The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, February 2, 1999.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT, Speaker of the House of Representatives.

MORNING HOUR DEBATES
The SPEAKER pro tempore, pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY) for 5 minutes.

ILLEGAL DUMPING OF STEEL, A CRISIS IN AMERICA
Mr. VISCLOSKY. Mr. Speaker, I rise today to announce the introduction of legislation along with the gentleman from New York (Mr. QUINN), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Ohio (Mr. NEY) and 96 other of my colleagues.

The 100 of us join together today to try to provide a solution to the crisis we face in the United States of America today involving the domestic steel industry. We want to help those Americans who want to work in a steel mill in the United States of America, and I say want to because using the administration's figures it is clear that over the last 12 months, 8,775 steel workers have already lost their job because of this crisis. That translates into 24 steel workers, 24 American families today who will lose a breadwinner in everything that connotes.

What is the cause of this crisis? Illegal dumping. Countries selling steel in the United States, or I should almost suggest giving it away in the United States of America, at below their costs of production, at below what they sell it in their home market.

This crisis began after July of 1997, and it is of astronomical proportions. Using trade figures from November of this past year, imports have increased over that approximately 18-month period of time by 48 percent. Imports in November of 1998, compared to pre-crisis level in July 1997, from Japan, increased by 303 percent; 303 percent as shown on the first chart.

Steel exports from Russia increased from July 1997 to November 1998 by 151 percent. Steel exports to the United States increased from Korea from July 1997 to November 1998 by 111 percent. Exports of steel to the United States from the Ukraine increased from July 1997 to November 1998 by 196 percent.

The result at Timken Company is that 160 workers were laid off in Pittsburgh, Pennsylvania. Forty-seven workers were laid off at Timken Latrobe Steel in Latrobe, Pennsylvania. Four hundred people were reduced the salaried workforce, and it is of astronomical proportions. But that contrasts to the U.S.S. Fairless Works where Mike Dobrowolsky and Kenneth Houser were laid off the day before Thanksgiving. They are both in their mid forties, they are married, they each have two children. Both have worked for more than 20 years at Fairless; they are not working today. At Geneva Steel Corporation in Utah, Eric Shepherd is married with...
three children and was among those laid off in September. We need to act.

SOLUTIONS TO THE CHALLENGES WE FACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district in Illinois. I represent the south side of Chicago, the south suburbs in Cook and Will Counties, a lot of bedroom communities like the town of Morris where I live, towns like Peru, and a lot of farm towns. When representing a diverse district, of course one wants to listen and find out what is a common message, and I find, as I listen and learn, the concerns of the people of this very diverse district. They tell me one very clear message, and that is the people of our part of Illinois want solutions, solutions to the challenges that we face.

In fact, in 1994 when we were elected they told us in that same clear message that was part of that effort to find solutions, and that is we want to change how Washington works and make Washington responsive to the folks back home. When we were elected in 1994, we wanted to bring solutions to balance the budget, to cut taxes, to reform welfare, to tame the IRS. There were an awful lot of folks in Washington who said we could not do any of those things because they had always failed in the past. But I am proud to say that we did. I am pretty proud of our accomplishments: balancing the budget for the first time in 28 years, cutting taxes for the first time in 16 years, reforming welfare for the first time in a generation, taming the IRS for the first time ever. We produced a balanced budget that is now projecting a $2.3 trillion; that is “T” as in Tom trillion dollars surplus of extra tax revenue. We produced a $500 per child tax credit that will now benefit three million Illinois children. We produced welfare reform that has now lowered rolls in Illinois by 25 percent, and taxpayers now enjoy the same rights with the IRS that they do in the courtroom, and that is a taxpayer is innocent until proved guilty.

Mr. Speaker, those are real accomplishments, but we continue to face challenges in this Congress, and because this Congress held the President's feet to the fire, we balanced the budget, and now we are collecting far in taxes than we are spending. And the question is today: What do we do with the rest? Some say, particularly Bill Clinton, we should save Social Security and spend the rest on new big government programs. Now I disagree. I believe we should save Social Security and give the rest back in tax relief. The question is, it is simple: Whose money is it in the first place?

If my colleagues go to a restaurant and they pay too much, they overpay their bill, the restaurant refunds their money. They do not keep it and spend it on something else. Similarly in this case the government is collecting too much. Well, let us give it back.

The question is: Do we want to save Social Security and create new government programs and spend the rest of the surplus, or do we want to give it back by saving Social Security and eliminating the marriage tax penalty and rewarding retirement savings? Tax Foundation says today that the tax burden is pretty high. In fact, for the first time, America is 40 percent of the average family's income in Illinois now goes to Washington and Springfield and local taxing bodies at every level. In fact, since Bill Clinton was elected in 1992, the total amount of tax revenue collected has gone up 63 percent since 1992.

Clearly taxes are too high. We can help working taxpayers we can help working taxpayers, we can help working families. Let us save Social Security and lower taxes for working families and bring that tax burden down for the first time ever.

Mr. Speaker, let us save Social Security, let us cut taxes, let us eliminate the marriage tax penalty.

STAND UP FOR STEEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized during morning hour debates for 5 minutes.

Mr. MOLLOHAN. Mr. Speaker, 2 weeks ago the Ohio Valley made itself heard here in the Nation's Capital. Thousands of steel workers and their families woke before dawn on a cold damp January day. They came from Weirton, they came from Wheeling, from all across the tri-state area. They jammed into dozens of buses for a 6-hour ride to Washington. When they got here, they rallied long and hard on the steps of this Capitol. Then they marched down Pennsylvania Avenue and rallied long and hard at the White House. Then they jammed back into those buses to get home before morning came again, and many of them lost the day's pay in the process.

So why did they do it? They did it, Mr. Speaker, because our steel communities are in a state of pure crisis. We have been overtaken by illegal imports, and we cannot take it any more. Every hour another American steel worker loses his or her job. Every hour another American family wonders whether or not they will ever see another paycheck. And what is worse of all is that they have not done a single thing wrong. In fact, Mr. Speaker, they have done everything right.

For years the American steel workers have sacrificed, our American steel companies have made huge investments. They did it all in the name of efficiency, to achieve productivity standards unheard of, and now they are the world's best producers.

But that means nothing if our so-called partners do not play by the same rules. It means nothing if Japan and Russia and Korea can dump steel in our markets whenever they want. That is not fair trade, Mr. Speaker. That is not even free trade. It's foolish trade, and it is, in fact, absolute folly for this Congress and this administration to sit and watch as the American steel industry is destroyed by unfair imports.

Our steel industry is at the breaking point. Mr. Speaker. There's no time left for tough talk; there is only time for tough action.

Today the Steel Caucus is introducing tough legislation. I commend my good friends: the gentleman from Ohio (Mr. REGULA), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Indiana (Mr. VISCLOSY) and the gentleman from Ohio (Mr. TRAFICANT) for their leadership on this issue. I am proud to cosponsor the bills for tough action.

Mr. Speaker, to make this legislation the very first priority in the 106th Congress. I urge them to stand up for steel.
Mr. REGULA. Mr. Speaker, I rise today to discuss the continued threat that the surge of low priced steel imports is having on our domestic steel industry and on the jobs of steel workers, their families, and the communities in which they work.

According to the President’s steel report released on January 7, we have already lost 10,000 steel worker jobs in the United States. This import crisis is having a dramatic effect on the families that are directly affected by these job losses, but the story does not end there. Many more jobs are being lost as suppliers cut back and businesses in the affected communities cut back because demand for their products and services is no longer there.

We are told by the administration, and I quote from the January 7 report: “Free and fair rules-based trade is essential for both global economic recovery and for U.S. prosperity.” I emphasize “fair rules-based trade.”

But what have we seen since July 1997 when the Asian financial crisis began? And the Russian economic crisis flared up has certainly not been “fair rules-based trade.” At that time we already had worldwide over-capacity in steel production because many nations had subsidized the building of new steel plants that had no economic basis. Then demand in these nations collapsed as their currencies and the economy collapsed.

In order to obtain hard currency, foreign companies began shipping to the world market, the United States. The oversupply of steel products on the world market flowed into the United States, often at prices that had no relation to actual production costs.

For example, steel mill imports into the United States jumped almost 33 percent in 1998 over imports in 1997, and it should be noted that 1997 was already a record year for imports.

Steel imports of steel from Japan surged 163 percent in 1998 over 1997, with hot rolled steel products from Japan increasing an astronomical 386 percent in 1998 over 1997. Steel mill product imports from Russia were up 58 percent and on and on.

These figures do not paint a picture of “fair rules-based trade,” as the President called it, with regard to steel imports.

At a time that the administration truly enforce fair trade in this Nation with regard to steel imports, it is also time that we examine our overall trade policy.

As we provide nations in financial and economic turmoil with international monetary fund aid, should these nations be allowed to export their way out of their troubles, thereby threatening a basic industry in the United States? Why should an industry, such as the steel industry, which has modernized and downsized to become world competitive, now be put at risk because of outside factors over which it has no control?

Do we want to become a nation without any basic manufacturing capability, totally dependent on foreign supply of things such as steel? These are questions that we must address and which have been brought to the forefront by the steel import crisis.

I call on the Administration to take immediate action under existing authority. I refer to Section 201 of the 1974 Trade Act, which allows the President to respond to injurious import surges. He now has the authority to impose tariffs, quotas or duties if the International Trade Commission finds injury.

Section 201 is the appropriate current law remedy accepted under our international obligations to stop import surges that injure.

One problem that exists with Section 201 is that the injury standard is high, higher than required by the World Trade Organization rules. Because the injury standard under current law is so high, Section 201 has not been the remedy of choice.

I have proposed legislation that would lower the injury standard that now exists in Section 201 to bring it into compliance with World Trade Organization rules. Because the injury standard under current law is so high, Section 201 has not been the remedy of choice.

I have proposed legislation that would lower the injury standard that now exists in Section 201 to bring it into compliance with World Trade Organization rules. Because the injury standard under current law is so high, Section 201 has not been the remedy of choice.

With this change to Section 201, the administration could join with the Congress in industry and labor to rekindle the partnership that was so effective during the 1980’s in rebuilding this vital industry, and come up with a solution to stop up fair imports.

Such a solution to the import crisis could be agreed to by all parties under a U.S. law that is in accordance with our international obligations. We could work together to ensure that no more jobs are lost and that we maintain a vital and strong domestic steel industry here in the United States.

SUPPORT THE VISCLOSKY-QUINN-KUCINICH-NEY STEEL BILL

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 19, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized during morning hour debates for 5 minutes.

Mr. KUCINICH. Mr. Speaker, we are here because the policy of this administration, in international finance and trade is causing a crisis for American workers and industries.

The centerpiece of the administration’s policy is to widen the trade deficit. They are depending on American consumers to continue spending record amounts to pull the rest of the world out of the severe recession it has plunged into. The rest of the world includes Russia, Thailand, Brazil and Mexico.

Many of these countries have witnessed a dramatic devaluation of their currencies, which makes their product very cheap when sold in the United States. And when the products are flowing into the United States unfairly, underpriced to similar products made in America, the administration has chosen to allow the foreign product to undercut the American, and that is causing layoffs in many American industries, and it has reached a crisis level.

There is no question that the U.S. trade deficit is growing at a rapid pace. The goods and services trade deficit grew nearly 54 percent last year over the preceding year, according to figures compiled by the Economic Policy Institute, to a level of $170 billion.

Cheap foreign steel is flooding the American market. Last year, a record amount of foreign steel came to the United States. In the third quarter, 56 percent more foreign steel was brought to the United States than in the third quarter of the preceding year.

At the same time, American workers in industries affected by the foreign imports are losing their jobs. We are here today because the steel workers have been dramatically affected by the importation of foreign steel made cheap by currency devaluations.

Ten thousand American steel workers have already lost their jobs. Steel workers are not losing their jobs because the American steel industry is inefficient. In fact, the American steel industry is the world’s most efficient. The reason American steel workers are losing their jobs is that the price of foreign steel, though more inefficient, is so much cheaper due to the devaluation of the currencies of those countries.

Steel workers are not the only ones losing their jobs to cheap imports. According to the Economic Policy Institute, 249,000 workers, that is 249,000 American workers, lost their manufacturing jobs between March and December.

Americans should know there is a direct connection between the inflow of cheap foreign products reflected in a growing trade deficit and American job loss. This is already having and will continue to have a profound negative effect on the United States economy.

The Financial Times wrote in an editorial yesterday that the U.S. trade deficit is “unsustainable.” Unsustainable because the record levels of consumer debt, combined with mounting American job loss and resulting loss of wages and benefits, will make it impossible for Americans to continue to spend record amounts on foreign products; unsustainable because the economic policies that the International Monetary Fund have imposed on Thailand, Brazil and others create austerity and depression, not growth that will continue into the future and benefit the citizens of those countries.

The administration is blind to this connection. In its recent report on steel, the administration proposes no comprehensive action to stem the inflow of foreign steel made cheap by currency devaluation.
In recent statements to Congressional committees, members of the administration have counseled that America stay the course and continue importing cheap foreign imports at record levels. But this policy is unsustainable. The U.S. cannot continue as an oasis of prosperity while the rest of the world experiences economic depression of a magnitude in some countries that greatly overshadows our own Great Depression of the 1930s.

The extent of the economic crisis around the world is so great that even if the United States doubles its record trade deficit, it will not be enough to pull the rest of the world out of its troubles, but it will be enough to send thousands and thousands more Americans out of work and send the United States into a recession.

That is why we are here today, Mr. Speaker, to step into the breach by proposing the Visclosky-Quinn-Ney Kucinich Amendment. Pollard, in the words of President Clinton as he announced his policy of January 19, I introduced House Concurrent Resolution No. 16, expressing the sense of Congress that Jonathan J. Pollard should serve his full sentence and not receive any presidential pardon for his crime of espionage.

Jonathan Pollard was a civilian employee at the Department of the Navy from November 1979 until November 1985. He had access to classified documents and information and began making those documents available to Israeli intelligence officers in 1984. When he was arrested by his own estimate, Pollard had given the Israelis enough documents to fill some 360 cubic feet. In 1987, he pled guilty and was sentenced to life in prison.

The President has twice rejected release for Pollard, in 1994 and again in 1996. In fact, the White House press statement in 1996 found that, “The enormity of Mr. Pollard’s offenses, his lack of remorse, the damage done to our national security and the need for general deterrence in the continuing threat to national security that he posed made the original sentence imposed by the court warranted.” Of course, nothing has changed. Pollard remains unrepentant, and the damage to national security has not lessened with the passage of time. But something must have changed, at least in the mind of the Clinton White House.

In October 1998 President Clinton acceded to the request of Israeli Prime Minister Netanyahu to review Pollard’s sentence. The answer should have been a polite but a firm “no.” But, instead, the President agreed to a review.

On January 11, the relevant executive agencies were to report back on the virtues of releasing Pollard. Not surprisingly, the director of the CIA, the Secretary of State, the Secretary of Defense and the director of the FBI were unanimous in opposing any pardon for Pollard.

The reason of the Department of Justice has been less clear. Attorney General Janet Reno has delayed in offering an opinion to the President in the case pending a meeting with the prominent Jewish figures who support Pollard’s release. The AG’s office could not confirm for me yesterday whether such a meeting had taken place, nor could they offer any date when any legal opinion on Pollard’s release may be offered.

To say that Pollard’s betrayal seems like a clear case for the Department of Justice. But apparently they require more extensive deliberations than our national security agencies are capable of providing. But what deliberation is really needed? Press accounts have given us some indication of how damaging Pollard’s betrayal really was. He didn’t just give away intelligence estimates, he also betrayed sources and methods, the very capabilities that make sound intelligence estimates possible.

Revealing how intelligence services learn secrets is extremely damaging, because it provides opportunities for our targets to hide assets and plant misinformation, negating the very capabilities we spend billions of taxpayer dollars over the years to develop and maintain.

Of course, Pollard is now claiming that he never intended to spy against the United States. He claims that his espionage efforts were motivated by a noble concern for the State of Israel and a desire to avoid the return of the Yom Kippur War.

He says, very charitably, that the money he was paid, more than $500,000, did not motivate his spying, and that he intended to repay it all, and he suggests that because Israel is an ally of the United States, his sentence should be reduced, as if spying for a friend is a lesser evil than spying for an enemy.

Of course, this logic also ignores the suggestions in the public record that much of what Pollard provided to Israel may have ended up in the hands of the Soviet Union. Then there is the issue of his willingness to provide information to countries in addition to Israel.

It is important to point out that even though Pollard is now eligible for parole, he has not chosen to apply. All of the public deliberations on Pollard are occurring without his having even sought release.

The granting of pardons is a constitutional power reserved for the President of the United States, but that does not mean that Congress is obliged to sit quietly as this decision is made. Two weeks ago, 60 Senators from the United States Senate sent a letter to the President urging that Pollard not be set free. House Concurrent Resolution 16 similarly will allow the House of Representatives to go on record opposing any pardon, reconfirming any other form of executive clemency for Mr. Pollard. The gentleman from Michigan (Mr. Upton) has also introduced a resolution opposing a pardon, and I encourage all Members to join us as cosponsors of both resolutions. This betrayal of U.S. national security must not be rewarded with a presidential pardon.

Last week, two Americans were convicted of spying for East Germany throughout the 1970s and 1980s. Releasing Pollard now suggests that when the political price is right, we are willing to look the other way on espionage. The betrayal of U.S. national security must not be rewarded with a presidential pardon and I hope Members will join us as cosponsors to H. Con. Res. 16.

NO NEW INITIATIVES YIELDS EMPTY PROMISES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker’s announced policy of January 19, 1999, the gentleman from Ohio (Mr. TRAFICANT) is recognized during morning hour debates for 5 minutes.

Mr. TRAFICANT. Mr. Speaker, I have heard a lot of comments about this steel dumping issue, and it continues to amaze me how we debate this issue on a lot of sophisticated, philosophical grounds when it is basically a simple issue. A number of foreign countries are invading our marketplace with illegal criminal trade practices.

The White House, it was rumored, was going to come out and that response, they said, would include no new initiatives. Well, that rumor is true. The White House response includes absolutely no new initiatives.

So let us go over just briefly the old initiatives that we will, as diplomats and bureaucrats, sit down with the Japanese, the Russians, the Brazilians, the South Koreans, and we will ask them to please stop violating our laws. We are going to ask them to take another initiative, another promise. And I can remember Richard Nixon and every President up to and including President Clinton who threatened Japan...
with sanctions, just Japan alone, if they did not open up their markets. Now, every President in our recent history threatened Japan, and evidently, every time Japan responded with a promise, they broke it. They broke it. Now, what is this policy? Is it like putting a kid in a candy store and telling him, you cannot touch, you cannot smell and certainly you cannot eat anything here, but we want you to run free in this candy store and take a look at all the goodies here, folks. Do we want such a dramatic action? Shape up, or the House may even ban illegal dumping. And it is not an outright ban, it is a 90-day ban, and it is the only thing that will stop this hemorrhaging. If the wound is open and one is hemorrhaging, that is the bottom line.

This administration and no administration in the last 25 years will support import quotas. So what will it be? Voluntary restraint agreements? Unbelievable to me.

Mr. Speaker, I rise today to announce the introduction of what I consider to be two significant bills for the American people regarding the budget process here in Congress, and allowing law abiding citizens to carry concealed weapons outside of their home states. The first bill I will be introducing is a companion bill to what has already been introduced by Senator Domenici to establish a biennial budget happening every two years and a biennial appropriation process. The Biennial Budgeting and Appropriations Act would change how Washington and the Congress operates. It would be a change for the better in dealing with the Nation's fiscal matters. This bill would establish a two-year budget process and appropriations process for Congress. The fundamental importance of this bill is that it removes politics from the budget process. The first session of Congress would be dedicated to passing a budget and the 13 appropriations bills for the upcoming year budget. The American taxpayer deserves better. The American taxpayer deserves a change. The American taxpayer deserves the budget process here in Congress to be dedicated to passing every two years and a biennial appropriation process. The Biennial Budgeting and Appropriations Act would make this happen.

The second bill, Mr. Speaker, I will be introducing is my concealed weapons reciprocity bill that I had introduced in the 105th Congress, which was cosponsored by 75 Members of the House. My bill would allow the citizens of every State the right to carry a concealed weapon across State lines into any State or Territory of our Nation. My bill creates a national standard for the carrying of certain concealed firearms by nonresidents of those States. Every citizen, in order to carry a concealed firearm across State lines, would have to be properly licensed for carrying a concealed weapon in their home State and would have to obey the concealed weapons laws of the State they are entering. If the State they are entering does not have concealed weapons laws, the national standard provisions in this legislation would dictate the rules in which a concealed weapon would have to be maintained. For instance, the national standard disallows the carrying of a concealed weapon in a school, police station or a bar serving alcoholic beverages.

Mr. Speaker, in addition, my legislation exempts qualified former and current law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Mr. Speaker, again, these two pieces of legislation are very important. If Members of the House are interested in cosponsoring either of these bills, I urge that they contact my office.

KEN STARR'S MEDDLING

The SPEAKER pro tem. Under the Speaker’s authority, pursuant to January 19, 1999, the gentleman from Massachusetts (Mr. Frank) is recognized during morning hour debates for 3 minutes.
Mr. FRANK of Massachusetts. Mr. Speaker, even those of us who have come to be of low expectations regarding Kenneth Starr’s behavior were astonished on Sunday when he, through his aides, interjected himself into the current proceedings on impeachment by announcing that he thinks he has the right to indict the President. Mr. Starr has a very unusual way of operating. He sets for himself a very low standard and then consistently falls short of it.

The New York Times has been a major critic of President Clinton, but they have been forced by Mr. Starr’s abhorrent behavior to become more critical of him, given their dedication to the rule of law. The New York Times editorial entitled “Ken Starr’s Meddling” in which they note, and I quote, “Mr. Starr is already regarded by his critics as an obsessive personality. Now he seems determined to write himself into the history books as a narcissistic legal junkie.”

“The news article highlighted an underlying problem. Mr. Starr keeps flapping around, with deliberations over indictments and by meddling in the House managers’ contacts with Monica Lewinsky. The problem is that what complicates Senate work that is more important than he is. . . . Should rebuke Mr. Starr and appeal to the Federal judges who supervise him to restrain him from further disturbance of the constitutional process.”

Now, The Times understandably brushes off the fact that this was leaked illegally from Mr. Starr’s office uncontestably, because they were the beneficiaries of the leak. But Mr. Starr has been guilty of this, and he has been guilty in sworn testimony before the House of misleading and perhaps lying about his role in this.

Mr. Speaker, when he testified before us on November 18, he asked me about a woman and he could not respond because “I am operating under a sealed proceeding.” I then said, “Sealed at your request, correct?” And here is his answer. “No, Mr. Frank. It is sealed by the Chief J u d g e based upon her determina-
tion of— . . . Mr. FRANK. She granted a much more open proceeding and you appealed that and got a circuit court to sever that procedure on the grounds that hers was too open. Isn’t that true?

Mr. Starr. Congressman Frank, what she did was to provide for a procedure that didn’t provide for—and did not provide for an adversarial process, and this is all in the public domain. But from this point forward, no, she is the custodian and the guide with respect— . . . Mr. FRANK. Would you ask her to release that? I think this is severe for public interest in dealing with this leak question. It does not mitigate the credibility of what you have done. Would you then join, maybe everybody would join, maybe the White House would join, and others, in asking J u d g e ohson to relax that so we could get the answers publicly, because I think there is a lot of public interest, legitimate interest in this.

Mr. Starr. I am happy to consider that, but I am not going to make, with all respect, a legal judgment right on the spot with respect to appropriateness— . . . [From the New York Times]

KEN STARR’S MEDDLING

The most surprising aspect of the Senate impeachment trial is the persistent challenges to the senators’ constitutional right to run a censure resolution. Indeed, it is the House managers’ attempt to call a parade of unnecessary witnesses that complicates Senate work that is more important than he is. . . . Mr. Starr is already regarded by his critics as an obsessive personality. Now he seems determined to write himself into the history books as a narcissistic legal junkie. Once the Senate started the second Presidential impeachment trial in American history, that was Mr. Starr’s cue not only to shut up but to staunch the circuit judge that would direct attention away from the Senate or reduce its bargaining room. The issue of who leaked news of Mr. Starr’s indictment resulted in an investigation that would divert attention away from the Senate or reduce its bargaining room. The issue of who leaked news of Mr. Starr’s indictment resulted in an investigation that would divert attention away from the Senate or reduce its bargaining room. The issue of who leaked news of Mr. Starr’s indictment resulted in an investigation that would divert attention away from the Senate or reduce its bargaining room.

Mr. Starr. There are a couple of issues or instances in which we issued a press release where we do have—you know, we clearly issued a release with respect to the sexual matters. But may I say this. I am operating under a sealed litigation proceeding, and what I am trying to suggest is, I am happy to answer all questions in this particular proceeding. . . . Mr. FRANK. To the extent that you can’t answer under this particular proceeding, it is sealed at your request to the extent that it is sealed at all. That is, J u d g e ohson granted a motion for an open procedure. You appealed to the circuit court, and they closed it. Mr. Starr then said nobody else will. If you didn’t do anything, why not just tell us if it is wrong factually. On the other hand, you are going to say well, you can’t release that at this time because you are going to seal it, so I suppose I can’t do much, but I don’t understand why you don’t just tell us.

Mr. Starr. Let me make very briefly these points. We believe we have completely complied with our obligations.

Mr. FRANK. That wasn’t my questions. Mr. STARR. Under 6(e). Mr. FRANK. Under 6(e). Mr. STARR. Under 6(e) of the Order was sealed at your request to the extent that it is sealed at all. That is, Judge Johnson set it forward, and they did this. They could differ as to the law. I am not debating the law, I am trying to elicit a factual response. Mr. Starr. The second point that I was trying to make is that I am operating under a sealed proceeding.

Mr. FRANK. Sealed at your request, correct?

Mr. STARR. No. Mr. FRANK. It is sealed by the Chief J u d g e based upon her determina-
tion of— . . . Mr. FRANK. She granted a much more open proceeding and you appealed that and got a circuit court to sever that procedure on the grounds that hers was too open. Isn’t that true?

Mr. Starr. Congressman Frank, what she did was to provide for a procedure that didn’t provide for—and did not provide for an adversarial process, and this is all in the public domain. But from this point forward, no, she is the custodian and the guide with respect— . . . Mr. FRANK. Would you ask her to release that? I think this is severe for public interest in dealing with this leak question. It does not mitigate the credibility of what you have done. Would you then join, maybe everybody would join, maybe the White House would join, and others, in asking J u d g e ohson to relax that so we could get the answers publicly, because I think there is a lot of public interest, legitimate interest in this.

Mr. Starr. I am happy to consider that, but I am not going to make, with all respect, a legal judgment right on the spot with respect to appropriateness— . . . [From the New York Times]
interests of Rule 6(e), and allow the Special Master to undertake his task without outside interference. If the Court determines to unseal the Order, the OIC proposes that the identity of the Master be redacted so that, to the maximum extent possible, he is able to conduct his work without the intense glare of the inevitable media spotlight.

In this proceeding, the Court of Appeals cautioned against procedures that might cause "undue interference with the work of the grand jury or that of the district court itself." See In re Sealed Case No. 98-3077, 151 F.3d 1059, 1073 (D.C. Cir. 1998). Here, the work of the Special Master is not conducted from under interference. Indeed, pursuant to the Court of Appeals' opinion, this proceeding is being conducted ex parte and in camera precisely to minimize the risk of interfering with the Special Master conducting his investigation. See id. at 1075.

Unsealing the Order before the Special Master concludes his work, and subjecting this proceeding to the unprecedented media frenzy that has surrounded the underlying grand jury investigation, needlessly increases that risk. Divulging the subject matter and scope of the proceeding at this time will provide a roadmap for prying and intrusion into grand jury matters in an ongoing investigation. These dangers can be avoided simply by delaying release of the Order until the Special Master concludes his investigation and the Court issues its findings.

Furthermore, as both this Court and the Court of Appeals have recognized, the threshold standard for establishing a prima facie case is minimal and is not conclusive of a violation of Rule 6(e). As the Court of Appeals noted, the OIC will have the opportunity to impeach at least one of the two prongs of a prima facie case—by showing either that the information disclosed in the media reports did not constitute "matters occurring before the grand jury" or that the source of the information was not the government." See id. The unsealing of findings pinned on the mere prima facie standard could be exploited by the criminal defense bar in an effort to undermine the integrity of the OIC's investigation. This is especially true in the political climate existing as a result of RICO's §506(c) referral to Congress. The integrity of the investigation is an important interest that Rule 6(e) and the ex parte and in camera nature of the proceeding at this stage is intended to protect. That interest should not be compromised by unsealing the Order now.

Maintaining the Order under seal also will allow the Special Master to conduct his work without interference and interruption. If the existence and identity of the Special Master become public, he undoubtedly would become the focal point of worldwide press attention, his efforts the subject of media inquiry, investigation, and speculation. These distractions would impede the Special Master's ability to conduct his investigation, and the Court, and the OIC, wants to see the Special Master complete his investigation and the Court issues its final findings.

In the proceeding in this matter, the Court of Appeals cautioned against procedures that might cause "undue interference with the work of the grand jury or that of the district court itself." Id. The unsealing of findings pinned on the mere prima facie standard could be exploited by the criminal defense bar in an effort to undermine the integrity of the OIC's investigation. This is especially true in the political climate existing as a result of RICO's §506(c) referral to Congress. The integrity of the investigation is an important interest that Rule 6(e) and the ex parte and in camera nature of the proceeding at this stage is intended to protect. That interest should not be compromised by unsealing the Order now.

Finally, the OIC intends to file a motion for partial reconsideration of the Order. We believe this action is well justified under the facts and law at issue in this proceeding, especially since the OIC has not had the opportunity to address whether several of the OIC's proposed redactions on pages 20-22 of the Order are attached hereto.

To be fair to the President, he does not propose using future surplus dollars for these new programs. But the assumption seems to be that with a healthy U.S. economy and a balanced budget in the black for the first time in decades, the government, the Federal Government, can afford to grow again. The other thing we have to look at is what will happen after that. The U.S. economy will go into a recession, government revenues will dry up, and all of a sudden, that rosy picture of the healthy economy and multiyear budget surpluses vanish. Again, the bubble can burst at any time in the future.

What happens then? Consumer spending will take a nosedive, wages will fall, and what will happen after that. The U.S. economy cannot be the savior of the entire world, and this is the point I'm making. While President Clinton may be able to make a case that the Federal Government can afford all of his new initiatives in the fiscal year 2000 budget, and I am skeptical of that, he certainly cannot guarantee that the U.S. taxpayers can afford them in the future.

We need to act responsibly in the good times to ensure that they last for future generations. We need to save social security now so we can afford to meet the national savings rate to maintain our strong economy. If we do not do this right thing, we can do both at the same time, and the projected surpluses will in fact materialize.

There are two approaches that can accomplish this goal. I would personally prefer that all future surpluses be dedicated to retiring the debt to shore up social security. In the surplus years we should guarantee social security recipients their full benefits, and at the same time, we should create personal retirement accounts for future generations. These accounts will not only offset the long-term costs of social security, but they will also provide much-
needed capital to keep the U.S. economy healthy.

Barring this approach, however, Congress should provide tax relief, and I understand tax relief. This is what Chairman Greenspan said to our Committee chairman last week in a hearing: "If we have to get rid of the surpluses, I would prefer reducing taxes rather than spending it. Indeed, I don't think it's a close call."

That question was posed to him because there was a notion somehow that all of the money should go to surplus to retire the debt. Mr. Greenspan clearly agreed with that premise. But then as he looked at the budget unfolding as produced by President Clinton that we are now reviewing, we see that all surpluses are going out the window. All programs are expanding. All are growing past the rate of inflation. All are looking at solving the world's and our national crises by infusing more dollars here in Washington, rather than sending it home.

Mr. Greenspan took strong exception, saying if there are surpluses and they are not to be used or will not be used for deficit reduction, then clearly they should go for tax reduction. I stand on the side of Mr. Greenspan.

Mr. Speaker, I include for the Record the article previously mentioned.

The article referred to is as follows: **SPENDING BUDGET SURPLUSES: WAIT UNTIL THEY'RE REAL**

President Clinton's proposed $1.77 trillion budget released Monday, with its projections of $2.4 trillion surplus over the next 10 years, has both parties ready prematurely to abandon fiscal prudence in exchange for more dollars here in Washington, rather than sending it home.

Even the GOP's last holdout against huge tax cuts, Sen. Pete Domenici, R-NM, has joined the parade. While he condemned Clinton's budget as a return to an "era of really big government," the chairman of the Senate Budget Committee has signed on to across-the-board tax cuts pushed by party leaders.

But just as stock market seers warn that market catastrophe usually follows the coaxing of stock prices to the highest point today's golden surpluses turn to lead. There's ample reason for caution, as surpluses are even counting on aren't yet real.

THE PHONY SURPLUS

While both Clinton and Republicans pretended Monday that there is a surplus now, the general fund budget isn't predicted to be in balance until 2005. Nor is it.

Until then, the only surplus the government will be running is in Social Security.

It's an old trick. Government has for years covered high deficits by borrowing billions from excess payroll taxes paid into Social Security for baby boomers retirements and using them for daily operations.

The only difference over the next 10 years is that the $1.8 trillion in Social Security surpluses will make government's anticipated overall surpluses appear larger. That's how Clinton's budget achieves most of the supposed $2.4 trillion surplus.

The bottom line of the equation, though, is the same. Any spending increases or tax cuts will be borrowing from Social Security, increasing the burden on future taxpayers when baby boomers retire.

Real general fund surpluses will be put off for years, and that's if forecasts are correct, unlikely considering past performance. The Reagan administration, for instance, in its first budget in 1981 forecast a $55 billion surplus by 1986. A deep recession and fiscal irresponsibility by the administration and Congress produced a $221 billion deficit instead.

Since 1980, budget-surplus or deficit predictions have been off by an average $54 billion a year, or nearly 5%. Five-year predictions are even more iffy, being off an average 13%.

Counting on surpluses that haven't arrived thus amounts to poison pills, especially in current economic conditions.

A BUBBLE ECONOMY?

Last month, the economy set a record for an expansion, eclipsing the mark set in the 1980s. But there are signs of bumpy times ahead. The rest of the globe continues to suffer from slow or falling growth. Asia remains in crisis, with Japan in recession. And teetering on the brink of another fiscal crisis is Brazil, key customer to Latin American economies to which U.S. exporters look for $240 billion in annual sales.

As a result, and one which had been the key to U.S. growth through much of the 1990s, aren't likely to grow much. And as in the past two years, the U.S. and world economies will continue to depend on U.S. consumers buying more and more.

The problem: Americans aren't saving enough to support their spending. Household savings rates last year were the lowest since the Great Depression. People are relying on stock market gains to maintain living standards.

Many market analysts, though, worry that current stock values, up threefold since 1993, aren't sustainable. And if the bubble bursts, consumer spending may head south.

For the budget, that could spell disaster. Capital gains tax receipts on stocks have jumped 130% since 1994, contributing heavily to a 50% increase in personal income taxes. Future surpluses rely on stock market gains leading to big, taxable pension payouts.

A fall in the market, a decline in consumer demand and a resulting economic slide would leave the government depending on Social Security to cover up its own deficits once again.

A year from now, with the world crisis eased or worsened, the picture will be clearer. But that doesn't fit the political calendar, which remains focused on the 2000 elections.

BUDGET BLOAT

The push to use up the surplus also would ease pressure on Congress to spend its money more efficiently. Business leaders looked into Defense operations, for example, found $30 billion in annual savings that would improve performance. But the reforms face tough sledding in the Democratic-controlled Senate if Clinton and Congress ease spending caps.

Similarly, the General Accounting Office of Congress has pinpointed billions in savings opportunities from everything from food inspections to housing to transportation. They may not see the light of day if Clinton and Congress no longer have to pay for new programs by achieving savings in old ones.

The possibility of huge budget surpluses is not a reason to return to old spendthrift ways that built up the $5.6 trillion national debt.

As Federal Reserve Chairman Alan Greenspan said last week, the best thing government can do is put down that debt. The proposed budget, though, continues to fund the debt with Social Security surpluses, not eliminate it as celebrants suggest.

To really pay it down, the government needs to run a real surplus. And that simply hasn't happened yet.

ZEALOTRY HAS AGAIN SHUT MUCH OF AMERICA'S GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan. 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, during the first dreadful year of the Republican takeover of this Congress, zealots right here in this House insisted on shutting down the government of the United States of America, causing considerable disruption and attracting a rather considerable and well-justified indignation and public outrage on the part of the American people.

I believe that America needs to know that this same brand of zealotry has again shut down a large part of our American government. But in the month of January, the Congress of the United States did not approve one single bill.

This Congress indeed failed to even consider or debate here in the House a single piece of legislation; not improve-ments in the quality of public education, not a consumer bill of rights to help those who have been mismanaged by managed care in this country, not reform of our campaign finance system that is at the heart of so much wrong in what happens in this Congress. Not anything was done in this Congress.

Indeed, the leadership of this House has announced within the last few days that it plans to put campaign finance reform on the back burner, the same group that was responsible for the Reform in 1998 and the years before under Republican control of this Congress.

While most Americans are out there working at least an 8-hour day, this House of Representatives worked on this floor during the month of January an 8-hour month. That is right, the House met here in session to work on the problems of the American people about the same amount of time in the entire month as the ordinary American worked in one single day.

Keep in mind that this inaction on the part of the Congress follows the year of 1998, a year which has been hailed by historians as perhaps the most unproductive and irresponsible of any year in the history of the Congress in the post World War II era. This is a Congress that, for the first time in 30 years of having a Budget Act, was not even able to agree on a Federal budget resolution because of an internal struggle in the Republican caucus here in the House between the far right and the rest of us.

After failing to gain approval of a variety of schemes, this was a Republican House whose major accomplishment in
February 2, 1999

CONGRESSIONAL RECORD  Ð HOUSE

February 1999 was the passage of something called the Omnibus Appropriations Bill. That was the one that weighed in here at 40 pounds, almost broke the table up here at the front of the Congress, and which was presented in such a fashion if any Members knew what was in it until weeks later, as the reporters began to discover all the pork that was laden in this allegedly conservative bill.

Undoubtedly some Americans are going to be pleased to hear that this Congress is adjourned and not doing anything, instead of approving that kind of nonsense. No doubt there will be some on the fringes who really believe the government should do nothing that will be very pleased that their dreams have been realized and that this House is largely doing nothing.

February, well, it does not look noticeably better. Under the best of circumstances, this House may convene for a few hours on about 10 days to approve a few largely uncontested bills.

Today, for example, we will pass the first piece of legislation in this Congress. It is a measure that we are approving, reapproving today, in the very same words that we approved unanimously last year. For some reason the Senator got around to considering it.

Tomorrow we will replace one stopgap measure approved last fall with another stopgap measure to carry us forward. The months until the House finally gets down to work to develop a meaningful, bipartisan long-term solution to the transportation problem.

I would say that even if we gave Ken Starr another $50 million or so to waste, I do not even believe he could find anything notable that this House has done in the opening weeks of 1999 to help the ordinary American citizen. Most of the folks that I represent down in central Texas would prefer to see their Representatives in this House, the people's House, tending to the Nation's business.

The President has outlined what I think are a number of very important budget priorities throughout December and January. I believe they demand our attention and debate. He has emphasized the importance of conserving the surplus, letting it build up. I believe we should do that. I believe it is time to stop the shutdown of this House and get back to the Nation's business.

HOW LONG WILL THE WAR WITH IRAQ GO ON BEFORE CONGRESS NOTICES?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. PAUL) is recognized during morning session for 5 minutes.

Mr. PAUL. Mr. Speaker, I ask my fellow colleagues, how long will the war go on before Congress notices? We have been bombing and occupying Iraq since 1991, longer the occupation of Japan after World War II. Iraq has never committed aggression against the United States.

