with wisdom, justice, and compassion. Plaques cover the walls of his home to honor the services he has donated to the community. Indeed, his long career has left an indelible mark on the residents of Connecticut, and especially his close friends from the Wooster Street neighborhood. It is difficult to find someone whose commitment to excellence equals his own.

I join with his wife, Margaret, his children, grandchildren, and great grandchildren to honor Philip Pastore on his 100th birthday. Best wishes for continued fulfillment and happiness. Happy Birthday!

FAREWELL TO REPRESENTATIVE JANE HARMAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. PELOSI. Mr. Speaker, it saddens me to say goodbye to my dear friend and colleague, JANE HARMAN, who in three terms in office has distinguished herself in the House of Representatives. Jane is leaving office at the end of the 105th Congress and her thoughtful approach to legislation and her fighting spirit will be sorely missed.

Many of my colleagues, and especially those of us in the California delegation, know of her tenacity and commitment to the key issues that support America's families. This fighting spirit has been an inspiration to us all whether it was in debates over smaller classes for our children, economic opportunity for all, or a woman's right to choose.

JANE HARMAN, thank you for being in the trenches; thank you for your leadership; thank you for making this House a better place because of your commitment to the people of this great nation.

IN MEMORY OF CAROLINE DREWES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FARR of California. Mr. Speaker, I rise to join the country in mourning the passing of Caroline Drewes, an articulate interpreter of our times.

Caroline was born in 1917, a fourth generation San Franciscan, to Olga and Horace Clifton. Her mother was President of the San Francisco Opera, who endowed her daughter with an appreciation for music and the grand style. Caroline graduated from Miss Burke's School and attended University of California, Berkeley. At the age of nineteen, after the death of her father, she was hired by the San Francisco Call, becoming one of the first women in the area to cover hard news. Caroline loved to learn about people, and then communicate the story with vivid descriptions that reflected her wide range of interests.

Caroline married Robert Drewes in 1940, and they lived for a time in Washington, D.C. where her three children were born. When they returned to San Francisco in 1947 with their children, Robert, Stephen and Erica, Caroline was welcomed back to the Call. A working mother, she wrote a society column from home when her children were young, and devoted herself to community causes as well. Caroline also indulged her sophisticated tastes, attending performances, hosting musicales, and entertaining friends.

Caroline's loving husband, Superior Court Judge Robert Drewes, died in 1987. Asked by a friend how she coped in low moments, Caroline replied that she put on her best dress. She also became an intrepid traveler, and of course, wrote of her travels. Her talent for writing was complimented by her breadth of mind.

Caroline's warmth towards others was made more enchanting by her elegant style and joie de vivre. Her friends, saddened by her loss, use words like ''exquisite,'' ''classic,'' ''true sophisticate.'' San Francisco chronicler Herb Caen named Caroline to the top 10 people in the City with good vibes. I join the loving family and wide circle of friends of Caroline Drewes in expressing how much we feel her absence. However, everyone who ever knew her, carries warm memories of her lovely presence.

HONORING THE VOCAL GROUP HALL OF FAME

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the Vocal Group Hall of Fame & Museum on their inaugural induction of the first class of vocal ensembles. They are a diverse group of performers that have enriched our lives with their influential music and unmistakable talent.

Opening its doors in May 1998, the Vocal Group Hall of Fame & Museum was presented as a multimillion dollar facility, featuring exhibits and memorabilia of many of the best-

known-close-harmony ensembles in music history. It also includes historical exhibits tracing the history of American vocal harmony from its roots in the Nineteenth Century and the history of musical recording technology, as well as an operating radio station for remote broadcasters by guest stations.

With the help of Goldmine Magazine, the Vocal Group Hall of Fame elected a dynamic class of inductees this year. The initial class includes: the Ames Brothers, The Andrews Sisters, The Beach Boys, Crosby, Stills, and Nash, the Drifters, the Manhattan Transfer, the Platters, and the legendary Supremes. These groups graced us with their catchy melodies and unforgettable songs that have stood the test of time.

But the Vocal Group Hall of Fame also realized the importance of the groups that influenced this class of inductees by giving them the Pioneers of Musical Style Award. This award was given to groups prior to 1940 who contributed to the foundations of American vocal harmony and substantially influenced other artists. This year, they included: the Boswell Sisters, The Five Blind Boys of Mississippi, the Golden Gate Quartet, the Mills Brothers, the Ravens, and the Sonny Til and the Orioles.

My fellow colleagues, please join me in congratulating these music groups for their induction in the Vocal Group Hall of Fame & Museum. This institution has made it possible for us to honor and preserve the pioneers that have influenced the music we know today.

AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SMITH of Texas. Mr. Speaker, The H–1B visa bills passed by the Senate and by the House Judiciary Committee both proposed to increase the quota of H–1B temporary visas for foreign professional workers. Both bills responded to the fact that demand has exceeded the annual quota of 65,000 in each of the past two fiscal years. The reason for this increased demand is thought to be a shortage in America's information technology workforce. While evidence for this shortage is inconclusive, it was my belief that we should give the industry the benefit of the doubt and grant the additional visas.

The Senate and House Judiciary Committee bills did have large differences. The Judiciary Committee bill (H.R. 3736, which I introduced in my capacity as chairman of the Subcommittee on Immigration and Claims) required that employers comply with two new attestations when petitioning for H–1B workers. Employers would have had to promise not to lay off (displace) American workers and replace them with aliens on H–1B visas, and to recruit American workers before petitioning for foreign workers. I felt that these protections for American workers were necessary because of the large number of documented abuses of the H–1B program—instances of companies actually laying off Americans to be replaced by H–1Bs and companies recruiting workers exclusively from overseas. The Senate bill (introduced by Senator SPENCER ABRAHAM) contained no comparable provisions.

With the assistance and support of the leadership of the House and Senate along with House and Senate Judiciary Committee Chairmen HENRY HYDE and ORRIN HATCH, Senator ABRAHAM and I drafted a workable compromise between the two bills. We then agreed to further changes after negotiations with the White House in order to gain Administration support. H.R. 3736 was brought to the House floor on September 24, 1998. The base text was the compromise worked out with Senator ABRAHAM along with as many of the acceptable changes requested by the White House as could be drafted in time. The bill passed by a vote of 288–133. Language was then drafted to make the bill fully consistent with the agreement with the White House. A bill encompassing this latter language was included in H.R. 4328, as enacted, which makes omnibus consolidated and emergency supplemental appropriations for fiscal year 1999.

The final bill, entitled the American Competitiveness and Workforce Improvement Act of 1998, is a negotiated agreement. That is the nature of any legislative process. What is important is that we have come up with a bill that both responds to the needs of American industry and adds protections for American workers.

Under the American Competitiveness and Workforce Improvement Act, the H–1B quota will be set at 115,000 in 1999 and 2000, and 107,500 in 2001. Then the quota will return to 65,000 (at which time the attestations will sunset).

The employers most prone to abusing the H–1B program are called ''job contractors'' or ''job shops''. Much, or all, of their workforces are composed of foreign workers on H–1B visas. Many of these companies make no pretense of looking for American workers and are in business to contract their H–1Bs out to other companies. The companies to which the H–1Bs are contracted benefit in that the wages paid to the foreign workers are often well below what comparable Americans would receive. Also, the companies don't have to shoulder the obligations of being the legally recognized employers—the job contractors/shops remain the official employers.

Under the American Competitiveness and Workforce Improvement Act, the no-lay off/non-displacement and recruitment attestations will apply principally to job contractors/shops, defined in the bill (for larger companies) as those employers 15% or more of whose workforces are composed of H–1B workers. These businesses, designated as ''H–1B-dependent'', will be subject to the attestations in those instances where they petition for H–1Bs without masters degrees in high technology fields or where they plan to pay the H–1Bs less than $60,000 a year. Thus, the attestations are being targeted to hit the companies most likely to abuse the system—job contractors/shops who are seeking aliens without extraordinary talents (only bachelors degrees) or offering relatively low wages (below $60,000). Other employers, who use a relatively small number of H–1Bs, will not have to comply with the new attestations unless they have been found to have willfully violated the rules of the H–1B program.

Since a Conference Committee Report was never prepared for the American Competitiveness and Workforce Improvement Act, I felt it important to supplement the existing legislative history (such as H. Rep. No. 105–657) with the present document. What follows is an explanatory statement as to some of the provisions of the Act.

Let me start off by saying that when interpreting the statutory language, each provision should be read in the light most protective of American workers. This was, in my view, the intent of the House of Representatives and the way in which the body would want the Secretary of Labor, the Attorney General, and the Commissioner of the Immigration and Naturalization Service to interpret the language. On September 24, 1998, the House passed H.R. 3736. As consistent with the compromise agreement I had helped negotiate, I supported the bill and opposed the Democratic substitute offered by Representative WATT. However, it should be remembered that a majority of the members of the House that day either voted in favor of the Watt amendment or against H.R. 3736 on final passage (or both).

The Watt amendment contained the heightened protections for American workers contained in H.R. 3736 as passed by the Judiciary Committee. It is clear that the members—constituting a majority of the House—who voted for the Watt amendment or against final passage were very concerned about the impact of a large-scale increase in the H–1B quota on American workers in the impacted professional fields. Many of the members who voted against the Watt amendment and in favor of H.R. 3736 on final passage were also concerned about American workers and only voted as they did because they understood that the worker protections in the final compromise would be reasonably interpreted and vigorously enforced. Thus, a large majority of the House of Representatives would want H.R. 3736 read in the light most protective of American workers.

Finally, the following legislative history ends after section 413 of the bill. The remaining provisions were deemed self-explanatory, and thus, not in need of further explanation.

THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998

SECTION 401. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT

This section specifies the short title, the ''American Competitiveness and Workforce Improvement Act of 1998,'' the table of contents for the legislation, and the rule that, unless otherwise specified, the legislation amends the Immigration and Nationality Act.

Subtitle A—Provisions Relating to H–1B Nonimmigrants

Subtitle A contains the changes the legislation is making to current law regarding H–1B visas.

SECTION 411. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H–1B PROGRAM

This section specifies the new ceilings for these visas: 115,000 in FY 1999 and 2000, 107,500 in FY 2001, and 65,000 thereafter.