The recent escalation of bombing in Iraq has caused civilian casualties to increase. The Clinton administration claims U.N. resolution 687, passed in 1991, gives him the legal authority to continue this war. We have perpetuated hostilities and sanctions for more than 8 years on a country that has never threatened our security, and the legal justification comes from not the U.S. Congress, as the Constitution demands, but from a clearly unconstitutional authority, the United Nations.

In the past several months the airwaves have been filled with Members of Congress relating or reasserting their fidelity to their oath of office to uphold the Constitution. That is good, and I am sure it is done with the best of intentions. But when it comes to explaining our constitutional responsibility to make sure unconstitutional sexual harassment laws are thoroughly enforced, while disregarding most people's instincts towards protecting privacy, it seems to be overstating a point, compared to our apathy towards the usurpation of congressional power to declare and wage war. That is something we ought to be concerned about.

A major reason for the American Revolution was to abolish the King's power to wage war, tax, and invade personal privacy without representation and due process of law. For most of our history our presidents and our Congresses understood that war was a prerogative of the congressional authority alone. Even minimal military interventions by our early presidents were for the most part done only with constitutional approval.

This all changed after World War II with our membership in the United Nations. As bad as it is to allow our president to usurp congressional authority to wage war, it is much worse for the President to share this sovereign right with an international organization that requires us to pay more than our fair share while we get a vote no greater than the rest.

The constitution has been blatantly ignored by the President while Congress has acquiesced in endorsing the 8-year war against Iraq. The War Powers Resolution of 1973 has done nothing to keep our presidents from usurping the speaking bill of dollars and killing many innocent people, and jeopardizing the very troops that should be defending America.

The continual ranting about stopping Hussein, who is totally defenseless against our attacks, from developing weapons of mass destruction ignores the fact that more than 30,000 very real nuclear warheads are floating around the old Soviet empire.

Our foreign policy in Iraq invites terrorist attacks against U.S. territory and incites the Islamic fundamentalists against us. As a consequence, our efforts to develop long-term peaceful relations with Russia are now ending. This policy cannot enhance world peace. But instead of changing it, the President is about to expand it in another no-win centuries-old fight in Kosovo.

It is time for Congress to declare its interest in the Constitution and take responsibility on issues that matter, like the war powers.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess until 2 p.m. Accordingly, at 1 o'clock and 30 minutes p.m., the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

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

May Your gifts of goodness and peace, O God, be upon us and all people; may Your blessings of joy and happiness be and abide with us all; may Your abundant favor touch every person in the depths of their hearts; and may Your comfort bring healing and assurance to all in need. Above all the noise of each day and above any clash or contention, we pray that Your still small voice strengthens and ministers to us in our very souls. For this we are eternally grateful. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK, HOUSE OF REPRESENTATIVES, Washington, D.C.

Hon. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted to clause 5 of rule III of the
H284
CONGRESSIONAL RECORD – HOUSE
February 2, 1999

Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 20, 1999 at 11:45 a.m.

That the Senate passed without amendment H. Con. Res. 11.

With best wishes, I am
Sincerely,
JEFF TRANDAHL, Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, January 29, 1999.

Hon. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted to clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 29, 1999 at 1:00 p.m.:

That the Senate passed S. Res. 30.

With best wishes, I am
Sincerely,
JEFF TRANDAHL, Clerk.

APPOINTMENT OF MEMBERS TO INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER, pursuant to the provisions of clause 3(a)(4)(A) of Rule X and the order of the House of Tuesday, January 19, 1999, the Speaker on Thursday, January 28, 1999 named the following Members of the House to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 106th Congress:

Mrs. Biggert of Illinois,
Ms. Granger of Texas,
Mr. Hastings of Washington,
Mr. Hulsizer of Missouri,
Mr. LaTourette of Ohio,
Mr. McCrery of Louisiana,
Mr. McKeon of California,
Mr. Sessions of Texas,
Mr. Shimkus of Illinois, and
Mr. Thornberry of Texas.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from Richard A. Gephardt, Democratic Leader:

WASHINGTON, DC, January 26, 1999.

Hon. Dennis Hastert,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to clause 3(a)(4)(A) of Rule X of the Rules of the House of Representatives I designate the following Members to be available for service on an investigative subcommittee of the Committee on Standards of Official Conduct:

Mr. Clyburn of South Carolina,
Mr. Doyle of Pennsylvania, and
Mr. Edwards of Texas.

As a member of the House Committee on Science, I pledge to work towards maintaining our space program as well as ensuring that our country leads the world in technological innovation.

Finally, I wish to thank my family, friends, and the people of the 41st Congressional District for their guidance and their support.

To the people of my district, I pledge to you that I will work for your interest and will continue to earn your support.

IMF WANTS TO AID IRAQ

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

Mr. Traficant. Mr. Speaker, it is time to throw up. That is right. Check this out. Uncle Sam gives billions to the International Monetary Fund. Reports now say that the IMF wants to give billions of dollars in aid to Iraq. That is right, Iraq.

And you guessed it, the same reports say the White House has quote-unquote, given their blessing. Unbelievable. While the White House bombs Iraq, the White House is supporting billions of dollars for Saddam Hussein. Beam me up. Who is on first, Mr. Speaker? What is second?

Mr. Speaker, I yield back evidently all the advice the White House is getting from Larry, Moe, and Curly.

OPPOSE H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

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

Mr. Gibbons. Mr. Speaker, the month of January of this year has already come and gone. In just that one month, there have been seven major earthquakes in Yucca Mountain, Nevada. This is a site where this city’s powerful nuclear waste lobbyists want to bury their nuclear waste.

This should not be a surprise, however, because Yucca Mountain, you see, is a mountain. It is not geologically stable. In fact, it is a mountain that is tectonically active.

Jerry Szymanski, a former Department of Energy geologist, said seismic design for a facility to transfer nuclear waste canisters above ground at Yucca Mountain, Nevada. This is a site where this city’s powerful nuclear waste lobbyists want to bury their nuclear waste.

Realize that one does not store nuclear waste in an area that ranks third in the country for seismic activity, an area that has more than 621 earthquakes in the past 20 years, and an area that had seven earthquakes in less than 30 days.

Oppose H.R. 45, my colleagues. This could weigh heavily on my colleagues’ souls.
Ron was born in Chattanooga, Tennessee on October 20, 1947. He attended Chattanooga public schools, graduating from Howard High School in 1965.

He attended Morris Brown College in Atlanta, Georgia where he majored in history and excelled at football. Upon graduation, he was drafted by the Detroit Lions football organization. However, his football career was cut short by a football injury.

In 1970, Ron married his college sweetheart, my sister, Barbara Tubbs. From this union, one son, Khari Walker, was born.

Ron was a certified property manager, and his professional career took his family to many cities. In each of these cities, he became actively involved with the church.

Ronald and Barbara were a team. When you asked for one, you always got two. So it was, from the beginning of their marriage right up to the end.

My sister Barbara was my campaign manager in my successful bid for Congress. It is as a result of their hard work that I stand before my colleagues today.

Most recently, Ron organized a bus trip to Washington for the 106th Congress swearing in. My last opportunity to see him. Thank God it was a joyous occasion, and all of my family was here to witness it.

God blessed me and the 11th Congressional District with this wonderful couple. I know that his work on earth will bring heavenly rewards.

Mr. Speaker, I include Ron’s obituary for the CONGRESSIONAL RECORD.

The obituary is as follows:

THE OBITUARY OF RONALD DONNELL WALKER

Ronald Donnell Walker, son of Lenora (Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Ron was very active in the campaign to elect Congresswoman Stephanie Tubbs Jones (OH-11) and had recently returned from the official congressional swearing-in in Washington, D.C.

Ron professed his faith at an early age. In each city, in which the family lived, he found a church home and became very active. At First Baptist Church in Hampton, he was an ordained deacon and member of its housing corporation. In Dayton, Ron joined Canaan Missionary Baptist Church, in Pittsburg, Mount Airy Baptist Church. Each time he returned to Cleveland, Ron and Barbara re-united with Bethany Baptist Church, where he served as a deacon and she served as a church organist with the pastor’s aid and with the young people of Bethany.

Ron was devoted to his family and he left a host of family and friends to celebrate his life. Among them are his wife of twenty-eight (28) years, Barbara Walker, sons, Khari Walker (Atlanta, GA.) and Kessie Erskine (Deborah, Murfreesboro, Tenn.) and three granddaughters, J alysa, J enne and J enysa. He is also survived by his mother, Lenora Walker (Chatanooga, Tenn.), two sisters, Julia Tousaint (New York, N.Y.) and Athea Jackson (Chatanooga, Tenn.), one brother, Rev. Anthony Walker (Lagail, Atlanta, GA.). He also leaves three grandchildren, one aunt, Dorothy Gilliam (Queens, N.Y.) his sisters-in-law, Stephanie Tubbs Jones (Mervyn and Mervyn II) and Mattie Stills (Robert, San Francisco, CA.). His brother, John H. Walker Jr. predeceased him.

Ron loved the Lord and he let his work speak for him. His generous size camouflaged his gentle maturity. His captivating smile and infectious personality will be missed by all.

BRONCOS SUPER BOWL VICTORY

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

Mr. TANCREDO. Mr. Speaker, after the House prevent me from donning this beautiful chap-peau, I will hold it there nonetheless for the world to see.

Mr. Speaker, last Sunday in front of 75,000 fans in Miami and before around 800 million on the globe a group of men from Colorado gave a clinic in the art of football. Of course I am speaking of the world champion Denver Broncos who convincingly passed, ran, and kicked for a 34 to 19 Super Bowl victory.

In a football season where many were calling on the NFL to bring back the instant replay, the Broncos did, and they have matching trophies to prove it.

This does not surprise anyone from my home State, but others had to learn the hard way that you cannot beat a balanced attack or a defense that only allows 25 points during the entire post season.

In conclusion, Mr. Speaker, I would like to point out to my colleagues that no NFL team has ever won three Super Bowls in a row. Next year, however, this standard of dominance could finally fall, but only to one team, the Denver Broncos. Speaking as a Color-adorian, this is how it should be. I look forward to coming back to the floor one year from today and honoring the Broncos again.

CONGRESSIONAL RECORD – HOUSE

February 2, 1999

H285

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1999

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

Mr. UDALL of New Mexico. Mr. Speaker, today, I rise today to introduce a bill to right long-standing injustices. One hundred fifty-one years ago the Treaty of Guadalupe-Hidalgo was signed by the United States of America and the Republic of Mexico. In that the government of our country got to respect and protect the culture, property rights and language of the residents who would later become United States citizens.

These promises by our government were broken. Many land grant communities no longer exist. Many individuals have lost their land. This bill starts the long process to resolve these disputes and to bring our government in line with its treaty obligations.

Exactly 151 years ago today, the United States and Mexico signed the Treaty of Guadalupe-Hidalgo, officially ending the Mexican-American war.

Under the treaty, signed February 2, 1848, Mexico ceded to the United States more than 525,000 square miles of land, including all of what is now California, Nevada and Utah, as well as parts of four other states including my state of New Mexico.

As part of the treaty, the United States also agreed to honor the land holdings of the existing residents of its vast new territory. In many cases, however, the government ignored that pledge and the protections provided by the Constitution as more and more new settlers moved into this land covered by numerous Mexican and Spanish land grants.

Mr. Speaker, for 151 years, the United States government has turned its back on this issue. For 151 years, land grant heirs of New Mexico have cried out for justice.

Robert Kennedy once said that “Justice delayed is democracy denied.”

Mr. Speaker, it is time to stop denying the full blessings of democracy to the land grant heirs. It’s time to start hearing their cries.

In 1848, then-President James K. Polk, who would later become United States president of Mexico introduced legislation that would create a Presidential Commission to study the claims of the land grant heirs.

Last year, my predecessor, Mr. Redmond, introduced similar legislation in this body. With tremendous bipartisan support, the Guada-lupe-Hidalgo Treaty Land Claims Act of 1998 passed overwhelmingly. Its supporters and co-sponsors included not only the current Speaker of the House, but former Speaker Gingrich and members of the leadership of both parties.

With the passage of this bill, the House of Representatives sent a clear message that it was time to undo 151 years of injustice.

Unfortunately, Mr. Speaker, the legislation never made it through the Senate. And so I stand here today urging my colleagues to once again take a stand for justice.

The bill I introduce today is substantively the one passed by this body last year. The bill will:

(1) Create a five person Presidential Commission, called the Guadalupe Hidalgo Treaty Land Claims Commission, to review the claims of the land grant heirs.
Mr. Speaker, it provides a just solution.

It provides a reasonable solution. And most importantly, Mr. Speaker, it provides a just solution.

POLL REVEALS AMERICAN WOMEN ARE CONSERVATIVE

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

Mr. STEARNS. Mr. Speaker, I would like to share with my colleagues the results of a recent poll conducted by the Princeton Research Association for the Center for Gender Equity.

Mr. Speaker, the poll found that 53 percent of the females who responded thought abortion should be allowed only in cases of rape, incest, and to save the life of the mother. This is up from 45 percent in 1996.

Forty-one percent believe the issues that the Christian Coalition stands for would improve the lives of women, compared to 18 percent who said the group’s issues make the lives of women worse.

Seventy-five percent said religion is very important in their lives, compared to 69 percent just two years ago. And 46 percent said politicians should be guided by religious values, compared to 32 percent six years ago.

To quote my former colleague, Randy Tate, “We are the mainstream. When two-thirds of American women agree with our agenda, even when they are asked by a liberal organization about us in their own poll, that is all the proof anyone needs.”

I call these statistics to my colleagues’ attention. I think it shows that American women are moving in a conservative stream.

PRESCRIPTION DRUGS

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

Mr. GREEN of Texas. Mr. Speaker, I would like to take the opportunity to talk about a serious problem not only in my own district but around the country. Last week in our district in Houston we released statistics showing the high cost that fee-for-service Medicare recipients pay for prescription drugs. The minority staff of the Committee on Government Reform and Oversight conducted an investigation in the 29th District of Texas and found that seniors pay inflated prices for medication that they need to maintain their health. The five best-selling drugs for older Americans are almost twice as expensive as the prices drug companies charge their most favored customers, including the United States Government.

The fundamental problems with finding affordable prescriptions for seniors are that seniors should not be forced into a managed care program just because they cannot afford their prescriptions. Many seniors around the country do not even have the opportunity to join an HMO because it is not servicing their area. Medicare insurance premiums that cover prescriptions are exceedingly too high.

In the last Congress there was legislation introduced by the gentleman from Texas (Mr. TURNER), and I cosponsored it, which would have made critical drugs more affordable to seniors. Whether we consider this proposal or another, this Congress needs to address this issue for Medicare seniors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote is taken. The vote is based on under clause 6 of rule XX. Such rollcall votes, if postponed, will be taken after the debate has concluded on new motions to suspend the rules.

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 68) to amend section 20 of the Small Business Investment Companies Act of 1958, to make technical corrections in title III of the Small Business Investment Act, as amended.

The Clerk read as follows:

H.R. 68

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Investment Company Technical Corrections Act of 1999.”

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 667(i)(2)) is amended by striking at the end the following: “In this paragraph, the term ‘interest’ includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.”.

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking “$800,000,000” and inserting “$2,000,000,000”; and

(2) in subsection (e)(3)(C)(i), by striking “$900,000,000” and inserting “$1,500,000,000.”

(c) TECHNICAL CORRECTIONS.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended—

(1) in section 303(g) (15 U.S.C. 663(g)), by striking paragraph (13);
Mr. Speaker, this bill is important work. It will have a real impact on the businesses in this country seeking start-up financing and, at the end of the day, that is the most important part of our job.

Let me again thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff for their assistance in moving this measure forward before us.

Mr. Speaker, I urge my colleagues to support H.R. 68.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Missouri for moving forward this bill in a bipartisan process and including me in this process.

I rise in strong support of H.R. 68, the Small Business Investment Company Technical Corrections Act. As a co-sponsor of last year’s bill and an original cosponsor of this legislation, I strongly support the improvements we will consider to the Small Business Investment Act and the Small Business Investment Company program today. These changes will only serve to make the SBIC program more efficient and responsive to the needs of small entrepreneurs.

There is no question that the value of SBICs has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to support more than 30,000 small businesses. Over the past years, SBICs have given companies like Intel Corporation, Federal Express and America Online the push they needed to succeed. And because of SBICs, millions of jobs have been created and billions of dollars have been added into our economy.

Even as America experiences the longest period of economic growth in decades, there are still many disadvantaged urban and rural communities that are being left behind. One way of bringing economic development and prosperity to more Americans is through the SBIC program.

In fact, SBICs are such a powerful tool that the President’s new economic development initiative for these distressed communities, which he announced in the State of the Union address, is based on the solid framework of the SBIC program. By passing today’s legislation, we are answering the President’s challenge and making it easier for small businesses, especially in those targeted urban and rural areas, to access the capital that they need.

Today’s legislation ensures that the next Fed Ex’s and AOLs of this country continue to have a fighting chance. The proposal is simple. It will make five technical corrections to the Small Business Investment Company Act that will help SBICs and small businesses alike. By streamlining the process and increasing flexibility, SBICs will be able to creatively finance more businesses.
The changes under discussion today will provide SBICs and small business with important tools like equity features. This proposal will not only improve a business’ cash flow but will also create a sound investment for the SBIC.

Recently we have also seen the SBIC program expand into new areas. Last year we witnessed the creation of two women-owned SBICs and the establishment of the first Hispanic-owned firm. By increasing funding levels, we can build on the growing popularity of the SBIC program and make it a vehicle for achieving greater investment returns from historically underserved markets, such as women, minorities and inner cities.

Additionally, by giving the SBIC program greater flexibility and ensuring investment guarantees, small businesses will be assured lower interest rates. The bill also confirms that most small businesses, regardless of their chosen business form, are eligible for SBIC financing.

Finally, we would clarify SBA’s role in ensuring equitable distribution and maintaining a participation ratio to SBICs of all sizes. These changes are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently.

I am pleased to join the distinguished chairman in support of the proposed correction, and I urge the adoption of this legislation.

Mr. Speaker, I yield such time as he may be disposed to the gentleman from Illinois (Mr. Davis).

Mr. Davis of Illinois. Mr. Speaker, first of all let me commend the gentleman from Missouri (Mr. Talent) and the gentlewoman from New York (Ms. Velázquez) for bringing this important legislation to the floor.

I rise today in support of H.R. 68, the Small Business Investment Company Technical Corrections Act. Congress created the Small Business Investment Company program to ensure that independent small businesses have access to long-term financial and venture capital resources. In my district as well as districts throughout America, there are many small businesses eager to take advantage of these resources, resources that have been made available to them by SBICs which offer a wealth of opportunity, such as long-term loans of up to 20 years, all funds for working capital and equipment, or help for companies to expand or renovate their facilities.

Mr. Speaker, I believe that this bill will add another layer of financing for our Nation’s budding small businesses. I urge all of my colleagues to vote in favor of it.

We all know that small businesses are the foundation of our economy, and any effort to keep them alive, viable and thriving is worthy of our support and the support of all Members of this distinguished body. Therefore, again, I am pleased to join with my colleagues on the Committee on Small Business.

Again, I commend and congratulate the chairman, the gentleman from Missouri (Mr. Talent) and the ranking member, the gentlewoman from New York (Ms. Velázquez), and urge passage of this important legislation.

Ms. Velázquez. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. Moore).

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

Mr. Moore. Mr. Speaker, today I am speaking in support of H.R. 68, the Small Business Investment Company Technical Corrections Act, because the success of small businesses is ultimately linked to their ability to obtain investment capital.

The Small Business Investment Act has largely met the growing demands to obtain credit and equity investment capital. This is evident in my own district where an SBIC, Kansas City equity partners, invested in Organized Living, a local storage organization business. Today, through the assistance of the SBIC, this business has grown to a 6-store, 20-plus million dollar storage company.

The changes offered in this bill will strengthen these public/private partnerships to provide small businesses like Organized Living greater access to investment capital. It will also lower interest rates on loans and better cash flow. These improvements will allow small businesses to continue to create jobs and add billions of dollars to our economy.

Mr. Speaker, as a newly-appointed member of the Committee on Small Business and an original cosponsor of H.R. 68, I urge my colleagues to support this measure.

Ms. Velázquez. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the biggest challenge facing our Nation’s business is access to capital. For small businesses, access to capital means access to opportunity, and by passing the Small Business Investment Company Technical Corrections Act today, we can take an important step toward giving small businesses a chance to take advantage of that opportunity.

The SBIC program has an impressive history of helping small businesses grow and expand. The work done by SBIC is especially critical now as everyday more and more private venture dollars are sent overseas to help support companies that compete with U.S. businesses.

The SBIC program helps level the playing field for American business by focusing solely on helping domestic businesses. These are companies that create the bulk of American jobs.

Furthermore, SBICs fill a unique gap by providing capital to companies that need smaller loans which are not generally made by large banks or lending institutions.

Conversely, there is a perception that SBIC provides our small businesses help strengthen our American economy.
CONGRESSIONAL RECORD – HOUSE

February 2, 1999

H289

SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCCELL NORTH-SOUTH CENTER.


(1) by striking subsection (a) and inserting the following:

"(a) SHORT TITLE.—This section may be cited as the "Dante B. Fascell North-South Center Act of 1991";

(2) in subsection (c)—

(A) by striking "known as the North/South Center," and inserting "which shall be known and designated as the Dante B. Fascell North-South Center;" and

(3) in subsection (d), by striking "North/South Center" and inserting "Dante B. Fascell North-South Center".

SEC. 2. REFERENCES.

(a) Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the "Dante B. Fascell North-South Center".

(b) Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a reference to the "Dante B. Fascell North-South Center Act of 1991".

SEC. 3. AUTHORIZATION OF THE DANCe B. FASCCELL FELLOWSHIP PROGRAM.

There is authorized to be appropriated $3,000,000 for each of the fiscal years 1999 and 2000, to remain available until expended, to carry out the Dante B. Fascell Fellowship Program.

SEC. 4. AUTHORIZATION OF THE FASCeLL FELLOW ACT.

There is authorized to be appropriated $15,000,000 for each of the fiscal years 1999 and 2000, to remain available until expended, to carry out the Dante B. Fascell Fellow Act.

SEC. 5. AUTHORIZATION OF THE FASCeLL SEED ACT.

There is authorized to be appropriated $3,000,000 for each of the fiscal years 1999 and 2000, to remain available until expended, to carry out the Dante B. Fascell SEED Act.

SEC. 6. AUTHORIZATION OF THE DANCe B. FASCCELL TECHNICAL COOPERATION ACT.

There is authorized to be appropriated $15,000,000 for each of the fiscal years 1999 and 2000, to remain available until expended, to carry out the Dante B. Fascell Technical Cooperation Act.
Dante Fascell was a good and decent man, who raised his hand and swore to defend the Constitution of the United States. No Member has done his duty better than Dante Fascell. We do ourselves proud by passing this legislation and honoring Dante Fascell.

Dante Fascell honored this institution and the people's House through his service. He served the people of Florida for over 30 years with such distinction that Floridians felt compelled every two years to return him to this body. I am happy to join with the gentleman from Connecticut (Mr. Gejdenson), my good friend, the gentleman from New York (Mr. Gilman), and all the Members of this body, to say to Dante Fascell, thank you and farewell. You were honored while you were here, and you are honored still.

Mr. GEJDENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK). (Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in very strong support of this bill, which would designate the North/South Center at the University of Miami as the Dante B. Fascell North/South Center.

My rhetorical question is, how else could it be, what other name could be designated, to cover this center? No man in this country has done more for north-south relations than the late Dante Fascell.

But what I liked most about Dante Fascell was that he was a gentleman. He was a populist. The people knew him well. I serve part of his district today, and never a day passes that someone does not say something good to me about what Dante Fascell has done.

Mr. Speaker, that will be Dante's legacy, what he has done for the people, what he has done to make relationships between the north and the south become real.

I want to thank the gentleman from New York (Chairman Gilman) for his initiative in this matter, for it is a fitting honor for a truly great, and, most of all, humble man.

For 38 years, Dante Fascell served on the House Committee on Foreign Affairs, eight years as a full committee chairman. He devoted his whole life time to the service of this Nation and the nations of the world, a man of great insight, a man of good judgment and knowledge.

He advised presidents, but he never lost common touch, Mr. Speaker. He was sought by foreign leaders and foreign dignitaries, but he never got so full he didn't think about the people back home who had domestic problems as well.

Throughout his decades of service in this body, Mr. Fascell became more and more convinced of the need for an American foreign policy based on cultural, educational, trade and person-to-person exchanges between nations, in addition to normal government-to-government contacts.

His vision became reality at his alma mater, the University of Miami. If it were not for Dante Fascell, you would not see the strong cemented relationships now that exist between this country and Latin America and other countries, particularly in the Caribbean as well.

He is recognized as the father of the North/South Center, which today Congress has seen fit, thank God, to authorize as one of the Nation's leading institutions, focusing on improving relations between the countries of North and South America and the Caribbean.

Despite his great achievements, Dante Fascell never forgot his roots, he never forgot from whence he came. The son of Italian immigrants, he met with presidents and kings and was a recipient of the highest civilian honor that can be bestowed by our country. He was, by any measure, a truly great man, but he was, nonetheless, always friendly, and I keep underlining that, open and approachable to his constituents in South Florida.

Who among you who knew him can forget the warm feeling inside just knowing that Dante was on the phone waiting to talk to you? He was welcome wherever he went.

There is not anyone in South Florida that can ever forget attending the Dante Fascell picnic on Labor Day, where they got to shake hands with the proud and the mighty as well as the low and those were aspiring to be high. He committed his efforts to solving little problems, as well as big ones. His common sense and common touch endeared him to literally generations of voters. It is not an exaggeration to say that before he left his service in Congress, he was, as he is today, and I believe will remain forever, truly a legend in Florida and in this country.

Mr. Fascell retired from Congress the year that I was elected, in 1992, so I never had the honor of serving with Dante. But the minute I hit Capitol Hill, Dante saw fit to advise me. He never said, "Carol, you can't do this." He said, "You strive for what you want and work hard for it, and you can get it done."

I knew Dante for many years, and he did not hide behind his desk. He came out and advised me as to what I should do. In typical Fascell fashion, he opened up his office. Right now I am sitting in my office in one of Dante Fascell's chairs. I wish, by God, I could ever reach any heights that Dante reached. But the mere fact I inherited his furniture gave me a certain amount of inspiration and motivation to do well here. As a new Member of Congress, he has been a great mentor to me.

When he retired, Dante said something that bears repeating. He said, We should all be proud of whatever part we have done to promote the American dream. For all its faults, our method of self-government allows for more tolerance of other people and their views; more compromise when our opinions differ; and more willingness to listen to other people's problems than any government I have ever known.

He was proud of this nation. He was proud of this institution. He was proud of South Florida. He was proud of the North/South Center. He wished more of us in this body could emulate, to share in his national pride, and spend more time in making this institution one in which there is love and caring for everyone, instead of tearing it down.

Throughout his life, Dante Fascell set a very high standard for public service, which all of us should follow. I am completely confident, Mr. Speaker, that those of you here today who served with Dante Fascell will agree with me that he was one of the finest men who will ever serve in this body.

Mr. GEJDENSON. I again commend the chairman for moving this resolution. Dante Fascell was an incredible individual. We are all privileged to serve with him. Furthermore, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 432 and H.R. 68.

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

There was no objection.

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

Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEDENSON) for his supportive remarks. I thank the gentlewoman from Florida (Mrs. MECK) for her support and her eloquent words.

Mr. DIAZ-BALART. Mr. Speaker, I rise today in support of this legislation to rename the University of Miami's North/South Center in honor of my good friend Dante B. Fascell.

Dante Fascell worked tirelessly to help create and fund the North/South Center during his tenure as the Chairman of the House Foreign Affairs Committee. Throughout his service in Congress, Dante Fascell was a constant advocate for the cause of democracy and open dialogue among the nations of the Western Hemisphere. Our nation is beholden with a debt of gratitude for his years of service.

Dante Fascell's support for the creation of the North/South Center stemmed from his strong belief that the free exchange of ideas would strengthen our nation's security, competitiveness and economic vitality.

The North/South Center provides a forum for research and policy analysis that is unparalleled in any other institution in the country and promotes better understanding and relations between the United States, Canada, and the nations of Latin America.

In 1990, with the passage of the North/South Center Act, Congress authorized the establishment of the Center as a place for "cultural and
Mr. HOYER. Mr. Speaker, continuing my reservation, I am pleased to yield to my good friend, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from California (Mr. THOMAS) for bringing this measure to the floor at this time.

The commemoration of the Holocaust is so important, and the fact that we do it here in the Capitol building, in the Rotunda, is an extremely important reminder to the entire world of the importance that we place on the Holocaust.

Mr. Speaker, I am pleased to be able to support the House Concurrent Resolution, H. Con. Res. 19, authorizing the

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY COMMORATURING DAYS OF REMEMBRANCE FOR VICTIMS OF HOLOCAUST

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to request the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 19) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of Victims of the Holocaust, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. THOMAS)?

Mr. HOYER. Mr. Speaker, reserving the right to object, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, this concurrent resolution is one that is presented annually, and, up until today, at least for a decade, and I believe this resolution has been requested for two decades, at least for a decade, it was sponsored by the gentleman from Illinois, Mr. Yates.

Sid Yates is no longer with us, so it is my privilege to offer this resolution with the ranking Member of the Committee on House Administration, the gentleman from Maryland (Mr. HOYER), the gentleman from Connecticut (Mr. GEJ DNAH), the gentleman from Ohio, (Chairman REGULA), the gentleman from New York (Mr. GILMAN), the gentleman from Ohio (Mr. LATOUR), and the gentleman from California (Mr. LANTOS).
use of the Capitol Rotunda for a ceremony commemorating the victims of the Holocaust. That important ceremony is scheduled to take place in the Capitol on April 13, 1999, from 8 a.m. to 3 p.m.

The passage of this resolution and the subsequent Ceremony of the Days of Remembrance will provide the centerpiece of similar Holocaust remembrance ceremonies that take place throughout our Nation. This day of remembrance will be a day of speeches, readings, and presentations, and will provide the American people and those throughout the world an important day to study and to remember those who suffered and those who survived.

Mr. Speaker, it is important that we keep the memory of the Holocaust alive as part of our living history. As Americans, we can be proud of our efforts to liberate those who suffered and survived in the oppressive Nazi concentration camps. We are alsoreminder of the harm that prejudice, oppression and hatred can cause.

Mr. HOYER. Mr. Speaker, further serving the right to object, I yield to the gentlewoman from New York (Ms. S LAUGHTER).

Ms. S LAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the resolution. Last April I was honored to participate in the National Civil Commemoration of the Days of Remembrance in the Rotunda. If my colleagues have not experienced this moving ceremony, I strongly encourage them to attend.

During last year’s commemoration, I stood with Holocaust survivors in a Capitol Rotunda that was filled with the saddest of memories from inspirational lives, lives like that of my constituent, Mr. Alec Mutz. I was privileged to light a memorial candle with Mr. Mutz, who survived three ghettos and five concentration camps.

During this commemoration, the prayers of remembrance and the voices of children reading diaries from those dark days hung in the air of the Rotunda. And as the United States Army carried the flags of the regiments, the spirit of the Allied forces that had liberated those concentration camps, my heart was so heavy and my spirit so haunted I could hardly breathe. It is an experience that will never leave me.

I urge my colleagues to overwhelmingly support this resolution. It is a part of the vow that we have taken to never forget the Holocaust, lest history repeat itself. Mr. Speaker, this message must resonate throughout the ages. Our children and our children’s children must learn of the Holocaust to ensure that it will never happen again.

In that vein, I would also like to commend my colleague, the gentlewoman from California (Ms. T HOMAS) in recognition of her leadership in so many different efforts directed at ensuring that human rights are observed, not just in the United States but around the world.

Mr. Speaker, continuing under my reservation, I am pleased to join with the gentlewoman from California (Mr. THOMAS) in support of this concurrent resolution, which provides for the annual remembrance for victims of the Holocaust in the Rotunda of the Capitol, on Tuesday, April 13, 1999.

I want to join with the gentlewoman from California (Mr. THOMAS) in recognizing that this resolution was for so many years one of our finest Members, Sidney Yates from Illinois. Sidney Yates retired last year, and so the chairman of our committee, the gentlewoman from California (Mr. Thomas) and I, along with some of our colleagues, are introducing it. But he stood as a giant on behalf of those who would not let this generation or generations yet to come forget the Holocaust.

There is no occasion more important for the international community and for humanity than to remember the tragedy that occurred in the 1930s and 1940s, the massive loss of life and the tragic reality of man’s inhumanity to man, as inappropriate, Mr. Speaker, that we use the Rotunda, the scene of so many historic events, to draw attention to one of the great tragedies in human history, and to remind ourselves that such events must never, never again be permitted to occur.

We perhaps delude ourselves that in this great country this could not happen. I like to believe and do believe that is true, but we know just a short time ago in Texas we had an African-American dragged from the back of a truck and brutally murdered. That was because he was an African-American. We know too that in the State of Wyoming a man who had a young face, he was 19 years of age, perhaps a little older, lose his life because of his sexual orientation. We see today a slaughter in Kosovo, men, women and children shot at close range in the face, unapologetically.

What Days of Remembrance seeks to do is to make sure that we remember man’s inhumanity to man and be vigilant to its recurrence. In this country we are fortunate to have a system that intervenes and acts and imposes the law. But, unfortunately, there are too many nations where might makes right, as it did in Nazi Germany.

The ceremony on April 13 will be part of the annual Days of Remembrance sponsored by the Holocaust Memorial Council, and is intended to encourage citizens to reflect on the Holocaust, to remember its victims, and to strengthen our sense of democracy and human rights.

I took a moment earlier in this session about Dante Fascell and his chairmanship on the Commission on Security and Cooperation in Europe. Basket three of that document says specifically that there are certain irreversible principles likely to every Nation in dealing with its own citizens, and that those standards of the international community must be observed if a Nation is expected to be a full, participating, respected member of the international community.

Other events remembering the Holocaust will be occurring throughout the country. Each year the ceremony has a theme geared to specific events which occurred during the Holocaust. The ceremony (from Mr. THOMAS) referred to the sailing of the St. Louis on May 13, 1939, 60 years ago.

Just as so many refugees came from Europe and other parts of the world, they came to the United States. They came to a nation that has a Statue of Liberty that says, “Give me your tired, your poor, your huddled masses yearning to be free, the wretched refuse of your teeming shore. Send these, the homeless, tempest tossed to me, I lift my lamp beside the golden door.”

Mr. Speaker, the lamp may have been lifted, but the door was closed. That was a tragedy, not only for the 900 plus souls that sailed on the St. Louis, but as well for a Nation that perceived itself as a refuge from tyranny and despotism. It was denied to them, as the Chairman said, then to Cuba, and again, the door was closed. Both the United States and Cuba refused the ship entry.

It was, therefore, forced to return to Europe where they could have never. The passengers were dispersed, having no place to go, through several countries. And the tragedy is that a portion of those 936 souls were lost in the Holocaust,
murdered because they were Jews, not because of any action they had taken, not because of any crime they had committed, but simply because of their religion and their national origin. An effort is being made to document the fate of these passengers through the use of worldwide archival materials, information provided by Jewish communities and other sources.

Mr. Speaker, Members of the Congress realize the importance of remembering the victims of the Holocaust and encouraging continuing public reflections on the evils which can occur and tragically are occurring in our world today.

Mr. Speaker, there are 435 of us in this House elected by our neighbors to represent them. Eleven million people by some counts, and far greater by others, including 6 million Jews, lost their lives before the Allies achieved victory. And while the remembrance commemorates historical events, the issues raised by the Holocaust remain fresh in our memories as we survey the scene in several parts of the world, even today.

Mr. Speaker, I want to thank and congratulate the gentleman from California (Mr. Thomas) for introducing this legislation today in the order in which that subject was important, and I know his commitment is as real and as any in this body, because this is such an important resolution to pass.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Buru of North Carolina). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

**H.R. 68**

RESOLVED by the House of Representatives of the United States of America in Congress assembled, that the House suspends the rules and passes the bill, H.R. 68, as amended, on which yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 2, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>402</td>
<td>2</td>
</tr>
</tbody>
</table>

**NOT VOTING—29**

- Paul Sanford

**NOT VOTING—29**

- McCollum
- McCreary
- McCrory
- Mccullough
- McHugh
- McDonald
- Mcintosh
- McIntyre
- McNeely
- McKinney
- McNulty
- Meek (FL)
- Melancon
- Mengin
- Mink
- Moloney
- Monroe
- Moran (KS)
- Moran (VA)
- Morella
- Murtha
- Myrick
- Nadler
- Napolitano
- Neal
- Nethercutt
- Ney
- Northup
- Nussle
- Oberstar
- Obey
- O'Leary
- Ortiz
- Oscherwitz
- Otter
- Peterson (MN)
- Peterson (PA)
- Petri
- Phelps
- Pickering
- Pitts
- Pombo
- Pomeroy
- Porter
- Velaquez
- Vento
- Visclosky
- Walden
- Walsh
- Wamp
- Waters
- Watkins
- Watts (NC)
- Watts (OK)
- Wexler
- Weller
- Weyna
- Weyna
- Wharton
- Whaleen
- Whalen
- Whittfield
- Wicker
- Wilson
- Wolf
- Woolsey
- Wynn
- Young (AK)

**General Leave**

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 19.

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

There was no objection.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the provisions of clause 9 (g) of rule XX, the Chair announces that the House will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

DANTE B. FASCELL NORTH-SOUTH CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 432.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 432, on which the ayes and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 8  YEAS—409]

H 294

CONGRESSIONAL RECORD—HOUSE

February 2, 1999

Sistsky
Tanner
Tierney
Towns
 Udall (CO)
Young (FL)

☐ 1534

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Mr. QUINN. Mr. Speaker, on rollcall No. 7, I was inadvertently detained. Had I been present, I would have voted “yea.”

Mr. McDERMOTT. Mr. Speaker, during rollcall vote No. 7, H.R. 68, I was unavoidably detained. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Speaker, due to flight cancellations earlier today, I was unable to be present to vote on Tuesday, February 2, 1999, for the following votes:

Rollcall No. 7—H.R. 68—I would have voted “yea.”

Rollcall No. 8—H.R. 432—I would have voted “yea.”

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on February 2, 1999, during rollcall vote Nos. 7 and 8. Had I been present, I would have voted “aye” on rollcall vote No. 7, and “aye” on rollcall vote No. 8.

SUNDAY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. WATTS of Oklahoma. Mr. Speaker, I offer a resolution (H. Res. 30) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 30

Committee on Government Reform: Mrs. CHENOWETH.

Committee on the Judiciary: Mr. BACHUS.

Committee on Science: Mr. SANFORD; and Mr. METCALF.

Committee on Small Business: Mr. PEASE; Mr. THUNE; and Mrs. BONO.

Committee on Transportation and Infrastructure: Mr. BEREUTER; Mr. KUYKENDALL; and Mr. SIMPSON.

Committee on Veterans' Affairs: Mr. HANSEN; Mr. MCKEON; and Mr. GIBBONS; all to rank in the named order following Mr. LAHOOD.
February 2, 1999

The SPEAKER pro tempore (Mr. Burz of North Carolina). Is there an objection to the request of the gentleman from Oklahoma? There was no objection. The resolution was agreed to.

Mr. Speaker, I rise to note sadly, as others have done, the passing of a friend, the passing of a servant of this House, a servant of the people, as we are all servants of the people. His name was Charles “Bill” Malry. Some of my colleagues may not know the name, but they saw him in the Speaker’s Lobby. They would see him in the cloakroom. He facilitated the operations of this House.

He was born May 6, 1936, in Greer, South Carolina, and was raised in Washington. He served in the Army until 1962. After his return from the Army he worked at the O Street Market here in Washington, D.C.

In 1966, 32 years ago, he started working here in the Capitol, where he worked until his death the very night the President delivered his State of the Union message. Billy was in the cloakroom, on duty, assisting Members, facilitating our work. God took him home.