SECTION 412. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H–1B–DEPENDENT EMPLOYERS

This section provides for three new obligations that covered employers must attest to prior to sponsoring temporary foreign workers who either do not have a master's degree or who are paid less than $60,000 annually.

Subsection 412(a) amends section 212(n)(1) of the Immigration and Nationality Act to

add three new attestations, and provisions relating to these attestations, that must be included on H–1B applications filed by certain employers on behalf of certain H–1B nonimmigrants. Subsection 412(b) contains definitions relating to the new requirements. Given the close nexus between these two subsections, they are discussed here together, so as to allow the discussion of the substantive provisions to be illuminated by the discussion of the definitions.

1. The ''no-lay off/non-displacement'' attestation. Subsection (a)(1) first adds a new attestation by amending section 212(n)(1) of the Immigration and Nationality Act to add a new subparagraph (E)(i). This provision requires a covered employer to attest that its hiring of an H–1B worker is not displacing an American (United States) workers. The term ''displace'' is defined in new subparagraph (4)(B) of section 212(n), added by section 412(b) of this legislation. That paragraph states that an employer ''displaces'' an American worker in hiring an H–1B worker if it lays off an American worker with substantially equivalent qualifications and experience whose job has ''essentially the same responsibilities'' (although it is not necessarily the same job the H–1B worker is being hired to do) and is located in the same area of employment.

It is the intent of the Congress through this provision to prevent covered employers from replacing or displacing American workers with H–1B nonimmigrants. The legislation clearly states that an ''employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant or nonimmigrants is or are sought.'' By defining displacement in such a way, Congress makes clear that the prohibition is directed to circumstances in which a covered employer hires H–1B workers with similar qualifications to those of laid off American workers in similar jobs.

This language should not be interpreted as prohibiting and preventing only a on-for-one replacement of a particular laid off American worker; such an interpretation would be an overly rigid reading and a mischaracterization of Congressional intent. The focus of the provision is on the placement of H–1B workers in the kinds of jobs previously held by American workers. If an American worker was laid off from a job and the employer then hires an alien (on an H–1B visa) with sufficiently similar skills and experience to perform a sufficiently similar job, a prohibited displacement has taken place. This is a violation of the attestation regardless of whether the replacement was intentional or unintentional, or whether it was done in bad faith or not.

A covered employer, of course, is prohibited from concealing a lay off/displacement making a modest or cosmetic change in job duties and responsibilities. The covered employer, is also prohibited by concealing a layoff/displacement by some other subterfuge or pretense. This point is made clear by Congress' stipulation that the expiration of a temporary employment contract will be treated as a lay off (as discussed below) if an employer enters into such a contract with the intent of evading the anti-displacement attestations contained in new paragraphs (E) and (F) of subsection 212(n)(1).

For similar reasons, the geographical reach of the prohibitions is extended so as to include work sites within normal commuting distance of the work site where the H–1B worker is or is to be employed. This provision is intended to cover the possibility of an employer trying to evade this prohibition by displacing an American worker with an H–1B worker assigned to a nearby work site.

It should also be noted that under new paragraph (E)(i), displacement is prohibited only if it occurs within 90 days before or after the employer files an H–1B petition supported by the application. Congress decided that 180 days around the filing of such petition is the period of time during which such displacement would be most likely to occur as a practical matter.

The definition of ''lays off'' set out in new subparagraph (4)(D) of 212(n) (added by section 412(b) of this legislation), while excluding the expiration of a temporary employment contract from the definition, clarifies that the expiration of such a contract will be treated as a lay off if an employer enters into such a contract with the specific intent of evading the anti-displacement attestations contained in new paragraphs (E) and (F) of subsection 212(n)(1).

Finally, the legislation expressly states that its definition of ''lay off'' is not intended to supersede the rights which employees may have under collective bargaining agreements or other employment contracts; private rights under such contracts are preserved for the American worker to pursue through appropriate channels. However, the preservation of such contractual rights is not intended by Congress to negate the protections or remedies available to that worker under this or any other Act. Thus, in those circumstances where Department of Labor has jurisdiction, those remedies, in addition to the private rights of employees under collective bargaining or other employment contracts, are to continue to be available. Congress anticipates that, in reviewing complaints and other credible information, the Department should look carefully at any evidence of lay offs, including those which may have implications for collective bargaining or other employment contracts.

The legislation specifies that an American worker who is offered a ''similar employment opportunity'' as an alternative to loss of employment has not been ''laid off'' for purposes of this provision. The intent of Congress is that the ''similar employment opportunity with the same employer at equivalent or higher compensation and benefits'' would be a meaningful offer. It is Congress' intent that an employer should not be able to evade liability for a violation of the displacement attestation by making an offer of an alternative employment opportunity without considerations such as relocation expenses and cost of living differentials if the alternative position was in a different geographical location.

2. The ''secondary non-displacement'' attestation. In addition to a covered employer's attestation that it has not displaced an American worker, the legislation prohibits a covered employer in certain circumstances fro placing an H–1B nonimmigrant with another employer where the ''other'' employer has or will displace an American worker. Therefore, Section 412(a) adds a ''secondary non-displacement'' attestation by amending section 212(n)(1) of the Immigration and Nationality Act to include a new subparagraph (F), requiring a covered employer to attest to not placing an H–1B employee with another employer (at another employer's worksite) without having inquired as to, and having no knowledge of, any such displacement or intention to displace by the other employer before and after the date of placement.

In enacting this provision, Congress intends that the employer make a reasonable inquiry and give due regard to available information. Simply making a pro forma inquiry would not insulate a covered employer from liability should be ''other'' employer displace an American worker form a job sufficiently similar to the one which would be performed by an H–1B worker. That is one of the reasons why subsection 412(a)(2) of the legislation requires that the employer be notified through a clear statement on the labor condition application (LCA) regarding the scope of a covered employer's liability with respect to a lay off by a secondary employer. Through the LCA form, the Department of Labor will make clear to covered employers their obligation to exercise due diligence in ascertaining whether the placement of H–1B nonimmigrants may correspond with the lay off or displacement of American workers in similar jobs. Some of the most egregious cases involving the abuse of the H–1B visa program have involved American workers being retained only long enough to train their H–1B replacements under contract with a different employer. A covered employer making this attestation must exercise due diligence in meeting its responsibilities regarding the secondary employer.

However, as discussed later, the attesting employer will still be subject to a penalty if the ''other'' employer has engaged in or does engage in a prohibited lay off/displacement even if the attesting employer has made a reasonable inquiry of the other employer and had reasonably concluded that the lay/off displacement has not taken place and will not take place. That is the other reason why subsection 412(a)(2) of the legislation requires that the employer be notified through a clear statement on the labor condition application (LCA) regarding the scope of a covered employer's liability with respect to a lay off by a secondary employer.

3. The ''recruitment'' attestation. The last new required LCA statement added by section 412(a) is a ''recruitment'' attestation, set out in new subparagraph (G) of section 212(n)(1). It requires a covered employer to attest that it has taken good faith steps to recruit American workers for the job for which it is seeking the H–1B worker, and has offered the job to any equally or better qualified American worker. Congress intends for an employer to at least use industry-wide recruiting practices (unless the employer's own recruitment practices are more successful in attracting American workers), and, in particular, to use those recruitment strategies by which employers in an industry have successfully recruited American workers. The Department of Labor, in defining and determining whether certain recruitment practices meet the statutory requirements, should consider the views of major industry associations, employee organizations, and other interest groups.

Section 412(a)(3) of this legislation adds language at the end of section 212(n)(1), stating that the recruitment attestation is not to be construed to preclude an employer from making employment decisions based upon ''legitimate selection criteria relevant to the job that are normal or customary to the type of job involved, so long as such criteria are not applies in a discriminatory manner.'' The employer's recruitment and selection criteria therefore must be relevant to the job (not merely preferred by the employer), must be normal and customary (in the relevant industry) for that type of job, and must be applied in a non-discriminatory manner. Just because an employer in good faith believes that its selection criteria meet such standards does not necessarily mean that they in fact do. Any criteria that would, in itself, violate U.S. law can clearly not be applied, including criteria based on race, sex, age, or national origin. The employer cannot impose spurious hiring criteria that discriminate against American applicants in favor of H–1Bs, thereby subverting employer obligations to hire an equally or better qualified American worker.

Any ''good faith'' recruitment effort, as required by this legislation, must include fair,

adequate and equal consideration of all American applicants. The Act requires that the job must be offered to any American applicant equally or better qualified than a nonimmigrant. Congress recognizes that ''good faith'' recruitment does not end upon receipt of applications, but rather must include the treatment of the applicants. In evaluating this treatment, the Department should consider the process and criteria for screening applicants, as well as the steps taken to recruit for the position and obtain those applicants. It is Congress's intent that employers be able to demonstrate that they have recruited in ''good faith'' by maintaining a fair and level playing field for all applicants and by not skewing their recruitment process against American workers. Employers who consistently fail to find American workers to fill positions should receive the Department's special attention in this context of ''good faith'' recruitment.

In the Act, the Attorney General is separately charged with the adjudication of claims by American workers who believe that they were ''equally or better qualified'' than H–1B workers who were hired.

4. Employers and H–1B workers covered by the new statements. Section 412(a) of this legislation adds a new subparagraph (E)(ii) to section 212(n)(1) which specifies which employers are subject to the new attestation requirements. There are two categories of covered employers: (1) ''H–1B-dependent'' employers and (2) employers who, after enactment of the Act, have been found to have committed a willful failure to meet a condition set out in section 212(n)(1) or a willful misrepresentation of material fact on an LCA. These two categories encompass those employers most likely to abuse the H–1B program.

The first category, ''H–1B-dependent employers,'' is defined in new paragraph (3)(A) of section 212(n), added by section 412(b) of this legislation. Under that definition, an employer is H–1B-dependent if it has 51 or more full-time equivalent employees, 15% or more of whom are H–1B workers. Employers with 25 or fewer full-time equivalent employees are H–1B-dependent if they have more than 7 H–1B employees, and employers with between 26 and 50 full-time equivalent employees are H–1B-dependent if they have more than 12 H–1B employees.

The second category of covered employers is those who have been found to have committed a willful failure or a willful misrepresentation under section 212(n)(2)(C) or 212(n)(5). These employers are subject to the new attestation elements for five years after the finding of violation. Of course, in order to trigger the coverage of these elements, the finding of willful violation must have been made in a manner consistent with the procedural requirements in the Act, including the 12-month statute of limitations on the investigation of complaints or other information (section 212(n)(2)(A); 212(n)(2)(G); 212(n)(5)).

Under new subparagraph (E)(ii) of 212(n)(1), employers required to include the new statements on their applications are excused from doing so on applications that are filed only on behalf of ''exempt'' H–1B nonimmigrants. An ''exempt'' H–1B nonimmigrant is defined in new paragraph (3)(B) of section 212(n) as one whose annual wages, including cash bonuses and other similar compensation, will be equal to at least $60,000 (and will remain at such level for the duration of his or her employment while under an H–1B visa) or who has a master's or higher degree (or its equivalent) in a specialty related to the intended employment. It is important to note that the term ''or its equivalent'' is intended to mean an equivalent degree from a foreign university, and does not mean to imply that any amount of work experience can be substituted for such a degree. It is also important to note that the degree must be in a specialty which has a legitimate, commonly accepted connection to the employment for which the H–1B nonimmigrant is to be hired.

Exempt H–1B nonimmigrants are entirely excluded from the computation by which their employer's H–1B dependency is to be determined under new paragraph (3)(C) (also added by section 412(b) of this legislation) for the first six months after enactment of this Act, or until promulgation of final regulations, whichever is longer. However, once this transition period ends, they are included in the calculation of whether an employer is H–1B dependent.

Subsection 412(c) modifies subparagraph (1)(C)(ii) to authorize employers to post their required notices electronically. This provision is intended to allow employers a choice of methods for informing employees of the intended employment of H–1B nonimmigrants. An employer may either post a physical notice in the traditional manner, or may electronically notify employees of the identical information. By providing this flexibility, Congress intended to improve the effectiveness of posting in the protection of American workers. Therefore, the electronic notification must actually be transmitted to the employees, not merely be made available through electronic means such as inclusion on an electronic bulletin board.

Subsection 412(d) makes the new attestation requirements effective on the date of the Secretary's issuance of final regulations to carry them out, and the other provisions of the Act effective upon enactment. Subsection 412(e) allows the Secretary of Labor and the Attorney General to reduce the period for public comment on proposed regulations to no less than 30 days so that the necessary regulations may be promulgated in a timely manner.

SECTION 413. CHANGES IN ENFORCEMENT AND PENALTIES

This section specifies the penalty structure for failures (both willful and nonwillful) to meet the new labor condition attestations added by section 412 (as well failures to meet the pre-existing attestations or the misrepresentation of a material fact in an application). A special penalty is imposed for a willful violation in the course of which an employer displaces an American worker. The provision clarifies that certain kinds of employer conduct constitute a violation of the prevailing wage attestation, and that other kinds of employer conduct are also prohibited in the H–1B program. Finally, the provision grants certain new authorities to the Secretary of Labor and establishes a special enforcement mechanism administered by the Attorney General to address alleged violations of the selection portion of the recruitment attestation.

Subsection 413(a) revises the penalty structure set out in subparagraph 212(n)(2)(C) of the Immigration and Nationality Act. In that subparagraph as amended, clause (i) specifies the penalties for a failure to meet a condition of subparagraph (1)(B) (strike or lockout) or a substantial failure to meet a condition of subparagraph (1)(C) (posting) or (1)(D) (contents of application), or a misrepresentation of material fact. These penalties remain as they were under the prior law: administrative remedies including a $1000 fine per violation, and (at least) a one-year debarment. The clause is expanded to make these penalties also apply to a failure to meet a condition of new subparagraphs (1)(E) or (1)(F) (non-displacement) and to a substantial failure to meet a condition of new subparagraph (1)(G)(i)(I) (good faith recruitment). New clause (ii) of section 212(n)(2)(C) sets out the new increased penalties for willful failures to meet any condition in paragraph (1), willful misrepresentations of material fact, or violations of new clause (iv) prohibiting retaliation against whistle blowers. These penalties consist of administrative remedies including a $5000 civil fine per violation, and (at least) a two year debarment.

New clause (iii) of section 212(n)(2)(C) sets out a further enhanced penalty for willful failures to meet a condition of paragraph (1) or willful misrepresentation of material fact in the course of which violation the employer displaces an American worker within 90 days before or after the date of the filing of a visa petition. This penalty consists of administrative remedies including a $35,000 civil fine per violation, and (at least) a three year debarment. Congress intends that this new penalty will assure that there are adequate sanctions for (and hence adequate deterrence against) any willful violation of the existing wage-payment requirements in the course of which an employer ''displaces'' an American worker with an H–1B worker.

It is important to note that in clauses (i), (ii), and (iii), authorizing the Secretary to impose ''administrative remedies * * * as [she] determines to be appropriate,'' Congress intends that such remedies will include ''make-whole'' relief for affected American workers (such as, in appropriate circumstances, monetary compensation to the American worker or reinstatement to the job from which the American worker was dismissed or placement in the job to which the American worker should have been hired).

New clause (iv) essentially codifies current Department of Labor regulations concerning whistle blowers in the H–1B program. This statutory provision is included not in order to change current standards concerning whistle blowers, but to provide an unarguable statutory basis for the existing regulations. New clause (v) is intended to complement clause (iv) by directing the Secretary of Labor and the Attorney General to devise a process to make it easy for someone who has filed a complaint under clause (iv) to seek a new job in the U.S. It is contemplated that this process would be expeditious and easy to use, so that the employee does not need to wait for a new employer to obtain approval for a new petition in order to change jobs in these circumstances.

New clause (vi) prohibits employers from obtaining payments of money from H–1B workers in specified circumstances. Subclause (I) prohibits employers from requiring H–1B workers to pay a penalty for leaving an employer's employ before a date agreed to between the employer and the worker. It directs that the Secretary is to determine whether a payment is a prohibited ''penalty'' or a permissible ''liquidated damages'' clause under relevant State law. This provision was added because of numerous cases that have come to light where visa holders or their families were required to make large payments to employers because the worker secured other employment. The Secretary may impose a penalty of $1,000 and require that the employer refund the payment to the worker (or to the Treasury if the worker can not be located) under new subclause (vi)(III).

New subclause (vi)(II) prohibits employers from accepting reimbursement from H–1B workers for the filing fees imposed under new section 214(c)(9) of the INA. Congress included this prohibition to make it very clear that these fees are to be borne by the employer, not passed on to the workers. If the Secretary determines that the worker has reimbursed or otherwise compensated the employer for the filing fee, the Secretary may impose a penalty of $1,000 and require that the employer refund the payment to the

worker (or to the Treasury if the worker can not be located) under new subclause (vi)(III).

New clause (vii) addresses an issue known colloquially as ''benching,'' which means holding an H–1B worker after admission for employment in underpaid or unpaid status. An extreme example of ''benching'' occurs where an employer brings an H–1B worker to the U.S. on the promise of a certain wage, but then pays the worker only a fraction of that wage or no wage at all because the employer does not have enough work for the H–1B worker. While the full extent of this practice is not known, ''benching'' is a frequent cause of wage violations found in Department of Labor investigations. This is a very serious situation. H–1B nonimmigrants are only allowed to be employed by the petitioning employer and admitted to the U.S. on the basis of an employer's claim of an urgent need for the worker. Therefore, ''benching'' both reflects a less than honest claim and often results in foreign workers being in this country without adequate means (sometimes without any means) of support.

Subclause (I) clarifies that ''benching'' is a violation of the employer's obligation to pay the prevailing or actual wage. An employer's failure to pay wages during an H–1B worker's non-productive status, due to a decision by the employer (based on factors such as lack of work for the worker) or due to the worker's lack of a license or permit, is included in the definition of ''benching.'' It is the intent and understanding of Congress that in such circumstances the employer has an obligation to provide full wages as well as the benefits package that the employer would provide to an American worker as required under clause (viii) discussed below.

Subclause (II) further clarifies that in the case of an H–1B worker designated as part-time on a visa petition, an employer commits a ''benching'' violation if it fails to pay the H–1B worker for the full number of hours and at the full rate of pay stated on the petition. Nothing in subclause (II) is intended to preclude part-time H–1B employment, as long as that was the agreement made by the employer and the H–1B worker prior to the submission of the visa petition. The employer should accurately designate a worker as full or part-time, and the employer's misrepresentation of this material fact should be scrutinized by the Secretary in her determination of whether any ''benching'' violation has occurred or misrepresentation has been made, and to pay particular attention to whether the fringe benefits provided by the employer to American workers would include paid leave for such nonproductive time (see clause (viii) regarding benefits).

The Congress anticipates that the Secretary will look closely at circumstances that appear to be contrived to take advantage of non-paid time. Subclause (IV) provides that the employer is not required to pay wages where the H–1B worker's nonproductive status is due to non-work-related reasons, such as the worker's voluntary request for leave of absence or ''circumstances rendering the nonimmigrant unable to work.'' The alleged ''voluntariness'' of the worker's request would, of course, be determined in the context of the employment circumstances. Further, this H–1B provision regarding non-paid status must be consistent with any other applicable law, such as the Rehabilitation Act or the Family and Medical Leave Act, which may require payment of wages in some circumstances.

Subclause (III) describes the manner in which the provisions of subclauses (I) and (II) apply to an H–1B worker who has not yet entered into employment with an employer. In such cases, the employer's obligation is to pay the H–1B worker the required wage beginning no later than 30 days after the H–1B worker is first admitted to the U.S., or in the case of a nonimmigrant already in the United States and working for a different employer, 60 days after the date the H–1B worker becomes eligible to work for the new employer. Such ''eligibility'' is to be understood to mean the completion of the visa process, and not other formalities, such as obtaining a license or permit.

Subclause (V) is intended to make clear that a school or other educational institution that customarily pays employees an annual salary in disbursements over fewer than 12 months may pay an H–1B worker in the same manner without violating clause (vii), provided that the H–1B worker agrees to this payment schedule in advance. Congress specifically limited this exemption to schools and educational institutions in recognition of their unique salary patterns.

The intent of the ''benching'' provision is to prevent the exploitation of H–1B workers. It is not the intent of Congress that a circumstance be created under which an employer could avoid compliance with the ''benching'' provision by laying off an American worker. If an employer were to do so, this would trigger the enforcement and penalty provisions of the Act.