Billy enjoyed entertaining people as well as music and photography. He was a real person, a warm person, a caring person, someone about each one of us. Those of us who had the privilege of being his friend will never forget him.

He was the father of five children: Renee, Charles, Charles J., Michael and Tonya. His mother, Frances Malry Allen, and four grandchildren, as well as four brothers and seven sisters are left behind.

Mr. Speaker, I had the privilege of going to the church here in Washington, and I talked to his mother, and I congratulated her for raising a son who had done so much for his country and so much for each one of us. Billy’s smile and warmth and service will be missed. Bill Malry served his country well.

TRIBUTE TO CHARLES “BILL” MALRY

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

Mr. HOYER. Mr. Speaker, those of us who have the great privilege of serving in this body because of our election from our constituencies come to this floor every day and walk the halls of this Capitol which we revere. Every day we see the faces of and know the names of some who serve this institution so well. They are individuals who care as deeply for their country as those of us who are elected to serve in this body, and we cannot find words strong enough to add to the quality of service that we give to the American public.

Mr. Speaker, I rise to note sadly, as others have done, the passing of a friend, the passing of a servant of this House, a servant of the people, as we are all servants of the people. His name was Charles “Bill” Malry. Some of my colleagues may not know the name, but they saw him in the Speaker’s Lobby. They would see him in the cloakroom. He facilitated the operations of this House.

He was born May 6, 1936, in Greer, South Carolina, and was raised in Washington. He served in the Army until 1962. After his return from the Army he worked at the O Street Market here in Washington, D.C.

In 1966, 32 years ago, he started working here in the Capitol, where he worked until his death the very night the President delivered his State of the Union message. Billy was in the cloakroom, on duty, assisting Members, facilitating our work. God took him home.

Billy enjoyed entertaining people as well as music and photography. He was a real person, a warm person, a caring person, someone about each one of us. Those of us who had the privilege of being his friend will never forget him.

He was the father of five children: Renee, Charles, Charles J., Michael and Tonya. His mother, Frances Malry Allen, and four grandchildren, as well as four brothers and seven sisters are left behind.

Mr. Speaker, I had the privilege of going to the church here in Washington, and I talked to his mother, and I congratulated her for raising a son who had done so much for his country and so much for each one of us. Billy’s smile and warmth and service will be missed. Bill Malry served his country well.

BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2000--MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-3)

The SPEAKER pro tempore (Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I had the privilege of addressing the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I had the privilege of addressing the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I had the privilege of addressing the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I had the privilege of addressing the House for 1 minute and to revise and extend his remarks.)

Mr. Speaker, I had the privilege of addressing the House for 1 minute and to revise and extend his remarks.)
create the conditions for the Nation to enter the 21st Century from a position of strength. We were committed to turning the economy around, to rein- ing in a budget that was out of control, and to restoring to the country con- fidence and a strong, growing economy.

Today, we have achieved these goals. The budget is in balance for the first time in a generation and surpluses are expected as far as the eye can see. The Nation’s economy continues to grow; this is the longest, peace-time expansion in our history. There are more than 17 million new jobs; unemployment is at its lowest peace-time level in 41 years; and today, more Americans own their own homes than at any time in our his- tory.

Americans today are safer, more prosperous, and have more oppor- tunity. Crime is down, poverty is fall- ing, and the number of people on wel- fare is the lowest it has been in 25 years. By almost every measure, our economy is vibrant and our Nation is strong.

Throughout the past six years, my Administration has been committed to creating opportunity for all Americans, demand- ing responsibility from all Americans and to strengthening the American community. We have made enormous strides, with the success of our economy creating new opportunity and with our repair of the social fabric that has decayed so badly in recent decades raising our sense of purpose. Most of all, the prosperity and opportunity of our time offers us a great responsibility—to take action to ensure that Social Security is there for the elderly and the disabled, while en- suring that it not place a burden on our children.

We have met the challenge of deficit reduction; there is now every reason for us to rise to the next challenge. For sixty years, Social Security has been a bedrock of security in retirement. It has saved many millions of Americans from an old age of poverty and depend- ency. It has offered help to those who become disabled or suffer the death of a family breadwinner. For these Ameri- cans—in fact, for all Americans—So- cial Security is a reflection of our deepest values of community and the obligations we owe to each other.

It is time this year to work together to strengthen Social Security so that we meet the obligations we have for so many years to come. We have the rare oppor- tunity to act to meet these chal- lenges—or in the words of the old say- ing, to fix the roof while the sun is shining. And at least as important, we can engage this crucial issue from a po- sition of strength—with our economy prosperous and our resources available to do the job of fixing Social Security.

I urge Americans to join together to make that happen this year.

BUILDING ON ECONOMIC PROSPERITY

Interest rates were high due to the Government’s massive borrowing to fi- nance the deficit, which had reached a record $290 billion and was headed higher.

Determined to set America on the right path, we launched an economic strategy built upon three elements: promoting fiscal responsibility; investing in policies that strengthen the American people, and engaging in the international economy. Only by pursu- ing all three strengths could we restore the economy and build for the future.

My 1993 budget plan, the centerpiece of our economic strategy, was a bal- anced plan that cut hundreds of bil- lions of dollars of Federal spending while raising income taxes only on the very wealthiest of Americans. By cut- ting unnecessary and lower-priority spending, we found the resources to cut taxes for 15 million working families and to pay for strategic investments in areas including education and training, the environment priorities needed to improve the standard of liv- ing and quality of life for the American people.

Six years later, we have balanced the budget; and if we keep our resolve, the budget will be balanced for many years to come. We have invested in the edu- cation and skills of our people, giving them the tools they need to raise their children and get good jobs in an increas- ingly competitive economy. We have expanded trade, generating record exports that create high-wage jobs for millions of Americans.

The economy has been on an upward trend, almost from the start of my Ad- ministration’s new economic policies. Shortly after the release of my 1993 budget plan, interest rates fell, and they fell even more as I worked suc- cessfully with Congress to put the plan into law. These lower interest rates helped to spur the steady economic growth and strong business investment that we have enjoyed for the last six years. Our policies have helped create over 17 million jobs, while interest rates have remained low and inflation has stayed under control.

As we move ahead, I am determined to ensure that we continue to strike the right balance between fiscal disci- pline and strategic investments. We must not forget the discipline that brought us this new era of surplus—it is as essential today as it was during our drive to end the days of deficits. Yet, we also must make sure that we balance our discipline with the need to provide resources for the strategic in- vestments of the future.

IMPROVING PERFORMANCE THROUGH BETTER MANAGEMENT

Vice President Gore’s National Part- nership for Reinventing Government, with which we are truly creating a Government that “works better and costs less,” played a significant role in helping restore accountability to Gov- ernment, and fiscal responsibility to its operations. In streamlining Govern- ment, we have done more than just re- duce or eliminate hundreds of Federal programs and projects. We have cut the civilian Federal work force by 365,000, giving us the smallest work force in 36 years. In fact, as a share of our total civilian employment, we have the smallest work force of any nation.

But we have set out to do more than just cut Government. We set out to make Government work, to create a Government that is more efficient and effective, and to create a Government focused on its customers, the American people.

We have made real progress, but we still have much work to do. We have reinvented parts of departments and agencies, but we are forcing ahead with new efforts to improve the quality of the service that the Government offers its customers. My Administration has identified 24 Priority Management Ob- jectives, and we will tackle some of the Government’s biggest management challenges—meet the computer challenge; modernizing student aid delivery; and completing the re- structuring of the Internal Revenue Service.

I am determined that we will solve the very real management challenges before us.

PREPARING FOR THE 21ST CENTURY

Education and Training: Education, in our competitive global economy, has become the dividing line between those able to move ahead and those who lag behind. For this reason, I have devoted a great deal of effort to ensure that we have a world-class system of education and training in place for Americans of all ages. Over the last six years, we have worked hard to ensure that every boy and girl is prepared to learn, that our schools focus on high standards and achievement, that any- one who wants to go to college can get the financial help to attend, and that those who need another chance at edu- cation and training can do so to im- prove or learn new skills can do so.

My budget significantly increases funds to help children, especially in the poorest communities, reach challeng- ing academic standards; and makes ef- forts to strengthen accountability. It proposes investments to end social pro- motion, where too many public school students move from grade to grade without having mastered the basics, by expanding after school learning hours for students who need them to learn advancement. The budget pro- poses improving school accountability by funding monetary awards to the highest performing schools that serve low-income students, providing re- sources to States to help them identify and change the least successful schools. It invests in programs to help raise the educational achievement of Hispanic students. The budget invests in reducing class size by recruiting and preparing thousands more teachers and building thousands more classrooms. It increases Pell Grants and other college scholarships from the record levels already reached. My
I am determined to provide the help that families need when it comes to finding affordable child care. I am proposing a major effort to make child care more affordable, accessible, and safe by expanding tax credits for middle-income families and for businesses to increase their child care resources, by assisting parents who want to attend college meet their child care needs, and by increasing funds with which the Child Care and Development Block Grant will help more than 16 million near-poor children. My budget proposes an Early Learning Fund, which would provide grants to communities for activities that improve early childhood education and the quality of child care for those under age five. And it proposes increasing equity for legal immigrants by restoring their Supplemental Security Income benefits and Food Stamps and by expanding health coverage to legal immigrant children.

Economy: Most Americans are enjoying the fruits of our strong economy. But while many urban and rural areas are doing better, too many others have grown disconnected from our values of opportunity, responsibility, and community. Working with the State and local governments and with the private sector, I am determined to help bring our distressed areas back to life and to replace despair with hope. I am proposing a New Markets Investment Strategy which will provide tax credit and loan guarantee incentives to stimulate billions in new private investment in distressed rural and urban areas. It will build a network of private investment institutions to funnel credit, equity, and technical assistance to businesses in America's untapped markets, and provide the expertise to targeted small businesses that will allow them to use investment to grow. I am also proposing to create more Empowerment Zones and Enterprise Communities, which provide tax incentives and disincentives to help communities encourage the kind of private investment that creates jobs, and to provide more capital for lending through my Community Development Financial Institutions program. My budget also expands opportunities for home ownership, provides more funds to enforce the Nation's civil rights laws, maintains our government-to-government relationship with Native Americans, and strengthens the partnerships we have begun with the District of Columbia.

Health Care: This past year, we continued to improve health care for millions of Americans. Forty-seven States enrolled 2.5 million uninsured children in the new Children's Health Insurance Program. By executive order, I extended the patient protections that were included in the Patient's Bill of Rights, including emergency room access and the right to see a specialist, to 85 million Americans covered by Federal health plans, including Medicare and Medicaid beneficiaries and Federal employees. Medicare beneficiaries gained access of new preventive benefits and low-income protections. My budget gives new insurance options to hundreds of thousands of Americans aged 55 to 65. I am advocating bipartisan national legislation to reduce tobacco use, especially among young people. And I am proposing a Long-Term Care initiative, including a $1,000 tax credit, to help patients, families, and care givers cope with the burdens of long-term care. The budget enables more Medicare recipients to receive cancer treatments by participating more easily in clinical trials. And it improves the fiscal soundness of Medicare and Medicaid through new management proposals, including programs to combat waste, fraud, and abuse.

International Affairs: America must maintain its role as the world's leader by providing resources to pursue our goals of prosperity, democracy, and security. The resources in my budget will help us promote peace in troubled areas, provide enhanced security for our officials working abroad, combat weapons of mass destruction, and promote trade.

The United States continues to play a leadership role in a comprehensive peace in the Middle East. The Wye River Memorandum, signed in October 1998, helps establish a path to restore positive momentum to the peace process. My budget supports this goal with the resources needed to promote peace in troubled areas, provide enhanced security for our officials working abroad, combat weapons of mass destruction, and promote trade.

The budget strengthens basic research programs, which are the foundation of the Government's role in expanding scientific knowledge and spurring innovation. Through the 21st Century Research Fund, the budget provides strong support for the Nation's two largest funders of civilian basic research at universities: the National Science Foundation and the National Institutes of Health. My budget provides a substantial increase for the National Aeronautics and Space Administration's Space Science program, including a significant cooperative endeavor with Russia.

My budget also provides resources to launch a bold, new Information Technology Initiative to invest in long-term research in computing and communications. It will accelerate development of extremely fast supercomputers to support civilian research, enabling scientists to develop life-savings drugs, provide earlier tornado warnings, and design more fuel-efficient, safer automobiles.

The Environment: The Nation does not have to choose between a strong economy and a clean environment. The past
six years are proof that we can have both. We have set tough new clean air standards for soot and smog that will prevent up to 15,000 premature deaths a year. We have set new food and water safety standards and have accelerated the pace of cleaning toxic Superfund sites. We expanded our efforts to protect tens of millions of acres of public and private lands, including Yellowstone National Park and Florida's Everglades. Led by the Vice President, the Administration reached an international agreement in Kyoto that calls for cuts in greenhouse gas emissions.

In my budget this year, I am proposing an historic interagency Lands Legacy initiative to both preserve the Nation's Great Places, and advance preservation of open spaces in every community. This initiative will give State and local governments the tools for orderly growth while protecting and enhancing green spaces, clean water, wildlife habitat, and outdoor recreation. I also propose a Livability Initiative with a new financing mechanism, Better America Bonds, to create more open spaces in urban and suburban areas, protect water quality, and clean up abandoned toxic sites. My budget continues to increase our investments in energy-efficient technologies and renewable energy to strengthen our economy while reducing greenhouse gases.

Law: Our anti-crime strategy is working. For more than six years, serious crime has fallen uninterrupted and the murder rate is down by more than 28 percent, its lowest point in three decades. But, because crime remains unacceptably high, we must go further. Building on our successful community policing (COPS) program, which in this, its final year, places 100,000 more police on the street, my budget launches the next step—the 21st Century Policing initiative. This initiative invests in additional police targeted especially to crime ‘hot spots,’ in crime-fighting technology, and in community-based prosecutors and crime prevention. The budget also provides funds to prevent violence against women, and to address the growing law enforcement crisis on Indian lands. To boost our efforts to control illegal immigration, the budget will allow the resources to strengthen border enforcement in the South and West, remove illegal aliens, and expand our efforts to verify whether newly hired non-citizens are eligible for jobs. To combat drug use, particularly among young people, my budget expands programs that stress treatment and prevention, law enforcement, international assistance, and interdiction.

As we enter the 21st century, we must keep sight of the source of our great success. We enjoy an economy of unprecedented prosperity due, in large measure, to our commitment to fiscal discipline. In the past six years, we have worked together as a Nation, facing the responsibility to correct the mistaken deficit-driven policies of the past. Balancing the budget has allowed our economy to prosper and has freed our children from a future in which they are threatened by limit options and the country's resources.

In the course of the next century, we will face new challenges for which we are now fully prepared. As the result of our fiscal discipline, our resources it has produced, we will enter this next century from a position of strength, confident that we have both the purpose and ability to meet the tasks ahead. If we keep our course, and maintain the important balance between fiscal discipline and investing wisely in priorities, our position of strength promises to last for many generations to come.

The great and immediate challenge before us is to save Social Security. It is time to move forward now.

We have already started the hard work of seeking to build consensus for Social Security’s problems. Let us finish the job before the year ends. Let us enter the 21st Century knowing that the American people have met one more great challenge—that we have fulfilled the obligations we owe to each other as Americans.

If we can do this—and surely we can—then we will be able to look ahead with confidence, knowing that our strength, our resources, and our national purpose will help make the year 2000 the first in what promises to be the next American Century.

WILLIAM J. CLINTON
THE WHITE HOUSE, February 1, 1999.

SPECIAL ORDERS
The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

PROGRESS OF LIVABLE COMMUNITIES MOVEMENT
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, we begin the new session on a note of optimism that has been sounded by Republican leaders, by our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and by the President of the United States in his recent appearance in this Chamber. This is important, because we have been consumed by the dark cloud hanging over this Capitol.

Over this past year, a few bright spots have indeed emerged. I am especially pleased with the progress and the attention given to the Livable Communities movement.

Recently highlighted by the administration in the President's State of the Union speech, elements were previewed a week earlier by the Vice President, who is a major architect of this work. The Vice President's address last September at the Brookings Institute was one of the best statements I have heard on the importance of Livable Communities and how to encourage them.

While I am pleased with their leadership, I want to caution that this is not just a partisan initiative of the Democratic administration. As an appointee over 25 years ago of Oregon's legendary Republican Governor Tom McCall to his Livable Oregon Committee, I know full well that making our communities livable does not have to be a partisan effort. Indeed, it should not be.

Oregon's achievements in land use, transportation and environmental protection have made it a beacon for the Livable Communities movement. Our efforts were marked by a spirit of bipartisan cooperation. Nationally, we have seen an example of Republican interest when Governor Christie Todd

ENTERING THE 21ST CENTURY

CONGRESSIONAL RECORD Ð HOUSE
February 2, 1999.

1615

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-16)

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian efforts to bring their national standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania is not in violation of paragraphs (1), (2), or (3) of subsection 409(a) of the Trade Act of 1974, or paragraph (1), (2), or (3) of subsection 409(a) that act. That action allowed for the continuation of normal trade relations status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination in December 5, 1997.

WILLIAM J. CLINTON.
Whitman made “Livable New Jersey” the theme of her second and final inaugural address. The most important strength of the Livable Communities movement is that it transcends even bipartisan politics. Over 200 local and state balloting initiatives faced voters this November from around the country signaling a new era of grassroots pressure to create more livable communities and to have government become a better partner in that effort. I would note that an overwhelming majority of those initiatives passed.

For some it is too easy to discount the Federal role, citing local control, fear of regulation or simply misunderstanding history. The fact is the Federal Government has been a partner with local government and the private sector in shaping the landscape and building communities since the Federal Government first started taking land away from the native Americans, who were largely hunters and gatherers, and gave it to European farmers, who cut and burned the forests for farms.

Now that President Clinton and Vice President Gore have made Livable Communities a priority, raising new levels of cooperation and collaboration is more important than ever that the problems of dysfunctional communities be addressed by we in Congress.

This movement brings together communities, large and small, rural and urban, inner city and suburb. This Congress has an historic opportunity to rise above partisanship and business as usual to work together to improve the quality of life of all Americans.

These proposals will not end up costing great sums of money: indeed, by and large, they will save money and create wealth. They are not going to put people at risk. They will indeed strengthen the lives of our communities and enrich them.

It is not picking winners and losers. Livable Communities do not discriminate against one another, they reach out to include people. There is something in it for everyone.

During the work of the last Congress, on the ISTEA reauthorization to create T-21, I used a scriptural reference found in Isaiah, 58:12. If anything, it is more applicable for the Livable Communities movement first started taking land away from the native Americans, who were largely hunters and gatherers, and gave it to European farmers, who cut and burned the forests for farms.

Now that President Clinton and Vice President Gore have made Livable Communities a priority, raising new levels of cooperation and collaboration is more important than ever that the problems of dysfunctional communities be addressed by we in Congress.

This movement brings together communities, large and small, rural and urban, inner city and suburb. This Congress has an historic opportunity to rise above partisanship and business as usual to work together to improve the quality of life of all Americans.

These proposals will not end up costing great sums of money: indeed, by and large, they will save money and create wealth. They are not going to put people at risk. They will indeed strengthen the lives of our communities and enrich them.

It is not picking winners and losers. Livable Communities do not discriminate against one another, they reach out to include people. There is something in it for everyone.

During the work of the last Congress, on the ISTEA reauthorization to create T-21, I used a scriptural reference found in Isaiah, 58:12. If anything, it is more applicable for the Livable Communities initiative.

Those from among you shall build the old waste places; you shall rise up the foundations of any generations; and you shall be called the Repairer of the Breach, the Restorer of Streets to Dwell In.

In the weeks ahead, I will be suggesting simple, inexpensive steps that we can all take to make our communities safe, economically secure and healthy; from not having our communities held hostage to the whims of billionaire sports franchise owners, to making the Post Office obey local land use, planning and zoning codes, and working with local communities before they make decisions that have the potential of tearing the heart out of historic small town America; to reforming flood insurance, to make it more cost effective and efficient.

It is time for us in Congress to heed the Prophet Isaiah and to be about this important work of making our communities more livable.

---

Ms. ROS-LEHTINEN. Madam Speaker, another leading citizen of our community unfortunately is no longer with us, and I would like to say a few words about this very unique individual.

In Latin there is a phrase “Sui generis” which refers to something unique and rare. I can think of no other way to describe our former South Florida colleague, Dante Fascell. Dante was a man of vision and of skill, whose intellect and political sense were instrumental in the passage of countless foreign policy measures throughout his tenure in this House, and in particular during the 14 years that he had the great privilege of chairing the Committee on International Relations which was then called the House Foreign Affairs Committee.

Dante Fascell was a vital figure in the fight for democracy in my native South Florida and throughout Central America. He authored programs such as the Cuban Refugees Assistance Act, and he advocated the founding and was successful in establishing Radio and TV Marti. The freedom fighters throughout our hemisphere always knew that they enjoyed the support of Chairman Dante Fascell because he not only fought to protect the national security interests of his country, our beloved United States, but he was unaweaving in his efforts to help those who are struggling to regain their rights as freedom-loving human beings, as citizens of the world, and as brothers and sisters in the greater family of nations.

Fascell understood the idiosyncracies, the internal political dynamics, the historical context, and the global developments which impacted our region, especially the North-South relations, and for this reason he spearheaded and was successful in the creation of the North-South Center in his hometown of Miami and his beloved university, the University of Miami. He did this in order to promote an even greater understanding of the issues, in order to move the discussions toward a proactive solution-based approach.

It is appropriate that the father of the North-South Center, the man whose vision and perseverance helped make this dream a reality, be honored. By having the North-South Center carry his name and the University of Miami, and in this fashion the legacy of Dante Fascell will continue to inspire future generations of leaders.

So in honor of today I say some words of praise to a man who is no longer with us, Dante Fascell, but also to praise today’s leaders who are very much with us, like Jennifer Valoppi,
WELCOMING MEMBERS TO THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, I come to the floor this afternoon to welcome all Members, especially new Members, to the 106th Congress. Whether one is Republican or Democrat, I am your Congresswoman away from home, and I want to tell you a little bit about this city and a little bit about the assistance I can offer you while you are here, because you are going to spend more time in the District of Columbia than you will spend in your own district.

Some of you live here, all of you work here. Many of you will have your entertainment here. Matters arise in the city. If you need help, including help for your constituents, I hope you will call me. If you live in the city, there are innumerable problems that arise with your trash, with rodents, with tickets, please. We cannot take back tickets, for the most part, although there are a few instances where the District cannot write tickets for Members of Congress. I suppose we will submit those to the District. Where we really love are shortcuts to getting a marriage license. Since I have been in Congress, I have helped at least three Members get marriage licenses.

In any case, when one is wondering where to turn when anything arises in this city, whether it is city services or the city at large, please call my office.

On Monday, February 23, 1999, we are having a formal event called Ask Me About Washington. You and your staffs are invited, with a free lunch. I want to tell you about hometown Washington. Forget what you have heard. A revolution has occurred in this city. It has a new mayor, a reinvigorated city council, and a control board that operates with a much reduced capacity. The city is in the hands of its new mayor, Tony Williams, the man who helped repair the city's finances and, as a result, got elected mayor. I work closely with him and have great hopes in what he can do for this city, because he has already done a great deal for the city when he was chief financial officer.

The city's problems came largely from the fact that since its establishment 200 years ago, it has been the only city in the United States that has carried State, county and municipal functions. It is a miracle that the District was up and standing so long carrying State functions, despite its big city urban problems that all of you have in your own States.

Congress has relieved the city of some of its State functions, much to the credit of the Congress and the President. So the District has had three years of surpluses and is no longer even close to insolvent.

You should also know about the city that it is a city at the very top in so many ways. We are fifth per capita in the country. We have a number of residents who have a bachelor's degree. The residents keep this city running for the 25 million people who come here to see the monuments and the city every year, and we keep it running out of our own pocket with $5 billion raised. We do not have a line item in the budget for this with no grant from the Federal Government, despite the fact that the Federal Government takes 40 percent of the land off of our tax rolls for Federal office space and monuments.

We are third per capita in Federal income taxes paid to the Federal Treasury, and yet my folks have no representation in the Senate, and only me, a delegate, in the House. This is a historical anomaly, along with the fact that you will be asked to vote on local matters, occasional local matters affecting the District, and even on our appropriation, none of which is raised by the Federal Government. This is an anomaly that is impossible to justify today. We will tell you that you are respectful of local government, as you insist in your own district and State. Congress should never intrude on the Democratic prerogatives of a local people, and I ask for that respect in the name of the people of Washington.

Please know that you are in one of the most livable and beautiful cities in the United States. New Members will shortly be receiving a letter from me about this city. Members who have been here before will be receiving an update. You do not need to go far to know what a beautiful city this is as a hometown community. Not only the Congresswoman, but all of the elected officials and the residents stand ready to help you enjoy the city. I want to tell you that my office is here at the disposal of Members of the House and the Senate. If you have a problem in the District, you do not have to call the District straight away. Call your Congresswoman away from home, Congresswoman Eleanor Holmes Norton, who proudly represents the more than one-half million people who have the good fortune to live in the Nation's Capital.

ILL-ADVISED U.S. INTERVENTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I have always believed that national defense is one of the most and at times the most important and most legitimate function of our national government. I have strongly supported our military, although at times I have also supported some cost-saving measures in defense spending.

I voted for the Gulf War several years ago because Saddam Hussein had moved against another country, Kuwait, and was threatening others. He had what was considered to be the strongest military in the Middle East, and I was concerned that if he had done this, he would be able to get away with it.

Most people have read that Saddam Hussein appears to be a horrible megalomaniac, a terrible dictator who has killed people to stay in power, and, as such, I would agree with anything bad that one could say about him. But I believe that Robert Novak, the nationally syndicated columnist and TV commentator, is right when he calls our action against Iraq "a phony, political war."

Iraq's military strength was almost wiped out by the Gulf War eight years ago. Our sanctions since that time have ruined what was left of Iraq's economy. Our latest bombings have been against an extremely weak, almost defenseless nation, and, in fact, a nation that has no overt action against us, and, in fact, did not even threaten to.

There is no threat to our national security. There is no vital U.S. interest at stake or that is even threatened. Iraq is not even a paper tiger today.

Some of our leaders have tried their best to make Iraq sound threatening by repeatedly talking about weapons of mass destruction, yet in several years of inspections by U.N. inspectors, no weapons of mass destruction were found. Besides, many nations, including us and our leading allies, have weapons of mass destruction. We cannot bomb everyone who has some weapon of mass destruction. We have spent over $2 billion on the Iraqi deployment over the last few months and are still spending huge amounts; many, many millions each day. This is a surrealistic war. Most Americans do not even feel like we are at war. The news from Iraq is not even making the front pages.

All we are doing is wasting billions of dollars and making enemies all over the world. We are repeatedly involving ourselves in ethnic, religious and historical conflicts, some of which have been going on for centuries and which will go on long after we pull out, if we ever do. All we are doing is wasting billions of dollars and making enemies all over the world.

We have turned our military into international social workers. A few years ago the front page of the Washington Post carried a story that said we had our troops in Haiti picking up garbage and settling domestic disputes.

Last year on this floor I heard another Member say we had our troops in Bosnia giving rabies shots to dogs. Most
Americans believe the Haitians should pick up their own garbage and that the Bosnians should give their own rabies shots.

By the way, the President originally promised we would be out of Bosnia by the end of 1996. Yes, 1996. This is February 1999, and we are still there.

Now we are preparing to send troops to Kosovo. We sent troops to Haiti, Rwanda, Somalia, Bosnia, Iraq and now Kosovo, and billions and billions of dollars taken from low and middle-income Americans to finance all of this. Any one who even dares to oppose any foreign intervention that the elites dream up is sarcastically, or at least unkindly, referred to as an isolationist. The interventionists will not discuss these issues on the merits without name-calling.

But it is not isolationist to believe that we should try to be friends to all nations. We end up making more enemies than friends when we take sides in every international dispute that pops up.

We cannot serve as the world’s policeman. We cannot force our will on everyone. If we try, sometimes we will choose the wrong side. Just a few years ago we considered Iraq to be an ally against Iran. Even today our leaders tell us that the Iraqi people are not our enemies than friends when we take sides.

Scott Ritter, the U.N. Inspector, resigned in protest in December, saying that we had rigged the UNSCOM report in order to justify our bombing. In August, after the President’s ‘apology’ flopped, we bombed the Sudan and Afghanistan. We rushed into that bombing so fast that only one of the members of the Joint Chiefs of Staff was informed. Paul Harvey and others have later reported that we had bombed a medical factory, and we gained nothing from those bombings. We just, once again, wasted huge amounts of money and made more enemies.

Why are we doing all this? Is it to make our national leaders appear to be world statesmen? Is it to assure them a place in history? Is it to give the military justification for more funding? Is it a military desperately in search of a military justification for more funding? Is it to give the world statesmen? Is it to assure them a place in history? Is it to give the world statesmen? Is it to assure them a place in history?

Paul Harvey and others have later reported that we had bombed a medical factory, and we gained nothing from those bombings. We just, once again, wasted huge amounts of money and made more enemies.

Finally, Madam Speaker, while very few people seem to care about the Constitution anymore. It is unconstitutional to drop bombs on and go to war against another Nation without a declaration of war by Congress.

RULES OF COMMITTEE ON RESOURCES—106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Young) is recognized for 5 minutes.

Mr. Young of Alaska. Madam Speaker, I enclose for publication in the CONGRESSIONAL RECORD the rules of the Committee on Resources, adopted by voice vote on January 19, 1999, a quorum being present.

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Committee on Resources, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(b) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee.

(c) Rules in these rules to “Committee” and “Chairman” shall be construed as applying to each Subcommittee and its Chairman wherever applicable.

(d) House Rule X is incorporated and made a part of the rules of the Committee to the extent applicable.

(e) Vice Chairman.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and Vice Chairman of each Subcommittee. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 11 a.m. on the first Wednesday of each month that the House is in session, unless that meeting is canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any committee meeting or hearing that conflicts with a party caucus meeting may be rescheduled at the discretion of the Chairman.

(b) Meetings and Hearings to Begin.

(1) The Committee or a Subcommittee shall be open to coverage by television, radio, and any other medium of mass communications.

(2) Each meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, except as provided in Committee rule 4(g). A witness shall be limited to five minutes, and a Member who is not a Member of the Committee may address the Committee or a Subcommittee for purposes of establishing a quorum or raise points of order.

(3) No vote in the Committee or Subcommittee may be cast by proxy.

(4) Roll Call Votes.—Roll call votes shall be ordered on the demand of one-fifth of the Members present or on the demand of any Member in the apparent absence of a quorum.

(5) Motions.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

RULE 3. PROCEDURES IN GENERAL

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee not less than 48 hours in advance.

(b) Meetings and Hearings to Begin Promptly.—Each meeting or hearing shall be held for the purposes of establishing a quorum or raising points of order.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question witnesses at a hearing, as recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena or the closing of any meeting or hearing to the public under clause 2(g) of House Rule XI. Testimony may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, a vote of at least two-fifths of all Members shall be notified and the Members shall have not less than 10 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and confirm to the Clerk that a quorum of all Members present within the 10-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting of hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, but may vote on other business of the Committee.

(f) Proxies.—No vote in the Committee or Subcommittee may be cast by proxy.

(g) Members present, or on the demand of any Member in the apparent absence of a quorum.

(h) Motions.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

(i) Access to Dais and Conference Room.—Access to the hearing rooms’ dais and to the conference rooms adjacent to the Committee’s hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(k) Cell Phones.—The use of cell phones is prohibited in the Committee dais during a meeting of the Committee.
(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, in consultation with the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these instances, the Chairman shall publicly announce the hearing at the earliest possible date. The Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Committee and shall enter the appropriate information into the Committee scheduling service of the House Information System as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Clerk of the Committee or Subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time. In addition, witnesses shall be required to submit with their testimony a resume of other statement descriptively describing professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or the Subcommittee shall be entitled, upon request, to speak by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practical to all Members of the Committee a tentative witness list and to the extent practical a memorandum explaining the subject matter of the hearing. The hearing may be relevant to the pending bill reports and other necessary material. In addition, the Chairman shall make available to the Members of the Committee any official reports, hearings, statements and aggregates on the subject matter as they are received.

(e) Subpoenas.—The Committee may authorize and issue a subpoena under clause 2(m) of the Rules, or any Subcommittee of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives is not in session for more than three days. Subpoenas shall be signed by the Chairman of the Committee, or any Member of the Committee designated by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the Chairman or his designee may administer oaths to any witness before the Committee. All witnesses appearing in investigative hearings shall be administered oaths by the Chairman or his designee prior to receiving the testimony: “Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?”

(g) Opening Statements; Questions of Witnesses.—Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(h) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members of the Committee. Questions shall be limited to the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or Minority parties. In the event that a Member requests to be recognized in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties, this period shall not exceed one hour in the aggregate.

(i) Investigative Hearings.—Clause 2(k) of Rule X shall govern investigative hearings of the Committee and its Subcommittees.

(j) Claims of Privilege.—Claims common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to have the measure passed without any additional authority needed to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure by the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed with the Clerk of the House of Representatives, and one copy of the report shall be transmitted immediately to the Committee, file supplemental, additional or minority views to the House of Representatives. Nothing in this paragraph shall preclude the filing of any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(c) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(d) Disclaimer.—All Committee or Subcommittee reports printed pursuant to legislation shall be approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report: “This report officially adopted by the Committee on Resources (Subcommittee) and may not therefore necessarily reflect the views of its Members.”
matters related to entry, easements, withdrawals and grazing.

(2) Except in Alaska, Federal reserved water rights on forest reserves.

(3) Any Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreation development administered by the Secretary of Agriculture.

(4) Federal and non-Federal outdoor recreation plans, programs and administration in public domain.

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(6) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(8) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(9) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(10) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(13) As provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Committee within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of the Full Committee but not referred to the Committee, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(14) Committee and Subcommittee meetings.

(15) Each Subcommittee shall meet, as practicable to the ratio on the Full Committee.

(16) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee, or other matter to a select or special Subcommittee.

(17) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(18) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(19) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(20) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(21) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(22) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(23) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.

(24) The ratio of Majority to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee.
When it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended by the Chairman for the Committee on House Oversight and by the House of Representatives. The majority and minority conferences shall be separate and distinct from the record offices of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) Minutes of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee; and

(2) Transcripts of each roll call vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on, the name of each Committee Member voting for or against proposition, and the name of each member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to Rule VII of the Rules of the House of Representatives. The Chairman of the Committee shall notify the Ranking Minority Member of any decision to withhold a record pursuant to the Rules of the House of Representatives, and shall present the matter to the Committee upon written request of any Committee Member.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee, in accordance with the procedure used to close the Committee meeting, determines appropriate.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Committee, the Chairman shall propose and present to the Committee for its approval a budget covering the funding required for staff, travel and miscellaneous expenses of the Committee, including any written personnel policies the Committee may from time to time adopt.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Oversight and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes that are necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the current fiscal year, or for the prior fiscal year, or for the prior fiscal year and the current fiscal year, as the case may be, shall be published in the Congressional Record no later than 30 days after its approval.

(f) Monthly Reports.—Copies of each report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the current fiscal year, or for the prior fiscal year, or for the prior fiscal year and the current fiscal year, as the case may be, shall be published in the Congressional Record no later than 30 days after its approval.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule III. Written personnel policies of the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative investigative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff not assigned to the Majority Committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member shall appoint, determine the remuneration of, and may remove, the legislative investigative and administrative staff assigned to the Minority Committee. The legislative and administrative staff not assigned to the Majority Committee shall be under the general supervision and direction of the Majority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written policies of the Committee, the Committee may adopt, on a regular basis, travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

(a) Regular Meetings of the Committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Speaker recognizes that the Committee will not be considering any bill or resolution before the Committee and there is no other business transacted at a regular meeting, the Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of the effect of the vote. The Committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, special meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall give public notice of such meetings pursuant to that call of the Chair.

(c) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the Committee shall notify the Chairman of the filing of the request. If, within the calendar day following the request, the Chairman does not call the requested special meeting, the request shall be placed on the agenda of the next Committee meeting, and the Committee shall then act on the request.

(d) Any special meeting of the Committee shall be called by the Chairman. Meetings of the Committee shall be open to the public, including radio, television and still photography coverage. Notice of such meetings shall be given in the Congressional Record no later than 30 days after its approval. The Chairman shall provide public notice of the location of the meeting, the name of each member present, and the name or matter to be considered at that special meeting. The committee shall meet on that date and hour and, immediately upon the filing of the notice, the staff director of the Committee shall notify all members of the Committee that such meeting will be held in accordance with the procedure used to close the Committee meeting. The Committee shall meet on that date and hour, immediately upon the filing of the notice, the staff director of the Committee shall notify all members of the Committee that such meeting will be held in accordance with the procedure used to close the Committee meeting. The Committee shall meet on that date and hour, immediately upon the filing of the notice, the staff director of the Committee shall notify all members of the Committee that such meeting will be held in accordance with the procedure used to close the Committee meeting.

(e)(1) The Chairman of the Committee, in consultation with the Chairman or subcommittee chairman, shall designate a vice-chairman of the Committee or subcommittee, as the case may be.
(2) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice-chairman, or the chairman shall preside.

RULE 2. QUESTIONING OF WITNESSES

(a) Subject to clauses (b) and (c), Committee members may question witnesses only when they have been recognized by the Chairman, on and off the 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committees and subcommittees hearing shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party, in order of the member’s appearance at the hearing. Recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantaged position.

(b) The Chairman may permit a specified number of members to question a witness for longer periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour per witness.

(c) The Chairman may permit committee staff for the majority and the minority party members to question a witness for specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour per witness.

RULE 3. RECORDS & ROLL CALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include any amendments, resolution, order, or other proposition and the name of each member voting for and each member present but not voting. A record vote authorized for the purpose of determining the number of members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII if the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) is not made available for public use if such record has been in existence for 30 years, except that—

(1) The Committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) Any investigative record that contains personal information relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personal information, any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be made available if such record has been in existence for 50 years, or

(3) Except as otherwise provided by order of the Committee, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accord-
of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. No subcommittee markups shall be scheduled simultaneously. As far as practical, the Chairman shall not assign a subcommittee markup during a full committee markup, nor shall the Chairman schedule any hearing during a markup.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other major members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall be within the same operation determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION & DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall make and enforce such rules and regulations as may be necessary to carry out the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be held by the committee or by an appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of such hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the public hearing or of any subcommittee hearing or subcommittee markup, and such public announcement shall be made in such manner as to give the public a reasonable opportunity to attend or to have such hearing or markup referred to in a published newspaper or such other means as the committee deems necessary.

(b) All opening statements at hearings conducted by any subcommittee shall be made by the chairman or subcommittee chairman and any subcommittee chairman or subcommittee member shall be entitled to introduce such witness at the hearing.

(c) The staff shall limit their oral presentation to a summary of their written request, signed by a majority of the minority party, on the basis of which the staff director of the minority shall be entitled to introduce such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any matter, the majority party members of the committee shall be entitled, upon request to the Chairman by a majority of these majority party members before the commencement of that hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may, by calling at least one witness during a committee hearing or subcommittee hearing, request the testimony of such witness on any matter to be considered by the committee during that hearing.

RULE 13. MEETINGS-HEARINGS-QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such hearings or meetings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Only upon 14 days’ notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommending a hearing to the chairman of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall be required. If a subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by any subcommittee, the chairman or ranking minority member of such subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of such amendment, if not reduced to writing, shall be entered in the public records of the committee or subcommittee, as the case may be.

(d) In the case of meetings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress shall be entitled to introduce such testimony submitted to the committee or subcommittee upon any matter by virtue of his status as a committee member or otherwise unless such person is a member of the full committee or subcommittee.

RULE 14. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chairman of the full committee, as provided for under clause 2(m)(3)(A)(ii) of Rule XI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member prior to issuing any subpoena under such authority.