Clause (viii) adds an additional clarification concerning an employer's obligations under the attestation on wages and working conditions set forth in 212(n)(1)(A). The new provision states that it is a violation of those obligations for an employer to fail to offer ''benefits and eligibility for benefits'' to H–1B workers ''on the same basis, and in accordance with the same criteria,'' as the employer offers to American workers. The statement ''on the same basis'' is intended to mean equal or equivalent treatment, not preferential treatment for any group of workers. Thus, if an employer offers benefits to American workers, it must offer those same benefits to H–1B workers. Similarly, if an employer offers performance-based bonuses to American workers, it must give similarly-situated H–1B workers the same opportunity to earn such a bonus.

Clause (viii)'s phrasing of the employer's duty as an obligation to provide ''benefits and eligibility for benefits,'' rather than just one or the other, was chosen to cover two eventualities. On the one hand, it would not be proper for an employer to make an H–1B worker ''eligible'' for benefits on the same basis as its American workers but then actually provide the benefits only to American workers. On the other hand, ''providing'' or delivering the benefits is required and is to be done in accordance with whatever criteria apply to American workers. In order to actually receive many kinds of benefits, employees are required to take some kind of action such as to select a plan, to provide partial payment for the benefits, to work for the employer for a certain period of time, or to perform at a high level. The receipt of other kinds of benefits may turn on other contingencies such as, in the case of some kinds of bonuses and stock options, the company's year-end performance. Accordingly, the employer's obligation is to make H–1B workers ''eligible'' for the benefits and to actually provide the benefits ''on the same basis, and in accordance with the same criteria'' as American workers.

The underlying principle for this requirement is to protect American workers from having their wages and working conditions eroded by the presence of nonimmigrant workers who are not being treated equally, and being compensated in the same manner. There is particular concern regarding such erosion in instances where a foreign affiliate of a petitioning employer is involved as the agent for payment of wages and provision of benefits to the H–1B workers. The statutory obligations must be fully met in such instances. Congress intends that the ultimate and complete responsibility for all employer obligations under this Act, including the provision of benefits to the H–1B worker equal to those offered the employer's American workers based in the U.S., lies with the American (United States) employer who brings nonimmigrant workers into the country. Ultimately, it is the American employer, not the foreign subsidiary, pledging a benefit package similar to that of its American workers. Congress would expect the Secretary to look with particular care at circumstances involving a foreign subsidiary where there is an appearance of contrivance to avoid the obligation to provide equal wages and benefits to H–1B and American workers.

Section 413(b) adds a new paragraph (5) at the end of 212(n) that sets out the exclusive remedial mechanism for violations of the selection portion of the recruitment attestation set out in new paragraph 212(n)(1)(G)(i)(II) or any alleged misrepresentations relating to that attestation. It also contains a savings clause that states that the provision should not be construed to affect the authority of the Secretary or the Attorney General with respect to ''any other violations.'' This savings clause means that while the Secretary is not authorized to remedy a violation of (1)(G)(i)(II) regarding an individual American worker, the Secretary retains the broad authority to investigate and take appropriate steps regarding the employer's ''good faith'' recruitment efforts, including ''good faith'' consideration of American applicants.

The Congress anticipates that the Secretary will exercise her enforcement discretion so as not to use the ''good faith'' recruitment investigation as a ''back door'' way around the exclusivity or the arbitration remedy set out in 212(n)(5) for a violation of (1)(G)(i)(II) regarding an individual American worker. It should also be noted that by setting up separate mechanisms, one lodged at the Department of Labor concerning recruitment and one lodged at the Department of Justice concerning selection, Congress contemplates that the separate enforcement mechanisms will be operated in a cooperative, non-duplicative manner. In this context, we recognize that evidence tending to establish a non-selection violation would be pertinent to the matter of whether the recruitment, overall, had been conducted in ''good faith.'' Finally, Congress would expect that both the Attorney General and Department of Labor, in promulgating their regulations concerning recruitment procedures and selection criteria, will provide clear guidance to employers, including recognition that employers may use job-relevant standards and industry-wide recruitment practices.

Under the enforcement scheme set up by paragraph (5), any person aggrieved by an alleged violation of 212(n)(1)(G)(i)(II) or a related misrepresentation and who has applied in a reasonable manner for the job at issue may file a complaint with the Attorney General within 12 months of the date of the violation or misrepresentation. The Attorney General is charged with establishing a mechanism for examination of such a complaint to determine whether it provides reasonable cause to believe that such a violation or misrepresentation has occurred.

If the Attorney General does find reasonable cause, she is charged with initiating binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the Service's roster. The arbitrator is to be selected in accordance with the procedures and rules of the Service. The fees and expenses

for the arbitrator are to be paid by the Attorney General.

The arbitrator is charged with deciding whether the alleged violation or misrepresentation occurred and, if it occurred, whether it was willful. The complainant has the burden of establishing such violation or misrepresentation by clear and convincing evidence, but the complainant does not need to allege or prove that the violation or misrepresentation was willful. Congress intends that the arbitrator would not simply substitute his or her judgment for the employer's judgment concerning the relative qualifications of potential employees, but would carefully consider all the evidence presented, in accordance with section 212(n)(1) which permits the employer to use job-relevant standards applied in a non-discriminatory manner. However, just because an employer in good-faith believes that an American worker is not as well qualified as an H–1B alien does not necessarily mean that the American worker is in fact not as well qualified.

The arbitrator's decision is subject to review by the Attorney General only to the same extent as arbitration awards are subject to vacation or modification under sections 10 or 11 of title 9 of the United States Code, and to judicial review only in an appropriate court of appeals on the grounds described in section 706(a)(2) of title 5 of the United States Code.

The remedies for violations resemble those established for the other violations of the labor condition attestations. Congress anticipates that the authorized ''administrative remedies'' could include not only the specified $1,000 fine per violation or $5,000 fine per willful violation, but also other appropriate ''make-whole'' remedies. Further, a debarment penalty of one year (or two years for a willful violation) is authorized. A finding of a willful violation will subject an employer to the no-lay off/non-displacement attestation and the recruitment attestation for a period of five years (as provided in section 212(n)(1)(E)(ii)) and to random inspections for a period of five years (as provided in section 212(n)(2)(F), to be discussed later).

The Attorney General is prohibited from delegating the responsibilities assigned to her to anyone else unless she submits a plan for such a delegation 60 days before its implementation to the Committees on the Judiciary of each House of Congress. This is in order to assure that Congress has an adequate opportunity to be involved in the decision regarding where at the Department of Justice the Attorney General plans on lodging this function.

Section 413(c) adds a new section 212(n)(2)(E) describing the liability of an employer who has executed the ''secondary non-displacement attestation'' for placing a non-exempt H–1B worker with respect to whom it has filed an application containing such an attestation with another employer under the circumstances described in paragraph (1)(F). If the other employer has displaced an American worker (under the definitions used in this legislation) during the 90 days before or after the placement, the attesting employer is liable as if it had violated the attestation.

In all instances, the sanction may be an administrative remedy (including civil monetary penalties and ''make-whole'' remedies to the American worker affected). The attesting employer can only receive a debarment, however, if it is found to have known or to have had reason to know of the secondary displacement at the time of the placement of the H–1B worker with the other employer, or if the attesting employer was previously sanctioned for a secondary displacement under 212(n)(2)(E) for placing an H–1B nonimmigrant with the same other employer. If an employer has conducted the required inquiry prior to any placement with a ''secondary'' employer, and has no information or reason to know of that employer's past or intended displacement of U.S. workers, then the attesting employer should ordinarily be presumed not to have willfully violated the secondary displacement attestation. Congress anticipates that the Department of Labor, in promulgating and enforcing regulations, would require a reasonable level of inquiry.

Subsection 413(d) adds a new section 212(n)(2)(F) granting the Secretary authority to conduct random investigations of certain employers in certain situations. This authority is in addition to the existing investigative authority in section 212(n)(2)(A), as heretofore exercised by the Secretary. This ''random investigation'' provision is applicable for a five-year period following a finding by the Secretary that the employer in question committed a willful violation or made a willful misrepresentation, or a finding in the Attorney General's arbitration proceedings that the employer willfully violated paragraph (n)(1)(G)(i)(II).

Subsection 413(e) specifies a particular investigative process, to be used by the Secretary during the three-year period following enactment of this legislation. This process does not supplant or curtail the Secretary's existing authority in paragraph (2)(A) and does not affect the Secretary's newly-created authority under paragraph (2)(F) (''random investigations''). Under the new provision, subparagraph (G) of 212(n)(2), added by paragraph (1) of subsection 413(e) of this Act, the Secretary is authorized under certain circumstances to initiate a 30 day investigation on allegations of willful failures to meet a condition of paragraph (1)(A), (1)(B), (1)(E), (1)(F), or (1)(G)(i)(I), allegations of a pattern or practice by an employer of failures to meet such a condition, or allegations of a substantial failure to meet such a condition that affects multiple employees.

This provision does not address the matter of ''self-directed'' or ''self-initiated'' investigations by the Secretary. Rather, as specified in clause (ii) and (iii), an investigation under this provision can be initiated only on the basis of a communication by a person outside the Department of Labor, or on the basis of information the Secretary acquires lawfully in the course of another investigation within the scope of any of her statutory investigative authorities. The source's identity must be known to the Secretary, but need not be revealed to the employer in certain circumstances (However, the Secretary may seek to ascertain the identity of a person who has submitted credible information anonymously so that the Secretary may pursue an investigation under this provision.). Under this investigative process, the Secretary is not to act upon information received from the employer in paperwork filed to obtain an H–1B visa.

Congress anticipates that in promulgating and enforcing regulations for this process, the Secretary will provide guidance as to the types of situations which would be appropriate for investigation, such as an intentional ''posting'' violation which affects numerous employees (a ''substantial failure to meet such a condition that affects multiple employees''), or perhaps a more significant violation that affects only one or a handful of people. For purposes of interpreting ''a substantial failure to meet such a condition that affects multiple employees'', the more substantial the failure is, the fewer employees need be affected. For a very substantial failure, only two employees need be affected.

Congress' intent in enacting this special enforcement process was to endorse the Secretary's efforts to be more vigilant and effective in the enforcement of this Act, especially given the authorization of a substantial increase in temporary foreign workers. The presence of almost twice as many H–1B workers during the coming years could undercut the wages, working conditions and job opportunities of American workers and Congress is concerned that American workers be protected.

Subparagraph (G) prescribes several procedural steps governing this new process. First, under clause (i), there must be a finding of reasonable cause to believe that an employer is committing one of the covered violations. Second, the Secretary (or the Acting Secretary, in the case of the Secretary's absence or disability) must personally certify that this requirement and the other requirements of clause (i) have been met before an investigation may be launched. Third, the investigation is to be completed in 30 days. Fourth, the Secretary's investigation should focus on the alleged violation or violations. Fifth, the information provided by the source must be put in writing, either by the source itself or by a Department of Labor employee on behalf of the source. Sixth, a 12-month statute of limitations applies.

Additionally, the Secretary is directed to provide notice to the employer of information, including the identity of the person who provided the information, that may lead to the launching of an investigation and an opportunity to respond to that information before the investigation is actually initiated. However, the Secretary is authorized to forgo this notice where she determines that to do so will interfere with her efforts ''to secure compliance by the employer with [the H–1B program requirements].'' It is Congress' expectation that the Secretary will forgo notice of the information where she has a reasonable belief that the employer may frustrate the investigation and avoid compliance as a result of the notice, and will forgo notice of the identity of the person providing the information where the person has a credible fear that he or she will be retaliated against. While many employers would correct a problem brought to their attention, it cannot be assumed that the simple disclosure of allegations of wrongdoing would, in itself, be sufficient to assure compliance. When the Secretary provides the name of the person providing the information, notice should also be provided as to the penalties for retaliation and blacklisting of individuals included in the Act.

Finally, the new procedure includes the employer's right to an administrative fact-finding hearing within 60 days after the investigative determination.

One last point must be made in regard to the H–1B enforcement processes. In requiring that the Secretary act where there is ''reasonable cause to believe'' that a violation has been committed, Congress does not intend to impose on the Secretary the same level of justification or proof as it required under the Fourth Amendment's ''probable cause'' for search and seizure of persons or property. These legal standards have well-established, distinctly different meanings. Employers who enter into the H–1B program as sponsors of temporary foreign labor have an obligation to be cooperative in furnishing the Department with the appropriate records and information. The structure and language of this Act make it clear that employers are expected to cooperate fully with the Secretary and the Attorney General in all investigations and proceedings. The Secretary and the Attorney General are, of course, required to exercise their discretion in an appropriate manner within the scope of their authority.

Subsection 413(f) clarifies that none of the enforcement authorities granted in subsection 212(n)(2) as amended should be construed to supersede or preempt other enforcement-related authorities the Secretary of Labor or the Attorney General may have under the Immigration and Nationality Act or any other law.

TRIBUTE TO CESAR PELLI FOR OUTSTANDING COMMUNITY DEVELOPMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I am proud to stand before you to honor a citizen of Connecticut who has graced the New Haven area and the world with his architectural achievements. Over his long and illustrious career, Cesar Pelli has literally changed the landscape of our cities and our nation with his socially responsive and uplifting designs.

Anyone who has flown into the new terminal designed by Cesar Pelli for the Washington National Airport can appreciate the genius of Pelli's designs: his belief that each building be shaped by its location and purpose; his sense of space, light and harmony; and his commitment to creating gracious, accessible buildings which facilitate public use, enjoyment, and interaction. Each of Pelli's designs complements and emerges from the existing cityscape, yet transcends and elevates the surrounding structures. His architectural projects across the world serve diverse purposes and peoples, including the Pacific Design Center in Los Angeles, the United States Embassy in Japan, the Commons of Columbus in Columbus, Indiana, the New York World Financial Center and Winter Garden, the Morse and Stiles Colleges at Yale University, the International Finance Center under construction in Hong Kong, and the renovation of the New York City Museum of Modern Art.

New Haven has been fortunate to have Cesar Pelli call it home since 1977, when he became the Dean of the Yale University School of Architecture. It is fitting that tonight in New Haven, Mr. Pelli is being honored at Casa Otonal, the residential community for the elderly whose inner city campus of workshops, residences, and on-site services and intergenerational programs was designed by Cesar Pelli 22 years ago. Pelli's campus fosters a sense of community among residents and the surrounding inner city neighborhood, reaffirming Casa Otonal's mission and enhancing its success. It is this commitment to city landscape and life which has earned Mr. Pelli more than 100 awards for design excellence, including the American Institute of Architects 1995 Gold Medal for a lifetime of distinguished achievement and outstanding contributions.

Cesar Pelli, we thank you for your commitment and contribution to our cities and to urban life. It is my great honor and privilege to join with the residents and staff of Casa Otonal, and with your family and friends, to pay tribute to your remarkable achievements.

TRIBUTE TO R. DAVID GUERRA

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. HINOJOSA. Mr. Speaker, it is a great honor to stand before you to pay homage to a man who has made such a difference in his community. Mr. R. David Guerra, President and Director of the International Bank of Commerce in McAllen, Texas, has been awarded the Cultural Leader of the Year Award by the South Texas Symphony Association.

Mr. Guerra, a graduate of the Stonier Graduate School of Banking at Rutgers University, soon began a prestigious career with the U.S. Treasury Department. He was commissioned in 1977 as a National Bank Examiner, Comptroller of the Currency. During this period, David received numerous achievement awards and participated in various special projects throughout the United States. In 1981, David became Executive Vice-President and Director of the International Bank of Commerce in Laredo, Texas, including the title of Vice President of International Bankshares, Inc. Adept in banking and management, David earned the title of President in 1990, and continues to lead seventeen International Bank of Commerce branches in South Texas in a successful banking enterprise.

Though his accomplishments within the banking industry are quite impressive, David has worked to extend his success to his community. David is active in numerous civic, political and professional organizations. In addition to his career accomplishments, he offers his business knowledge as Director of the Independent Bankers Association of Texas, and has served as President and Director of the Laredo Development Foundation, Director of the Laredo Chamber of Commerce, and the Corporation Director and Vice Chairman of the McAllen Economic Development Corp. Presently serving as Director of the Texas Higher Education Board and Director of The University of Texas-Pan American Foundation, David firmly believes in supporting students seeking further education. As a past Director and current Pace Setter Chairman of United Way of Hidalgo County, he is making a difference in the lives of the children who are the future of our community. Also the Director of McAllen Performing Arts, Inc., and past Director of the Hidalgo County Historical Museum, David promotes his cultural environment so often neglected by others.

R. David Guerra's commitment to education, enrichment, and achievement has made him a catalyst for accomplishment in his community. His ambition and commitment serves as standards for all leaders to admire. He has gained my admiration as a businessman, and my respect as a community leader. It is my pleasure to see him named the 1998–1999 Cultural Leader of the Year.

I wish for David, his wife, and his two children all the blessings that are mine to give. I look forward to your future works, and thank you for being a model for your community.

HONORING MAYOR TOM BRADLEY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues in honoring the memory of a great man and a great leader, Mayor Tom Bradley.

I am proud of the fact that Tom Bradley served for 20 years as mayor of my home town, the great city of Los Angeles.

He was dignified, gracious, and extremely effective. Known as a great coalition builder, he had no trouble getting the sometimes uncooperative city council to provide him the eight votes needed to approve his initiatives.

Through these initiatives, Mayor Bradley transformed the city's financial core and made Los Angeles the trade mecca it is today.

He expanded our seaport and our airport, helped build one of the most spectacular skylines of any city, and brought to Los Angeles one of the most successful Olympics ever: the 1984 Olympics.

I have no doubt that had it not been for the leadership of Tom Bradley, Los Angeles would not be the world class city that it is today. He is truly the father of modern Los Angeles.

But more importantly, the legacy Mayor Bradley left was his investment in the people of Los Angeles.

His leadership changed the face of the city government, by opening the doors of City Hall and creating opportunities for women and minorities.

He helped working parents and their children, by implementing an after-school day care/tutoring program named LA's Best.

He encouraged at-risk high school students to stay in school by providing them with a mentor and a city job through his Los Angeles City Youth Service Academy.

And, because Mayor Bradley knew it was important to produce and preserve housing for our families, he created the City's Housing Preservation and Production Department, which has made home-ownership and affordable housing a reality for many Angelanos.

Tom Bradley was truly a great mayor of Los Angeles. He was the people's mayor. We will miss him dearly.

COMMEMORATING THE 65TH ANNIVERSARY OF THE UKRAINIAN FAMINE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. HINCHEY. Mr. Speaker, this fall marks the 65th anniversary of the Ukrainian famine, or more precisely, of the world's recognition of the famine that had been developing in Ukraine for two years. We have seen many horrors in this century of civilization. The Holocaust in Germany and central Europe in World War II was the most shocking and has justifiably attracted the most recognition. But it was by no means the only incident of diabolic mass slaughter. We have seen the slaughter of Armenians in the early years of the century, the massacre of Cambodians by their own

leaders, and most recently the horrors in Rwanda and Bosnia.

We should not allow the abundance of horrors to dull our senses or to allow us to forget any of these terrible incidents. We must remember that the instruments and techniques we have developed in this century can be used against any people in any country, no matter how advanced or supposedly civilized.

As a Ukrainian-American I wish to call the attention of the House and the American people to the crimes against my family's people. Ukraine is the most fertile farmland of Europe, long called the breadbasket of the continent. Yet millions of Ukrainians—perhaps as many as 10 million, we will never have an exact figure—starved to death in the midst of plenty in the early 1930's. They starved because Stalin decided that traditional farming in the Ukraine would stop, and with the power of the Soviet state, he was able to make it stop. If people did not conform to his will, he would see to it that they had no food to eat, no seeds to plant. The wheat that was harvested was sold at cheap prices on world markets. Protests around the world did not stop the famine; instead, the market found ways to profit from it and conduct business as usual.

In this respect and others, the Ukrainian famine resembled the great Irish famine of the nineteenth century, when the British government allowed people to starve by the millions rather than interfere with grain markets. I am an Irish-American too, and many of us in this chamber are descended from the people who fled that famine.

The Ukrainian famine did not end until Stalin had gotten his way and subjugated the Ukrainian people. They still suffer today from the consequences of his actions: they have never been able to fully rebuild the agricultural economy that had once made Ukraine the envy of the region. I believe they will rebuild it, hopefully with our help.