To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation, other than one prepared pursuant to the issuance of the subpoena.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported, the committee chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days of the filing of which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall immediately notify the chairman of the subcommittee of the filing of such request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

This report has not been officially adopted by the Committee on Education and Labor or any subcommittee thereof, and may not therefore necessarily reflect the views of its members.

The minority party members of the committee or subcommittee shall have the right to designate the members of the subcommittee or committee so to do, and any subcommittee report or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been delivered or electronically sent to all members of the full committee and its views in the hands of at least 48 hours prior to such consideration; a member of the Committee of the issuance of the subpoena, or any subcommittee unless authorized by the Chairman.

The Chairman shall notify the ranking minority member prior to issuing any subpoena under such authority. The Chairman shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority except during Saturdays, Sundays, and Federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chairman shall notify in writing all members of the full committee of the issuance of the subpoena.

February 2, 1999
the committee or subcommittee, as the case may be.

RULE 16. VOTES

With respect to each rollcall vote on a motion to report any bill, resolution, or matter of a legislative nature, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolution, or waiver thereof, as may be approved by the Rules Committee, the following provisions of this rule shall govern travel of committee members and staff.

Travels shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business purposes and government regulations. Authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;
(2) the dates during which the travel is to be made and the date of the event for which the travel is being made;
(3) the location of the event for which the travel is to be made;
(4) the names of members and staff seeking authorization.

(b) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;
(B) the dates during which the travel will occur;
(C) the names of the countries to be visited and the length of time to be spent in each;
(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved;
(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request for travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report containing the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of the travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, including the ethics rules of the House and the Committee on Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman’s authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, & OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters, which have been referred to the committee. On request, printed copies of a bill, resolution, or other matter shall be available to the Chairman, the Chairman shall, within three weeks of such availability, provide a copy thereof, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral was circulated to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have notified the Chairman of the full committee and to the chairman of each subcommittee that he or she intends to question such proposed referral at a meeting scheduled by the full committee or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the majority party of the Congress. Where a bill, resolution, or other matter referred to a subcommittee is returned by the majority members of the committee, the Chairman shall, within three weeks of such return, provide a copy thereof to each member of the committee. If the author of such bill, resolution, or other matter referred to a subcommittee seeks immediate consideration thereof, by a majority of the members voting, the chairman of each subcommittee shall, within three days of notification thereof, request immediate consideration thereof.

(c) The Chairman shall give written notice to the members of the majority party of the full committee, the minority party members, and the chairs of the subcommittees, of the decision of the majority party members of the full committee approving a measure or matter if a majority of the members voting for and against, shall be included in the committee report on the measure or matter.

RULE 19. COMMITTEE REPORTS

(a) A committee report on bills or resolutions shall contain the following provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 24 hours prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 20. BUDGET & EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigations, and other expenses of the committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral was circulated to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have notified the Chairman of the full committee and to the chairman of each subcommittee that he or she intends to question such proposed referral at a meeting scheduled by the full committee or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the majority party of the Congress. Where a bill, resolution, or other matter referred to a subcommittee is returned by the majority members of the committee, the Chairman shall, within three weeks of such return, provide a copy thereof to each member of the committee. If the author of such bill, resolution, or other matter referred to a subcommittee seeks immediate consideration thereof, by a majority of the members voting, the chairman of each subcommittee shall, within three days of notification thereof, request immediate consideration thereof.

(c) The Chairman shall give written notice to the members of the majority party of the full committee, the minority party members, and the chairs of the subcommittees, of the decision of the majority party members of the full committee approving a measure or matter if a majority of the members voting for and against, shall be included in the committee report on the measure or matter.

RULE 21. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House and consider any bill, resolution, or other matter which has been modified after such measure is ordered, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 22. CONGRESSIONAL RECORD – HOUSE

February 2, 1999

H307

This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.

Such disclaimer need not be included if the report was circulated under clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.
funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure. The total of such expenditure shall be the subject of an investigation by the House Office of the Auditors and the Committee shall request the Auditors to report to the committee the results of such investigation.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE AND MEETINGS
(a) Whenever in the legislative process it becomes necessary pursuant to the Rules of the House for the Committee to confer with another committee or with a member, or to call special meeting of the committee, the chairman shall notify all members appointed to the committee of such need as long as not less than twenty-four hours before the commencement of the meeting.
(b) The Committee may appoint conferees pursuant to Rules of the House of Representatives and the Rules of the Committee and the subcommittees of the Committee to act for the Committee in conference with the members of the other house or the members of any other committee, or any member or member-designate of the Committee. The Committee shall provide a notice of conference and meeting to each member of the committee and to the members of the other house, and shall include in such notice a statement of the purpose of such meeting, and shall set a time and place for such conference.

RULE 32. INTERROGATORIES AND DEPOSITIONS
(a) Pursuant to an appropriate House Resolution, the Chair, after consultation with the ranking minority member, or any member designated as the chairman of the Committee may authorize the Committee to conduct an investigation of a matter within the jurisdiction of the Committee. Such investigation shall include the taking of testimony and the discovery of relevant and material facts and evidence in connection therewith.
(b) The investigation of such a matter shall be conducted by the Committee or any subcommittee thereof. The Committee or any subcommittee thereof shall be open to coverage by electronic media or still photography subject to the requirements of the House of Representatives and the Rules of the Committee and the subcommittees of the Committee. The rights of access of the members of the Committee, the ranking minority member, and the other members of the Committee shall be protected in accordance with the Rules of the House of Representatives and the Rules of the Committee and the subcommittees of the Committee.
(c) The deposition notice was accompanied by a three-business-day written notice to the witness to appear at a deposition unless the witness has been provided through the House Office of the Officials and the Committee.
(d) The deposition shall be conducted by any member or committee staff or committee contractor designated by the chairman or ranking minority member. When depositions are conducted by committee staff or committee contractors and three business days have expired, the committee staff or committee contractors shall be designated by the chairman or ranking minority member. The deposition shall be conducted by the chairman or ranking minority member. Other committee staff designated by the chairman or ranking minority member may attend, but are not permitted to pose questions to the witness.
(e) Questions in the deposition will be propounded in rounds. A round shall include as much time as is necessary to ask all pending questions. In each round, a member, or committee staff or committee contractor may ask one question of the witness at that time or a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or a member designated chairman. If an objection is made by the witness, it shall be heard and ruled upon by the chairman or the ranking minority member. Questions in the deposition shall be propounded in rounds.
(f) An objection by the witness as to the form of a question shall be noted for the record. If a witness objects to a question and refuses to answer, the member, committee staff or committee contractor may proceed to ask the question at any time, with the ruling of the time or a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or a member designated chairman. If an objection is made by the witness, it shall be heard and ruled upon by the chairman or the ranking minority member. Questions in the deposition shall be propounded in rounds.
(g) An objection by the witness as to the form of a question shall be noted for the record. If a witness objects to a question and refuses to answer, the member, committee staff or committee contractor may proceed to ask the question at any time, with the ruling of the time or a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or a member designated chairman. If an objection is made by the witness, it shall be heard and ruled upon by the chairman or the ranking minority member. Questions in the deposition shall be propounded in rounds.
(h) The individual administering the oath to the witness shall not tend to defame, degrade, or incriminate the witness.
(i) This rule is applicable to the committee's investigation into the administration of labor laws by government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of the Teamsters and other related matters.

RULE 25. CHANGES IN COMMITTEE RULES
The Committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its provisions has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the proposed change. PERTINENT RULES OF THE U.S. HOUSE OF REPRESENTATIVES—106TH CONGRESS

TOPICS AFFECTING AMERICA TODAY
The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for
60 minutes as the designee of the minority leader.

Mr. SHERMAN. Madam Speaker, it is my intention to speak for the full 60 minutes if my colleague, the gentleman from New Jersey (Mr. Pallone) does not wish to take the Floor. I would hope that could be brought to my attention so I could yield the second half of the hour to him.

Madam Speaker, this is my first speech of the 106th Congress. I would like to welcome back my old colleagues and welcome our new colleagues. My new colleagues, I have not had a chance to introduce myself to all of them. Let me take this opportunity to do so. I am BRAD SHERMAN. I hail from America's best-named city, Sherman Oaks, California.

Periodically I seek an opportunity to give a rather long speech detailing a number of different topics. This saves the House from having to listen to a number of shorter speeches, each of separate focus. Madam Speaker, I often give these speeches at the beginning or the end of a session. I have a number of topics I would like to address today. The first of these is the current unpleasantness occurring in the Senate, the Starr investigation. The witness, Monica Lewinsky, the President, et cetera.

First, I would like to point out that it is unprecedented in our lifetimes that an impeachment would be sent by this House over to the other body on a 99 percent vote, with 99 percent of the one party voting against the impeachment resolution. I think it is a shame, a shame on this House, that we would send an impeachment resolution to the Senate under those circumstances.

I came to the floor last month, actually in December, to voice my opinion that in not allowing Members to vote on censure and then sending over articles of impeachment on a partisan basis, the Senate had gone wrong. I said at that time that I would call this House a kangaroo court, but that would be an insult to marsupials everywhere.

That shame has hung in this Chamber until yesterday, because I think we owe a debt of gratitude to prosecutor Ken Starr for doing something so outrageous that it has distracted America from the mistake we made here in December.

Ken Starr knows, we all know, that the President is not going to be removed from office. Yet a leak emerges from Ken Starr's office that he thinks that he will criminally indict and perhaps prosecute a sitting president. This is not only a constitutional outrage, it represents perhaps the worst prosecutorial judgment ever displayed.

Ken Starr has, in the words of George Stephanopoulos, pursued the President with the hateful tenacity of Captain Ahab, and it is to my delight this misjudgment is now revealed. It is bizarre that Ken Starr, seeing that the President will not be removed from office, has begun to fantasize that he will barge into the Oval Office and place handcuffs on the President of the United States, perhaps during some meeting with a foreign head of State. We must take actions to show that this pipsqueak cannot barge into the oval office, and cannot seek to undermine the executive branch of government.

I recognize, and we all recognize, that President Clinton remains subject to the rule of law. While he is president he can be impeached, and has been by vote of the House of Representatives, and by vote of the Senate. As soon as he leaves the White House he is subject to all manner of criminal action, and of course, is subject to civil action as well.

We need to ask long-term at what this means for the presidency. I ask those on the Republican side of the aisle to remember that some day it may be one of theirs who is sitting as president. Imagine some future president, or should I say, her enemies, begin immediately upon inauguration day to conspire, and they gather a few million dollars to carry it out.

I used the word "conspire." "Conspiracy" is not the worst word, they simply gather together to begin a plan to undermine some new president. They gather a few million dollars together, and the first thing they do is announce that they will pay a $1 million book advance to any Secret Service agent willing to write a book titled "Embrassing Things I Learned While Guarding the President."

Imagine that they place an ad in the Star tabloid, or should I call it the Ken Starr tabloid. The ad goes something like this: "Have you been abducted by a UFO? Was the President working with the aliens? If so, contact us. We will give you $1 million, and we will help you sue the President for everything that went on on the spaceship. And by the way, if that UFO abduction happened, if the spacecraft happened to land in any one of these three or four counties where we have, in some obscure county in America, a friendly, or rather, a politically-motivated prosecutor, then we will also be able to urge that obscure prosecutor to bring criminal action against the President."

I am not sure that a lawsuit or criminal prosecution for participation in an UFO abduction against a president of the United States would last all that long. It might be thrown out of court. But I give this as an illustration of the road we are on.

That road is that the enemies of every president, those who are most blinded by their hatred of that president, will begin to try to destroy a president by finding out secrets and obscure counties, to bring criminal actions, or attempts at criminal actions, or attempts at civil action against the President. Imagine some future president, or rather, a Presidency Protection Act, or rather, a Presidency Protection Act, should provide that as to all criminal actions, or attempts at criminal prosecution, that we toll the statute of limitations. So if there is a 5-year statute of limitations on a particular crime, that any day that occurs while an individual is serving in the White House would not count toward that 5-year period.

Then we provide that there will be no criminal indictment, or attempts at criminal indictment, or attempts at civil suit, by anyone while they are president of the United States. We could provide that under certain circumstances testimony could be taken, in case some witness might die or become unavailable in the years that someone served in the White House. But clearly, no president of the United States should have to worry for a minute about the criminal law system being visited upon him or her by a politically-motivated prosecutor. We need to have a very similar proceedings dealing with civil suits, that the statute of limitations is tolled; that is to say, in nonlegal jargon, the suit is put in the freezer, and it can be tried after a presidency is completed.

I know that the Supreme Court ruled, in the Jones vs. Clinton case, that you could sue a sitting president. The Supreme Court noted that the Congress could change that result. The Supreme Court argued that a civil suit against the President would not be an undue distraction. Clearly, later events have proven otherwise.

I am, frankly, surprised, given the number and the power of certain individuals who hate this president, that there have not been a dozen or a hundred other civil lawsuits, trumped-up, real, or imagined, for this or that reason brought against the President. I make these comments not to invite such highly destructive behavior, but to illustrate to statisticians and the Senate that the President and the Senate must act to make it clear that any civil lawsuit against the President is put in the freezer, that the President is put in the freezer, that the...
trip to the Middle East in December. I want to applaud the President for making that visit. I also want to point out that the President was warmly welcomed by all the various legislators and officials of the Palestinian Authority and the Palestinian National Council.

But after the President left, Yasser Arafat made statements in support of Iraq and calling for an Arab meeting to condemn American policy with regard to Iraq. Just a few days after the President departed and we all departed, he was once again talking about a unilateral declaration of statehood. There is nothing worse for the peace process than a unilateral declaration of statehood by the Palestinian Authority.

Here, this year in Congress, we need to make it clear that immediately, without further action, upon any declaration of statehood made on a unilateral basis by the Palestinian Authority, all American aid to that Authority stops. And similar representatives at all international organizations, especially the World Bank and similar organizations must vote against any aid to the Palestinian Authority after such a destabilizing effort.

I want to applaud the administration for remaining involved and dedicated to peace in the Middle East but point out that pressing Israel is not the way to achieve that peace. Israel has been made a friend of a Republican administration or a Democratic administration, a Republican House or a Democratic House. We should remain dedicated allies of Israel whether the government in Jerusalem is Likud or Labour, the new party being organized and headed by Isaac Mordecai and others.

In looking at the situation in the Middle East, we need to focus on both the short-term and long-term needs for security and stability. Greece has quite naturally been on the short-term needs as if land for peace meant a peace consisting nothing more than a month without a terrorist incident or a year without a bomb. Any such shallow definition of peace will not generate the kind of treaty that is eventually necessary for a final agreement with the Palestinians.

Can we ask the Israelis to make the kinds of concessions, even in part, that are necessary, and for peace means only peace with the Palestinians? Instead, as part of any peace agreement, Yasser Arafat personally and the entire Palestinian Authority must be willing to become apostles for the future and recognize that, at variance with the Palestinians.

We need to support the government in Jerusalem, but we must also concern ourselves with the seeds of peace, knowing that it will take a generation or two or three for them to bear fruit, but sowing the seeds of peace in an organized and systematic matter throughout the Middle East.

This is critical to Israel's long-term security. Because any student of history will tell us, and any student of current military affairs will tell us that, if Israel is not the possessor of losing another war or some war in the future, it will not be an Army based in Ramallah. If Israel must fear for its security in the sense of potentially losing a war, it must fear armies based in Baghdad, Teheran, Cairo or Damascus.

Not only is this a reflection of current military realities or potential future military realities. And when I say current military realities, clearly Israel will not lose a war in the next decade or two. No combination of its enemies or potential enemies could beat it.

But we must look, not one or two decades, but one or two centuries in the future and recognize that, at various times in the past, Egypt, Syria, Babylon now Iraq, and Persia now Iran, have all conquered the Holy Land. We must create a situation where it is as unlikely for Israel to be expelled from the map as it would be unthinkable in Paris to think of erasing the Netherlands or Belgium from the map.

I should also focus on the importance in the peace process in the Palestinian economy. A recent report by the Israeli government shows Israel's dedication on this subject. But the fact remains that there are close to 200,000 guest workers in Israel, workers occupying jobs that could be held by Palestinians without displacing a single Israeli.

These guest workers hail from such countries as the Philippines and Thailand. Of course we in this body are interested in the future success of the Thai economy and the Philippine economy. Yet, when it comes to policy in the Middle East, Israel's contribution to the economic recovery of Thailand is not as important for the Middle East, and for peace and for economic development of the Palestinian Authority and of Palestinians in general.

I had a chance to talk to Palestinian legislators. I feared that, as a matter of being politically correct or proud, that they would reject or poo-poo or minimize the concept of Palestinians working almost exclusively in nonprestigious jobs in the Israeli economy.
Imagine all of the benefits of investing in a developed country and at the same time having access to the American markets through the U.S.-Israel Free Trade Agreement and at the same time having access to Israeli technology and engineers and business acumen and at the same time having access to low cost industrial labor provided by the Palestinians.

I should point out that we will see future developments; that the Palestinians may be eager to have industrial jobs today providing some of the more technological expertise. I am confident that if we are able to achieve peace in the Middle East, the Palestinians will develop their own industrial and engineering expertise. It is written nowhere in any sacred text that the Palestinians will always live in a Third World country or Third World economy.

We now want to shift our attention to our relationships with China. In focusing on China, we see three abominations. The first is Chinese policy toward proliferation. Wherever we see the risk of proliferation, whether it be in Iran or Pakistan or North Korea, there is evidence that China has provided either nuclear weapons or the technology to build them, or missiles or the technology to build missiles.

Second, I think you could enjoy the friendly relations with the United States which it seeks if it is going to be the source of such dangerous proliferation.

The second abomination is China’s work on human rights, where human rights activists were arrested so very recently in another step backward for China.

Finally, but I think most importantly, is China’s adverse impact on human rights in the United States through its decision to avoid importing from America. China sends us $66 billion of exports. One cannot go into any store and not find goods made in China. Yet, China accepts only $11 billion of American exports. $66 billion to $11 billion is arguably the most lopsided trading relationship in the history of mankind and womankind; 6-6 to 11.

Sometimes that means U.S. workers lose their jobs because Chinese imports come in and take those jobs away. Sometimes, though, the goods being imported from China could not be profitably manufactured here in the United States, but I would argue that if we bought our tennis shoes from India, if we bought our garments from Bangladesh, China could not enjoy the profits that these Caribbean countries, that Bangladesh, that India, would be recycling those dollars into the United States; that they would be buying billions of dollars of our goods if we would be buying additional billions of dollars of their goods; not even necessarily on a barter or quid pro quo basis, but any economic development in a free country means that the citizens and businesses are free to buy American.

The trade deficit we have with China is not the product of free economic decisions. It is not necessarily the product of any law that the Chinese Government has put in place. It is the result of oral instructions, unprovable, to major Chinese enterprises to buy American last.

Those who would say the solution is to admit China into the World Trade Organization may have themselves: What Chinese enterprise would buy American goods if a local communist party commissar said orally in a telephone conversation, we know we have changed the law, we know that it is legal to buy these American goods without tariffs, we had to change the law, but Mr. Chinese businessman, the commissar could easily say, if you decide to buy American goods you will be sent to the reeducation camp.

What could we do? We could raise the charge before the WTO? This would be a situation, and it happens now and would happen in the future until the Chinese government agrees that a country that they sell $66 billion of goods to must be a country they are willing to buy $66 billion of goods from.

The problem we have in this House is what lever do we use to try to force a strong bargaining position? I would point out that we are in an amazingly strong bargaining position. We could just go without tennis shoes for a month, if we could just satisfy our need for toys elsewhere for a month, the Chinese economy would be brought to its knees and we would have the kind of negotiations that we need.

Instead, we cannot even threaten China with the possibility that we would play fairly and expose them to anything like the trade barriers that our products are subject to.

The administration unfortunately, we do not bargain hard, and the only device available to us here is to deny Most Favored Nation status to China and that is too Draconian a penalty. What we need to do is make it clear that if we deny Most Favored Nation status to China, at that least the first year or two or three of that denial that we will not adopt all and to the fullest extent the taxes and tariffs on Chinese goods that such an action would call for. Clearly we do not need to treat China the way we treat goods from Cuba or North Korea or Libya or other countries that do not enjoy Most Favored Nation status. We will never have the votes on this floor to impose that level of tariff on Chinese goods.

What we must do is to use our opportunity to talk to our colleague, the gentleman from New Jersey (Mr. S MITH) about this, and it will be an unusual combination if I and the gentleman from New Jersey (Mr. S MITH) ever do anything together, is provide by statute, and even if it is vetoed its meaning would be clear, that if and when we deny Most Favored Nation status to China that we would expose...
its goods to only 20 percent of the tariffs otherwise applicable by that decision.

So, for example, if China can import into the United States a pair of tennis shoes with only a one dollar tariff, given that China enjoys MFN status and in the absence of MFN status the tax would be $11, which would cripple China's ability to send those tennis shoes to the United States, that we would provide that in the first year of MFN denial, the tariff would be only the two cents plus ten percent of the additional tariff imposed on non-MFN countries.

In this example, we would add one dollar of tariff to the dollar we place now on Chinese tennis shoes and then a year later we would add another dollar, and after that perhaps another dollar so that the immediate effect on U.S. Chinese trade in substantial but not so enormous that members of this Congress are unwilling to vote for it.

I look forward to working with as many of my colleagues as are interested to craft some mechanism to deprive China of some of the benefits that it enjoys under MFN.

The gentleman from New Jersey (Mr. Smitter) has the hear and I would argue that it is the latter. Mr. Greenspan has done an outstanding job at a time, one fiscal year at a time, of not increasing spending at least until the outer limits of a possible deficit are reached, for any democracy to say no to that is inexplicable.

For any democracy to not cut taxes, to not increase spending at least until the outer limits of a possible deficit are reached, for any democracy to say no to that is inexplicable, and no or not very much to those who want to cut taxes, requires a level of political genius seen in only one place in the world in recent decades, and that is here in Washington.

Now I would point out that at the beginning of 1998, our Republican colleagues suggested an $800 billion, let me stress this, an $800 billion tax cut over, I believe, a 5-year period; a tax cut of almost a trillion dollars. Had we adopted that provision we might have woken up one morning or one month, but in fact we would have crippled this outstanding economic recovery.

Now, I am for tax cuts. When we were able to add no more than a trillion dollars worth of tax cuts and instead what was before this House was $80 billion, less than one-tenth of what had been proposed before, I voted for it, and I hope that we have some genuine tax cuts that we can actually afford. Keep in mind, an additional $100 billion in tax cuts instead of $800 billion in tax cuts is $720 billion of saying no to our own constituents, and that is something we need to have the courage to do.

I hope in a minute to talk about the nature of the kind of tax cut that we would adopt, but I want to point out that there has been agreement that we should save 62 percent of the upcoming surplus for Social Security. Reaching agreement on that is not good enough. We need our colleagues on the Republican side of the aisle to agree that we reserve 15 percent of the surplus for Medicare because it does our seniors little good to tell them that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075. So I say 2075.

Another element of the budget that I think is very important, and for which I praise the President, is dealing with the Land and Water Conservation Fund. We have a number of special funds that are part of the Federal Government, and then they would go on to say but, of course, that is politically impossible.

Under President Clinton's leadership, we have done the impossible. We have shown that sound fiscal policy can be fiscally responsible. Keep in mind that the new Euros that was adopted in Europe, in order to join this new currency, the rule was that European countries, and they all had a very hard time meeting this standard, would have to have a national deficit of only 3 percent of their gross national product. Not a single European country even thought of running a surplus in its national government.

For any democracy to not cut taxes, to not increase spending at least until the outer limits of a possible deficit are reached, for any democracy to say no to that is inexplicable, and no or not very much to those who want to cut taxes, requires a level of political genius seen in only one place in the world in recent decades, and that is here in Washington.

Now I would point out that at the beginning of 1998, our Republican colleagues suggested an $800 billion, let me stress this, an $800 billion tax cut over, I believe, a 5-year period; a tax cut of almost a trillion dollars. Had we adopted that provision we might have woken up one morning or one month, but in fact we would have crippled this outstanding economic recovery.

Now, I am for tax cuts. When we were able to add no more than a trillion dollars worth of tax cuts and instead what was before this House was $80 billion, less than one-tenth of what had been proposed before, I voted for it, and I hope that we have some genuine tax cuts that we can actually afford. Keep in mind, an additional $100 billion in tax cuts instead of $800 billion in tax cuts is $720 billion of saying no to our own constituents, and that is something we need to have the courage to do.

I hope in a minute to talk about the nature of the kind of tax cut that we would adopt, but I want to point out that there has been agreement that we should save 62 percent of the upcoming surplus for Social Security. Reaching agreement on that is not good enough. We need our colleagues on the Republican side of the aisle to agree that we reserve 15 percent of the surplus for Medicare because it does our seniors little good to tell them that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075. So I say 2075.

Another element of the budget that I think is very important, and for which I praise the President, is dealing with the Land and Water Conservation Fund. We have a number of special funds that are part of the Federal Government, and then they would go on to say but, of course, that is politically impossible.

Under President Clinton's leadership, we have done the impossible. We have shown that sound fiscal policy can be fiscally responsible. Keep in mind that the new Euros that was adopted in Europe, in order to join this new currency, the rule was that European countries, and they all had a very hard time meeting this standard, would have to have a national deficit of only 3 percent of their gross national product. Not a single European country even thought of running a surplus in its national government.

For any democracy to not cut taxes, to not increase spending at least until the outer limits of a possible deficit are reached, for any democracy to say no to that is inexplicable, and no or not very much to those who want to cut taxes, requires a level of political genius seen in only one place in the world in recent decades, and that is here in Washington.

Now I would point out that at the beginning of 1998, our Republican colleagues suggested an $800 billion, let me stress this, an $800 billion tax cut over, I believe, a 5-year period; a tax cut of almost a trillion dollars. Had we adopted that provision we might have woken up one morning or one month, but in fact we would have crippled this outstanding economic recovery.

Now, I am for tax cuts. When we were able to add no more than a trillion dollars worth of tax cuts and instead what was before this House was $80 billion, less than one-tenth of what had been proposed before, I voted for it, and I hope that we have some genuine tax cuts that we can actually afford. Keep in mind, an additional $100 billion in tax cuts instead of $800 billion in tax cuts is $720 billion of saying no to our own constituents, and that is something we need to have the courage to do.

I hope in a minute to talk about the nature of the kind of tax cut that we would adopt, but I want to point out that there has been agreement that we should save 62 percent of the upcoming surplus for Social Security. Reaching agreement on that is not good enough. We need our colleagues on the Republican side of the aisle to agree that we reserve 15 percent of the surplus for Medicare because it does our seniors little good to tell them that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075. So I say 2075.

Another element of the budget that I think is very important, and for which I praise the President, is dealing with the Land and Water Conservation Fund. We have a number of special funds that are part of the Federal Government, and then they would go on to say but, of course, that is politically impossible.

Under President Clinton's leadership, we have done the impossible. We have shown that sound fiscal policy can be fiscally responsible. Keep in mind that the new Euros that was adopted in Europe, in order to join this new currency, the rule was that European countries, and they all
park. We need to have national parks close to where people live. We have one in the Santa Monica Mountains.

While I am focusing on local issues, I should also point out the most important transportation need of the southern California area, and that is the need for an interchange and the transition roads that have to accommodate almost half a million cars every day.

Madam Speaker, I would like to use the last minutes of my presentation, and I thank the House for giving me this much time, to focus on one particular type of tax cut that I hope will have bipartisan support, and that is the need to reform our estate tax laws to reduce the amount of paperwork for estate planning, the length of documents and the literal legal torture that we put our elderly and our near-elderly through as a result of an estate planning process.

We designed the law so that a married couple could leave $1.2 million to their children with no tax at all. That is the tax policy that we have established, $1.2 million tax-free.

But we adopted that tax policy in a bizarre way. And when I say, by the way, $1.2 million, that number is going to be ratcheted up over the next decade to a total of $2 million, depending upon, of course, when people die and that estate tax becomes applicable.

In my presentation here I will use the old figures, the $600,000 figures and the $1.2 million figures.

That is to say, how is it that current law provides for that $1.2 million exemption? It provides a $600,000 exclusion to each of the two spouses. So what do they have to do to take advantage of this $1.2 million exemption? They have to write a long, complicated estate planning document and bypass trust so that when the first spouse dies, that first spouse does not just leave all the family assets to the surviving spouse. Oh, no. That would trigger an estate tax of major proportion when the second spouse dies. Instead, the first spouse to die must leave $600,000 in a trust for the benefit of the surviving spouse. The effect is virtually the same, but the legal complexities are enormous.

First, just drawing the instrument is a $1,000 to $3,000 legal fee tax imposed on any couple that believes that when the second of them to die it is possible that estate tax of $1.2 million.

And given the possibility that homes in southern California would go up in value with the same rapidity next decade as they did last decade, every middle-class married couple sees that as at least a possible estate tax.

Keep in mind, those who fail to go through this excruciating estate planning process, and I will describe why I think it is excruciating because I have lived it, are told, well, if the second spouse dies, there will be a quarter of a million dollars of extra Federal tax that you could have avoided, a quarter-million-dollar penalty on the family and the couple leaves the lawyer's office with a 50-page document. Because there will come a time when the first spouse dies, and that point comes, certain steps need to be taken so that assets are put into the trust and other assets are assigned to the widow or widower, and then every year there after that trust has got to fill out a separate income tax return. Assets have to be kept separate.

Imagine trying to explain for the 20th time to a 95-year-old widow or widower how some assets they have control over and are in trust, which they are only allowed to touch under certain circumstances but get the income under other circumstances, and other assets are in a different trust.

Why do we inflict America's elderly, especially our widows and widowers, with the need to be in these bypass trusts? Now, I am not talking here, by the way, of the living trusts that are established to avoid probate in many of our States. Those are genuinely simple. But built within so many of them are these bypass trusts, created not to avoid probate but created to deal with very complicated tax laws.

What we should do instead is provide that when the first spouse dies, they can leave all the assets, or some portion, to the surviving spouse, and any unused portion of the unified credit, the in effect $600,000 exemption, goes to the surviving spouse. In the simplest plan this would mean when the first spouse died, all of the assets could go to the widow or widower. When the widow or widower passes on later, $1.2 million would be exempt from tax and the rest would be subject to tax.

This is the same tax effect that most couples are faced with. I just think they should be able to reach it without living with these trusts throughout the widowhood or widowerhood of the surviving spouse.

Now, the Joint Tax Committee has informed me that they believe that this kind of change would deprive the Federal Government of a billion dollars a year in revenue. For those who want to see a significant estate tax reduction, that is a strong reason to join me in this proposed estate tax change.

But I would argue that that billion-dollar reduction in revenue is almost entirely illusory, because the bill as I would propose it would provide tax benefits no greater than any married couple could get simply by visiting a lawyer and paying a $1,500 legal fee. The vast majority of couples with assets of over $600,000 will do just that, as a result they will obtain through complication the tax savings that I would like to provide through simplicity.

I look forward to working with the staff of the Joint Tax Committee to get a more reasonable revenue estimate of this estate tax simplification, and I look forward to working with as many of my colleagues who are interested in drafting legislation to try to simplify this for every middle-class and upper middle-class widow and widower in this country.

I want to thank the Chair for extending so much time. I want to thank my colleagues for their patience in allowing me to get so many matters of my chest.

Dispensary With Calendar Wednesday Business on Tomorrow

Mr. Weller. Madam Speaker, I ask unanimous consent that the business of the gentleman from Illinois (Mr. Wellers) be considered closed. Mr. Weller, the bill is expressed for 5 minutes.

Mr. Weller. Madam Speaker, I have the privilege of representing one of the most diverse districts in America. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, industrial communities like Joliet, bedroom communities like Morris and New Lenox, farm towns like Tonica and Mazon.

I hear one common message as I travel throughout this very diverse district and listen to the concerns of the people. I have the privilege of representing that message is fairly simple. That is, the American people want us to work together, they want us to come up with solutions to the challenges that we face.

When I was elected in 1994, was elected with that message of finding solutions and finding ways to change how Washington works, to make Washington more responsive to the folks back home.
We were elected, of course, to bring those solutions to the challenges of balancing the budget, and raising take-home pay by lowering taxes, and reforming welfare and taming the IRS. But there were a lot of folks here in Washington who said, you know, there are challenges that you will never solve, that you will never be able to do that, and they said it just could not be done. And I am proud to say tonight that we did. We did do what we were told we would not do. I am proud that our accomplishments include the first balanced budget in 28 years, the first middle class tax cut in 16 years, the first real welfare reform in a generation and the first ever reform of the IRS. Our efforts produced a balanced budget that has now generated a projected surplus of extra tax revenue of $2.3 trillion over the next 10 years. We now have a $500 per child tax credit that is going to benefit 3 million children in my State of Illinois. Welfare reform that has succeeded in reducing welfare rolls by 25 percent, and taxpayers now enjoy the same rights with the IRS that they have in a courtroom.

For the first time taxpayers are innocent until proven guilty.

Madam Speaker, these are real accomplishments of this Congress, and I am proud to have been part of those accomplishments, but we also have greater challenges ahead of us.

Because this Congress held the President’s feet to the fire, we balanced the budget, and now we are collecting more in taxes than we are spending, something new here in Washington, and the question before this House and this Congress in Washington is: What do we do with that extra tax revenue, $2.3 trillion, an extra tax revenue? We are collecting more than we are spending.

I think it is pretty clear. There was an agreement, a bipartisan agreement, that the way for this extra tax revenue is to save Social Security, to make sure that we keep Social Security on sound footing for our seniors and future generations, and I do want to note that last fall the Republican House passed and sent to the Senate legislation that would earmark 90 percent of the surplus of extra tax revenue for saving Social Security. Now this year President Clinton says he only needs 62 percent; we can save Social Security with 62 percent. Well, we agreed that at a minimum we should set-aside 62 percent of surplus tax revenues for saving Social Security.

Of course the question is: What do we do with the rest? Bill Clinton says that if you would do what he would not do, he would not do, the remaining 38 percent of surplus tax revenues, on new government programs, on big government. I disagree and say that we should save Social Security and we should raise take-home pay by lowering taxes.

The question is pretty simple before this House: Whose money is it to start with?

You know, if you think about it, if you go to a restaurant, and you buy a meal, and you find that you overpay, the restaurant will usually say, wait a second, you have given us too much, you should take this back. You have paid too much, and that extra money that you give it to us, you take it back. Well, it is clear today that this government is collecting too much, and it is time to give that too much back in a tax cut.

There is a pretty simple question again. It is do we want to save Social Security, and the rest of the surplus tax revenue, or do we save Social Security and give it back for working families, give it back by eliminating the marriage tax penalty and rewarding retirement savings?

You know the Tax Foundation tells us that today’s tax burden is too high. The average family in Illinois sends 40 percent of its annual income, its earnings, its salary, to government at local, State and Federal levels. Forty percent of your income goes to government at one level or another. And I also want to note that the IRS tells us that since Bill Clinton was elected President in 1992, taxes collected by the Federal Government from individuals and from families have gone up 63 percent. The tax burden on America’s families is the highest ever.

My colleagues, we can save Social Security, we can eliminate the marriage tax penalty. Let us save Social Security, and let us lower taxes for working Americans.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 99, TEMPORARY EXTENSION OF FEDERAL AVIATION ADMINISTRATION PROGRAMS

Mr. DREIER (during the special order of Mr. PAUL), from the Committee on Rules, submitted a privileged resolution (H. Res. 31) providing for consideration of the bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRESS RELINQUISHING THE POWER TO WAGE WAR

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker’s announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Madam Speaker, I have great concern for the future of the American Republic. Many Americans argue that we are now enjoying the best of times. Others concern themselves with problems less visible but mounting beneath the surface. Those who are content point out that the economy is booming, we are not at war, crime rates are down, and the majority of Americans feel safe and secure in their homes and community. Others point out that economic booms, when brought about artificially with credit creation, are destined to end with a bang. The absence of overt war does not negate the fact that thousands of American troops are scattered around the world in the middle of ancient fights not likely to be settled by our meddles and may escalate at any time.

Madam Speaker, the relinquishing of the power to wage war by Congress to the President, although ignored or endorsed by many, raises serious questions regarding the status of our republic, and although many Americans are content with their routine activities, much evidence demonstrating that our personal privacy is routinely being threatened. Crime still remains a concern for many with questions raised as to whether or not violent crimes are accurately reported, and ironically there are many Americans who now fear that dreaded Federal bureaucrat and possible illegal seizure of their property by the government more than they do the thugs in the streets. I remain concerned about the economy, our militarism and internationalism, and the systemic invasion of our privacy in every aspect of our lives by nameless bureaucrats. I am convinced that if these problems are not dealt with, the republic for which we have all sworn an oath to protect will not survive.

Madam Speaker, all Members should be concerned about the war powers now illegitimately assumed by the President, the financial bubble that will play havoc with the standard of living of most Americans when it bursts and the systemic undermining of our privacy in this age of relative contentment.

The Founders of this great Nation abhorred tyranny and loved liberty. The power of the king to wage war, tax and abuse the personal rights of the American colonists drove them to rebel, win a revolution and codify their convictions in a new Constitution. It was serious business, and every issue was thoroughly debated and explained most prominently in the Federalist Papers. Debate about trade among the States and with other countries, sound money and the constraints on presidential power occupied a major portion of their time.

During the Articles of Confederation spoke clearly of just who would be responsible for waging war. It gave the constitutional Congress, quote, sole and exclusive right and power of determining on peace and war. In the Articles of Confederation it was clear that this position was maintained as the power of the British king was not to be, quote, a proper guide in defining executive war powers, close quote, for the new Federal Republic. The result was a Constitution that gave Congress the power to declare war, issue letters of mark and reprisal, call up the militia, raise and
train an Army and Navy and regulate foreign commerce, a tool often used in international conflict. The President was also required to share power with the Senate in ratifying treaties and appointing ambassadors.

Let there be no doubt. The President, according to the Constitution, has no power to wage war. However it has been recognized throughout our history that certain circumstances might require us to act in self-defense if Congress is not readily available to act if the United States is attacked.

Recent flagrant abuse of the power to wage war by modern-day Presidents, including recent episodes in Iraq, Afghanistan, and Sudan, should prompt this Congress to revisit this entire issue of war powers. Certain abuses of power are obviously more injurious than others. The IRS to illegally monitor and intimidate citizens is a power that should be easy to condemn, and yet it continues to thrive. The illegal and immoral power to create money out of thin air for the purpose of financing a welfare state serving certain financial interests while causing the harmful business cycle is a process that many in Washington do not understand nor care about. These are ominous powers of great magnitude that were never meant to be permitted under the Constitution.

But as bad as these abuses are, the power of a single person, the President, to wage war in the most expensive and most powerful wars in history, all presidential powers, and Congress deserves the blame for allowing such power to gravitate into the hands of the President. The fact that nary a complaint was made in Congress for recent aggressive behavior of our President in Iraq for reasons that had nothing to do with national security should not be ignored. Instead, Congress unwisely and quickly rubber stamped this military operation. We should analyze this closely and decide whether or not we in the Congress should promote a war powers policy that conforms to the Constitution or continue to allow our Presidents ever greater leverage to wage war any time, any place and for any reason.

This policy of allowing our Presidents unlimited authority to wage war has been in place since the end of World War II, although abuse to a lesser degree has occurred since the beginning of the century. Specifically, since joining the United Nations congressional authority to determine when and if our troops will fight abroad has been seriously undermined. From Truman's sending of troops to Korea to Bush's Persian Gulf War, we have seen big wars fought, tens of thousands killed, hundreds of thousands wounded and hundreds of billions of dollars wasted. U.S. security, never at risk, has been needlessly jeopardized by the President without consultation and police exercises while constitutional law has been seriously and dangerously undermined.

Madam Speaker, something must be done. The cost of this policy has been great in terms of life and dollars and our constitutional system of law. Nearly 100,000 deaths occurred in the Vietnam and Korean wars, and if we continue to allow our Presidents to casually pursue war for the flimsiest of reasons, we may well be looking at another major conflict somewhere in the world in which we have no business or need to be involved.