But let us learn from the horrors they endured. Let us commit ourselves to the principle that people should always come first, that no one should be allowed to starve. Let us apply that lesson at home, and pledge that no one should go hungry in our prosperous country because of the strictures of ideology or because of the discipline of the market. Let us commit ourselves to opposing oppression around the world, when oppression leads to genocide and death, whether the tools of that oppression are overly violent, or whether they are the subtler but no less cruel tools of deliberate starvation, deliberate hunger, deliberate poverty. Let us remember that all people are our brothers and sisters.

TRIBUTE TO DR. AND MRS. JOHN COLLINS WRIGHT OF ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CRAMER. Mr. Speaker, I would like to pay tribute to Dr. and Mrs. John Collins Wright of Huntsville for their longtime service and dedication to our community at large. Since making the Huntsville community their home in 1978, John and Mac Wright have been a major force in the growth and success of our area, especially in the quality of education.

At the age of 17, John Wright enlisted in the Navy Air corps, a decision that led him to an amazing career in science, education, and community development. Following the end of World War II, he earned bachelor's degrees in chemistry and mathematics from West Virginia Wesleyan College and a doctorate in chemistry from the University of Illinois. He later conducted postdoctoral studies at the University of Michigan and the University of London. Mr. Wright's professional career has included appointments at a long and impressive list of prestigious institutions, including research chemist with Hercules Research Center in Delaware, professor and chairman of the department of chemistry at his alma mater West Virginia Wesleyan College, assistant program director for undergraduate education at the National Science Foundation, dean of the College of Arts and Sciences and professor of chemistry at both Northern Arizona University and West Virginia University, and vice chancellor and director of academic affairs for the West Virginia Board of Regents.

During the 10 years Dr. Wright served as president of UAH, the university grew from 400 to 6000 students, more than tripled its funding and gained national recognition as a leading school of science and technology. Major research thrusts were introduced in optics, microgravity, robotics, and space plasma research. The ''Space Initiative'' was adopted and groundwork was laid for UAH to become one of the first space grant universities in the United States. During Mr. Wright's last year of administration, UAH was ranked the South's top science and technology school by U.S. News and World Report. Upon his decision to leave the presidency in 1988, he was appointed a university professor in chemistry at UAH.

Dr. Wright's international experience includes serving on higher education delegations to China, Israel, Italy, India, Korea and the Republic of China, as well as economic development delegations to China, Korea, Japan, England, France and Germany. In the Huntsville community, he has played important leadership roles in organizations such as the Huntsville-Cummings Research Park Board, Randolph School, the U.S. Army Science Board, the Huntsville-Madison County Chamber of Commerce, the Huntsville Rotary Club, and the American Chemical Society. His many honors include the Distinguished Service Medal from NASA, a Service Award from the Army Missile Command, and the Science and Technology Award from the Huntsville-Madison County Chamber of Commerce.

For Margaret Ann Cyphers Wright, enhancing the quality of education has been the major force of her life since she earned her bachelor's degree in religious education at West Virginia Wesleyan College. She began work on her graduate degree at the University of Illinois and completed her master's degree in counseling and guidance at the West Virginia College of Graduate Studies. Her professional career has included positions as director of Christian education with churches in several states, a kindergarten teacher and a counselor for runaways. In our community she has served in leadership positions with the First United Methodist Church, Constitution Park Village, Volunteer Center, Huntsville Museum of Art, Madison County Mental Health Association, Huntsville Rotaryann, and the Ruth Hindman Foundation. Her involvement with UAH has included active participation in the University Women's Club and sponsorship of the Lancers, the UAH student ambassadors. She has been honored with the Distinguished Medal of Honor from the Mental Health Center, the Outstanding Service Award from the University Women's Club, named Volunteer of the Year by the Volunteer Center, presented a certificate of appreciation by the Madison County Commission, and received the UAH Medal from the Board of Trustees of the University of Alabama system.

In 1990 John and Mac shared a richly deserved Humanitarian Award from the Alabama Chapter of the Arthritis Foundation for their vital work on behalf of Huntsville and UAH. As the U.S. congressman for Alabama's Fifth Congressional District, I am proud to have this opportunity to recognize their tremendous talents and accomplishments, as well as thank them for their extraordinary contributions to Alabama.

HONORING THE RETIREMENT OF DAVE KELLY FROM ALLIEDSIGNAL

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I rise to pay tribute to Dave Kelly a dedicated employee of the Stratford Army Engine Plant, and the devoted President of the United Auto Workers Local 1010, who retired on August 1, 1998. Dave is a wonderful friend, and it gives me great pleasure to acknowledge his years of leadership and service to his fellow workers, and to his community.

Since he began working at AlliedSignal in 1959, and since he first committed himself as a union representative in 1966, Dave has stood up for the fundamental rights of his fellow employees—fair pay, health coverage, and a secure transition to new jobs and bright futures. His extraordinary work and dedication in carrying out his duties as President of Local 1010 will certainly have a lasting impact on the hard working men and women throughout Connecticut whom he served.

Dave stood side-by-side with me in the night to prevent the closing of the Stratford Army Engine Plant where thousands of exceptional engines were built to power our military's helicopters, jets, boats and tanks. When defense budgets shrunk with the end of the Cold War, Dave negotiated a contract to make the plant more efficient and competitive—to give Stratford a chance for the future. When the Army put the plant on the base closure list, Dave joined together with his fellow employees and community leaders to fight the decision. When AlliedSignal turned its back on Connecticut and pulled out to move its operations to Phoenix, Dave continued to fight on severance pay, extended medical coverage, and educational assistance promised by AlliedSignal to its former employees.

Dave has also distinguished himself as a leader in his community, serving under Governors Grasso and O'Neill as the Budget Commissioner for the Commission for Drug and Alcohol Abuse for 15 years. He is also committed to lifelong learning, ultimately earning his master's degree from Yale University in 1989.

Dave's distinguished career has been a great source of pride. His dedication and determination to improve the lives of the hard working families of Stratford will be his lasting legacy. The members of Local 1010 and the community of Stratford have all benefitted from his unwavering commitment. For this, we join with his wife, Susan, their children, David, Margaret, Laura, Paige and Ryan, and his grandson John in offering him our lasting gratitude and congratulations on his retirement.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVERS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 1110, the Sudbury, Assabet, and Concord Wild and Scenic Rivers Act. Wild and scenic areas are found not only in the vast expanses of the American West but also in pockets in the midst of the cities and towns of the East. As the areas around Boston, including my own district, become increasingly crowded and urban, it is important to preserve natural areas where the beauty and tranquillity of nature can become a part of the everyday lives of local communities.

Through the Sudbury, Assabet, and Concord rivers has flowed a remarkable current of history and beauty. A century ago Ralph Waldo Emerson commemorated events that took place above the Concord River a century before that with his unforgettable words, ''by the rude bridge that arched the flood, their flag to April's breeze unfurled, here once the embattl'd farmers stood, and fired the shot heard around the world.'' Over 100 years ago, Nathanial Hawthorne wrote of the beauty of the Assabet: ''Rowing our boat against the current, between wide meadows, we turn aside into the Assabeth. A more lovely stream than this, for a mile above its junction with the concord, has never flowed on Earth,—nowhere, indeed, except to lave the interior of a poet's imagination.''

Today we have even greater need of scenic rivers to excite the ''poet's imagination'' in each of us. this bill, by giving Wild and Scenic River status to the Assabet, Sudbury, and Concord rivers, will help ensure that they continue to inspire local communities and the nation in this and future generations. I am glad to join the entire delegations of Massachusetts and New Hampshire in its support.

TRIBUTE TO JACK LEVINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my close friend, Jack Levine, who is receiving the 1998 TZEDEK (Justice) Award from the Labor Zionist Alliance. Before I ever ran for office, I practiced law with Jack Levine. I was overwhelmed by his brilliant legal mind, love of ideas and compassion for the less fortunate. After all these years, he remains a profound influence on my own beliefs and system of values. I know I'm a better person for having absorbed his wise teachings.

The twin themes that dominate Jack's life are Zionism and the rights of working men and women. Jack's father, an Orthodox rabbi from Lithuania, instilled in his young son the importance of a Jewish homeland. The Rabbi was very persuasive: at the age of 10, Jack made a pitch for the Jewish National Fund at his father's synagogue in Brooklyn.

Ten years later, as a student at City College of New York and a member of Avukah, the student Zionist organization, Jack had what can only be described as a political awakening. He found in Labor Zionism—a literal synthesis of Zionism and Socialism—the perfect balance for his own emerging political philosophy. It was not much later that Jack became actively involved with the American labor movement and the Jewish Labor Committee, associations that continue to this day.

After serving with the Merchant Marines in World War II, Jack worked on the assembly line at Ford and as a Longshoreman in San Pedro. In 1951, he entered law school at UCLA, eventually graduating third in his class. Upon graduation Jack joined Abe Levy's law firm, where he ultimately specialized in labor law. I joined him there in the mid-1960s.

It's probably superfluous to note that Jack did more than practice law. In fact, Jack spent much of his ''free'' time working tirelessly for causes in which he believed. In 1959, he successfully defended the world-famous Watts Towers from demolition by the City of Los Angeles. Sixteen years later, he served as attorney for the chairman of the Agricultural Relations Commission in Sacramento, administering the law that I sponsored in the California Assembly.

Today Jack has immersed himself into the study of modern Hebrew literature at the University of Jerusalem. His hunger for knowledge is boundless.

I ask my colleagues to join me in saluting Jack Levine, whose sense of decency and intellectual curiosity are a model for us all. I know his wife, Ann, children, Elinor Levine and Deborah Zimmer, son-in-law Tim Zimmer, and grandchildren, Jeremy and Daniel, are all very proud of his achievements.

MIGUEL AND CARMEN COSSIOS ARE SUCH A SUCCESS STORY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. KINGSTON. Mr. Speaker, patriotism—love of country—is a quality that seems to be particularly characteristic of Americans. What is even more remarkable is that those born abroad who choose to make America their adopted country often come to share the same patriotic spirit that Americans display in their daily lives. Immigrants who come to our shores seeking a better life often find that their new lives are a struggle, but a struggle that pays off more than they could ever have dreamed.

There are so many places around the world where hard work does not result in real opportunity and success. But American success stories are all around us—especially from those who came from overseas and started from nothing but a desire to make a better life for themselves.