The correction of this problem requires some sustained effort on the part of Congress to reclaim and assert its responsibility under the Constitution with respect to war powers, and efforts were made to do exactly that after Vietnam in 1973 and more recently in 1995. Neither efforts were successful, and ironically the President emerged with more power, with each effort being undermined by supporters in the Congress of presidential authoritarianism and internationalism. Faced with protests and objections to the Clinton-of-origin U.N.-mandated U.N. police actions in Korea in the 1950s, but they should have. This illegal and major war encouraged all subsequent Presidents to assume greater authority to wage war than was ever intended by the Constitution or assumed by all Presidents prior to World War II. It is precisely because of the way we have entered in each military action since the 1940s without declaring war that their purposes have been vague and victory elusive, yet pain, suffering and long-term negative consequences have resulted. The road on which this country embarked 50 years ago has led to the sacrifice of a lot of congressional prerogatives and citizen control over the excessive power that have fallen into the hands of Presidents quite willing to abuse this authority. No one person, if our society is to remain free, should be allowed to provoke war with aggressive military acts. Congress and the people are obliged to rein in this flagrant abuse of presidential power.

Not only did we suffer greatly from the unwise and illegal Korean and Vietnam wars, Congress has allowed a continuous abuse of military power by our Presidents in an ever increasing frequency. We have seen troops needlessly die in Lebanon, Grenada, invaded for questionable reasons, Libya bombed with innocent civilians killed, persistent naval operations in the Persian Gulf, Panama invaded, Iraq bombed on numerous occasions. Somalia invaded, a secret and illegal war fought in Nicaragua, Haiti occupied, and troops stationed in Bosnia and now possibly soon in Kosovo.

□ 1800

Even the Congressional permission to pursue the Persian Gulf War was an afterthought, since President Bush emphatically stated that it was unnecessary, and sought to strip him of his authority from the United Nations.

Without an actual declaration of war and support from the American people, victory is unachievable. This has been the case with the ongoing war against Iraq. Without a legitimate concern for our national security, the willingness to declare war and achieve victory is difficult. The war effort becomes narrowly political, serving special interests and not the national interest of the United States against a serious military threat. If we can win a Cold War against the Soviets, we hardly need a hot war with a third world nation, unable to defend itself, Iraq.

A great concern in the 1950’s was the excessive presidential war powers was expressed by the American people, and, thus, the interests of the U.S. Congress after Vietnam in the early 1970’s. The War Powers Resolution of 1973 resulted, but due to shrewd manipulation and political chicanery, the effort resulted in giving the President more authority, allowing him to wage war for 60 to 90 days without Congressional approval.

Prior to the Korean War, when the Constitution and the Federalist precedent had been followed, the President could not and for the most part did not engage in any military effort not directly defensive in nature without explicit Congressional approval.

The result of the passage of the War Powers Resolution was exactly opposite to its authors’ intentions. More power is granted to the President to send troops here and there, with the various Presidents sometimes reporting to the Congress and sometimes not.

But Congress has unwisely and rarely objected, and has not in recent years demanded its proper role in decisions of war, nor hesitated to continue the funding that the various Presidents have demanded.

Approval of presidential-directed aggression, disguised as “support for the troops,” comes routinely, and if any member does not obediently endorse every action a President might take, he is said to be un-American. Any member who questions the legality or the propriety of a presidential action is the one who lacks patriotism and wisdom. It is amazing how we have drifted from the responsibility of the Founders, imagine, the Congress and the people would jealously protect.

It is too often and foolishly argued that we must permit great flexibility for the President to retaliate when American troops are in danger. But this is only after the President has invaded and placed our troops in harm’s way.

By what stretch of the imagination can one say that these military actions can be considered defensive in nature? The best way we can promote support for our troops is employ them in a manner that is the least provocative. They must be given a mission confined to defending the United States, not policing the world or taking orders from the United Nations or serving the special commercial interests of U.S. corporations around the world.

The reason the 1995 effort to repeal the War Powers Resolution failed because it was not a clean repeal, but one still requiring consultation and reporting to
the Congress. This led to enough confusion to prevent its passage.

What is needed is a return to the Constitution as a strict guide as to who has the authority to exert the war powers and, as has been scrupulously followed in the 19th century by essentially all political parties and presidents.

The effort to curtail presidential powers while requiring consultation and reporting to the Congress implies that that is all that is needed to avoid the strict rules laid out by the Constitution.

It was admitted in the House debate by the House leadership that the repeal actually gave the President more power to use troops overseas and therefore urged passage of the measure. This accurate assessment prompted antiwar pro-peace Republicans and Democrats to narrowly reject the proposal.

The message here is that clarification of the War Powers Resolution and a return to constitutional law are the only way presidential authority to wage war can be curtailed. If our presidents do not act accordingly, Congress must quickly and forcefully meet the necessity by denying funds for foreign military ventures and aggression initiated by the President.

The basic problem here is that there are still too many Members of Congress who endorse a presidency armed with the authority of a tyrant to wage war. But if this assumption of power by the President with Congress' approval is not reversed, the republic cannot be maintained.

Putting the power in the hands of a single person, the president, to wage war, is dangerous and costly, and it degrades the notion that the people through their Congressional representatives decide when military action should start and when war should take place.

The sacrifice of this constitutional principle, guarded diligently for 175 years and now severely eroded in the past 50, must be restored if we hope to protect our liberties and avoid yet another unnecessary and, heaven-forbid, major world conflict, and merely changing the law will not be enough to guarantee that future presidents will not violate their trust.

A moral commitment to the principle of limited presidential war powers in the republic is perhaps more helpful. Even with the clearest constitutional restriction on the President to wage undeclared wars, buffered by precise legislation, if the sentiment of the Congress, the courts and the people or the President is to ignore these restraints, they will.

The best of all situations is when the spirit of the republic is one and the same, as the law itself, and honorable men are in positions of responsibility to carry out the amendment. Even though we cannot guarantee the future Congress or our president's moral commitment to the principles of liberty by changing the law, we still must make every effort possible to make the law and the Constitution as morally sound as possible.

Our responsibility here in the Congress is to protect liberty and do our best to ensure peace and trade with all who do not aggress against us. But peace is more easily achieved when we reject the notion that some Americans must subsidize foreign nations for a benefit that is intended to flow back to a select few Americans. Maintaining an empire or striving for a world government while possessing war powers to accrue to an imperial president will surely lead to needless military conflicts, loss of life and liberty, and a complete undermining of our constitutional republic.

On another issue, privacy, privacy is the essence of liberty. Without it, individual rights cannot exist. Privacy and property are interlocked and if both are protected, little would need to be said about other civil liberties. If one's home is no longer his castle, and the privacy of one's person, papers and effects are rigidly protected, all rights desired in a free society will be guaranteed. Diligently protecting the right to privacy and property guarantees a prosperous, journalistic and political experience, as well as a free market economy and sound money. Once a careless attitude emerges with respect to privacy, all other rights are jeopardized.

Today we find a systematic and pervasive attack on the privacy of all American citizens, which undermines the principle of private property ownership. Understanding why the attack on privacy is rapidly expanding and recognizing a need to reverse this trend is necessary if our republic is to survive.

Lack of respect for the privacy and property of the American colonists by the British throne was a powerful motive for the American revolution and resulted in the strongly worded and crystal clear Fourth Amendment.

Emphatically, searches and seizures are prohibited except when warrants are issued upon probable cause supported by oath or affirmation, with details listed given as to place, person and things to be seized.

This is a far cry from the routine seizure by the Federal Government and forfeiture of property which occurs today. Our papers are no longer considered personal and their confidentiality has been eliminated. Private property is searched by Federal agents without announcement, and huge fines are levied when Federal regulations appear to have been violated, and proof of innocence is defendant if he chooses to fight the abuse in court and avoid the heavy fines.

Eighty thousand armed Federal bureaucrats and law enforcement officers now patrol taxpayers' homes, libraries, schools and businesses. Suspicious religious groups are monitored and sometimes destroyed without due process of law, with little or no evidence of wrongdoing. Local and state jurisdiction is rarely recognized once the feds move in.

Today, it is routine for government to illegally seize property, requiring the victims to prove their innocence in court. And, many times this fails due to the expense and legal roadblocks placed in the victim's way.

Although the voters in the 1990's have cried out for a change in direction and mandated a more restrictive government, the attack on privacy by the Congress, the administration and the courts has, nevertheless, accelerated. Plans have now been laid or implemented for a national I.D. card, a national medical data bank, a data bank on individual MDs, deadbeat dads, intrusive programs monitoring our every financial transaction, while the Social Security number has been established as the universal identifier.

The Social Security number is now commonly used for just about everything, getting a birth certificate, buying a car, seeing an MD, getting a job, opening up a bank account, getting a driver's license, making many routine purchases, and, of course, a death certificate. Cradle-to-the-grave government surveillance is here and daily getting more pervasive.

The attack on privacy is not a coincidence or an event that arises for no explainable reason. It results from a philosophy that justifies it and requires it. A government not dedicated to preserving liberty must by its very nature allow this precious right to erode.

A political system designed as ours was to protect life and liberty and property would vigorously protect all citizens' rights to privacy, and this cannot occur unless the property and the fruits of one's labor, of every citizen, is protected from confiscation by thugs in the street as well as in our legislative bodies.

The promoters of government intrusion into our privacy characteristically use worn out cliches to defend what they do. The most common argument is that if you have nothing to hide, why worry about it?

This is ludicrous. We have nothing to hide in our homes or our bedrooms, but that is no reason why big brother should be permitted to monitor us with a surveillance camera.

The same can be argued about our churches, our businesses or any peaceful action we may pursue. Our personal activities are no one else's business. We may have nothing to hide, but, if we are not careful, we have plenty to lose, our right to be left alone.

Others argue that to operate government programs efficiently and without fraud, close monitoring is best achieved with an universal identifier, The Social Security number.

Efficiency and protection from fraud may well be enhanced with the use of a universal identifier, but this contradicts the whole notion of the proper role for government in a free society.
Most of the Federal programs are unconstitutional to begin with, so eliminating waste and fraud and promoting efficiency for a program that requires a violation of someone else’s rights should not be a high priority of the Congress. But the temptation is great, even for those who question the wisdom of the government programs, and compromise of the Fourth Amendment becomes acceptable.

I have never heard of a proposal to promote the national I.D. card or anything short of this for any reasons other than a good purpose. Essentially all those who vote to allow the continual erosion of our privacy and other constitutional rights never do it because they consciously support a tyrannical government; it is always done with good intentions.

Believe me, most of the evil done by elected congresses and parliaments throughout the world has been justified by good intentions. But that does not change anything. It just makes it harder to stop.

Therefore, we cannot ignore the motivations behind those who promote the welfare state. Bad ideas, if implemented, whether promoted by men of bad intentions or good, will result in bad results.

Well-intentioned people, men of goodwill, should, however, respond to a persuasive argument. Ignorance is the enemy of sound policy, every bit as much as political corruption.

Various management problems in support for welfarism motivates those who argue for only a little sacrifice of personal liberties to achieve a greater good for society. Each effort to undermine our privacy is easily justified.

The national I.D. card is needed, it is said, to detect illegal aliens, yet all Americans will need to open up a bank account, get a job, fly on an airplane, see a doctor, go to school or drive a car.

The recent know-your-customer plan registered at the Federal Reserve and the other agencies, Richard Small was quoted as saying that in essence, the complaints were coming from these strange people who are overly concerned about the Constitution and privacy. Legal justification for the program, Small explained, comes from a court order or our personal papers, when in the hands of a third party like a bank, do not qualify for protection under the Fourth Amendment.

He is accurate in quoting the court case, but that does not make it right. Courts do not have the authority to repeal a fundamental right as important as that guaranteed by the Fourth Amendment. Under this reasoning, when applied to our medical records, all confidentiality between the doctor and the patient is destroyed.

For this reason, the proposal for a national medical data bank to assure us there will be no waste or fraud, that doctors are practicing good medicine, that the exchange of medical records between the HMOs will be facilitated and statistical research is made easier, should be strenuously opposed. The more the government is involved in medicine or anything, the greater the odds that personal privacy will be abused.

The IRS and the DEA, with powers illegally given them by the Congress and the courts, have prompted a flood of seizures and forfeitures in the last several decades, and are now, and these options are permitted. We can take no such action without search warrants or probable cause. Victims then are required to prove themselves innocent to recover the goods seized.

This flagrant and systematic abuse of privacy may well turn out to be a blessing in disguise. Like the public schools, it may provide the incentive for Americans finally to do something about the system.

The disaster state of the public school system has prompted millions of parents to provide private or home schooling for their children. The worse the government schools get, the more the people resort to a private option, even without tax relief from the politicians. This is only possible as long as some remnant of our freedom remains, and these options are permitted. We cannot become complacent.

Hopefully, a similar reaction will occur in the area of privacy, but over-involvement of the government into our privacy in nearly every aspect of our lives will be difficult. Home schooling is a relatively simple solution compared to avoiding the roving and snooping high of big brother. Solving the privacy problem requires an awakening by the American people with a strong message being sent to the U.S. Congress that we have had enough.

Eventually, stopping this systematic intrusion will require challenging the entire welfare state. Socialism and welfarism self-destruct after a prolonged period of time due to their natural inefficiencies and national bankruptcy. As the system ages, more and more efforts are made to delay its demise by borrowing, inflating and coercion. The degree of violation of our privacy is a measurement of the coercion thought necessary by the proponents of authoritarianism to continue the process.

The privacy issue invites a serious discussion between those who seriously believe welfare redistribution helps the poor and does not violate anyone’s rights, and others who promote policies that undermine privacy in an effort to reduce fraud and waste to make the programs work efficiently, even if they disagree with the programs themselves. This opportunity will actually increase as it becomes more evident that our country is poorer than most believe and sustaining the welfare state at current levels will prove impossible. An ever-increasing invasion of our privacy will force everyone eventually to reconsider the efficiency of the welfare state, if the welfare of the people is getting worse and their privacy invaded.

Our job is to make a principled, moral, constitutional and practical case respecting our privacy, even if it is suspected some private activities, barring violence, do not conform to our own private moral standards. We could go a long way to guaranteeing privacy for all Americans if we, as Members of Congress, would take our oath of office seriously and do exactly what the Constitution says.

The financial bubble is the root cause of all financial bubbles. Fiat monetary systems inevitably cause unsustainable economic expansion that results in a recession and/or depression. A correction always results, with the degree and duration being determined by government fiscal policy and central bank monetary policy. If wages and prices are not allowed to adjust and the correction is thwarted by invigorated monetary expansion, new and sustained economic growth will be delayed or prevented. Financial dislocation caused by central banks in the various countries will differ from one to another due to political perceptions, military considerations, and reserve currency status.

The U.S.’s ability to inflate has been dramatically enhanced by other countries’ willingness to absorb our inflated currency, our dollar being the reserve currency of the world, foreign central banks now hold in reserves over 660 billion, an amount significantly greater than that even held by our own Federal Reserve System. Our economic and
military power gives us additional li-

cense to inflate our currency, thus de-

laying the inevitable correction inher-

ent in a paper money system. But this

only allows for a larger bubble to de-

velop, further jeopardizing our future

economic stability.

Because of the significance of the dol-

lar to the world economy, our infla-

tion and the dollar-generated bubble is

much more dangerous than single cur-

rency inflations such as Mexico, Brazil,

South Korea, Japan, and others. The

significance of these inflations, how-

ever, cannot be dismissed.

The Federal Reserve Board Chairman

Alan Greenspan, when the Dow was

approaching only 6,500, cautioned the Na-
tion about irrational exuberance and for a
day or two the markets were sus-
dued. But while openly worrying about
an unsustained stock market boom, he
nevertheless accelerated the very cred-

it expansion that threatened the mar-

ket and created the irrational exu-

berance.

From December 1996, at the time

that Greenspan made this statement, to

December 1998, at the time the mone-

tary system was soaring. Over $1 trillion of

new money, as measured by M-3, was created

by the Federal Reserve. M2M, another mone-
tary measurement, is currently ex-

panding at a rate greater than 20 per-

cent. This new and generous dose of credit

has sparked even more irrational exu-

berance, which has taken the Dow to

over 9,000 for a 30 percent increase in

just two years.

When the foreign registered corpora-
tion goes in for long-term capital manage-
ment was threatened in 1998, that is, the
market demanding a logical correction
to its own exuberance with its massive
$1 trillion speculative investment in the
derivatives market, Greenspan and

company quickly came to its rescue

with an even greater acceleration of

credit expansion.

The pain of market discipline is

never acceptable when compared to the
pleasure of postponing hard decisions
and enjoying for a while longer the
short-term benefits gained by keeping
the financial bubble inflated. But the
day is fast approaching when the mar-

kets and Congress will have to deal
with the attack on the dollar, once it is
realized that exporting our inflation is

not without limits.

A hint of what can happen when the

world gets tired of holding too many of

our dollars was experienced in the dol-
lar crisis of 1979 and 1980, and we saw
at that time interest rates over 21 per-
cent. There is abundant evidence

around warning us of the impending
danger. According to Federal Reserve

statistics, household debt reached 81 per-

cent of gross national income in the sec-

ond quarter of 1998. For 20 years prior
to 1985, household debt averaged
around 50 percent of personal income.

Between 1985 and 1998, due to generous
Federal Reserve credit, competent

American consumers increased this to
81 percent and now it is even higher. At

the same time, our savings rate has
dropped to zero percent.

The conviction that stock prices will
continue to provide extra cash and con-

fidence in the economy has fueled wild

consumer spending and personal debt

expansion. The home refinance index
between 1997 and 1999 increased 700 per-

cent. Secondary mortgages are now of-

fered up to 120 percent of a home's eq-

uity, with many of these funds finding

their way into the stock market. Gener-

ous credit and quasi-government

agencies make it easy for mortgage markets
robust, but a correction will come
when it is least possible and the lenders
and the borrowers have gotten ahead of

themselves.

The willingness of foreign entities to
take and hold our dollars has generated
a huge current account deficit for the

United States. It is expected a $20 bil-

lion annual deficit that we are running
now will accelerate to over $300 billion
in 1999, unless the financial bubble

bursts.

This trend has made us the greatest

international debtor in the world, with

a negative net international asset posi-

tion of more than $17 trillion. A sig-
nificantly weakened dollar will play
havoc when this bill comes due and for-

eign debt holders demand payment.

Contributing to the bubble and the
dollar strength has been the fact that

even though the dollar has problems,
other currencies are even weaker and

thus make the dollar look strong in

comparison. Budgetary figures are fre-
quentitted in a falsely optimistic manner.

In 1969 when there was a sur-
plus of approximately $3 billion, the

national debt went down approxi-

mately the same amount. In 1998, how-

ever, with a so-called surplus of $70 bil-

lion, the national debt went up $133 bil-

lion, and instead of the surpluses which
are not really surpluses running for-

ever, the deficits will rise with a weak-

er economy and current congressional

plans to increase welfare and warfare

spending.

Government propaganda promotes
the false notion that inflation is no
longer a problem. Nothing could be fur-

ther from the truth. The dangerous fi-

nancial bubble, a result of the Federal
Reserve's deliberate policy of inflation
and the Fed's argument that there is

no inflation according to government-

concocted CPI figures, is made to jus-

tify a continuous policy of monetary

inflation because they are terrified of

the consequence of deflation. The Fed-

eral Reserve claims that maintaining the

status quo, preventing price inflation and delaying deflation is possible, but it really is not.

The most astute money manager can-
not balance inflation against deflation
as long as there is continued credit ex-

pansion. The system inevitably col-

apses, as it finally did in Japan in the

1990s. Even the lack of the CPI infla-
tion as reported by the Federal Reserve

is suspect.

A CPI of all consumer items meas-
ured by the private source shows ap-

proximately a 400 percent increase in
prices since 1970. Most Americans real-

ize their dollars are buying less each

year and no chance exists for the pur-

chasing power of the dollar to go up.

Just because prices of TVs and com-

puters may go down, the cost of medicine,

food, stocks and entertainment, and of

course, government, certainly can rise

rapidly.

One characteristic of an economy
that suffers from a constantly debased

currency is sluggish or diminished

growth in real income. In spite of our

so-called great economic recovery,

many of the 30 million unemployed in the past 25 years have had stagnant or falling

wages. The demands for poverty relief

from government agencies continue to

increase. Last year alone, 678,000 jobs

were lost due to downsizing. The new

service sector jobs found by many of

those laid off are rarely as good paying.

In the last 1½ years, various coun-

tries have been hit hard with deflation-

ary pressures. In spite of the IMF-led

bailouts of nearly $200 billion, the dan-

gers to the worldwide depression remain.

Many countries, even with the extra
dollars sent to them courtesy of the

American taxpayer, suffer devaluation

and significant price inflation in their

home currency.

But this, although helpful to banks

lending overseas, has clearly failed, has
cost a lot of money, and prevents the
time market from correctly pricing the
debt that must eventually come. The

longer the delay and the more dollars

used, the greater the threat to the dol-

lar in the future.

There is good reason why we in the

Congress are so concerned. A dollar

crisis is an economic crisis that will

threaten the standard of living of many

Americans. Economic crises frequently

lead to political crises, as is occurring

in Indonesia.

Congress is responsible for the value

of the dollar. Yet, as we have done too

often in other areas, we have passed

this responsibility on to someone else;

in this case, to the Federal Reserve.

The Constitution is clear that the

Congress has responsibility for guaran-

teeing the value of the currency, and

no authority has ever been given to

create a central bank. Creating money

out of thin air is counterfeiting, even

when done by a bank that the Congress

tolerates.

It is easy to see why Congress, with

its own insatiable desire to spend

money and perpetuate a welfare and

military state, cooperates with such a

system. A national debt of $5.6 trillion

could not have developed without a

trillion Federal Reserve of liquidation

of debt that must eventually come. The

borrowers, the lenders, and the Fed

will make the dollar look strong in

other currencies are even weaker and

havoc when this bill comes due and for-

ever, the deficits will rise with a weak-

er economy and current congressional

plans to increase welfare and warfare

spending.

Government propaganda promotes
the false notion that inflation is no
longer a problem. Nothing could be fur-

ther from the truth. The dangerous fi-

nancial bubble, a result of the Federal
Reserve's deliberate policy of inflation

and the Fed's argument that there is

no inflation according to government-

concocted CPI figures, is made to jus-

tify a continuous policy of monetary

inflation because they are terrified of

the consequence of deflation. The Fed-

eral Reserve claims that maintaining the

status quo, preventing price inflation and delaying deflation is possible, but it really is not.

The most astute money manager can-
not balance inflation against deflation
as long as there is continued credit ex-

pansion. The system inevitably col-

apses, as it finally did in Japan in the

1990s. Even the lack of the CPI infla-
tion as reported by the Federal Reserve

is suspect.

A CPI of all consumer items meas-
ured by the private source shows ap-

proximately a 400 percent increase in
prices since 1970. Most Americans real-
A RESPONSE TO THE PRESIDENT’S PRESENTATION OF THE DEFENSE BUDGET TO CONGRESS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker’s announced policy of January 6, 1999, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. Speaker, I rise today to respond to the President’s presentation of his defense budget to the U.S. Congress. We listened to Secretary of Defense Cohen today as he made this presentation to us, and explained that he is in fact, according to him, increasing defense for the first time in many years.

I think it is important to respond to Secretary Cohen and to the President, because otherwise I think the American people will be somewhat misled the first time in many years.

Mr. Speaker, let me talk about our equipment shortages a little bit. I am the chairman of the Subcommittee on Military Procurement. I looked at the President’s military budget for this year. That budget calls for a six-ship building program.

Now, Navy ships have a life of 30 to 35 years, so that means that the President’s budget is building toward a fleet of only 200 ships. When he came in we had 546 naval vessels. Now we are down to about 325. If we keep building at this low rate, we are going to be down to 200 ships in our Navy.

With respect to ammunition, we are $12 billion short in basic ammunition for the U.S. Army. We are $133 million short in ammunition for the Marine Corps. With respect to equipment our CH-46s are 40 years old, our AAVs are average about 26 years old. We have many, many pieces of equipment, right down to Jeeps and trucks that are extremely old. Basically, we are living on what we had during Ronald Reagan’s presidency, and we haven’t replaced that equipment.

Now, the interesting thing is that most Americans have looked at the old pictures on television of our air strikes during Desert Storm, and they have the impression that we are able to wage a war like we waged in Desert Storm just a few years ago, but we are not able to do that.

The reason we are not able to do that is because we do not have the equipment and the force structure that we had just a couple of years ago. We have cut our military almost in half. That is a 25 percent reduction in the military in 1992. We are down now to 10. We had 546 ships during Desert Storm. We are now down to about 325. We have 346 on this post.

They have actually retired more ships since we made the poster. Active aircomings were down from 24 aircomings to only 13. If we include reserve aircomings, we are down from 36 to only 20.

What we have done under this administration is we have cut America’s force structure of our Armed Forces almost in half. The tragedy is, Mr. Speaker, that while we have cut it in half, the half that we have left is not ready. It is not ready to fight.

Mr. Speaker, let me get to another very critical area. We are 18,000 sailors short right now in the Navy. That means that the few sailors that we have left, and this is manning a very, very reduced fleet, the few sailors that we have left have to shift back and forth between ships.

It also means that when a sailor comes home to be with his family, he may be called the next week and told, “Instead of getting that 1- or 2- or 3-month reprieve and being able to stay home with your wife and family, you are going to have to head out again. Because we don’t have enough people to man all of our ships. You are going to have to go back out and join the fleet again, and go back into these strenuous operations without seeing your family.”

That is called personnel tempo. That is the amount of time—basically it reflects the amount of time that a soldier or sailor or airman or marine spends away from his family.

That means that, for example, with the Marine Corps, we are seeing a higher personnel tempo, marines away from their families more than they have ever been since World War II. That is...
important to us as a U.S. Congress that is in charge of raising the Army and the Navy and the marines and maintaining it, because we have an all-volunteer service. If people will not join, we cannot draft them, so we have to have that is attractive enough to get people to join.

One aspect of that attractiveness has to be quality of life. Quality of life can mean a lot of things. It can mean having a nice home for your family if you live in America or if you are an enlisted person, for example, or an officer. It can mean having a good barracks, if you are a single enlisted person, or a good bachelor officer’s quarters, if you are an officer. It can mean having enough of a housing allowance to live in a fairly nice place in the community that your base is located in. It can mean having decent pay. We will talk about that in a minute. But it also means having some time with your family. That means not being constantly deployed.

The interesting thing about the Clinton administration is they have deployed their people more often than any other president. While they have deployed these people more often than any other president, they have cut the number of people that we have; that is, the force structure: the number of ships, the number of sailors, the number of army divisions, the number of marines. They have cut that force structure so much that we have this thin line of American defenders literally running around the world, running themselves ragged.

What does that mean? It means that people are not reenlisting. I think in our marine aviators, we have 92 percent of the pilots not reenlisting, which is remarkable for us, because they have always reenlisted in record numbers; in much higher numbers, up in the forties. It means that we are the 18,000 people that I spoke of. It means that we are going to be 700 pilot slots short in the Air Force this year.

It is very, very difficult to keep these people in the service, and it is very difficult to build people in these technical skills if you do not have a lot of time and a lot of money. It costs as much as $1 million, $2 million, to build some of the technical skills to give these folks all the schools they need, and once that person walks out the door, he takes with him that enormous investment.

Then our other problem is once a person walks out the door, we now have the problem of going out and recruiting another person to take his or her place. That person is looking at a domestic job market which is quite good right now; looking, for example, if they are a pilot, at the prospect of going into the airlines; if they are a mechanic, looking into going into an automotive industry; if they are an electronics technician, looking at going into one of those areas on the outside in the civilian sector. It is more and more difficult to bring people into the military.

Once again, this Congress does not want to have to be faced with the prospect of having to draft people. That means we are going to have to treat our people better. That means we are going to have to slow down OPEP and we are going to stretch our people so thin, not run them so ragged, pay them better money. That means get them up in a much higher bracket so that they cut into what is now a 13 percent pay gap between people who are in the service and people who are in the private sector.

When Ronald Reagan came into office in 1981, we had a 12.6 percent pay gap, and we closed that pay gap in a very short period of time. Well, today we have a 13 percent pay gap. The Clinton administration is offering a 4.4 percent pay raise, but that is not nearly enough to pay for that major gap that has people leaving in droves, and at the same time being reenlisted in the spare parts, ammunition, and all the other things that we need to make our military work.

Mr. Speaker, let me go to one other aspect of national security that I think is very important. The President now realizes that we have indeed a problem with missile defense. We know and we knew ever since those scud missiles hit our barracks in Saudi Arabia that we had a problem with not being able to stop those missiles coming in. Those are very slow missiles. Those were the Model Ts of ballistic missiles. Today, many years later, we still have very little capability in terms of stopping missiles.

There are several classes of missiles. We hear about the intercontinental ballistic missiles. Those are the missiles that can be launched from Russia or China and presumably hit a city in the United States. That is a long-range missile that goes very fast.

One also has short-range missiles, and those missiles go a little slower. But what they can hit are our troops concentrations in Korea or Saudi Arabia or other places.

We have to build and maintain a missile defense. So far, we do not have that defense. This budget, Mr. Speaker, is not going to allow us to proceed fast enough to build that missile defense before our adversaries build the offensive missiles that can overwhelm that defense.

When I talk about that, what I am saying is we need to look at the North Korean missile that was just launched over the Sea of Japan. We realize now it is a two-stage missile, that it could hit some parts of the United States if it took in its full flight, built by North Korea. We know that China is moving ahead on its strategic weapons program.

We know that we have to place our troops in concentrations all over the world, we had troops in Saudi Arabia. We had troops in Kuwait. We have troops right now in South Korea. We have to be able to maintain those troops.

If missiles can be launched from long range to hit those troops with concentrations of chemical or biological weapons, then it is going to be very, very difficult to convince America’s moms and dads that we should be allowed to keep their youngsters in the military to protect the hot spots which are very, very dangerous, and expect them to stay in the uniform.

So it is going to be very, very difficult to recruit people unless we have the means to protect them in theaters. That means we have to have missile defense. This administration, in slashing the defense budget dramatically, has not put enough money into missile defense.

So Mr. Speaker, this President has said that he is increasing defense dramatically. Let us put it in perspective. Most of the $112 billion that he has proposed to increase is supposed to be done by some other president at some other time.

It is like handing a blueprint of a house to our neighbor and saying, “After I am gone from this neighborhood, I want you to build this house.” Our neighbor says, “Do you have any legal right to make me build it?” And you say “No, but it is my recommendation that you build this house over here after I am gone.”

The President is recommending to some president who has not even been named yet, has not been elected yet, that he build this defense, rebuild national defense on his watch after President Clinton is gone.

So the President cannot increase defense $112 billion in 2005 because he will not be the President then, and he has no control over the President at that time. All he can do is offer a suggestion.

Of course, if the future president looks at what this President did rather than what he says with respect to defense, he will not increase defense at all because this President has not increased defense at all.

What we have to do in the U.S. Congress, Democrats and Republicans, is listen to the Joint Chiefs of Staff, that is the services, the Army, the Air Force, the United States Marines, and the Navy, and give them the equipment that they say they need.

The Army says they need $5 billion worth of equipment per year. They need $5 billion worth of increased funding per year for equipment and for people. The Navy says they need an additional $6 billion a year. The Air Force says they need $5 billion. The Marines say they need $1.75 billion. And that excludes this pay raise that we all agree our service people need of $2.5 billion per year.

If we add those numbers together, that is $20 billion this year that we need. The President has only offered $12 billion. We have to come up with the difference.
So then, as Republicans and Democrats put this budget together, it is incumbent upon us to listen to our armed services, listen to the men and women who serve in the military, and make sure that they are well equipped and that they have the quality of life and that they have decent pay.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from South Carolina (Mr. SPENCE) so that he might control it.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the gentleman from South Carolina (Mr. SPENCE) will control the balance of the time.

There was no objection.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

Mr. SPENCE. Mr. Speaker, Article I, Section II of our Constitution says that the Congress shall have power to provide for the common defense of the United States, to raise and support armies, to provide and maintain a navy, to make rules for the government, and regulation of the land and naval forces.

My highest priority as an American, a Member of Congress, and as chairman of the Committee on Armed Services is to ensure that our Nation is properly defended.

This world is a dangerous place. Most people are unaware of the serious threats we face in this world and how unprepared we are to properly defend against them.

I wonder how many people, Mr. Speaker, remember Pearl Harbor. Looking back on it, all the warning signs we should have had that something big was going to happen, and we did not listen, we did not learn, and we see what happened.

Remember Korea. No one expected that to happen, and it did. I am sure that people in those days felt as confident, if not more so, than we feel today that we are in a world that we can handle, we can deal with all these problems. But if it comes as a sudden, this world changes real fast.

Imagine if, all of a sudden, all the lights went out in this place, not only here, but throughout the area, the automobiles would not start, the radios would not work, televisions would not work, no telephonic communications, the computers were down. These things can happen just that fast.

There is something called EMP, electromagnetic pulse effect. If a nuclear weapon is exploded up in the atmosphere, all these things can happen on the earth without killing anyone, but shutting down all these systems that I said; and one can see how paralyzed we would be. This could happen. Russia, as a matter of fact, had it in their order of battle. Other terrorist groups could use this as a way of rendering us impotent, immobile.

Or imagine if while we all around us started dying, and by the time we found out what was happening, it was too late, but we found out that someone had released over Washington, D.C. about three pounds of something called Anthrax from a civilian aircraft and destroying or killing between 1 million and 2 million people within 24 hours because we could not vaccinate enough people fast enough to take care of them.

Or imagine an accidental launch of an intercontinental ballistic missile with a nuclear warhead. In 1966, the Norwegians launched a weather rocket into the atmosphere. The sensors in Russia mistook that for a missile launched from one of our strategic missile systems. They were within a few minutes of launching nuclear weapons against us in retaliation before they found out their mistake and did not do it. We were that close to a nuclear war.

We have no defense against one of those type missiles even launched accidentally. There are thousands of them in the world.

This is truly a dangerous world in which we are living. We have other threats. Weapons of mass destruction we hear about so much today. Chemical and biological and bacteriological warheads can be put on shorter ranged ballistic missiles and launched against us and our troops and our friends and our allies. These are cruise missiles that can be bought across borders today by anyone. And these types of warheads can be put on them.

These weapons of mass destruction can be put together in laboratories in inexpensive low-tech ways. One does not have to be a superpower to produce these types of weapons. Terrorists can use them and bring all of us under the threat of these dangerous types of weapons.

The point is this. It is a very dangerous world, and we are unprepared to defend against these threats. We only have limited defenses against shorter range ballistic missiles and none whatsoever against intercontinental ballistic missiles.

We have a national strategy that says we are supposed to be able to fight two separate regionally based contingencies, something like a war with Iraq and Iran and North Korea at the same time.

We have cut back so much on our defenses since Desert Storm, the Persian Gulf conflict that we had back in the early 1990s, we have cut back so much since that time, I doubt very seriously that we could do one today, just one, certainly not with the same degree of efficiency that we did back then.

This is a very dangerous world, and we are not prepared with it sufficiently. At the same time, we have been cutting back. We have cuts, which I could show my colleagues, all over the world of nations which have the capability of launching these types of threats against us. Take one's pick: Iraq, Iran, Syria, Libya, China, North Korea, Russia, and the list goes on and on.

As the former director of the CIA said with the end of the Cold War, "It is as if we have slain a dragon and suddenly found a jungle filled with many very poisonous snakes." What have we done to prepare for these threats?

The President's fiscal year 1999 budget request represented the 14th consecutive year of declining defense budgets. As defense spending declines, the downsizing of our military forces has been dramatic.

Since 1987, active military personnel have been reduced by more than 800,000. Since 1990, the active duty Army has shrunk from 10 to 8 divisions. Since 1988, the Navy has reduced its ships from 565 to 346. Since 1990, the Air Force has shrunk from 36 to 20 fighter wings, active and reserve. Since 1988, the United States military has closed more than 900 facilities around the world and 97 major bases in this country.

At the same time, the United States military force has been shrinking, operations around the world are increasing. We remain forward deployed with 125,000 troops per day that are overseas on forward exercises or operations.

The Army conducted 10 operational events during a 31-year period from 1961 to 1991, but 26 operational events in the 8 years since 1991.

The Marine Corps participated in 15 contingency operations during the 7-year period between 1962 and 1969, with 62 contingency operations just since the fall of the Berlin Wall in 1989.

The competing pressures of a smaller military, declining defense budgets, and requirements and the increased pace of operations are stretching our forces to the breaking point. Today, they do more with less environment is eroding readiness and risking the ability of the military to successfully perform its missions.

Our deployed units, the pointed end of the spear, may be ready. But ready for what? Deployed units are getting peacekeeping training, not high intensity warfare training. Pilots are not getting enough jet time and the increased pace of operations is stretching our forces to the breaking point. Today, they do more with less environment is eroding readiness and risking the ability of the military to successfully perform its missions.

The national military strategy, as I said earlier, calls for us to be able to fight and win wars, and we are training for peacekeeping missions. Many believe that we cannot conduct, as I said, just one of these type operations because of it.

The Army tells us it takes 9 months to retrain people when they come back from a place called Bosnia because they are not getting warfighting training.

Although President Clinton admitted the Nation's military was confronting serious problems just recently, after us
trying to tell him for a long time, and he recognized that increased defense spending would be necessary to address these problems, the fiscal year 2000 defense budget falls well short of the mark. The President's budget request addressed a variety of issues, including risk, $150 billion in critical readiness, quality of life and modernization shortfalls that the Nation's military leaders, the Joint Chiefs of Staff have identified. Much of the proposed funding is also budgeted after both the President's term and currently, balanced budget agreement expires.

Our military confronts real problems that require real solutions, not halfway measures and budget gimmicks. The President's fiscal year 2000 budget request has been touted as a $12.6 billion increase, but it is not. The increase is primarily the result of internal adjustments and reprogramming within the defense budget. Of the alleged $12.6 billion increase for fiscal year 2000 alone, $4 billion is interest, $3.1 billion is new money. The remaining $8.5 billion result from optimistic economic assumptions, spending cuts and budget gimmicks, including $3.8 billion in savings based on unusually low inflation rates and depressed fuel costs. It is a $3.1 billion cut in the already underfunded military construction accounts that provide decent housing for our troops and their families; approximately $2.5 billion in rescissions of prior year defense funds, including almost $1 billion of rescissions to missile defense and intelligence funds to offset the cost of the Wye River Agreement.

Even if all of these assumptions, spending cuts and gimmicks are counted, earlier this year the chairman of the Joint Chiefs of Staff, General Shelton testified before the Committee on Armed Services, that the military, which is the Second District of Kansas, resides the 190th Air Refueling Wing of the Kansas Air National Guard. Now, this Wing is responsible for a variety of support operations, including air refueling of operations worldwide, support of the no-fly zones in Iraq, organizing disaster and humanitarian relief and various other community outreach programs. In the past year, under the stress of continued deployments, the Wing has sent personnel and aircraft to various places such as Iceland, Germany, France, Turkey and to Alaska. However, Mr. Speaker, the newest KC-130 aircraft used by the 190th was built in 1963. The oldest aircraft was built in 1956.

The President's budget forces this Wing that has effective activities around the world to use these aircraft until the year 2040. That would make the existing aircraft 80 years old. Now, I have had the privilege of addressing a panel of experts during a hearing in the Committee on Armed Services, and I asked them the question then, would you feel comfortable flying an 80 year old aircraft? In fact, would you feel comfortable putting your son or daughter in that particular aircraft and asking them to fly? They gasped and answered no. I asked them if I had put one of my sons or daughters in there. No, they did not feel comfortable with that.

We must make that change. We must not ask our brave pilots to go into combat in aircraft that would be considered antiques in any other area. We must increase defense spending to give our military personnel the equipment they need to remain the world's premier military force. So I know there is much more we need to do.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I thank the chairman for yielding to me. Mr. Speaker, first I would like to commend the gentleman from South Carolina (Mr. SPENCE) for scheduling this very important special order. As chairman of the Subcommittee on Military Personnel, I am deeply concerned about maintaining the quality of our force that has been the hallmark of our military.