Miguel and Carmen Cossios are such a success story. Dr. Cossios and his wife fled their native Cuba in 1968 after witnessing firsthand how thoroughly socialism crushes the human spirit and corrupts the soul. These two brave freedom-lovers fled Fidel Castro's communist tyranny and decided to start all over again. Penniless but determined to achieve their dreams in a country that encourages everyone to pursue his dreams to the fullest, the Cossios built a new life for themselves in Baker County, Florida. Their life stories are an inspiration to all Americans, present and future. Miguel and Carmen are great Americans.

[From the Baker County, FL Press, Feb. 23, 1995]

THE SHEER DETERMINATION TO START ALL OVER—RETIREMENT OF COSSIOS BUT PART OF A REMARKABLE REFUGEE SAGA

(By Jim McGauley)

Imagine yourself a young man of 42 with an intense love of your native country, a proud heritage steeped in the military, a medical degree and a lovely family including four young sons who all bear the same first name out of deference to their distinguished ancestors.

Now imagine yourself with nothing.

No job, no country, no home, no possessions, no money—none of the things that in 1995 link us to survival. Nothing except a proud determination to begin again and transplant the traditions of your forefathers to another shore where the freedom to do it all over again is to you ''like oxygen.''

It's the stuff that has made real patriots of people like Cuban born Miguel Cossio and his wife Carmen, who retire this week from Northeast Florida State Hospital in Macclenny after a combined 48 years of service, he as a psychiatrist and she a pharmacist. Patriots in love with two countries, their native land where they hope someday freedom returns, and their adopted land that rewarded them for grit and determination.

The Cossios were feted last Thursday to a reception and retirement ceremony at the hospital where Miguel has filled a number of roles on the medical staff since he first reported there in 1971, including clinical director. During a brief ceremony they accepted plaques from the state and co-workers, and Dr. Cossio told the group he would like to be remembered as a ''Cuban Baker County redneck.''

Though Dr. Cossio has some reservations about the conversion of NEFSH from an accredited ''medical model'' to the present UTR system, he credits the institution as central to the family's re-emergence in its adopted country.

''Everyone here has been so gracious to us. We think of the hospital and Macclenny as our home town. I am very glad to say our headquarters will continue to be in Baker County.'' The Cossios recently bought a house in Macclenny, unique in itself because most of the medical staff lives outside Baker County since the closing of on-campus housing several years ago.

The road to last Thursday and this week, which marks the Cossios' actual retirement date, began shortly after Miguel and Carmen landed in Miami as penniless refugees in December, 1968. Cuba had been Fidel Castro's a full decade by then, and the repressive regime was ridding itself of a meddlesome intelligentsia, family by family.

It was Dr. Gustavo Arias, then clinical director at NEFSH, who first summoned Miguel Cossio down here from Binghamton,

N.Y. to interview as a staff psychiatrist. Public and private medicine, particularly on the East Coast, was by the early 1970's dotted with refugees from the island nation just off Key West. It was the kind of network that brought Dr. Cossio back together with Arias, a former supervisor at the military hospital in Havana and at the big psychiatric hospital there.

For nearly three years, Dr. Cossio crammed for the qualifying exam for foreign physicians (he had to learn English first), which he passed on the first try. Carmen, his high school sweetheart, supported the family in New York as a pharmacist (she held a doctorate from the University of Havana). When Arias, a former partner in private practice in Cuba, had an opening on the staff here, he called his old friend.

''Our struggle to leave Communist Cuba was extremely difficult,'' says Dr. Cossio with a shake of the head. ''I look back now at what we went through, and it could easily be the theme of a mini-series, I tell you.''

Before signing on at NEFSH, Dr. Cossio had to re-take a residency program in psychiatry at a New York mental hospital. The move to Macclenny was also the family's first experience in a rural area.

The boys, Miguel, Eduardo, Carlos and Roberto, were still a bit weak in English but assimilated well into Baker County schools. They mirrored the friendly demeanor of their parents and were excellent athletes. Miguel was an all conference pick and most valuable player on the Wildcat baseball squad, and along with his brothers lettered in several sports.

All the boys went on to college and medical school, and now practice in Georgia: Micky and Eddie as internists in Madison, Carlos an endocrinologist in Athens and Robert a pediatrician in Savannah.

They all have the first name of their father, as do the male grandsons, because Dr. Cossio wants to preserve the memory of his father and grandfather, who he calls ''men of strong principles.''

''They fought for freedom and independence of our motherland. In September, 1933, my father was a prominent officer in the Cuban Army and died in a battle in Havana during a rebellion.

''He lost his life fighting in defense of national principles. For my ancestors, like for us, freedom has been as important as oxygen. This is the basic reason we are in the USA.''

Carmen and Miguel plan to keep their licenses current though are unsure now how active they will remain in their professions. Several years ago, the 69-year-old Miguel gave into the pleas of his sons and underwent a multiple heart bypass operation at Emory University in Atlanta, and credits it with renewed energy that he plans to devote to politics and his beloved Cuban clubs in Jacksonville and Miami. It was through the Republican Party in South Florida that Dr. Cossio became involved last year in the Jeb Bush campaign for governor.

''Rest? I doubt it. I cannot imagine my husband sitting at home watching TV day and night. He has always been very active,'' observes Carmen.

Along with politics and keeping up with his pals, Dr. Cossio plans to see more of his sons and the couple's eight grandchildren (another is expected this spring). He may even start on his memoirs.

One of the plaques last Thursday was presented by Dr. Alfredo Romeu, a childhood friend with a similar refugee background who also plans to leave NEFSH along with his physician wife Esther in the near future. They are near the last of a line of Cuban born doctors that have worked at NEFSH in its three and a half decades of existence.

Like most of his contemporaries, Dr. Bossio yearns for the day that Cuba tosses off the Castro regime and rejoins the American community of nations.

''Before we die, we would like to see freedom and prosperity in Cuba again. We still have close relatives and friends there, living in horrible slavery and poverty.

''As soon as that happens, we can say, 'God, thanks again for everything, now we can rest.' For us it will then be time to face eternity. Our mission on Earth has been accomplished.''

Words from the mouth of someone who truly knows what it takes to get there.

HONORING REVEREND JUAN MARTINEZ FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I am honored to rise to pay tribute to the Reverend Juan Martinez of New Haven, Connecticut. Reverend Martinez has spent 36 years developing and enriching his community, ministering to our souls and nourishing our spirits.

Reverend Martinez arrived in the United States from his native Puerto Rico in 1950, and served his country in our military in the Korean War. Upon his arrival in New Haven in 1962, he established the Pentecostal Church Door of Salvation. Through this church, Reverend Martinez has selflessly devoted himself to the Hispanic community and to the entire city of New Haven. He is the eldest Hispanic minister pastoring in New Haven, and serves as Executive Treasurer for the International Latin American Council of Churches. He is the founder of the New Life Corporation Housing Development Corporation, and is the cofounder of the Associacion Ministerial Evangelica Hispanica de New Haven.

Reverend Martinez has contributed so much to our New Haven that it is difficult to know how to begin to describe his dedication and service. He embodies the values of commitment to family and dedication to neighbors, and is a role model to us all. He is a powerful voice of justice and equality for the Hispanic community, and therefore for our city. He has worked with four mayors of New Haven to improve housing for the needy. He has organized an annual food drive, and founded a community youth and children's program which serves over 120 children, nurturing their minds, enriching their spirits, and giving them a safe place to play and learn.

For 36 years, Reverend Martinez has been a force in his community for all that is right and good. It is with great pride and honor that I join with his family, friends, and community to say thank you and congratulations.

TRIBUTE TO HON. DAN SCHAEFER

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SKEEN. Mr. Speaker, I rise to pay special recognition to the gentleman from Colorado (Mr. DAN SCHAEFER) who is retiring from Congress at the end of the 105th Congressional session.

I am honored and pleased to have served with DAN SCHAEFER throughout my tenure in the House of Representatives. Working together, we have served as Members of the minority and majority party in Congress and have always held principle over politics.

We are going to miss Mr. SCHAEFER next session. Throughout his distinguished career in the House, he has served his constituents from Colorado and the United States with honor and distinction.

DAN will be remembered here for many notable legislative accomplishments. Passing the Federal Facilities Compliance Act ensured that those of us with Federal facilities in our districts received the same level of environmental protection as everyone else in the country. He was and is a major player in helping us in New Mexico streamline the bureaucratic process to get the Waste Isolation Pilot Plant up and running—and while we're still not there yet, we're a lot closer today because of DAN SCHAEFER's efforts and I look forward to riding shotgun on that first truck with him.

Mr. SCHAEFER also helped spark the national debate on reforming our nation's tax code. His legislation to eliminate income tax raised a lot of eyebrows, but also raised the national awareness of the mess our tax system is in. I also recall that DAN was talking about a balanced budget long before the majority of our colleagues in Congress. His balanced budget legislation, introduced in the 103rd Congress, was the blueprint for many subsequent bills, and saw its fulfillment in the balanced budget act passed by this Congress.

While I have just scratched the surface of DAN's distinguished career, it is a pretty impressive list of accomplishments. Just as impressive, though, has been DAN's non-legislative accomplishments. As manager of the Republican baseball team, he turned the event from a back-alley pepper game into a major-league success, to the point where the game now gets nationwide radio and TV coverage, and helps support a number of worthy charities in the Washington area. I know I've enjoyed his participation in the Western Caucus and the Wild Turkey Club, where Members facing similar problems and with similar constituencies are able to work through the difficult issues facing Congress in a sober and thought-provoking atmosphere. While Congress as an institution will certainly be poorer without DAN's presence, I also know that many Members will suffer a personal loss from his retirement as well.

In closing, I sincerely wish DAN SCHAEFER and his family all the best and look forward to the day the Colorado Rockies name him as their manager. Good luck and God bless you DAN, we'll miss you around here.