We have entered an era where the ability of our military to attract and retain quality young Americans is no longer assured. On the issue of recruiting, Mr. Speaker, military recruiting can no longer be described as an unfavorable trend. Notwithstanding the significant increases in funding by Congress for recruiting operations, advertising and incentives, the booming job market, erosion of the military pay and benefits package over the years have made military service increasingly unattractive for America's youth and made it questionable for those who are presently in the military to say it is worth it to spend their 20 years in the military, which causes retention also as an issue.

Let me stick with recruiting here for a moment and take it one service at a time. With regard to the Army, traditionally it is the first service to feel the pressure from downturns in recruiting. It began with the process of what I have noticed, what the military has done here to address the issue is they began a process of cutting recruiting quality standards.

Now, they did that in March of 1997 by relaxing the test for diploma high school graduates. Even with the reduced recruit quality and additional funding, the Army failed to meet its recruiting objective for fiscal year 1998 and fell below the Congressionally set minimum troop strength. Currently, during the first quarter of the fiscal year 1999, Army recruiting again is failing, and that is quite disturbing to me. If recruiting is not improved this year, the Army end strength would fall approximately 6,000 below the Congressionally authorized troop strength by year's end. So let this be a warning signal to the Army.

With regard to the Navy, during the fiscal year 1998, when recruiters missed their recruiting goal by approximately 7,000, the Navy failed to meet the Congressionally set minimum end strength. During the past year, the Navy calculated that there were approximately 22,000 vacant positions, of which 18,000 were sea going positions.

Now, with regard to the 327 ships out there, when there are many billets open on the ships, these ships are now setting for sea at levels of readiness strength at C2, and we ought to question whether this is this budget that was provided to the Navy is adequate to meet the Congressionally set end strength for fiscal year 1999, and I have expressed my disappointment to the Navy for reducing its quality and its standards.

With regard to the Air Force, the Air Force has long been considered immune to recruiting problems but, again, the Air Force missed its recruiting objective during the first four months of fiscal year 1999. The Air Force now projects that recruiting and retention is C2 plus 17. So before the ship even leaves harbor they may now be at a C3 level, which would be very concerning because what this does is then place great stress on the sailors who are actually running the ship. We are asking them to do more with less.

On January 15th of 1999, the Navy announced that they will follow the Army's lead by reducing its recruiting goal for diploma high school graduates. Even with this change, the Navy could still be 7,000 below its C2 plus 17 set by Congress.

I am beginning to sound like a broken record, but these Services are not meeting their goals, nor the end strength that has been mandated by law and set forth here by Congress.

The Marine Corps continues to meet its recruiting goals, but only after adding funding to recruiting advertising, for example. In addition, the Marine Corps continues to lead all services in stress on recruiters with 75 percent of recruiters reporting that they work over 60 hours a week. I will
extend compliments to the commandant of the Marine Corps.

With regard to retention, today with the drawdown, and I want to be cautious, Mr. Speaker, to say with the drawdown at near an end, because the drawdown seems to always continue but there are clear signals that the potential retention problems that first captured the attention of the committee several years ago are now becoming the leading edge of the retention crisis, and the chairman, the gentleman from South Carolina (Mr. SPENCE), warned many of us several years ago that the edge is near and the crisis is approaching, and we are now feeling those signs from the military.

Like any of life's decisions, the current retention problem stems from a complex series of issues. Throwing money, more money at this problem, is not going to be the sole answer. The current high operations tempo, the time away from home, long working hours, lack of pay and allowances, reduction in retirement benefits, lack of resources and the facilities to do the job, erosion of health care benefits, and the perception of others, the loss of confidence in the military and civilian leadership are all factors, both perceived and real, that contribute to the environment that is driving people from the military.

When you add that to the economy that continues to provide a significant pull on the high quality of men and women, you create a retention environment that could degrade the military readiness that this Nation so vitally relies.

In the Navy, Navy retention problems extend across the force, both officer and enlisted. The aviator, the quote, take rates, end quote, for aviation continuation pay are running well behind the force sustaining levels. Even retention of junior officers in the surface warfare and special operations communities in some instances running well behind their required levels. Enlisted retention for all career groups in the Navy is also running at a minimum of 10 percent behind the force sustaining rates.

Retention of mid-career personnel is in the area of great concern, with a current rate of 45 percent against the goal of 62 percent. This has prompted the Chief of Naval Operations to declare retention of quality personnel the Navy's highest short-term readiness priority.

In the Army, the retention concerns in recent years have been focused on pilots, where the current shortage of 850 is expected to increase over 1,300, and that is 10 percent, by year 2000.

Air Force enlisted retention has now eroded to the point where it rivals the pilot retention problem. The mid-career enlistment rate has dropped from 81 percent in 1994 to 69 percent in fiscal year 1998. The reenlistment rate for the most junior personnel also continued to slide from a high of 63 percent in 1995 to 54 percent in 1998, below the 55 percent objective for the first time in 8 years for the Air Force. That should be a wakeup call to everyone because the Air Force generally does not have this concern.

The Army for the first time is experiencing a retention problem with a shortage of 140 Apache attack helicopter pilots. The Army Chief of Staff has also noted a negative trend in the retention of junior officers over the last 3 years. Although the Army has a well known problem with retention objectives, the rate of first-term attrition has risen sharply to 41 percent, a contributing factor to the Army's failure to meet the congressional end strength floors of the Department of Defense bill.

With regard to the Marine Corps in retention, the Marine Corps is not immune from the pilot retention problems that plague all the services. Pilot retention rates within the individual weapons systems are running 8 to 21 percent behind their personnel to sustain the force. The Marine Corps continues to meet its enlisted retention objectives although the retention objectives for the Marine Corps are lower than the other services and are becoming increasingly more difficult to maintain.

With regard to the President's plan, Mr. Speaker, the recruiting and retention problems confronting the military are real and deserving of the urgent attention of Congress. That is why I compliment the gentleman from South Carolina (Mr. SPENCE) for holding this special order. I am sure that there are some Members of Congress that are going to be aghast that we would be increasing defense funding. Well, it is about time we are increasing defense funding. I will extend a compliment to the chiefs because we have been beating up the chiefs at each of the services asking for their candor. Now they have come forward and they have talked about the shortfalls and they have given us their requirements. But now that they have set forth their requirements, the President has not even funded their requirements. We here in the Congress have a responsibility, and that is to fund the requirements the military need to satisfy the national military strategy as set forth to meet the President's national security objectives. We play a vital, important role in that function. I compliment the gentleman from South Carolina for holding this special order. We will do our part in the personnel committee. We will begin by focusing not only on the recruiting and retention, the pay and the pensions issues, and we will start by a personnel hearing at Norfolk to focus on the Navy, and the other services will also be there.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. HAYES), a new member of our committee.

Mr. HAYES. Mr. Speaker, I want to take this opportunity to thank our distinguished chairman the gentleman from South Carolina (Mr. SPENCE) for his leadership and guidance in pointing out to the Congress, the administration and the American people the shortfall in the President's year 2000 defense budget proposal. The public declaration the administration and the American people need to know about the decline of our country's military under this administration were brought to light during last month's State of the Union address. At last the President took heed of the advice from Congress and the American people's intention to reverse current trends of reduced defense spending. President Clinton's emphasis on a strong defense was applauded by Members on both sides of the aisle. His acknowledgment of the military's needs and his vow to give the military the resources they need is a welcome sign. The president's promise was delivered with the budget message. We have seen today, the President's pledge rings hollow. I do not intend to repeat what my colleagues have so eloquently made clear, but I do want to reiterate that Mr. Clinton's defense budget does not, as he claims, represent a $12 billion increase in military funding. It certainly does not reflect a $112 billion increase over the next 5 years. I will mention, however, that I am particularly disappointed by the gimmicky nature of the administration used in its military construction budget. They have literally, as Secretary Cohen confirmed today, borrowed from one account to bolster another. I am not sure if David Copperfield could create a better illusion. The President's partial funding of scores of construction projects gives the appearance of the administration's frantic rush to catch up in the long time area of reduced defense spending. It is irresponsible to play politics with our Nation's security by playing games with the budget. I look forward to his cooperation.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from Missouri (Mr. TALENT), a very valuable member of our committee and also the chairman of the Committee on Small Business.

Mr. TALENT. I thank the gentleman for yielding. Beyond that I want to thank him for his leadership on this issue. If ever there was a voice more or less in the wilderness, it was the voice
Mr. Speaker, the American military is broken. Everything my colleagues have read tonight, the statistics, the charts, the passionate speeches, the details offered by Congressmen and women who are in a position to know. That is what it all amounts to. America's military is broken. If the Joint Chiefs of Staff were in a position to tell the unvarnished truth, that is exactly what they would say, that America's military is broken, and they have been saying it, using the language of the Pentagon, for the past several months. I am very glad that they are saying it. Wishing is always welcome, even if it comes late in the game.

It is no surprise and it should come as no surprise to anyone that America's military is broken. It is the inevitable result of a series of decisions taken over the last 10 years and accelerated by the administration. It had to happen and it has happened. We have had 13 years of declining defense budgets. That chart shows it. Nobody argues that. Nothing I am going to say today and nothing that has been said tonight is going to provoke any argument as to the facts of what happened.

At the same time as America's spending on defense was going down, we were cutting the size of America's force by approximately one-third. We have a military that is approximately one-third less than it was 10 years ago. And at the same time as we have been doing that, we have been increasing the responsibilities of America's servicemen and women. I believe that the world has been very good to the Joint Chiefs of Staff. I believe that the Joint Chiefs of Staff have been very good to the American people. There have been 30 deployments of America's military in the Cold War era till the fall of the Berlin Wall. There have been 28 since then. They have been costly and they are ongoing and nobody expects that trend to stop. We have asked our servicemen and women to do more and more and more, and we have given them less and less and less to do it with. As a result, the American military is broken.

It is a result of their responsibility. What have they done? What have the services done in response to these trends? They did the only thing they could do. They had to make the dollars go further. So they cannibalized units that were not deployed, units that were here in the United States, they took key personnel away from them, they took key pieces of equipment away from them in order to bring up to readiness those units that have been deployed all around the world. In Bosnia, in Haiti and everyplace else. They borrowed from the long-term accounts, the procurement accounts, the modernization accounts, things that we needed for the future, they borrowed from them in order to meet the immediate needs of today. And so we have not recapitalized the force as we should. We have in a few years a huge bill to pay. In fact we are in a position where we are beginning to look at how we are going to pay for that, how we are going to talk about that in just a minute with the chairman's indulgence. We are going to have to pay for the ships and the aircraft and the tanks that we should have been paying for all along in addition to those that have been replaced in the normal course of events.

And then the services did something else they did not want to do and it may be most tragic. They bled the people. They took the money away from personnel. We just heard the gentleman from New Hampshire (Mr. Haynes) talk about the shortage of military construction in his district. We have made the servicemen and women live in facilities they should not have to live in because we do not have the money to build them decent barracks. They have not had the pay increases they should have because we do not have the money for that. We have underfunded systematically their health care system, not just for the current personnel but the retirees. We have broken the promise we made to them because we did not have the money because we were trying to do more and more with less and less and playing this essentially dishonest trick that they left us on the American people.

We forced them to do things without giving them the funds that they needed. It is amazing that they have done it.

We have held up as well as we have held up because we have the finest people ever to serve in the history of humankind in the military in America's Army, Navy, Air Force and Marines. But the train is reaching the end of the line, Mr. Speaker. The chairman of the Joint Chiefs of Staff has come before the House Armed Services Committee and the Secretary of Defense before the Senate Armed Services Committee in the last few months, the Secretary of Defense came before the House Armed Services Committee today and affirmed that we are $148 billion short over the next 5 years of the minimum necessary funding to provide for minimum readiness for America's military in the short and long term, $148 billion, $30 billion a year over the next 5 years. It did not just happen. It is the result of a series of decisions and the neglect on the part of the government that owed more to its servicemen and women.

What is the impact on the average serviceman, the average service-woman, Mr. Speaker? I flew to Washington today and on my airplane I met a couple of men who were coming up to do work for the Air Force. They are pilots. They are in the reserves now. They told me the story. I have heard the same thing from people in the Reserve, components, in the Guard and the Reserve, they sign up to do a very important job. They sign up to be ready and to go to war if we have a war. And they are being involved in all these deployments all over the world.

I said to them, what is happening as a result of that? They said people are leaving. We are 18,000 sailors short in the Navy. So when an aircraft carrier comes home, it is going to be empty. Another one is steaming out to take its place. We have to take sailors off the decks of the carriers that are coming in and put them on the decks of the carriers that are going out. They have just been at sea for 6 months, they may do it out for another 6 months. Mr. Speaker, this is a volunteer force. These are highly qualified, highly trained people. They do not have to stay. Most of them have families. They love their country and they love their duty, but they cannot do it year after year after year after year while we play games here not giving them what they need. It is terrible for this country and, more than that, it is just wrong.

What does it mean to the American people? Well, it means this force is going hollow. If we do not do something about it, it is going to be hollow and it is going to be hollow fast, and a hollow military is very bad for you and me and our families. It means we cannot effectively counter the growing power of China or fight a war against terrorism the way we should around this globe. It means we cannot defend the Korean peninsula. We could not fight another Desert Storm without unnecessarily high risk and high casualties. It means we have no missile defense. If these rogue nations get long-term missile capability as fast as we now believe they will, we cannot defend our allies or ourselves because we have not been doing our duty in this government and in this body. It means, Mr. Speaker, that war is more likely to happen and more likely to kill an unnecessarily high number of servicemen and women if it does happen. And it is worse.

We have given billions over to the locusts and given the men and women who count on us in this country and in the services over to the locusts with it and it is wrong. It is worse than wrong. It is just shameful.

What do we do now? We do the one thing that will make a difference. We put our money where all our mouths have been tonight. We step up to the plate, this Congress, this year, not 2 or 3 or 4 years from now when many of us are out of office and we can make promises on behalf of successor Congresses and successor administrations, we step up now and we put enough money in this budget to enable these people to do what we have asked them to do on our behalf and on behalf of our families.

[1930]

And not smoke and mirrors, not a coat faced with a billion in projected increases, and then the rest of it is supposed to come out of existing spending authority. We do not assume that fuel costs are going to be 27 percent less.
Mrs. BONO. Mr. Speaker, today I rise to draw the attention of the Members of this House and the American people to a potentially alarming development in our foreign policy. As was reported in this Sunday's New York Times, the Republic of Azerbaijan has made what the newspaper called a startling offer. It wants the United States to open a military base there. The article notes that American oil companies have invested billions of dollars in Azerbaijan, and the New York Times also makes a particularly relevant point that such a partnership might draw the United States into alliances with undemocratic governments.

Mr. Speaker, for some time now I cannot imagine a worse idea. While I strongly support new approaches to U.S. international engagement in the post-cold war world, I do not think we should put our military forces, our interests or American values at risk. The only justification for this proposal is to make U.S. foreign policy and our military forces a tool for protecting a new and, I would say, unproven supply of oil, and to try to placate the two countries that are deemed essential to the extraction and delivery of those oil supplies; that is, Turkey and Azerbaijan, two countries, I might add, with terrible records in terms of democracy and human rights.

Mr. Speaker, for some time now I have been critical of what I view as the administration's apparent determination to see the pipeline from Baku to Ceyhan constructed. Ironically, the oil companies themselves are balking at this arrangement. The proposed pipeline is too long and costly, particularly as oil prices continue to drop. One major international consortium led by the American firm, Pennzoil, has announced that it will terminate its test drilling operations in the Caspian near Baku after finding only half the volume of oil and gas necessary to assure profitable exploitation. Today the Wall Street Journal reports that another group led by Amoco and British Petroleum is cutting personnel and deferring development on Caspian oil exploitation due to disappointing test results and declining oil prices.

It is becoming apparent that the new pipeline proposal lacks commercial viability. It is a boondoggle whose only purpose is to placate the demands of Turkey and Azerbaijan, two countries that contribute to the freedoms we now enjoy. The President's budget claims to increase defense spending in Fiscal Year 2000 by 26.2 billion dollars over the next 5 years. Due the Administration's creative accounting and their rosy forecasts for the economy, the reality is that this "increase" is really $4.1 billion in FY 2000 and $84 billion over those same 5 years. I applaud the Administration for the increase, but it falls way short of what the military needs. Just two weeks ago, the Joint Chiefs of Staff testified before the House Armed Services Committee, under the questioning of my Chairman of Procurement, DUNCAN HUNTER, about what they will need in budget authority this year to fund their requests at the bare minimum. The total came to $20 billion. Even assuming the Administration's funding projections were accurate, that would still leave the military $8 billion short of what they require. Maybe the Administration could have displayed their commitment to the armed forces by coming up with the extra $8 billion.

What we need to do is make a real commitment to the men and women of the Armed Services. We need to get back to what this country, this body, our President, was chartered to do: to protect the national defense. I, also, want to save Social Security, re-form Medicare, enhance education, but I also want to get our men and women in the armed services good health care, modern equipment, time with their families and decent pay and re- tirement. But more importantly than that, I want this administration to come to our country, to our armed forces with a real commitment to the defense of this country with a domestic missile system. So our people will know that if, and I pray to God that this will never happen, a rogue nation were to fire a missile onto this country, we will have the defenses to protect our citizens.

Unfortunately, Mr. Speaker, the Administration's budget proposal does not go far enough to meet those goals.

NO U.S. MILITARY BASES IN AZERBAIJAN

The SPEAKER pro tempore. Under a previous order of the House, the gentle- man from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to draw the attention of the American people to a potentially alarming development in our foreign policy. As was reported in this Sunday's New York Times, the Republic of Azerbaijan has made what the newspaper called a startling offer. It wants the United States to open a military base there. The article notes that American oil companies have invested billions of dollars in Azerbaijan, and the New York Times also makes a particularly relevant point that such a partnership might draw the United States into alliances with undemocratic governments.

Mr. Speaker, this week I will be cir- culating a letter among my colleagues asking them to join me in making it clear to President Clinton, Secretary of State Albright and Secretary of De- fense Cohen that we consider a U.S. military presence or commitment in Azerbaijan unacceptable.

And yes, Mr. Speaker, the adminis- tration is right to identify the Caucasus region as an important Amer- ican interest, but it is a mistake to make the region a top priority, not only the only basis for our engagement in that region, and I hope we can stop this train before it leaves the station.
Mr. Speaker, I enter the rest of the statement as an extension of my remarks.

Mr. Speaker, I rise today to draw the attention of the Members of this House and the American people to a potentially alarming development that has gone unreported in this Sunday's New York Times. The Republic of Azerbaijan has made what the newspaper called a "startling offer"—it wants the United States to open a military base there. The article notes that American oil companies have invested billions of dollars in that country. The New York Times also makes a particularly relevant point: such a partnership "might draw the United States into alliances with undemocratic governments."

This story has also been picked up by Reuters and the Journal of Commerce, among other media outlets. While the State Department and the Defense Department denied plans to construct a military base in Azerbaijan, or to move an existing facility from the Republic of Turkey into Azerbaijan, unnamed U.S. officials were mentioned in press accounts as the need for an underground arrangement to ensure the security of a future pipeline to deliver oil from the Caspian Sea basin to the Turkish oil depot at Ceyhan.

Mr. Speaker, I cannot imagine a worse idea. While I strongly support new approaches to U.S. engagement in the post-Cold War world, this proposal would not advance U.S. interests or American values. The only justification for this proposal is to make U.S. foreign policy and our military forces a tool for protecting a pipeline and unproven oil supply. The pipeline is the only, let only the only, basis for our engagement in that region. I hope we can stop this train before it leaves the station. Then we need to focus on a Caspian policy based on economic development, the promotion of democracy and human rights, self-determination, and the resolution of territorial and other conflicts through negotiation.

CHINA POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHrabacher) is recognized for 60 minutes.

Mr. ROHrabacher. Mr. Speaker, this is an appropriate evening for me to join me in making it clear to President Clinton, Secretary of State Albright and Secretary of Defense Cohen that we consider a U.S. military commitment to Azerbaijan unacceptable.

Yes, Mr. Speaker, the Administration is right to identify the Caucasus region as an important American interest. But it is wrong to make the oil major, let only the only, basis for our engagement in that region. I hope we can stop this train before it leaves the station. Then we need to focus on a Caspian policy based on economic development, the promotion of democracy and human rights, self-determination, and the resolution of territorial and other conflicts through negotiation.
Well, that luncheon was canceled, and I am very grateful that the members of the local city government and Chamber of Commerce listened to what I had to say because I am sure that the communist Chinese would have used it as a propaganda tool to say that, see, even the American people in Congressman ROHRABACHER's own district do not go along with him.

Well, as soon as they knew the facts, the people of my district were very quick to respond, and I think that it is vitally important is for the American people to know the facts; for them to know, number one, that we are not the same powerful military force that we were 10-15 years ago and that, number two, that there is a growing threat to world peace and a growing threat to our own national security on the other side of the Pacific.

During the Reagan years I worked as a speech writer while President Reagan was President, and I worked for him for 7 years, and during that time period I remember when he went to China. In fact, I remember working on his speech in which we offered American know-how to the Chinese if they would agree to help us as being part of an liberalization of their country. And at that time that made sense, and in fact President Reagan's approach was a positive approach, as Ronald Reagan was known, and it was something to try to bring in the Chinese in the right direction. When I say "they" I am referring to the leadership of the Communist Party that controls the government of China.

During that time period when I worked at the White House, a young Chinese exchange student walked into my office, and what was fascinating, that it was on a Saturday, and I was working there on Saturday afternoon, and almost no one was in the Executive Office Building. By the way, the Executive Office Building is right next to the White House where the President's top national security and economic advisers and policy advisors work. When most people say they work in the White House, they really work right next door in the Old Executive Office Building.

So the most sensitive area of our government, there a Chinese student walked in unaccompanied and just walked right into my office as I was working, and he walked right up to my desk, and he explained to me that he had met one of the researchers in my department and that she had invited him to lunch and that he was coming there to meet this researcher. And he had been checked in through the security, and again without being escorted whatsoever he was walking by himself through the very heart of America's decision-making process at the Old Executive Office Building. I did not find that to be unusual. All because we had at that time convinced that China would never go back, that China had already evolved to a point that it would never be a threat to freedom, and that in fact the people of China were well on the way to a bright and prosperous and democratic future.

During the Cold War, of course, is when we started this evolution towards democracy in China, and it was right for President Nixon and the other presidents who followed the policy laid down by Nixon to play China off against Russia during a time when Russia threatened the entire world, when Russia's communist regime was arming itself to the teeth, sponsoring military actions and covert operations against the democratic governments all over the world. Nixon, yes, played China against Russia in a way that permitted the western democracies to have the leverage they needed, the leverage they needed in the western democracies to prevent war and to prevent the dictatorships, the communist dictatorships of the world, from having the leverage necessary to win the Cold War and to put us in jeopardy.

So we did. And during this time period, when we were playing China off against Russia, we developed a new relationship with China. And as part of that relationship, a democracy movement was building. This was what we saw when that young Chinese student was walking right up to my desk, and that building a few years later in the early 1980s. He represented a new China, the new potential for freedom and peace in China. And through the Reagan years, although the leadership of China remained tyrannical, just as it was under Nixon, there was a growing democracy movement that was undermining the tyranny that controlled the mainland of China, and it was an ever-increasingly powerful democracy movement, but it was invisible.

All of a sudden, it became visible when, in Tiananmen Square, tens of thousands, perhaps even more, Chinese people, activists, democracy activists, gathered to tell the world that they were committed to democratic reform, and there, before the world to see and all of the national and international media, we could see that there was a democratic movement in China that gave us all hope, and it was a surprise to us and actually it was a surprise to the communist leaders.

But by then Ronald Reagan was no longer the President of the United States. George Bush was President of the United States, and, unlike Ronald Reagan, President Bush did not believe that the promotion of democracy and freedom was on the highest level of priority for the United States Government. In fact, George Bush's administration, instead of talking about freedom and democracy, spent most of its time talking about stability and trying to build a new relationship with China.

What that led the communist Chinese to believe was that if they came down hard on the democracy movement in Tiananmen Square, that this administration, meaning the George Bush administration, would go along, because they were interested in stability.

In fact, that is what happened. There was a massacre of the democracy movement in Tiananmen Square. Thousands of people lost their lives, and then throughout China there was a great leap backwards, where people who believed in democracy, people who believed in religious expression and different various religions, people who were bringing China into a new era, were arrested throughout that country and thrown into a logi prison system that was similar to the gulag archipelago that the Russian people were thrown into by their communist bosses.

In a very short period of time, the positive and pro-democratic and peaceful future of China was turned around dramatically, and instead, the brutal use of China's thugs and goons, putting their boot in the face of the people of China forever, was the vision that emerged. This, of course, happened very quickly, because I think that something that was happening that we did not really fully appreciate that was happening in the United States at the same time that the democracy movement was gaining strength in China. You see, while we had this special relationship with China, there was a democracy movement developing there, there was another movement developing in the United States that could be traced, its origins, back to that same relationship that we are talking about.

American billionaires and would-be billionaires were using their considerable leverage on the United States Government to ensure that they had a policy, that we had a policy, in dealing with China, that would permit them to exploit what was little more than slave labor in China.

American business interests, powerful American business interests, wanted to go there and wanted to make a quick profit, and they could care less about the other implications of doing business within a regime that was so tyrannical and so militaristic.

Of course, the businessmen who were doing this described their motives in the most positive way possible. They claimed that the China market was so large and potentially so valuable that it would be a sin against the American people to let America's competitors get that business, when they should be the ones getting the business, as if those American business interests really had the interest of freedom and democracy or even the interest of the American people at heart.

Well, those big corporations were wrong, of course, and they were lying, but perhaps perhaps they did not care any way. That remains to be seen. Perhaps some of the people who have invested in China care deeply about the Chinese
people. Frankly, there have been hundreds of businessmen that I have spoken to on this issue, and while they claim that the more contacts they have, business contacts, with China, will make China more liberal, not one of them has gone in and been able to get any information about human rights to any of the local government officials in those areas in which their own factories are located.

Well, all we have to do is look at the record. Over these last ten years, since the Time Magazine has been published in China, there have been reports of human rights abuses, nor any concern about the American people. In fact, as I say, much of this investment has been done at the expense of the American people and the expense of people who are working and providing goods and services here.

In fact, a large number of the sales that China is making here can be attributed to U.S. companies that have a manufacturing unit in China. In order to use the Chinese, that have no environmental rules, no labor legislation. In fact, the Chinese laborers have none of the rights of the American laborers, and actually they receive a pit-a-pation many times as compensation. So, I say of time do they say if they have to invest in China in order to make sure that America can sell its goods. In reality, what they are doing is they go to China and set up a manufacturing unit and then sell those goods back to the United States.

If a refrigerator company would like to sell a refrigerator in China, no, they go there and set up a refrigerator manufacturing company and sell the refrigerators not to the Chinese, but back to the United States. By investing in China, they are putting into China, the repression continues, and it has gotten worse. In fact, there was a democracy movement at one point, and now all the democrats are in jail or they have been forced into exile, and there is not a viable democracy movement today.

So, this trade, really helped stimulate more democracy? No. In fact, the Chinese dictators have seen their investment as evidence that Americans really do not believe in freedom, do not believe in democracy, do not even believe in Christianity or other religious principles enough to side with the religious peoples of China who are persecuted.

Let us note this at this moment: China, although we have been told is this vast market, little Taiwan, with 20 million people, little Taiwan buys twice as much from the United States as does all the billion, over 1 billion people, perhaps 1.5 billion people, on the mainland of China.

Is this such a vast market? Well, one of the reasons, of course, that vast market is not being exploited is that there is a government policy by the United States to prevent the communist Chinese regime to charge a tariff on any products being sold in Communist China that is far greater than any of the tariffs we charge on their goods that are flooding into our markets.

Thus, many of our goods that we would like to see sell in China to their consumers are charged 30 and 40 percent tariffs, while we only charge them 3 or 4 percent tariffs, and they flood our markets with shoes and commercial items and consumer items that have sold in the American business out of business.

No, my theory is when looking at what has been going on is the big businessmen who are investing in China really do not care about America's, about America's, future share in the Chinese market. What they care about is the 25 percent quick profit that they themselves will make by investing in China today, and they have done so in these investments over these last few years while we have not done much over all of our human rights abuses, nor any concern about the American people. In fact, as I say, much of this investment has been done at the expense of the American people and the expense of people who are working and providing goods and services here.

In fact, a large number of the sales that China is making here can be attributed to U.S. companies that have a manufacturing unit in China. In order to use the Chinese, that have no environmental rules, no labor legislation. In fact, the Chinese laborers have none of the rights of the American laborers, and actually they receive a pit-a-pation many times as compensation. So, I say of time do they say if they have to invest in China in order to make sure that America can sell its goods. In reality, what they are doing is they go to China and set up a manufacturing unit and then sell those goods back to the United States.

If a refrigerator company would like to sell a refrigerator in China, no, they go there and set up a refrigerator manufacturing company and sell the refrigerators not to the Chinese, but back to the United States. By investing in China, they are putting into China, the repression continues, and it has gotten worse. In fact, there was a democracy movement at one point, and now all the democrats are in jail or they have been forced into exile, and there is not a viable democracy movement today.

So, this trade, really helped stimulate more democracy? No. In fact, the Chinese dictators have seen their investment as evidence that Americans really do not believe in freedom, do not believe in democracy, do not even believe in Christianity or other religious principles enough to side with the religious peoples of China who are persecuted.

Let us note this at this moment: China, although we have been told is this vast market, little Taiwan, with 20 million people, little Taiwan buys twice as much from the United States as does all the billion, over 1 billion people, perhaps 1.5 billion people, on the mainland of China.

Is this such a vast market? Well, one of the reasons, of course, that vast market is not being exploited is that there is a government policy by the United States to prevent the communist Chinese regime to charge a tariff on any products being sold in Communist China that is far greater than any of the tariffs we charge on their goods that are flooding into our markets.

Thus, many of our goods that we would like to see sell in China to their consumers are charged 30 and 40 percent tariffs, while we only charge them 3 or 4 percent tariffs, and they flood our markets with shoes and commercial items and consumer items that have sold in the American business out of business.

No, my theory is when looking at what has been going on is the big businessmen who are investing in China really do not care about America's, about America's, future share in the Chinese market. What they care about is the 25 percent quick profit that they themselves will make by investing in China today, and they have done so in these investments over these last few years while we have not done much over all of our human rights abuses, nor any concern about the American people. In fact, as I say, much of this investment has been done at the expense of the American people and the expense of people who are working and providing goods and services here.
we have done is we have made it more attractive to invest in a hostile dictator-ship than to invest in our own coun-try. We actually can say businessmen can think about earning a large profit mar-gin and investing in a democratic gov-ernment by the American taxpayer. That is what normal trade relations is all about. That is what Most Favored Na-tion status has really been about. Be-cause these businessmen could still, if they manufacture a product here, there is no one stopping it. This has been an effort to confuse the American people; their arguments have been designed to confuse and to lie to the American peo-ple, so that they do not realize that in reality their own money is being used against them.

This whole system, to be fair, was in place before Bill Clinton became Presi-dent of the United States. And I re-member when he first ran for Presi-dent, he accused George Bush of kow-towing to the communist Chinese dic-tators. And President Clinton, when he became President after he won the election, just like in so many of the other things that he has done as Presi-dent of the United States, has gone in exactly the opposite direction than what he promised the American people when he ran.

In fact, this administration’s policies on human rights and democracy have been a catastrophe that has been an ad-ministration of the worst human rights record in the history of this country. People all over the world who look to us and believe that the United States stood for democracy and free-dom have now lost hope, because they see an administration that wraps its arms around not just the communist Chinese, but just about every vicious dictator-ship in the world. Ronald Reagan understood that there is a relationship between peace and freedom and that peace is what we fight for democracy and stand firm for our principles of freedom, that we will have peace, because there is a sym-metry in this world in which economic freedom and political freedom and peace are all connected. And there is a price to pay, there is a price to pay when one wraps his arms around crim-nals or when a country wraps its arms around a vicious dictator-ship like that in China, which is the world’s worst human rights abuser.

The American people are just now be-ginning to learn the truth about the risks of treating a vicious dictator-ship in the same way that we treat a demo-cratic nation. They are beginning to learn the truth about the risks that we have been taking by having normal trade relations or Most Favored Nation trading status with China, and treating them the same way we would treat the English or the Italians or the Aus-trians. In this way, these rich and strong other democratic countries, they are ruled by people who are elected and who respect the rights of individuals, of their own citizens.

Those people who run these dictator-ships around the world hate the United States. These gangsters that murder their own people and have aggressive goals, and they look with an eye to-wards the resources and the land of the United States, they suppose they can use them for their religion, these people who would murder someone for speaking up against them, these gang-ster regimes hate the United States and hate the people of the United States because they know that we are the only thing that stands between them and being secure in their power. Because they know it is the goodwill of the people of the United States of America that has saved this world in this century twice during the world wars, and then during the Cold War, from tyranny and totalitarianism, and it was only the strength and courage of the American people and our deter-mination to live up to the ideals that were set forth by our Founding Fa-mily that created the commitment that prevented monsters like they are now from achieving total power on this planet. The Hitlers and the Stalins are still in power, but they are in power in China and in others of these little petty dictatorships around the world, and they hate us, and they know that we are what stands between them and having a secure hold on power in their own country and their ability to bully their neighbors.

President Clinton thinks he is trying to make friends with these people in Beijing by calling them, wrapping his arms around them, calling them our strategic partners, saying that the United States Government, the people of the United States, the most free-dom-loving people in the world, people who take their religion seriously but believe in freedom of religion for all people, that we are strategic partners with the world’s leading abusing of human rights, and that United States is manipulating the trade between us so that it has tens of billions of dollars every year to increase their military power and their military might.

Well, as they do increase their mili-tary power and President Clinton calls them our strategic partners, one must wonder whom are we the strategic partners against? Are we in partners against the democratically elected gov-ernment in Taiwan, or how about the democratically elected government in Japa-n, or how about the democratically elected government in the Philip-pines, or how about South Korea? What do the people who live in these democracies think when they see the President of the United States saying our relationship a strategic partner-ship with this militaristic regime that opposes their own people so thor-oughly?

Even while President Clinton was in China last year, we knew that the Chinese dictators are so cynical that they were testing a new rocket engine that they are trying to bring out and deploy in a new weapons system, and this new rocket engine in this weapons system is designed for one thing. It is to kill Americans, kill American military per-sonnel and perhaps even put our coun-try in jeopardy.

And when they were testing this rocket engine, while President Clinton was there, he knew about it, he had read the cables. His National Security Council had read the cables. They knew the intelligence information, and guess what? President Clinton did not bother bringing it up to the Chinese. It just did not come up in the conversation. Do you think that the strong-arms and tough guys and the gangsters who run communist China respect President Clinton, or are they more likely to be friends of us, friends of us because he did not bring it up, he did not embar-rass them by bringing it up in a conver-sation?

Mr. Speaker, when we do not men-tion the genocide in Tibet or the threats against Taiwan because it was having free elections, or the arrest of Christians and the repression of a free church, forcing everybody to register in a communist church. When one does not bring up a free press or forced abortions, one should not be surprised that the communists who control China do not take our calls for human rights seriously. And when they do not take us seriously, we should not be surprised to find out that they are building their military forces in a way that threatens the United States and that they are beginning to commit acts of aggression against their neighbors. This hug-a-Nazi-and-make-him-a-lib-eral strategy of the Clinton Adminis-tration is doomed to failure just as it was when Neville Chamberlain and those people in the 1930s confronted that threat to world peace and free-dom.

President Clinton of course has gone beyond that. He is not just hugging the communist Chinese dictators, he is en-couraging them to do business. It is this administration’s policy that taxpayer money be used as a guarantee for businessmen who will invest in China. In fact, it was Presi-dent Clinton’s administration that en-couraged even our aerospace companies to go in and do business in communist China. Of course, there is evidence that during the last election some of these companies were also major contribu-tors to President Clinton. In fact, Bern-ard Schwartz was the biggest contribu-tor to President Clinton’s campaign, and he also of course was the head of Loral Corporation, which is now ac-cused of sending missile and other technology, weapons technology se-creted to the communist Chinese who will now use that information, if they have it, which we know they do, to threaten the United States and to threaten the lives of the American peo-ple.

So, but one cannot determine, was it the aerospace companies, some of these big corporations pushing Clinton, or was it Clinton pushing them?
The Chinese have invested money in American elections, not to buy perhaps opinion but at least to meet people and to have friends in high places. We all remember that the communist Chinese provided certain amounts of money, and what did they do? They did it with the money that was given to Vice President Gore when he went to that Chinese monastery, all of those Buddhist monks out there on the West Coast who had all of those thousands of dollars to donate. Even though they had been living a life of poverty all through the years, they just had those checks that they gave to the President's reelection effort. Where did that money come from? Did we ever learn where that money came from?

The bottom line is there has been a lot of shenanigans going on, but what is worse is the fact that weapons technology that was developed and paid for by the American taxpayer to help us preserve the peace has made its way into the hands of a regime that hates the people of the United States and hates everything that we stand for as a Nation. And now they have technology for weapons of mass destruction paid for by the American taxpayer that has been put into their hands.

Now, I am proud to have played a role in exposing this to the American people. It was about a year ago when I first made my first speech on this issue. Because earlier than that, as chairman of the Subcommittee on Space and Aeronautics, I had actually gone to a meeting of aerospace workers and engineers, and one of them was described to me as someone who was involved in upgrading the capabilities and the efficiency of communist Chinese rockets in order to lift off satellites, American satellites.

I said, wait a minute, wait a minute. You are telling me that you are using American technology, your know-how, and you are improving the capabilities of these rockets? He says, Congressman, they do not even have the right stage separation technology and they will blow up soon after lift-off, and they do not even have the capability in some of these rockets to carry more than one payload. I said, wait a minute. A communist Chinese rocket blowing up, that is a very good thing.

He says, "Don’t worry, Congressman. You are worrying about the security implications." I said, "Yes. Yes, I am. I am worried about the security implications of American technology upgrading the capability of Communist Chinese rockets." He says, "Don’t worry. The White House has given us waivers. This is part of a national program that the White House has totally approved of."

That is when the alarm bells started going off. Who is watching the watchdogs? This I did not think of as an investigation. I verified what this engineer had told me. I talked to subcontractors and major contractors and major aerospace companies.

In just a very short time I was able to confirm that some of our aerospace giants had used the technology that we had made available to them in a way that enables the communist Chinese to have a better chance to effectively drop nuclear weapons in the United States and to upgrade their weapons systems, putting American military personnel at risk. It was enough to knock the wind right out of my lungs.

While I was doing this, the New York Times was also involved in an investigation, an investigation that turned up the same type of information that I was coming up with. I tried to alert people. All over this body I was talking to chairmen and people. I tried to tell Newt, but things were very confused and things were going fast. I told Newt several times.

Finally, I remember when I got his attention, because Newt was a man of history. I said, you know, Newt, this is clearly one of America’s security interests since the Rosenbergs. He turned to me and said, what did you say? I said, yes, the communist Chinese, people who hate us, now have the ability, a greater ability to incinerate military targets, and it is due to American technology.

He turned to his aide right over there in that corner, I will never forget, and he said, is Dana right? His aide said, yes, the sources that reported out that what Dana is saying is accurate. And Newt immediately called together the leadership of the Committee on National Security, the Committee on International Relations, the Committee on Science, and the Committee on Intelligence, and the gentleman from California (Mr. Chris Cox) was assigned, after a long discussion. The gentleman from California (Mr. Chris Cox), a man who was one of top legal counsel to President Reagan, was assigned to go out and to find the details about this transfer of technology to the Communist Chinese.

While I have not read the Cox committee report because it is labeled top secret, and I wanted to be able to speak freely on this issue, but those who have read it, and the gentleman from California, Mr. Cox, in his summary, which is not a classified summary, indicates that the charges that I have made against certain American aerospace companies have been verified, and that there has been a sustained and systematic effort by the communist Chinese to get their hands on American weapons technology, especially the technology of weapons of mass destruction.

During the Reagan and Bush years the communist Chinese stole this technology. They stole it because we were trying to operate with them on a nonmilitary basis against certain American aerospace companies. We need to focus on it.

First of all, we must not treat the communist Chinese regime as if they are a friendly regime. We must not treat them as normal trading partners like we would Italy, Belgium, or the Netherlands. We must treat them as a potential enemy of the people of the United States. They have earned that with the repression and murder that they have been engaged in. As I say, it is perhaps the worst betrayal of America’s technology that I have ever seen in my lifetime. The Cox committee report verifies that, but the American people are not being permitted to see the Cox committee report.

This is kind of a funny situation, because the Chinese know what information they stole from us. Now our government knows what information they stole from us. The only people who do not know about that are the American people themselves, because this report is being kept under wraps, except it is, I guess, to hold up the China administration, which I will go into in a few moments.

In the meantime, as the communist Chinese ability to fight and kill Americans increases, they have become more and more aggressive and more and more tyrannical, more and more aggressive toward their neighbors. Whether we are talking about the Spratly Islands, where they have been bullying their neighbors, or in Tibet, where they are committing genocide against the people of Tibet, or in Burma, where they are the godfathers of that vicious dictatorship that holds the whole population of Burma in a grip, in a dictatorial grip, or the helping hands they are giving to other anti-western dictatorships throughout the world, these are things that are happening now because the Chinese have lost all respect, the Chinese have lost all respect, because they know that we do not care about a thing that we say, that it is just phonny baloney when we talk about human rights, because this administration has done nothing to prevent the flow of weapons technology, and in fact has done nothing to prevent the billions of dollars that they have left over from this unfair trade relationship, which we have permitted them.

Not only have we permitted them to have an unfair trade relationship, we have subsidized this unfair trade relationship, giving them tens of millions of dollars to upgrade their military capabilities. What is the solution? There is a solution. This is as serious as anything we have confronted as a Nation, and we need to focus on it.

First of all, we must not treat the communist Chinese regime as if they are a friendly regime. We must not treat them as normal trading partners like we would Italy, Belgium, or the Netherlands. We must treat them as a potential enemy of the people of the United States. They have earned that with the repression and murder that they have brought down on their own
February 2, 1999

CONGRESSIONAL RECORD – HOUSE

people, much less the aggression they are committing against their neighbors. That is number one.

We must classify them and understand what they are, and we should not, we should not in any way subsidize them with technology transfers or through an unfair trading relationship, or through Export-Import Bank guarantees to businessmen who would set up factories in Communist China.

We must support the freedom elements in China itself. Radio-Free Asia, the National Endowment for Democracy, we must support these people in every way we can, support those who are struggling for democracy in this vicious dictatorship, because they are the ones that will free the world from this terror as they themselves free themselves from oppression of the Beijing regime.

It is only when the people of China who love freedom and love democracy and the United States, the United States, I add, because they are our brothers and sisters in freedom and democracy, when they ascend to their rightful place as a representative government, they will no longer be a threat to the United States, because the people of China are not our enemy, it is the dictatorship in China that is.

Finally, we must insist, and I hope every one of my colleagues and everyone who may be reading this or listening insists that the Cox report be made public. They should write and call their congressmen and say that, why are the American people being left in the dark? The Cox report on Communist China must be made public so we can know what the Chinese have and what they have been able to steal from us, and what role American companies have played in preparing the Communist Chinese to kill Americans.

I come to the floor tonight to inform my colleagues to inform the American people, and perhaps to mobilize them. I personally witnessed some things, by the way, that underscore the very points that I have been making.

In a recent fact-finding trip to Asia I overflew the Spratly Islands, and I could see that there, on Mischief Reef, a small sort of island like an atoll, because at low tide it is above water but at high tide it is below water, but it is an atoll about 150 miles from the Philippine coast. You all know that there is a democratic country that has very little defense. They are trying to spend their money on improving the life of their people.

But that little island or reef, that lagoon situation 150 miles from the Philippines, it is over 800 miles from China, and the Communist Chinese are trying to bully the Philippines and the other nations of the Pacific into letting them in, and not letting them but in acquiescing to them, in giving in to them and giving in to their claim that this is their territory.

I flew in an old C-130, a Philippine Air Force plane. As we went through the clouds and were heading towards this reef 150 miles off the Philippine mainland, as the clouds parted right above the reef, what did we see but three Chinese warships perched in this lagoon, armed to the teeth, helicopter decks there. And what else did we see nearby but scores of Chinese workers who were so fervently constructing a concrete military outpost on this reef that even as we flew over, their acetylene torches continued to build this fortification on that reef.

Last week the Philippine military command called this Chinese buildup the greatest threat to the Philippines and America’s interest in Asia since World War II. The Chinese are committing acts of aggression. They are willing to bully their neighbors. They are willing to murder their own people.

This chain of islands, this chain of islands that we are talking about, the Spratly Islands, and some, as I say, are under water at low tide, serve and will serve as goon situation 150 miles from the Philippines, a country that is a democratic country that has very little defense.

It is only when the people of China who love freedom and love democracy and the United States, the United States, I add, because they are our brothers and sisters in freedom and democracy, when they ascend to their rightful place as a representative government, they will no longer be a threat to the United States, because the people of China are not our enemy, it is the dictatorship in China that is.

I am especially troubled by the President and the Secretary of State continuing to use the Communist Chinese and label the Communist Chinese as strategic partners. That has got to stop.

The unwillingness of the United States, as the leader of democracy and freedom in the world, to even object to the human rights abuses committed by the Beijing dictators and their henchmen against the people of China is little less than cowardice.

The ghoulish repression in China is being ignored so that our billionaires can reap huge profits in the short term, while putting our own people out of work in the long run and putting our country in great jeopardy. Then we excuse all of this with flippant phrases like, for example, when we complain about this, these human rights abusers, we are told, oh, do not worry. We have a multifaceted relationship with China.

Multifaceted. That is what our Secretary of State used to excuse the fact that we are not using the strength of our own moral courage to complain and to put the Chinese on notice that we will not put up with human rights abuses and aggression.

I cannot believe that a young Madeleine Albright, while she was fleeing the Nazi-occupied Europe, that threat...
to mankind in those days, I cannot believe that a young Madeleine Albright would have accepted that we cannot, that the United States could not be too harsh on Adolph Hitler and his goons because, after all, we had to preserve a multi-polar relationship with Adolph.

In fact, throughout the 1930's, the United States did try to appease Adolph Hitler's Germany and fascist Japan, despite the full knowledge of the atrocities that were being committed in Czechoslovakia and Poland and elsewhere among the Jews and the gypsies and others.

Appeasement did not work. Leaving the subject out of conversations did not work. It led to World War II, and it led to a massive loss of American lives.

There is a relationship between peace and freedom and democracy. What do we need to do? Again, let us refrain from referring to the Communist Chinese as strategic partners. Let us label them what they are, potential enemies of the United States.

Let us develop a missile defense system for ourselves and our friends and our allies. Let us encourage those people who are struggling for democracy and dictatorships everywhere but especially in Communist China.

Let us today commit ourselves that the Cox committee report, which will disclose this treachery, this betrayal of American interests, this transfer of weapons of mass destruction that we develop with our own tax dollars, that this transferred technology, the upgrading of Communist Chinese rockets, and their capability of hitting the United States, that we need to have that verified for the American people.

The Cox committee report must be made public. I urge the White House to release the entire document. But I was outraged yesterday when the White House selectively declassified information in the Cox report and leaked it to the press. It leaked it in order to rebut the committee's recommendations which were aimed at preventing weapons of mass destruction and related technology from being sold to Communist China.

So here, instead of disclosing all the information, just little pieces of it was disclosed so that friendly members of the press could then use it to defeat the very purpose of the select committee that the gentleman from California (Mr. Cox) headed.

Does this administration have no shame? Is there no level to which it will go? We are all in jeopardy. Then they play this kind of game. I do not care what administration it is. If a hostile power has been helped by American technology, and we know about it, and they know about it, the American people should know about it, and they should know the details. Every one of us should be insisting that this be done.

The Chinese must know that we are on the side of the Chinese people who long for democracy. But the Communist Chinese leadership must know that there are political and diplomatic consequences for the actions that they are taking and that we will be willing to stand strong, and that we are Americans, the same Americans that stood for freedom.

We must be losing the Save Private Ryan generation, those people who saved the world from the Nazis, those people we are so proud of. I lost my father recently who fought in World War II. But we are the same American people, and we stand for those same principles.

We are on the side of people who love freedom. We are not on the side of gothic dictators like the Nazis or the Communists or like the Chinese who make their deals with American billionaires. We need to act as a people, the freedom loving people of the world need to act together, and we as Americans need to lead them.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPhardt) for today on account of official business.

Mr. DEUTSCH (at the request of Mr. GEPhardt) for today and the balance of the week on account of a death in the family.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. Duncan) to revise and extend their remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. GOODLING, for 5 minutes, today.

**ADJOURNMENT**

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; the House adjourned until tomorrow, Wednesday, February 3, 1999, at 10 a.m.

**REPORT REQUIRED BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995**


Hon. DENNIS HASTERT, Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) mandates a review and report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations.

Pursuant to section 102(b)(2) of the CAA, which provides that the presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction, the Board of Directors of the Office of Compliance is pleased to transmit the enclosed report.

Sincerely yours,

GLEN D. NAGER,
Chair of the Board of Directors.
CONGRESSIONAL RECORD — HOUSE

February 2, 1999

H333


GAO—General Accounting Office.

GAOPA—General Accounting Office Personnel Appeals Board. 29 U.S.C. § 737 et seq.

GC—General Counsel. Depending on the context, “GC” may refer to the General Counsel of the Office of Compliance or to the General Counsel of the GAO Personnel Appeals Board.


MSPB—Merit Systems Protection Board.

NLRA—National Labor Relations Act. NLRB—National Labor Relations Board.

OC—Office of Compliance.

OPM—Office of Personnel Management.


PAB—Personnel Appeals Board of the General Accounting Office.


RIF—Reduction in Force.

Section 230 Study—the study mandated by section 230 of the Congressional Accountability Act of 1995, which was prepared by the Board of Directors of the Office of Compliance in December 1996.


ULP—Unfair Labor Practice.


WARN Act—Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 et seq.

EXECUTIVE SUMMARY

In this Report, issued under section 102(b) of the Congressional Accountability Act of 1995 (“CAA”), the Board of Directors of the Office of Compliance reviews new statutes or statutory amendments enacted after the Board’s 1996 Report was prepared, and recommends that certain other inapplicable laws should be made applicable to the legislative branch. In the second part of this Report, the Board’s analysis of inapplicable provisions of the private-sector laws generally made applicable by the CAA (the “CAA laws”), and reports on whether and to what degree these provisions should be made applicable to the legislative branch. Finally, the Board reviews and makes recommendations on whether to make the CAA or another statute applicable to the General Accounting Office (“GAO”), the Government Printing Office (“GPO”), and the Library of Congress (“Library”).

Part I

After reviewing all federal laws and amendments relating to terms and conditions of employment or access to public accommodations in force since October, 1996, the Board concludes that no new provisions of law should be made applicable to the legislative branch. Two laws relating to terms and conditions of employment were amended, but substantial provisions of each law have already been made applicable to the legislative branch. However, the provisions of private-sector law which the Board identified in 1996 in its first Section 102(b) Report as having little or no application in the legislative branch have not yet been made applicable. The Board’s recommendation in the administration and enforcement of the Act in the two years since that first report was submitted to Congress has raised several new issues.

Based on the work of the 1996 Section 102(b) Report and the Board makes the following two sets of recommendations.

(1) The Board resubmits the recommendations made in the 1996 Section 102(b) Report that the following provisions of law be made applicable to the legislative branch:

- Prohibition Against Discrimination on the Basis of Maternal Status (11 U.S.C. § 1095);
- Prohibition Against Discharge from Employment by Reason of Garnishment (15 U.S.C. § 1674(a));
- Prohibition Against Discrimination on the Basis of Service in the Armed Forces (38 U.S.C. § 2000a-6);

(2) After further study of the whistleblower provisions of the environmental laws (15 U.S.C. § 2622; 33 U.S.C. § 1367; 42 U.S.C. § 3003-91, 3851, 6971, 7622, 9610) on which the Board commented in its previous Section 102(b) Report, the Board now concludes that the better construction of these provisions is that they cover the legislative branch. However, because arguments could be made for these provisions of law should be made applicable to the legislative branch.

Based on its experience in the administration and enforcement of the Act and employee inquiry since the 1996 Report was issued, the Board makes the following two recommendations:

(1) Employee “whistleblower” protections, comparable to those generally available to employees of federal-sector or other laws, must be made applicable to the legislative branch:

- to further the institutional and public policy interest in preventing reprisal or intimidation for the disclosure of information which evidences fraud, waste, or abuse or a violation of applicable statute or regulation.

(2) The Board has found that Congress has created a number of special-purpose study commissions in which some or all members are appointed by Congress. These commissions are not listed as employing offices under the CAA, and, in some cases, such commissions may not be covered by other, comparable protections. The Board therefore believes that the coverage of such special-purpose study commissions should be clarified.

Part II

Having reviewed all the inapplicable provisions of the private-sector CAA laws, the Board focused its attention on enforcement, the area in which Congress made the most significant departures from the private-sector provisions of the CAA laws.

The Board makes the following specific recommendations of changes to the CAA:

(1) The Board recommends that the Office be made responsible for enforcing the law, and to take any action necessary to ensure that the Office has the authority to enforce the law.

(2) Make the record-keeping and notice-posting requirements of the private-sector laws applicable under the CAA.

The Board also makes the following general recommendations:

(3) Extend the benefits of the model alternative dispute resolution system created by the CAA to the private sector to provide them with the same efficient and effective method of resolving disputes that the legislative branch now enjoys; and

(4) While the Board recognizes that “Congressional employees will have the civil rights and social legislation that has ensured fair treatment of workers in the private sector. The Office of Compliance at GAO and GPO should be modeled after the Office created by the CAA in the private sector lives with”—all inapplicable provisions of the CAA laws should, regardless of the time, be made applicable.

Part III

The Board identifies three principal options for coverage of the three instrumentalities:

(1) CAA Option—Coverage under the CAA, including the authority of the Office of Compliance as it administers and enforces the CAA (as the CAA would be modified by enforcement of the recommendations made in Part II of this Report.)

(2) Federal-Sector Option—Coverage under the statutory and regulatory regimes that apply generally in the executive branch of the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

(3) Private-Sector Option—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of private-sector agencies as they administer and enforce the laws in the private sector.

The Board compared these options with the current regimes at GAO, GPO, and the Library, identifying the significant effects of applying each option.

The Board concludes that coverage under the private-sector regime is not the best of the options it considered. Members Adler and Seitz recommend that the three instrumentalities be covered under the CAA, with certain modifications, and Chairman Nager and...
Member Hunter recommend that the three instrumentality be made fully subject to the laws and regulations generally applicable in the executive branch of the federal sector.

The analysis and conclusions in this report are being made solely for the purposes set forth in section 102(b) of the Congressional Accountability Act of 1995 (the “CAA”). The Act generally re-tained the right to approve those regulations, but the CAA provides that, in the absence of Board action and congressional approval, the Act shall apply those provisions of federal law and regulations or federal-sector regulations apply, with one exception involving labor-management relations.

In terms of substantive law, the Act did not include some potentially applicable laws and made applicable only certain provisions of existing law. In the Act, the Federal Labor-Manpower Relations Act, 5 U.S.C. chapter 71 (“Chapter 71”), rather than the private-sector model, and gave the Board authority to create further excisions from labor-management coverage if the Board found such exclusions necessary because of conflict of interest or Congress's constitutional responsibilities.

Finally, the CAA was not made applicable throughout the legislative branch. The CAA only partially covered the three largest instrumentalities of the Congress, the General Accounting Office (“GAO”), the Government Printing Office (“GPO”), and the Library of Congress (the “Library”), which were administered by a variety of different provisions of federal-sector laws, administered by the three instrumentalities themselves and/or executive-branch agencies.

Congress left certain areas to be addressed later, after further study and recommendation of the CAA laws as government employment and public access laws. (This Report refers to the “CAA laws.”) Further, the Act generally applies the same substantive provisions and judicial remedies of the CAA laws as government employment and public access laws. (This Report refers to the “CAA laws.”)

Concerns about subjecting itself to regulation, enforcement or administrative adjudication by executive-brach agencies led Congress to establish an independent administrative agency in the legislative branch, the Office of Compliance (the “OC” or the “Office”), to administer and enforce the Act. The Office’s administrative and enforcement authorities differ significantly from those in place at the executive branch, which are limited to the instrumentalities, but when the Congress has already applied to itself certain areas to be addressed later, after further study and recommendation of the CAA laws as government employment and public access laws. (This Report refers to the “CAA laws.”)

The Board then turned to its task of recommending which statutes should be applied to the legislative branch. In light of the large body of statutes that the Board had identified and reviewed, the Board determined that it could make recommendations concerning every possible change in legislative-branch coverage, for “that would be the work of many years and many hands.”

In setting its priorities for making recommendations from among the categories of statutes that the Board had identified for analysis and review, the Board sought to focus on the priorities of the CAA. Because legislative history suggested that highest priority of the CAA was the application of private-sector protections to congressional employees where those employees had little or no protection, the Board focused its recommendations in the first year of analyzing the private-sector laws currently applicable to the legislative branch. The Board determined that, because of the CAA’s focus on addressing the priorities of the Congress under private-sector laws, the Board’s next priority should be to review the inapplicable provisions of the private-sector laws generally made applicable by the CAA. The laws detailed in the other two tables were given a lower priority. Because determining which and to what degree federal laws should be made applicable to the legislative branch “involve[s], in part, weighing the merits of the protections afforded by the CAA against those provided by other existing law,” the Board determined that, in . . . its first year of administering the CAA, the Board determined that it would be premature for the Board to make recommendations for improvements in the laws and regulations governing the instrumentalities, but when the Congress has already applied to itself certain areas to be addressed later, after further study and recommendation of the CAA laws as government employment and public access laws.

The laws detailed in the other two tables were given a lower priority. Because determining which and to what degree federal laws should be made applicable to the legislative branch “involve[s], in part, weighing the merits of the protections afforded by the CAA against those provided by other existing law,” the Board determined that, in . . . its first year of administering the CAA, the Board determined that it would be premature for the Board to make recommendations for improvements in the laws and regulations governing the instrumentalities, but when the Congress has already applied to itself certain areas to be addressed later, after further study and recommendation of the CAA laws as government employment and public access laws.


2 U.S.C. § 133(t). Originally, the Administrative Conference of the United States was charged with making recommendations for improvements in the laws and regulations governing the instrumentalities, but when the Congress has already applied to itself certain areas to be addressed later, after further study and recommendation of the CAA laws as government employment and public access laws.

3 The Board determined that it would be premature for the Board to make recommendations for improvements in the laws and regulations governing the instrumentalities, but when the Congress has already applied to itself certain areas to be addressed later, after further study and recommendation of the CAA laws as government employment and public access laws.

4 Id. at 3.

5 Id. at 4.
Congress, were the laws effectiveness and efficiency of which were then (and remain) under review by the Executive Branch. Similarly, the Board deferred consideration of laws that were not applicable, but where the Congress had applied a comparable provision, because the Board concluded that as the Board gains rule-making and adjudicatory responsibilities for its inappropriate private sector laws, and next in this, its second Section 102(b) Report, reviewing the omissions in coverage of the laws made applicable by the CAA and making recommendations for change.

Section 230 Study. At the same time as it completed its first report under section 102(b), the Board in its second mandated under section 230 of the CAA (the "Section 230 Study") analyzed the application of labor, employment and public access laws to GAO, GPO, and the Library, evaluating all branches and aspects of the statutory and regulatory regimes in place at these instrumentalities to determine whether those instruments were comprehensive and effectives. 23 To do so, the Board had to establish a point of comparison, and determined that the CAA itself was the benchmark intended by Congress, and the Board deferred consideration of those parts of the legislative branch already covered under the CAA having the structural foundation set down in the Section 230 Study. Thus, the Board has both the substantive and procedural bricks and mortar to model the options for changes in the regimes covering the three largest instrumentalities. Moreover, procedural rule-making to extend the Procedural Rules of the CAA to cover the situations commenced by GAO and Library employees alleging violations of sections 204±207 of the CAA raised questions as to the current status and future coverage of the instrumentalities under the Act, demonstrating an immediate need for Congress to clarify the relationship between the CAA and the legislative branch.

Accordingly, this Report has three parts. In the first, the Board fulfills its general responsibilities under section 102(b), by presenting a review of laws enacted after the 1996 Section 102(b) Report and recommendations as to which laws should be made applicable to the legislative branch. The second part analyzes which private-sector provisions of the CAA laws do not apply to the legislative branch and which should be made applicable. The third part reviews current coverage of the CAA laws made applicable by the CAA and presents the Board's recommendations for change.

I. REVIEW OF LAWS ENACTED AFTER THE 1996 SECTION 102(b) REPORT, AND REPORT RECOMMENDING THAT CERTAIN OTHER INAPPLICABLE LAWS SHOULD BE MADE APPLICABLE

A. Background

Section 102(b) of the CAA directs the Board of Directors of the Office of Compliance to review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments, reassignments, grievances and disciplinary actions, protection from discrimination in personnel actions, occupational health and safety, and family and medical leave, and (B) access to public services and accommodations. And, on the basis of this review—beginning on December 31, 1996, and every 2 years thereafter—submit a report to Congress (i) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (2) whether any correlative rights and protections covered by the legislative branch, whether such provisions should be made applicable to the legislative branch.

In preparing this part of the 1998 Section 102(b) Report, all federal laws and amendments passed since October 1996 were reviewed to identify any new laws and changes in existing laws relating to terms and conditions of employment or access to public accommodations and services. The results of that review are reported here.

Further, in this part of the current Section 102(b) Report, the Board addresses the question of whether any correlative rights and protections for employees under the environmental whistleblower provisions which the Board deferred in the previous, 1996 Report. The Board also notes that the sections of private sector law which the Board identified in that Section 102(b) Report as having little or no application in the legislative branch have not yet been made applicable, and the Board also re-submits its recommendations regarding those provisions here. Based on experience in the administration and enforcement of the Act in the two years since that first report was submitted to Congress, the Board addresses two other areas—whistleblower protection and coverage of special study commissions—which, due to employee inquiry, the Board believes merit attention now.


With two exceptions, the Congress did not pass a new law or significantly amend an existing law relating to terms and conditions of employment or access to public accommodations since the 1996 Section 102(b) Report. The first exception is the Veterans Employment Opportunities Act of 1997 ("VEOA"), Pub. L. No. 105-241, which amends the OSHA Act to apply it to the United States Postal Service. The second exception is the Veterans Employment Opportunities Act of 1997 ("VEOA"), Pub. L. No. 105-339, which provides for expanded veterans' preference eligibility in the hiring of legislative branch employees who are in the competitive service.

Both the OSH Act and the VEOA already apply to a substantial extent to the legislative branch. The OSH Act was made generally applicable to the legislative branch by section 215 of the CAA, and, in Parts II and III of this 1998 Section 102(b) Report, the Board considered the specific provisions of the OSHA Act made applicable to the legislative branch, and has made recommendations.

As to the VEOA, selected provisions of the Act apply to employers under the definition of "covered employee" under the CAA, excluding those employees whose appointment is made by a Member of Congress, and the VEOA assigns responsibility to the Board to implement veterans' preference requirements as to those employees. It is premature for the Board now, two months after enactment to VEOA to express any views about the extent to which veterans' preference rights do, or should, apply in the legislative branch, but the Board did defer discussion on the subsequent biennial report under section 102(b).
The Board of Directors resubmits the following recommendations made in the 1996 Section 102(b) Report:

(a) Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. § 525). Section 102(b) of the CAA provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person who is or has been a debtor under bankruptcy statutes. This provision currently does not apply to the legislative branch. For the reasons set forth in the 1996 Section 102(b) Report, the Board reports that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

(b) Prohibition against discharge from employment by reason of garnishment (15 U.S.C. § 1674(a)). Section 102(b) of the CAA prohibits discharge of any employee because his or her earnings have been subject to garnishment for any one indebtedness. This section is limited to private employers, so it currently has no application to the legislative branch. The Board has determined that, if our review reveals no impediments to discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's garnishment, or the existence of, or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative-branch employment. For the reasons stated in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

(c) Prohibition against discrimination on the basis of jury duty (28 U.S.C. § 1875). Section 3675 provides that no employee shall be discharged, threatened to be discharged, intimidated, or coerced in any manner regarding his or her service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative-branch employment. For the reasons stated in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

(d) Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000a to 2000a±6, 2000b to 2000e±3). These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, or accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibits discrimination on the basis of disability with respect to access to public services and accommodations, it does not extend protection against discrimination based upon race, color, religion, or national origin with respect to access to public services and accommodations. For the reasons set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to the legislative branch.

2. Employee Protection Provisions of Environmental Statutes

(a) Report. The Board adds a recommendation made under the employee protection provisions of the environmental protection statutes. The employee protection provisions in the environmental protection statutes, as set forth in section 102(b) of the CAA, are found in 42 U.S.C. §§ 300±91(r), 5851, 6971, 7622, 9610 generally protect an employee from discrimination in employment because the employee communicates information that may impede the enforcement of such statutes. The Board has determined that, if our review reveals no impediments to a determination in connection with providing information under the CAA, such protection should be applied to the legislative branch.

(b) Recommendation. The employee protection provisions of the environmental protection statutes should be applied to the legislative branch.
Board has therefore made these recommendations in light of its experience and expertise with respect to both the application of these laws to the private sector and the administration and enforcement of the Act, as well as its understanding of the general purposes and goals of the Act. In particular, the Board intends that these recommendations be seen as a way to bring the enforcement scheme provided under the OSH Act to create parity with the private sector so that employers and employees in the legislative branch would experience the same benefits and burdens as the rest of the nation’s citizens.

B. Recommendations

The Board makes the following three specific recommendations of changes to the CAA that would bring the application of the CAA to the legislative branch more in line with provisions applicable in the private sector:

1. Grant the Office the authority to investigate and prosecute violations of §207 of the Act, which prohibits intimidation and reprisal.

The Board recommends that the Office should be granted enforcement authority with respect to section 207 of the CAA because the legislative branch is unable to protect employees against intimidation or reprisal for the exercise of the rights provided by the CAA or for participation in the CAA’s alternative dispute resolution program. The Office would more effectively vindicate those rights, dispel the chilling effect that intimidation and reprisal create, and protect the integrity of the Act and its processes.

As the tables indicate, enforcement authority with respect to intimidation or reprisal is granted to the agencies that administer and enforce the CAA laws in the private sector. In contrast, under the CAA, the rights and protections provided by section 207 are inapplicable only if the employee, after counseling and mediation, pursues his or her claim before a hearing officer or in district court. Experience in the administration and enforcement of the CAA argues that the Office should be granted comparable authority to that exercised by the executive-branch agencies that implement the CAA laws in the private sector, for example, the Department of Labor’s Office of Compliance, which enforces the CAA’s record-keeping and notice-posting provisions. The Office should be granted enforcement authority under section 207 of the CAA to investigate and prosecute allegations of intimidation or reprisal as they would be investigated and prosecuted in the private sector by the implementing agency. Enforcement authority can be exercised in harmony with the alternative dispute resolution processes and the private right of action provided by the CAA, and will further the purposes of section 207 of the Act.

2. Clarify that §215(b) of the CAA, which makes provisions set forth in §13a of the OSHA Act, gives the General Counsel the authority to seek a restraining order in district court in the case of imminent danger.

With respect to the substantive provisions for which the Office already has enforcement authority, the Board’s experience has shown that it has illuminated only one area, section 215(b) of the CAA which provides the remedy for a violation of the substantive provisions of the OSHA Act made applicable by the CAA. Under section 215(b) the remedy for a violation of the CAA shall be a corrective order, “including such order as would be appropriate if issued under section 13a” of the OSHA Act. Among other things, the OSHA Act authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. The General Counsel of the Office of Compliance, which enforces the OSHA Act provisions as made applicable by the CAA, takes the position that section 213(b), by its terms, is applicable to the OSHA Act and that where employing offices have not voluntarily kept records, these records have greatly assisted in the speedy resolution of disputed matters. The CAA provides enforcement authority with respect to two private-sector laws, the OSHA Act and the provisions of the ADA applicable to the legislative branch, whether such provisions should be made applicable to the legislative branch.

Section 301(d)(1) of the CAA requires that “[m]embers of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable to the legislative branch.”

The Board also notes that several problems have been encountered in the enforcement of settlement agreements and the Office’s prospective action in the private sector. The Board does not, at this time, recommend legislative change because the Executive Director, as part of his or her day-to-day responsibilities, is already required to approve settlements in the OSHA Act. The Board also suggests that employees can require a self-enforcing provision in certain cases and as appropriate.

“The only exception is the WARN Act, which has no enforcement authorities.

3. Experience in the administration of the Act leads the Board to recommend that all current inapplicable record-keeping and notice-posting requirements be made applicable under the CAA. The Board recommends that the Office be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

As the tables indicate, most of the laws made generally applicable by the CAA authorize the enforcing agency to require the keeping of pertinent records and the posting of notices. Experience in the CAA has demonstrated that where employing offices have voluntarily kept records, these records have greatly assisted in the speedy resolution of disputed matters. Where the law has not been violated, employing offices can more readily demonstrate compliance if adequate records have been made and preserved. Moreover, upon its experience and expertise, the Board has concluded that effective record keeping is not only beneficial to the employer, but in many cases is necessary to the effective vindication of the rights of employees.

Additionally, living with the same record-keeping and notice-posting requirements as other employers, the CAA law would make the practical knowledge of the costs and benefits of these requirements. Congress will be able to determine experientially whether the benefits of each record-keeping and notice-posting requirement outweigh the burdens.

Application of the record-keeping and notice-posting requirements will thus achieve parity with the private sector. The practical knowledge of the costs and benefits of these laws as the rest of the nation’s citizens.

In addition to these specific recommendations, the Board makes the following two general recommendations which derive from the comparison between the CAA’s remedial schemes and those authorities provided for the administration and enforcement of the CAA laws in the private sector:

4. Extend the benefits of the model alternative dispute resolution system created by the CAA to the private and the federal sectors.

The CAA largely replaces the enforcement schemes used to administer and enforce the CAA laws in the private sector with a model alternative dispute resolution system that mandates counseling and mediation prior to pursuing a claim before a hearing officer or in district court. Experience with this system has shown that most disputes under the CAA are resolved by means of counseling and mediation. There are substantial advantages in resolving disputes in their earliest stages, before litigation. Positions of the ADA are thus achieved for the administration and enforcement of the CAA laws in the private sector.


42The CAA provides enforcement authority with respect to two private-sector laws, the OSHA Act and the provisions of the ADA applicable to the legislative branch, whether such provisions should be made applicable to the legislative branch.

43Section 207 of the CAA requires that “[m]embers of the Board shall have training in or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable to the legislative branch.”

44The Board also notes that several problems have been encountered in the enforcement of settlement agreements and the Office’s prospective action in the private sector. The Board does not, at this time, recommend legislative change because the Executive Director, as part of his or her day-to-day responsibilities, is already required to approve settlements in the OSHA Act. The Board also suggests that employees can require a self-enforcing provision in certain cases and as appropriate.

45“The only exception is the WARN Act, which has no enforcement authorities.

46Experience in the administration of the Act leads the Board to recommend that all current inapplicable record-keeping and notice-posting requirements be made applicable under the CAA. The Board recommends that the Office be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

As the tables indicate, most of the laws made generally applicable by the CAA authorize the enforcing agency to require the keeping of pertinent records and the posting of notices. Experience in the CAA has demonstrated that where employing offices have voluntarily kept records, these records have greatly assisted in the speedy resolution of disputed matters. Where the law has not been violated, employing offices can more readily demonstrate compliance if adequate records have been made and preserved. Moreover, upon its experience and expertise, the Board has concluded that effective record keeping is not only beneficial to the employer, but in many cases is necessary to the effective vindication of the rights of employees.

Additionally, living with the same record-keeping and notice-posting requirements as other employers, the CAA law would make the practical knowledge of the costs and benefits of these requirements. Congress will be able to determine experientially whether the benefits of each record-keeping and notice-posting requirement outweigh the burdens.

Application of the record-keeping and notice-posting requirements will thus achieve parity with the private sector. The practical knowledge of the costs and benefits of these laws as the rest of the nation’s citizens.

In addition to these specific recommendations, the Board makes the following two general recommendations which derive from the comparison between the CAA’s remedial schemes and those authorities provided for the administration and enforcement of the CAA laws in the private sector:

4. Extend the benefits of the model alternative dispute resolution system created by the CAA to the private and the federal sectors.

The CAA largely replaces the enforcement schemes used to administer and enforce the CAA laws in the private sector with a model alternative dispute resolution system that mandates counseling and mediation prior to pursuing a claim before a hearing officer or in district court. Experience with this system has shown that most disputes under the CAA are resolved by means of counseling and mediation. There are substantial advantages in resolving disputes in their earliest stages, before litigation. Positions of the ADA are thus achieved for the administration and enforcement of the CAA laws in the private sector.


42The CAA provides enforcement authority with respect to two private-sector laws, the OSHA Act and the provisions of the ADA applicable to the legislative branch, whether such provisions should be made applicable to the legislative branch.

43Section 207 of the CAA requires that “[m]embers of the Board shall have training in or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable to the legislative branch.”

44The Board also notes that several problems have been encountered in the enforcement of settlement agreements and the Office’s prospective action in the private sector. The Board does not, at this time, recommend legislative change because the Executive Director, as part of his or her day-to-day responsibilities, is already required to approve settlements in the OSHA Act. The Board also suggests that employees can require a self-enforcing provision in certain cases and as appropriate.

45“The only exception is the WARN Act, which has no enforcement authorities.
system created by the CAA to the private and federal sectors so that these sectors will have parity with the Congress in the use of this effective and efficient method of resolving disputes. The Board believes that the use of this alternative dispute resolution system can be harmonized with the administrative and enforcement regimes in place in both the federal and private sectors.

5. Grant the Office the other enforcement authories exercised by the agencies that implement the CAA laws for the private sector.

To further the goal of parity, the Board also recommends that Congress grant the Office the remaining enforcement authorities that executive-branch agencies utilize to administer and enforce the provisions of laws made applicable by the CAA in the private sector. As the tables show, the implementing agencies have investigatory and prosecutorial authorities with respect to all private-sector CAA laws, except the WARN Act. Based on the experience and expertise of Members of the Board, granting the Office the same authority as the agencies that administer and enforce these substantive provisions in the private sector would make the CAA more comprehensive and effective. The Board believes that the use of investigatory and prosecutorial authorities with the use of the model alternative dispute resolution system that the CAA created would bring order to the federal regulatory regimes in place at the three instrumentalities.

C. Conclusion

The biennial reporting requirement of section 102(b) provides the opportunity for Congress to review the comprehensiveness and effectiveness of the CAA in light of the Board's recommendations and make the legislative changes it deems necessary. The CAA can be assimilated into the subordinating philosophy which the authors of our constitution to take "care to provide that the laws shall bind equally on all, especially those who make them." A total knowledge that government will be out to do a continuing process, section 102(b) mandated the periodic process of re-examination of which this Report and its recommendations are the adequate products.

The CAA took a giant step toward achieving parity and providing comprehensive and effective coverage of the legislative branch by applying certain substantive provisions of law and by providing new administrative and judicial remedies. However, the Board's review of all the currently inapplicable provisions of the CAA laws, as set forth in the accompanying table, has demonstrated that significant gaps remain in the laws made applicable under the CAA, in some respects from those afforded under the FLSA and extended coverage under that Act. (iv) determined the laws not yet made applicable by the CAA, set forth as Appendix I to this Report.

The particular authorities afforded to the implementing agencies under the private-sector laws made applicable by the CAA are summarized in the private-sector enforcement authority tables set forth in Appendix II to this Report.


Thomas Jefferson, A Manual of Parliamentary Practice: for the Use of the Senate of the United States, in efFectuating the Appointments, by an Independent Regulatory Authority under Appropriate Statutory Criteria. After reviewing and analyzing the statutory and regulatory regimes in place at the three instrumentalities, the Board found that—overall, the rights, protections, procedures and relief afforded to employees at the GAO, the Library, and the remaining agencies included that—all the rights, protections, procedures and relief afforded to employees at the GAO, the Library, and the remaining agencies included the three instrumentalities of the CAA, except the employees of the United States Court of Accounts. However, the Board also found that the rights, protections, procedures and relief applicable to the three instrumentalities are different in some respects from those afforded under the CAA. In part because enforcement of the CAA laws at the instrumentalities is governed either directly or indirectly by the Congress. Employees in each of these instrumentalities also are assured of the right to bargain collectively, with a credible enforcement mechanism to protect those rights. For these three instrumentalities, the CAA clarifies existing coverage in certain respects, and expands coverage under the Americans with Disabilities Act.

Furthermore, legislative history explained that extending the CAA to cover the smaller instrumentalities would have the advantage of "[g]iving us that which will already be necessary to apply these [CAA] laws to the 20,000 employees of the House and Senate [to also apply these laws] to the remaining approximately 1,000 employees of the Architect of the Capitol" and other smaller instrumentalities. On the other hand, the CAA would "reduce the adjudicatory burden on the new office by excluding from its jurisdiction the approximately 15,000 employees of GAO, GPO, and the Library of Congress."
under civil service statutes and regulations or under laws and regulations modeled on civil service law.

These civil-service provisions, which apply generally in the federal sector, are applied at the three instrumentalities subject to numerous exceptions. In some instances where federal-sector provisions do not apply, these provisions do not exist in the private sector. As a result, the three instrumentalities are subject to a variety of conflicting laws and regulations, both federal and private, which were not analyzed in the Board's study under that section, which were not made applicable by the CAA as enacted in 1997.

The examination of the consequences of applying the three options demonstrates that each has advantages and disadvantages with regard to “comprehensiveness” and “efficacy” as well as the need to apply the law in the mixed public-private sector.

The conclusion is that the best model for the instrumentalities is the legislative model.

The Board decided that it would be “premature” at that “early stage of its mandate” to make recommendations as to whether changes were necessary in the statutory and regulatory regimes applicable in these instrumentalities. The Board decided that it was premature at that stage of its mandate to make recommendations for statutory change on an incremental basis as the Board gained experience in the administration of the CAA, and the conclusions in the Section 230 Study would serve at the appropriate time as “the foundation for recommendations for change” in a subsequent report under section 102(b) of the CAA.

Pursuant to the CAA, several of its provisions became effective with respect to GAO and the Library on December 30, 1997, one year after the Section 230 Study was transmitted to Congress.

On October 1, 1997, in anticipation of the December 30 effective date, the GAO's Compliance Office published a notice proposing to extend its Procedural Rules to apply generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

The Board has decided that this Section 102(b) Study, locating on omissions in coverage of the legislative branch under the laws made applicable by the CAA, provided the Board at this time the opportunity to make recommendations regarding coverage of GAO, GPO, and the Library under those laws. As anticipated in the Section 230 Study, enough experience has now been gained in implementing the CAA to enable the Board to make recommendations for improvements in legislation applicable to these instrumentalities. Moreover, resolution of uncertainty as to whether employees alleging violations of sections 204-207 may use CAA procedures is an additional reason to include in this Report recommendations about coverage of the three instrumentalities.

B. Principal Options for Coverage of the Three Instrumentalities

On the basis of the findings and analysis in the Section 230 Study, the Board has identified three principal options for coverage of these instrumentalities:

(1) CAA Option—Coverage under the CAA, including the Office of Compliance as it administers and enforces the CAA. (The Board here takes as its model the CAA as it would be modified by enactment of the recommendations made in Part II of this Report.)