TRIBUTE TO ART RYNEARSON, SENIOR LEGISLATIVE COUNSEL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. CLEMENT. Mr. Speaker, I would like to express my warmest thanks to Art Rynearson, Senior Legislative Counsel for the office of the Senate Legislative Counsel, for his outstanding work on the International Religious Freedom Act of 1998. The International Religious

Freedom Act was an extraordinary endeavor, not only in the comprehensive nature of the measure itself, but in the highly unusual bicameral, bipartisan effort which led to unanimous passage by the 105th Congress. Together with the office of Senator Don Nickles, who introduced the measure, my office worked closely with other committed House and Senate staff to draft this bill. For more than a year, Art Rynearson shared in these long, demanding hours of effort. His expert counsel, unrelenting thoroughness, and countless hours of dedicated hard work shaped this bill into a measure of which we can be proud for the rest of our lives. My Rynearson's commitment and professionalism have helped bring hope to millions of people around the world who suffer terrible persecution for the simple practice of their faith. He well deserves our heartfelt commendation on their behalf.

TRIBUTE TO VITA BITE, FOREIGN AFFAIRS EXPERT AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Vita Bite, Foreign Affairs Expert at the Congressional Research Service, for her invaluable input into the International Religious Freedom Act of 1998. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Bite for more than a year as this Act was drafted. Ms. Bite provided expert counsel, including critical background on United States human rights laws and bureaucratic and administrative issues related to the bill. She was quick to provide research and advice, and was always gracious and ready to advise. She and her colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Bite's expert counsel helped shape effective, wise parameters for this landmark piece of legislation, and she deserves our heartfelt thanks.

TRIBUTE TO JEANNE GRIMMETT, LEGISLATIVE ATTORNEY AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Jeanne Grimmett, Legislative Attorney in the American Law Division of the Congressional Research Service. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Grimmett for more than a year as this Act was drafted. She was quick to provide research and advice, and was always ready to advise. Ms. Grimmett provided extensive legal research and background in many areas, including trade and environmental law, precedents and parameters in United States and international law, and matters pertaining to constitutional questions. her expertise proved invaluable as we sought to draft wise, effective legislations. She and her colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Grimmett's expert counsel helped us frame effective, wise parameters for this landmark piece of legislation, and she deserves our heartfelt thanks.

TRIBUTE TO DIANNE RENNACK, FOREIGN AFFAIRS EXPERT AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Dianne Rennack, Foreign Affairs Expert at the Congressional Research Service, for her invaluable input into the International Religious Freedom Act of 1998. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Rennack for more than a year as this Act was drafted. She was quick to provide research and advice, and was always gracious and ready to advise. Ms. Rennack provided expert counsel, including critical background on United States sanctions laws and related bureaucratic and administrative issues. She and her colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Rennacks' expert counsel helped us shape effective, wise parameters for this landmark piece of legislation, and she deserves our heartfelt thanks.

TRIBUTE TO LARRY EIG, LEGISLATIVE ATTORNEY AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warmest thanks to Larry Eig. Legislative Attorney in the American Law Division of the Congressional Research Service. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Mr. Eig for more than a year as this Act was drafted. He was quick to provide research and advice, and was always gracious and ready to advise. Mr. Eig provided extensive legal research and background in many areas, including United States immigration law, analysis and precedents for legal effects of provisions in the bill, and matters pertaining to constitutional questions. His expertise proved invaluable as we sought to draft wise, effective legislation. Mr. Eig and his colleagues have spent many long hours analyzing this Act as it took shape. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Mr. Eig's expert counsel helped us frame effective, wise parameters for this landmark piece of legislation, and he deserves our heartfelt thanks.

TRIBUTE TO JOYCE VIALET, REFUGEE AFFAIRS EXPERT AT THE CONGRESSIONAL RESEARCH SERVICE

Mr. Speaker, I would like to express my warm thanks to Joyce Vialet, Expert on Refugee Affairs for the Congressional Research Service, for her assistance with the International Religious Freedom Act of 1998. As part of a bicameral, bipartisan group of offices working together on this bill, my staff worked closely with Ms. Vialet. She was quick to provide research and advice, and was always gracious and ready to advise. Ms. Vialet provided extensive background on refugee matters, and her expertise helped us draft wise, effective legislation. The International Religious Freedom Act, which passed the Senate and House unanimously this Congress, is designed to help millions of religious believers suffering for their faith around the world. Ms. Vialet's expert counsel helped us frame effective, wise parameters for this landmark piece of legislation, and she deserves our warmest thanks.

A TRIBUTE TO R.C. SMITH

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to my constituent and dear friend, Mr. R.C. Smith of Long Creek, Illinois who is retiring from the Macon County Board with 18 years of service. This is only a fraction of his 30 years of public service and dedication, but he will be truly missed on the county board. On this year after 30 years of public service. On November 12th, several area state legislators will be honoring him with a special presentation at his last County Board meeting.

I have known R.C. since I have been involved in politics. He has been a loyal employee to the Wabash, Norfolk and Western and Norfolk-Southern Railroad for nearly 39 years. He served as Executive Director of the Decatur Area Labor Management Committee for 8 years. At the same time, R.C. has remained focused on his commitment to the people of Illinois through his local political involvement. He was first elected as Assistant Long Creek Township Supervisor in 1961, and has served and been reelected on the Macon County Board of Supervisors for 10 years.

Wanting to do even more for Macon County, R.C. decided to run for Macon County Board in 1980 and has been reelected ever since by his constituents. In fact, his colleagues elected R.C. as Chairman in 1985 and he has served as Vice Chairman of the Board for the past 10 years. In addition, he was elected last year as Long Creek Township Clerk. Both his colleagues and his constituents recognize R.C.'s commitment to his community, and the strong leadership skills he provides the Board and county. This is evident in the fact that they have faithfully awarded him these important positions, and R.C. has served with the highest level of integrity.

Moreover, R.C. has devoted a great deal of his time to the Macon County community. He has served on the Macon County Mental Health 708 Board and has been Democratic Precinct Committeeman for 40 years. As a devout Christian, R.C. has served in the Adult Men's Sunday School teacher program for over 35 years, and is a Deacon for his church.

It has been a pleasure knowing R.C. Smith as a local community leader. He has been a role model of commitment and dedication while serving on the county board. It has been an honor to serve in Congress as his representative, and I wish him all the best in the future. Mr. Speaker, please recognize R.C. Smith for his loyalty to Macon County and the excellent leadership he has provided.

TRIBUTE TO JANE HARMAN

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to a good friend and valued colleague, JANE HARMAN, whose distinguished career in the House of Representatives will come to a close with the end of the 105th Congress.

In my time in Congress, Mr. Speaker, I have developed the greatest respect and admiration for JANE HARMAN. Her dedication to this institution, her commitment to the people she represents, and her unfailing desire to work for the best interests of this nation set the standards to which all Members of Congress should strive.

Whether the issue has been gender equity in the military or establishing a budget lockbox, JANE has been a true leader. When she speaks out on an issue, Mr. Speaker, we all know that she has given it thoughtful consideration and is well informed. Her sincerity and knowledge give her an authority that enables her to persuasively make her case and convince her colleagues of the rightness of her position. This ability has served her constituents and this country very well, and she should be proud of her many accomplishments.

As a fellow Californian, I have always admired and respected the work JANE has done for our State. She will be sorely missed not only by her colleagues on the Hill, but by all those Californians who have come to rely on her reasoned and moderate approach to the issues.

Mr. Speaker, the House of Representatives and the country are better for the service that JANE HARMAN has given us. I know that in the future she will continue her commitment to public service and her contributions to our nation will grow. I thank her for her efforts and wish her the best of luck for the future.

HONORING PHI DELTA KAPPA FOR 25 YEARS OF SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. DELAURO. Mr. Speaker, I am pleased to rise to honor the Southern Connecticut State University Chapter of Phi Delta Kappa on their 25th anniversary. Phi Delta Kappa members provide a variety of services to promote and improve education in our community.

Members of this successful international organization are Connecticut educators who are continually active in the education arena and dedicated to the ideals of service, research, and leadership. They are teachers, principals, administrators and superintendents—people who are with kids every day, who have given their all to ensuring that our children have the best start in life.

On October 3, 1973, one hundred and twenty charter members were initiated into the newly formed chapter of Phi Delta Kappa at Southern Connecticut State University. Twenty-five years later, I am proud to say, this chapter has grown to nearly 500 members strong. It is these individuals, and all that they contribute, which make the Connecticut school system a success. Membership in this fraternity is recognition of the contributions to education made by our educators. I commend the members of the Southern Connecticut State University Chapter for all the work they have done in order to guarantee that our children will develop the skills they will need to build a successful future.

On behalf of the parents, students, and the residents of Connecticut, I thank you for your good work. It is for 25 years of dedicated and distinguished service of all members of the Southern Connecticut State University Chapter of Phi Delta Kappa that I am proud to stand and recognize their achievements today.

STATEMENT IN SUPPORT OF THE DEMOCRATIC ALTERNATIVE PLAN FOR AN IMPEACHMENT INQUIRY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Ms. MILLENDER-MCDONALD. Mr. Speaker, I come before you to ask a very important question: Why did we bring this resolution to this floor?

I do not condone the President's behavior, but what I find truly abhorrent is the behavior of my Republican colleagues who have launched a partisan attack against the President.

Certainly I believe that the President's conduct should be investigated and that the Congress has a constitutional responsibility to hold hearings looking into the allegations made by the Independent Counsel. But these hearings cannot be entered into lightly. It is a grave and serious matter that faces us. What we decide here today will have ramifications for generations to come. How we conduct ourselves will serve as a precedent for those who follow.

We owe it to the American people to rise to the level of the challenge before us and to move forward with this investigation in a solemn and judicious fashion—not in the destructive partisan manner that we have seen so far.

The investigation of the President has gone on far too long and must be brought to a swift conclusion—through a focused, limited and fair investigation—for the sake of the nation and in the interest of returning the attention of Congress back to the business of families and their children.

The people of California's 37th Congressional District elected me to fight for better education, to fight for safer streets, to fight for the protection of Social Security. Instead I have had to spend the crucial last weeks of this Congress wading through more than 4,000 pages of what amounts to little more than pornography. By bogging down real legislative business with salacious details of sex and scandal, my Republican colleagues have done nothing to make a real difference in the lives of America's working families.

I call on my colleagues on the other side of the aisle today to change their do-nothing ways and finally make a real difference in Americans' lives by walking the high road on into the history books. Thus far this session, Republicans have turned their backs on our children, they have tried to rob money from our seniors and they have chipped away at a woman's right to choose. I urge my Republican colleagues to, at long last, do right by the American people and vote for a just investigative process—the limited, focused, fair proposal presented by my Democratic colleagues