(2) Federal-Sector Option—Coverage under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

(3) Private-Sector Option—Coverage under the statutory and regulatory regime that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce the laws in the private sector.

These options are compared with the current regimes of GAO, GPO, and the Library, identifying the significant effects of applying each option.

The comparisons are presented in tables set forth in Appendix III to this Report and are summarized and discussed in narrative form below. Insofar as federal-sector employers, private-sector employers, or the three instrumentalities have any substantive rights that have no analogue in the CAA, this Report does not discuss or chart these rights. In defining the coverage described in these options, the Board decided that, so as not to create duplicative rights and remedies, the application of the CAA or of analogous federal-sector or private-sector provisions should supersede existing provisions affording substantially similar substantive rights or establishing administrative, judicial, or rulemaking processes that address such rights. However, substantive rights under federal-sector or other laws having no analogue in the CAA, and processes used to implement such rights, would not be affected by the coverage described in the three options.

In comparing each option for coverage with the current regimes of the three instrumentalities, the Board has analyzed the differences under the four general categories used in the Section 230 Study: Substantive Rights, Administrative Remedial and Enforcement Processes, Judicial Processes, and the Legislative Process.

The narrative comparisons highlight the main differences in each area. The appended tables make a more detailed comparison of the substantive rights and procedures under the existing regimes at the instrumentalities in each of the above-defined areas.

The examination of the consequences of applying the three options demonstrates that each has advantages and disadvantages with regard to “comprehensiveness” and “efficacy” as well as the need to apply the law in the mixed public-private sector.

To be sure, other, hybrid models could be developed, based on the facts, respecting particular provisions of law. Or, it would be possible to leave the “patchwork” of coverage and exemptions currently in place at the instrumentalities and fill serious gaps in coverage on a piecemeal basis. However, presentation of such models would add to the already crowded curriculum of the most appropriate model for the instrumentalities.

In evaluating these options, the Board is not choosing among mutually exclusive statutory provisions that apply generally in the federal sector and that, under the Veterans Employment Opportunity Act of 1998 (“VEOA”), were recently made applicable to certain employing offices of the legislative branch. Veterans’ preference requirements, which are established under the VEOA, were made applicable to certain federal employing offices. But, whereas veterans’ preference requirements have been a part of the law since 1942, they were not included in the CAA.

The examination of the consequences of applying the three options demonstrates that each has advantages and disadvantages with regard to “comprehensiveness” and “efficacy” as well as the need to apply the law in the mixed public-private sector.

On the other hand, federal-sector laws and regulations, administered and enforced in part by executive-branch agencies, are already in place at the three instrumentalities in a variety of contexts and the special circumstances attendant to Congressional offices that warrant administration and enforcement under the CAA by a separate legislative-branch office would justify certain limitations on rights and procedures under the CAA as compared to those generally available in the federal sector, as discussed in Part II above.

On the other hand, federal-sector laws and regulations, administered and enforced in part by executive-branch agencies, are already in place at the three instrumentalities in a variety of contexts and the special circumstances attendant to Congressional offices that warrant administration and enforcement under the CAA by a separate legislative-branch office would justify certain limitations on rights and procedures under the CAA as compared to those generally available in the federal sector, as discussed in Part II above.

Moreover, as noted in Part II above, the Board has advised that the Congress over
time should make all currently inapplicable provisions of the federal- and private-sector CAA laws applicable to itself; thus the instrumentalities should not become subject to those other powers of coverage attendant upon application of the CAA model.

Finally, the private-sector model arguably best serves the CAA's patchwork design. The three instrumentalities are used at the three instrumentalities in lieu of FLSA rights would eliminate most use of consuming and inefficient steps may afford opportunities to employees... The multiplicity of regulatory schemes different from that in the executive branch. Other, are different from the CAA and are granted these authorities, but coverage under the CAA would extend these authorities to GPO. CAA provisions that apply FLSA rights would eliminate most use of compressed work schedules that may now be used at the three instrumentalities in lieu of FLSA overtime pay.

(b) Administrative and enforcement processes. In the Section 230 Study, the Board found that the three instrumentalities are subject to—pursuant to provisions of the FMLA that the CAA Applied, these instrumentalities would not preclude continuing to make their internal administrative and investigative processes available to employees who choose to use them, but employees might have to comply with the procedures adopted by the CAA in Part II of this Report. For example, internal procedures at the three instrumentalities for investigation of every discrimination complaint by the equal employment office of the three instrumentalities for investigation of every discrimination complaint by the equal employment office of the three instrumentalities for investigation of every discrimination complaint by the equal employment office of the employment agency and the results of those investigations are made available to the employee. Under the CAA, there is no agency investigation, and an employer is not required to disclose the results of any internal investigation to the employee. Applying the CAA to the three instrumentalities would not preclude continuing to make their internal administrative and investigative processes available to employees by regulation. For example, the GAO Personnel Act authorizes the Compensation General Counsel for GAO and the Special Counsel for GPO programs and plans are reviewed by the PAB and GPO's programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions.

(f) Judicial processes and relief. Coverage under the CAA would grant employees for the first time an avenue to have their claims resolved by an administrative entity outside of the employing instrumentalities. Under present law, while employees of all the instrumentalities may seek a remedy for unlawful discrimination in federal district court, there are limitations on discovery of employment records and remedies available outside of their employing agency. At the Library, an employee alleging discrimination may pursue a complaint through an investigatory procedure or, if the Librarian denies the complaint, the employee has no right of appeal to an outside administrative agency. Likewise, a GPO employee cannot appeal administratively from the Public Printer's decision on a complaint that he provides conditions "consistent" with Chapter 71, as made applicable by the CAA. The GAO Personnel Act authorizes the Compensation General Counsel for GAO and the Special Counsel for GPO programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions.

Section 230 Study at iv.

14To date, regulations have been adopted and submitted to the House and Senate but not approved in the following areas: OSHAct, public access under the ADEA, application of labor-management rights to offices listed in §220(e) of the CAA, and coverage of GAO and the Library under substantive regulations would not provide an unfair labor practice to EPPA, EPA Act. The CAA. Regulations adopted by executive-branche agencies therefore apply in all of these areas except §220(e), because these instrumentalities are under the provisions of labor-management law currently applicable at the three instrumentalities, the CAA does not allow the charging of employees to make appeals for arbitral awards involving adverse actions or performance-based actions.

Substantive Rulemaking Process. GAO and the Library are already subject to substantive regulations promulgated by the Board under CAA provisions applying rights under EPPA, WARN Act, and the full application of CAA coverage would also subject these two instrumentalities to the Board's regulations implementing the CAA. Substantive regulations are issued under section 220(e) of the CAA, which authorizes the Board to issue regulations subject to approval by the House and Senate. These regulations under the CAA must generally be the same as those adopted by the executive branch agencies under the laws made applicable by the CAA for the private sector (or, under Chapter 71 for the federal sector), or, if regulations already made applicable by the House and Senate, those executive-branche agency regulations themselves are applied under the CAA in most instances. The regulations made applicable by the CAA are therefore established by regulatory agencies independent of the employers being regulated.

Currently, for the subject areas where the three instrumentalities are already subject to CAA regulations, the substantive rights of employees at the three instrumentalities are defined in most respects by government-wide administrative agencies. However, in a few areas, the heads of these instrumentalities are granted the authority to define and delimit rights for those instrumentalities. For example, the GAO Personnel Act authorizes the Compensation General Counsel for GAO and the Special Counsel for GPO programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions. The Board also observes that the three instrumentalities are now covered under federal-sector programs and plans and the ADEA that require equal employment opportunity programs and affirmative employment plans, and that GAO's programs and plans are reviewed by the PAB and GPO's programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions. The Board also observes that the three instrumentalities are now covered under federal-sector programs and plans and the ADEA that require equal employment opportunity programs and affirmative employment plans, and that GAO's programs and plans are reviewed by the PAB and GPO's programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions.

Substantive Rulemaking Process. GAO and the Library are already subject to substantive regulations promulgated by the Board under CAA provisions applying rights under EPPA, WARN Act, and the full application of CAA coverage would also subject these two instrumentalities to the Board's regulations implementing the CAA. Substantive regulations are issued under section 220(e) of the CAA, which authorizes the Board to issue regulations subject to approval by the House and Senate. These regulations under the CAA must generally be the same as those adopted by the executive branch agencies under the laws made applicable by the CAA for the private sector (or, under Chapter 71 for the federal sector), or, if regulations already made applicable by the House and Senate, those executive-branche agency regulations themselves are applied under the CAA in most instances. The regulations made applicable by the CAA are therefore established by regulatory agencies independent of the employers being regulated.

Currently, for the subject areas where the three instrumentalities are already subject to CAA regulations, the substantive rights of employees at the three instrumentalities are defined in most respects by government-wide administrative agencies. However, in a few areas, the heads of these instrumentalities are granted the authority to define and delimit rights for those instrumentalities. For example, the GAO Personnel Act authorizes the Compensation General Counsel for GAO and the Special Counsel for GPO programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions. The Board also observes that the three instrumentalities are now covered under federal-sector programs and plans and the ADEA that require equal employment opportunity programs and affirmative employment plans, and that GAO's programs and plans are reviewed by the PAB and GPO's programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions.

Substantive Rulemaking Process. GAO and the Library are already subject to substantive regulations promulgated by the Board under CAA provisions applying rights under EPPA, WARN Act, and the full application of CAA coverage would also subject these two instrumentalities to the Board's regulations implementing the CAA. Substantive regulations are issued under section 220(e) of the CAA, which authorizes the Board to issue regulations subject to approval by the House and Senate. These regulations under the CAA must generally be the same as those adopted by the executive branch agencies under the laws made applicable by the CAA for the private sector (or, under Chapter 71 for the federal sector), or, if regulations already made applicable by the House and Senate, those executive-branche agency regulations themselves are applied under the CAA in most instances. The regulations made applicable by the CAA are therefore established by regulatory agencies independent of the employers being regulated.

Currently, for the subject areas where the three instrumentalities are already subject to CAA regulations, the substantive rights of employees at the three instrumentalities are defined in most respects by government-wide administrative agencies. However, in a few areas, the heads of these instrumentalities are granted the authority to define and delimit rights for those instrumentalities. For example, the GAO Personnel Act authorizes the Compensation General Counsel for GAO and the Special Counsel for GPO programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions.
February 2, 1999
CONGRESSIONAL RECORD – HOUSE H341

2. Federal-Sector Option: Bring the three instrumentalities fully under federal-sector provisions of law, including the authority of executive-branch agencies as they administer and enforce those provisions.

(a) Substantive rights. The substantive rights now available at the three instrumentalities are mostly the same as those that would be available under federal-sector coverage. However, some changes would occur. For instance, (i) under the federal-sector regime, GAO and the Library would no longer be covered under CAA provisions; (ii) the attachment of the national guard to the U.S. Army would no longer be covered under WARN Act; (iii) FMLA restoration rights to “key” employees would become limited; and (iv) the use of any paid annual or sick leave before taking leave without pay would be prohibited.

(b) Administrative processes. If provisions of private-sector law were applied, a private right of action under FMLA and, unlike the CAA, which now provides for administrative remedies, even after decision on appeal to the EEOC or the MSPB. On the other hand, GAO and Library employees would no longer have a private right of action under EEOC, and, unlike the CAA, which now provides for judicial review of OSHA action regarding GAO and the Library, final occupational safety and health decisions under the federal-sector scheme are made by the President.

(c) Judicial processes and relief. In most instances, employees at the three instrumentalities are already covered by the same judicial processes as federal-employee rights. However, whereas PAB decisions may be reviewed only by appeal to the Federal Circuit, federal-sector procedures would allow suits to be brought in federal court and trials to be held in federal court. The President would retain his authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply.

3. Private-Sector Option: Bring the three instrumentalities fully under private-sector provisions of law, with the authority of executive-branch agencies as they administer and enforce those provisions.

(a) Substantive rights. The substantive rights now available at the three instrumentalities are generally similar to those that would be provided under private-sector provisions of law, with the notable exception of the area of labor-management relations. Under the federal-sector regime, the private-law substantive rights would grant employees at the three instrumentalities certain rights not available to other federal government employees. There are also a number of other differences between private-sector provisions and the substantive provisions of law currently applicable at the three instrumentalities.

(b) Administrative processes. If provisions of private-sector law were applied, the substantive rights now available at the three instrumentalities would be altered. For instance, whereas under current law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply.

(c) Judicial processes and relief. In the area of discrimination at GAO, rather than appeal to the EEOC and the PAB, an agency of the Labor Department would also assume the Labor Department’s role, either at GAO and the Library would be transferred from the OC to the Labor Department, and the Labor Department would also assume the responsibilities of GAO, which would be replaced by the Labor Department in its investigatory and prosecutorial role, rather than OPM and the PAB at GAO and OPM and MSPB at GAO. However, under the currently applicable provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply.
sector have no employment relationship with the community they regulate, unlike the three instrumentalities themselves when they promulgate substantive rules. Moreover, a switch to private-sector coverage in the areas of OSHA, WARN Act, and EPPA would remove GAO and the Library, which are currently subject to CAA substantive rules, from the same process of adoption and issuance of substantive regulations.

The three instrumentalities are currently covered by a number of civil service and other protections which have no analogue in the CAA and which the Board does not undertake. The Board has determined that such substantive rights under federal-sector or other laws having no analogue in the CAA, and processes used to implement, remedy or enforce such rights, should not be affected by the coverage under any of the options. However, to avoid creating duplicative rights and remedies, the application of the federal-sector regime to the three instrumentalities described in the previous section. The Board concluded that the three instrumentalities should be made fully subject to the laws and regulations generally applicable in the federal sector.

The Board and Hunter have concluded that the three instrumentalities should be made fully subject to the laws and regulations generally applicable in the federal sector.

In the Board's view, the only provisions that should be made applicable to the three instrumentalities, and will put the executive-branch agencies to full use throughout the legislative branch. The conclusions of Members Adler and Seitz are premised and dependent upon the CAA's being applied to the three instrumentalities with certain modifications. First, the Act should be amended to enlarge the Office of Compliance's enforcement authorities. The Board has determined that certain additional provisions of the CAA should be applicable to all employing offices of the legislative branch that are now covered under the CAA, and, for the reasons stated above, such additional provisions should be made applicable to GAO, GPO, and the Library as well.

Second, the rights extended by the CAA in the House and Senate and the smaller instrumentalities, but that are not common in the federal-day actions such as overtime pay, family and medical leave, and advance notification of layoffs are designed to dovetail with merit-based reten-

Chairman Nager and Hunter have concluded that GAO, GPO, and the Library should be made fully subject to the CAA. The Board and Hunter concluded that the CAA laws and regulations should be made applicable to GAO, GPO, and the Library as well. The Board and Hunter concluded that the CAA should not apply at GAO, GPO, and the Library. Section 220(c)(2)(H) of the CAA establishes a process by which the Board, with the advice and consent of the Senate, may remove an office from coverage under some or all provisions of labor-management law if "required because of—(1) a conflict of interest; or (ii) Congress' constitutional responsibilities." No such process applies under labor-management law now applicable to GAO, GPO, and the Library, and should be made applicable to them under the CAA. Section 416 of the CAA makes the counsel-

Chairman Nager and Hunter concluded thatfadeIn the executive-branch agencies to implement and enforce the laws. The Board and Hunter concluded that the three instrumentalities should be made fully subject to the laws and regulations generally applicable in the federal sector.
to provide for accountability in large, apolitical bureaucracies. In congressional staff, where political appointment is generally seen as proper and where accountability is achieved through the electoral process, these federal-sector procedures and remedies have been considered inappropriate. However, the three instrumentalities have traditionally been seen as having many of the attributes of the large, apolitical bureaucracy, and employment practices have largely followed the federal-sector model.

Placing GAO, GPO, and the Library under federal-sector coverage would also have the salutary effect of giving Congress the experience of living under the laws that it enacts for the executive branch. According to the authors of the CAA, a principal goal of that Act was to make Congress live under the laws that it enacts for the private sector, so that Congress can better understand the consequences of those laws. Congress might likewise better understand the consequences of the laws that it enacts for the executive branch if the large instrumentalities, which fall within the jurisdiction of Congress, were fully subject to those laws.

APPENDIX I—INAPPLICABLE PRIVATE-SECTOR PROVISIONS OF THE LAWS MADE APPLICABLE BY THE CAA

This table describes significant statutory provisions that are contained in the laws made applicable by the CAA (the "CAA laws") and that apply in the private sector, but that do not apply fully to the legislative branch. "Apply" means that a provision is referenced and incorporated by the CAA, or a substantial portion significantly is set forth in the CAA, or that the provision applies to the legislative branch by its own terms without regard to the CAA. Whether provisions apply to GAO, GPO, and the Library of Congress is not discussed in this table, but is analyzed in the tables contained in Appendix III of this Report.

A. SUBSTANTIVE RIGHTS AND PROTECTIONS

1. Employment discrimination against individuals employed by other employers. § 703(a)(1) of Title VII forbids employment discrimination by covered employers against "any individual." Courts have held that this prohibition extends beyond the immediate employer-employee relationship under certain circumstances, including where a defendant who does not employ an individual controls that individual’s access to employment with another employer and denies access based on unlawful criteria.

Under the CAA, an employing office may only be charged with discrimination by a "covered employee," defined as an employee of the nine legislative-branch employers listed in § 101(1) of the CAA.

2. Publication of discriminatory notices or advertisements. Publication of discriminatory notices or announcements is prohibited under § 704(b) of Title VII. Under the CAA, a notice or advertisement might be evidence of discriminatory animus, but § 704(b) of Title VII, which makes unlawful the mere publication of a discriminatory notice or advertisement, is not referenced by the CAA.

3. Coverage of unions. Discrimination by private-sector unions is forbidden by §§ 703(c) and 704 of Title VII and is subject to enforcement under § 706. The CAA does not make these provisions applicable against unions discriminating against legislative branch employees, because § 201 of the CAA forbids discrimination only in "persons and services." (§ 401-408 of the CAA allow complaints only against employing offices. (Unlawful discrimination by a union may be an unfair labor practice under § 8(a)(3) of the CAA, but the procedures and remedies under that section are very different from those under Title VII and under the CAA for violations of Title VII rights and protections.) A similar situation exists in the executive branch, where § 737 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are divided as to whether the private-sector provisions of Title VII and Title VIII U.S.C. apply by their own terms to forbid discrimination by unions against legislative branch employees.

4. Consideration of political party, domicile, or political compatibility. Under the CAA, § 302 provides that consideration of political party, domicile, or political compatibility by Members, committees, or leadership offices shall not be a violation of § 201, which is the section that makes applicable the rights and protections of Title VII. Under the CAA, there is no specific immunity for consideration of political party, domicile, or political compatibility.

B. ENFORCEMENT

Agency Enforcement Authorities:

Agency responsibility to investigate charges filed by an employee or Commission Member. Title VII requires the EEOC to investigate charges filed by an employee or a Member of the Commission. The CAA neither references these provisions nor sets forth similar provisions authorizing agency investigation.

Agency responsibility to "eliminate or to avoid the violation by informal conciliation. Title VII requires that, upon the filing of a charge, if the EEOC determines that there is reasonable cause to believe that the charge is true, the agency must "eliminate or avoid any such alleged unlawful employment practice by informal conference, interview, conciliation, and persuasion." The CAA does not reference these provisions; it requires the mediation of allegations of discrimination and re- quires approval of settlements by the Executive Director, but does not require any person involved in the mediation or in approving the settlement to "eliminate or to avoid the alleged discrimination."

Agency responsibility to bring judicial enforcement actions. Title VII authorizes the EEOC to bring a civil action. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.

Agency responsibility to intervene in private civil action of general public importance. Under Title VII, the EEOC may intervene in a private action of general public importance. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to intervene in private actions.

Agency responsibility to apply to court for enforcement of judicial orders. Title VII authorizes the EEOC to commence judicial proceedings to compel compliance with judicial orders. The CAA does not reference these provisions. § 407(a)(2) of the CAA enables the Office of Compliance to petition the Court of Appeals to enforce final orders of a hearing officer or the Board, but the CAA sets forth no provision enabling an agency to seek the enforcement of judicial orders.

Agency responsibility for subpoenas for investigations. The CAA grants the EEOC the power to gain access to evidence, including subpoena powers, in support of its investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting agency investigatory powers. § 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but the CAA provisions do not specify the use for investigations. Title VII grants the EEOC powers to gain access to evidence, including subpoena powers, in support of its investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting agency investigatory powers. § 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but the CAA provisions do not specify the use for investigations.

Recordkeeping and reporting requirements. Title VII requires employers in the private sector to make and preserve such records and make such reports therefrom as the EEOC shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for enforcement. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that recordkeeping and reporting require- ments under those laws were not made applicable by the CAA.

Administrative and Judicial Procedures and Remedies:

12. Suing individuals as agents, possible or individual liability. Because the definition of "employer" in Title VII includes "any agent," a plaintiff may choose to sue the employer by naming an appropriate individual in the capacity of agent. Furthermore, while many recent cases hold that individuals may not be held in- dividually liable in discrimination cases, some cases held to the contrary and the issue remains unresolved. See generally J. Lindemann & G. Grossman, Employment Discrimination Law 331-336 (3d ed. 1996). Under the CAA, individuals may be sued only if sued individually liable, because only an employing office may be named as respondent or defendant under §§ 401-408 and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).

13. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. Title VII authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authority is subject to § 413 of the CAA, by which the House and Senate decline to waive "any power of either the Senate or the House of Representatives under the Constitution," including under the "Journal of Proceedings Clause" and under the rules of either House relating to records and information.

14. Appointment of counsel and waiver of fees. § 700(e)(1) of Title VII authorizes the court to appoint an attorney for the complainant in a private complaint and to waive costs and attorneys fees. The CAA does not reference these provisions; it provides that the mediation of allegations of discrimination and requires approval of settlements by the Executive Director, but does not require any person involved in the mediation or in approving the settlement to "eliminate or to avoid the alleged discrimination."

15. Authority to apply for TRO or preliminary relief. § 700(i)(2) of Title VII authorizes the EEOC to bring an action for a temporary restraining order ("TRO") or a preliminary injunction. The CAA neither references these provisions nor sets forth similar provisions authorizing TROs or preliminary relief. The CAA does not allow a covered employee to commence an administrative complaint or civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days.

16. Appointment of counsel and waiver of fees. § 700(e)(1) of Title VII authorizes the EEOC to bring an action for a temporary restraining order ("TRO") or a preliminary injunction. The CAA neither references these provisions nor sets forth similar provisions authorizing TROs or preliminary relief. The CAA does not allow a covered employee to commence an administrative complaint or civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days.

Defense:

17. Defense for good faith reliance on agency interpretations. § 713(b) of Title VII provides a defense for an employer who relies in good faith on an interpretation by the EEOC. The CAA does not specifically reference § 713(b), but the Board decided that a similar defense in the Portal-to-Portal Act ("PPA") was incorporated into § 703 of the CAA and applies where an employing office relies on an interpretation of the Wage and Hour Division.

Punitive Damages:

18. Punitive damages. 42 U.S.C. § 2000e-1b(1) authorizes punitive damages in cases under Title VII where malice or reckless indifference is demonstrated, and under 42 U.S.C. § 2000e-1b(3) punitive damages are authorized in cases of race or color discrimination. However, § 2000e-1b(1) is not referenced by the CAA at all, and § 2000e-1b(3) is referenced by § 2001(b)(1) of the CAA with respect to the awarding of "compensatory damages" only, Furthermore, § 2205 of the CAA expressly precludes the awarding of punitive damages.
A. SUBSTANTIVE RIGHTS AND PROTECTIONS

1. Employment discrimination against individuals employed by other employers. §4(a)(1) of the ADEA forbids employment discrimination by covered employers against “any individual.” As discussed at page 1, row 1, above, courts have held that a Title VII provision forbidding discrimination against “any individual” extends beyond the immediate-employer-employee relationship under certain circumstances, including where a defendant who does not employ an individual controls that individual’s access to employment with another employer and denies access based on unlawful criteria. Under the ADEA, an employing office may only be charged with discrimination by a “covered employee,” defined as an employee of the nine legislative-branch employers listed in §101(3).

2. Reduction of wages to achieve compliance. §4(a)(3) of the ADEA forbids employers in the private sector to reduce the wage rate of any employee in order to comply with the ADEA. §4(a)(3) is not referenced by the CAA, and §15 of the ADEA, which is referenced by 2010(2)(a) of the CAA, contains a subsection (I) that specifically prohibits the application of any provision outside of §15.

3. Publication of discriminatory notices or advertisements. Publication of discriminatory notices or advertisements is prohibited by §4(e) of the ADEA. Under the ADEA, a notice or advertisement might be evidence of discriminatory animus, but §4(e) of the ADEA, which makes unlawful the mere publication of a discriminatory notice or advertisement, is not referenced by the CAA, and §15 of the ADEA, which is referenced by 2010(2)(a) of the CAA, contains a subsection (I) that specifically prohibits the application of any provision outside of §15.

4. Coverage of unions. §4(c)(6) of the ADEA forbids discrimination by unions in the private sector, and these provisions may be enforced against private-sector unions under §7 of the ADEA. The CAA does not make any provisions applicable to unions discriminating against legislative branch employees, because §201 of the CAA only applies to employers who are “not the Federal Government.” The CAA does not write in another clause that states “absent any discrimination against protected employees” or “as a result of the conduct of any union.” The CAA does not include any language adding that §201 applies in the same way the CAA applies to private employers.

5. Mandatory retirement for state and local police forces. §4(j) of the ADEA allows age-based hiring and firing of state and local law enforcement officers. The CAA does not make these provisions applicable to unions discriminating against legislative branch employees, because §201 of the CAA contains a subsection (f) that specifically excludes the application of any provision outside of §15.

6. State and local police officers entitlement to job-performance testing to continue employment after retirement age. Under §4(j) of the ADEA, after a study and rule-making by the Labor Secretary are completed, state and local law enforcement officers who exceed mandatory retirement age will become entitled to an annual opportunity for performance testing. The CAA does not reference §4(j) of the ADEA, and §15 of the ADEA, which is referenced by 2010(2)(a) of the CAA, contains a subsection (I) that specifically excludes the application of any provision outside of §15. (Whether the Capitol Police remain subject to mandatory retirement at all is discussed in row 5 above.)

7. Age-based mandatory retirement of executives and high-policy makers. §4(j) of the ADEA allows age-based mandatory retirement for bona fide executives and high-policy makers in the private sector. The ADEA does not reference §4(j) of the ADEA, and §15 of the ADEA, which is referenced by 2010(2)(a) of the CAA, contains a subsection (I) that specifically excludes the application of any provision outside of §15. (Whether the Capitol Police remain subject to mandatory retirement at all is discussed in row 5 above.)

8. Political considerations of party, policy, political or policy-making such as by the CAA, §1502 provides that consideration of political party, policy, or political or policy-making by Members, committees, or leadership offices shall not be a violation of §201, which is the section that makes applicable the rights and protections of the ADEA. Under the ADEA, there is no specific immunity for consideration of political party, policy, or political or policy-making.

B. ENFORCEMENT

Agency Enforcement Authorities:

9. Grant of subpoena power and other powers for investigations and hearings. The ADEA grants the EEOC subpoena power and other investigatory powers for use in investigations and hearings. The ADEA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. §405(f) of the CAA grants subpoena powers to hearing officers, and §408 authorizes civil actions in courts which may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigations.

10. Authority to receive and investigate charges and complaints and to conduct investigations on agency’s initiative. Under authority of §17 of the ADEA, the ADEA invests employees choices of ADEA violations and initiates investigations on its own initiative. The ADEA neither references these provisions nor sets forth similar provisions granting the EEOC investigatory powers.

11. Recordkeeping and reporting requirements. The ADEA empowers the EEOC to require the keeping of necessary and appropriate records in accordance with the powers in §11 of the FLSA. That section requires employers in the private sector to make and preserve such records and make such reports therefrom as the agency prescribe by regulation or order as necessary to enforce for amendment. EEOC regulations specify the “payroll” records that employers must maintain and preserve for at least 3 years and the “employment” records that employers must maintain and preserve for at least 1 year. 29 C.F.R. §1627.13. EEOC regulations further require that each employer “shall make such extension, recapitulation or transcription of his records and shall submit such records containing such extensions, recapitulations and transcriptions of individuals set forth in records as the EEOC or its representative may request in writing.” 29 C.F.R. §1627.2. The ADEA does not reference these provisions, and the Board, in issuing substantive regulations with respect to other several laws, found that recordkeeping and reporting requirements under those laws were not applicable by the CAA.

12. Agency authority to bring judicial enforcement actions. The ADEA authorizes the EEOC to bring an action in district court seeking damages, including liquidated damages, and injunctive relief. The ADEA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.

13. EEOC responsibility to “seek to eliminate” the violation. The ADEA requires that, upon receiving a charge, the EEOC must “seek to eliminate any alleged unlawful practice” by informal conference, conciliation, and persuasion, and, after instituting a judicial action, the agency must use such conference to “attempt to eliminate the discriminatory practice or practices and to effect voluntary compliance.” The ADEA does not reference these provisions; it requires the mediator to attempt to “settle disputes among employers and employees and individuals set forth in records as the EEOC or its representative may require in writing.” 29 C.F.R. §1627.13. The ADEA does not reference these provisions, and the Board, in issuing substantive regulations with respect to other several laws, found that recordkeeping and reporting requirements under those laws were not applicable by the CAA.

14. Agency authority to bring criminal enforcement actions. The ADEA authorizes the EEOC to bring an action in district court seeking damages, including liquidated damages, and injunctive relief. The ADEA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.
Defense: 16. Defense for good faith reliance on agency interpretations. § 10(a) of the ADEA provides that § 10 of the PPA establishes a defense for an employer who relies in good faith on an interpretation by the EEOC. However, the ADEA does not reference § 10(a) of the PPA, and § 15 of the ADEA, which is referenced by § 10(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of provisions outside of § 15. However, § 15 of the ADEA thus differs from Title VII, as discussed on page 4, row 17, above, because the Title VII provisions referenced by the CAA contain no provision like ADEA §15(f) precluding the application of other statutory provisions.

Damages: 17. Liquidated damages for retaliation. § 402(d) of the ADEA forbids discrimination against employees exercising ADEA rights, and § 7(b) of the ADEA provides that liquidated damages, in an amount equal to the amount otherwise owing because of a violation, shall be payable in cases of willful violations. Under the CAA, § 203(a) applies if awarded under § 7(b) of the ADEA and "shall be appropriate if only for a violation of subsection (a)." § 203(a)(ii) does not reference § 402(d) of the ADEA, but rather, § 203(a)(ii) prohibits discrimination within the meaning of § 15 of the ADEA, 29 U.S.C. §633a, and §15 does not prohibit retaliation either expressly or by implication. See Tamaleslo v. Rubin, 920 F. Supp. 4 (D.D.C. 1996); Kostow v. Huntz, 919 F. Supp. 18 (D.D.C. 1995). Retaliation is prohibited by §207(a) of the CAA, but the remedy under §207(a) is "such legal or equitable remedy as may be appropriate," with no express authority to award liquidated damages.

C. OTHER AGENCY AUTHORITIES. 18. Authority to issue written interpretations and opinions. § 10 of the ADEA, referencing §10 of the PPA, establishes a defense for good-faith reliance on "any written administrative regulation, order, ruling, approval, or interpretation" of the EEOC, and the EEOC has established a process by which a request for an opinion letter may be made. See 29 C.F.R. §§ 1602.15-1602.17. However, as noted at page 8, row 16, above, the CAA does not reference §10(a). Furthermore, as discussed in connection with Title VII at page 7, row 12, above, the Board has decided that the PPA defense was incorporated into §203 of the CAA, but that the Board would not provide authoritative interpretations and opinions outside of adjudicating individual cases.

19. Notice-posting requirements. The ADEA requires employers, employment agencies, and unions to post notices prepared or approved by the EEOC. The CAA does not reference these provisions, and the Board, in issuing substantive regulations as to such employers, noticed that notice-posting requirements under those laws were not incorporated by the CAA.

20. Substantive rulemaking authority. Under §9 of the ADEA, the EEOC promulgates substantive as well as procedural regulations applicable to the private sector. §9 is not referenced by the CAA, and §201 of the CAA, unlike most other CAA sections, does not require that the Board adopt implementing regulations. §304 of the ADEA, which establishes the process by which the Board adopts substantive regulations, specifies that such regulations "shall include regulations the Board is required to issue under title II [of the CAA]," but does not state explicitly whether the Board has authority to promulgate regulations, at its discretion, that the Board is not required to issue. Furthermore, §201(a)(2) of the CAA references §15 of the ADEA, which, in subsection (b), requires the EEOC to issue regulations, orders, and instructions applicable to executive branch employees, and requires each federal agency covered by §15 to comply with them. The CAA does not state expressly whether the reference to §15 makes subsection (b) of that section applicable, and, specifically, whether employing offices must comply with regulations, orders, and instructions promulgated by the EEOC under §15(b), or whether the Board can exercise the authority of the EEOC under §15(b) to issue regulations, orders, and instructions binding on employing offices.

21. Authority to grant "reasonable exemptions." In the public interest. With respect to the private sector, §9 of the ADEA authorizes the EEOC to establish "reasonable exemptions" from the ADEA "as it may find necessary and proper in the public interest." §9 is not referenced by the CAA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that precludes the application of such provisions outside of §15. However, §15(b) of the ADEA authorizes the EEOC to establish "reasonable exemptions" for the executive branch upon determining that age is a BFOQ. The CAA does not state expressly whether the reference to §15 makes subsection (b) of that section applicable, and, specifically, whether any BFOQs granted by the EEOC under §15(b) would apply to employing offices, or whether the Board can exercise the authority of the EEOC under §15(b) to issue BFOQs applicable to employing offices.

AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS

1. Employment discrimination against an individual employed by another employer. §102(a) of the ADA forbids discrimination by covered employers against a qualified individual with a disability. As discussed at page 3, row 1, above, courts have held that a Title VII provision forbidding discrimination against "any individual" extends, under certain circumstances, beyond the immediate employer-employee relationship, including where a defendant who does not employ an individual controls that individual's access to employment with another employer and denies access based on unlawful criteria. Under the CAA, an employing office may only be charged with discrimination by a "covered employer," defined as an employee of the nine legislative-branch employers listed in §101(i).

2. Coverage of unions. §102 of the ADA forbids discrimination by unions in the private sector, and these provisions may be enforced against private-sector unions under §107(a) of the ADA. The CAA does not make these provisions applicable to unions discriminating against legislative branch employees, because §201 of the CAA only forbids discrimination in "[p]ersonal actions" and §402-408 allow complaints only against employing offices. (Unlawful discrimination by a union may be an unfair labor practice under §220 of the CAA, but the procedures and remedies under that section are very different from those under the ADA and under the CAA for violations of ADA rights and protections.) As noted at page 7, row 12, above, a similar situation exists in the executive branch, where §717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are divided as to whether the private-sector provisions of Title VII and 42 U.S.C. §1981 apply by their own terms to forbid discrimination by unions against executive branch employees.

3. Consideration of political party, domicile, or political activity. Under the ADA, §502 provides that consideration of political party, domicile, or political activity by Members, committees, or leadership offices shall not be a violation of §201, which is the section that makes applicable the rights and protections of title I of the ADA. Under the ADA, there is no specific immunity for consideration of political party, domicile, or political activity.

B. ENFORCEMENT

Agency Enforcement Authorities: 4. Agency authority to investigate charges filed by an employee or Commission Member. The ADA authorizes the EEOC to investigate charges brought by an employee or member of the Commission. The CAA neither references these provisions nor sets forth similar provisions authorizing agency investigations.

5. Agency responsibility to determine "reasonable cause" and to "endeavor to eliminate" the violation by informal conciliation. The ADA requires that, upon the filing of a charge, the EEOC must determine whether there is reasonable cause to believe that the charge is true and "endeavor to eliminate any such alleged unlawful employment practice." Informal conference, conciliation, and persuasion. The CAA does not reference these provisions; it requires the mediation of allegations of discrimination and requires approval of settlements by Executive Directors, but does not require any person involved in the mediation or in approving the settlement to determine "reasonable cause" or to "endeavor to eliminate" the alleged discrimination.

6. Agency authority to institute judicial enforcement actions. The ADA authorizes the EEOC to bring a civil action. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.

7. Agency authority to intervene in private civil action of general public importance. Under the ADA, the EEOC may intervene in a private action of general public importance. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to intervene in private actions.

8. Agency authority to apply to court for enforcement of judicial orders. The ADA authorizes the EEOC to issue judicial enforcement orders to compel compliance with judicial orders. The CAA does not reference these provisions. §201(a)(1) of the CAA enables the Office of Compliance to petition the Court of Appeals to enforce compliance with a court order. The CAA grants the EEOC to the issuance of order to evidence, including subpoena powers, in support of its investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (42 U.S.C. §12112(a) grants subpoena powers to hearing offices, and §12112(b) authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigations.)

9. Recordkeeping and reporting requirements. The ADA incorporates Title VII provisions requiring private-sector employers to make and preserve such records and make such reports therefore as the EEOC shall prescribe. Under the ADA, the EEOC is to prescribe the records and reports therefore as the EEOC shall prescribe. The ADA does not require the EEOC to publish such records and reports.

Sec. 10(a)(2); 42 U.S.C. §2000e-5(b).

10. Use of records and reports for administrative and Judicial Procedures and Remedies: 11. Using individuals as agents; possibility of individual liability. Because the definition of "employer" under the ADA includes any agent, a plaintiff may choose to sue the employer by naming an individual in the capacity of agent. Furthermore, as noted with respect to Title VII at page 3, row 12, above, while many recent cases hold that individuals may not be held individually liable in discrimination cases, some courts hold to the contrary and the issue remains unresolved. Under the ADA, individuals may be neither sued nor held individually liable, because any employing office may be named as respondent or defendant under §201-408 and all awards and settlements must generally be paid out of the Account of Compliance under §415(a).

12. Authorization of subpoenas for information or documents within the jurisdiction of the House or Senate. The ADA authorizes civil actions in which courts exercise jurisdiction under the ADA. The CAA authorizes administrative adjudications, but such authorization is subject to §412 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.
13. Appointment of counsel and waiver of fees. The ADA authorizes the attorney for the complainant to appoint an attorney, in a private action, to represent the complainant without cost to the complainant.

14. Agency authority to apply for TRO or preliminary relief. § 107(a) of the ADA, which references § 706(f)(1) of Title VII, authorizes the EEOC to bring an action for a TRO or preliminary relief pending resolution of a charge. The CAA neither references § 107(a) of the ADA nor sets forth similar provisions authorizing TROs or preliminary relief, and the CAA does not allow a covered employee to commence an administrative complaint or civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days.

Punitive Damages:

15. Punitive damages. Punitive damages are available in cases of malice or reckless indifference brought under title I of the ADA. The CAA does not reference this provision, and § 255(c) of the CAA expressly precludes the awarding of punitive damages.

OTHER AGENCY AUTHORITIES

16. Notice-posting requirements. The ADA requires employers, employment agencies, and unions and joint labor-management committees to post notices prepared or approved by the EEOC. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that notice-posting requirements under those laws were not incorporated by the CAA.

17. Substantive rulemaking authority. Under § 106 of the ADA, the EEOC promulgates both procedural and substantive regulations. § 106 is not referenced by the CAA, and § 201, unlike most other sections of title II of the ADA, contains no requirement that the Board adopt implementing regulations. § 304 of the CAA, which establishes the process by which the Board adopts substantive regulations, specifies that such regulations “shall include regulations the Board is required to issue under title II,” but does not state explicitly whether other regulations, which the Board is not required to issue, may be issued at the Board’s discretion.

ENFORCEMENT

Agency Enforcement Authorities:

18. Agencies must investigate any alleged violation, even if not charged by a qualified person with a disability. Title II of the ADA affords the remedies, procedures, and rights set forth in § 505 of the Rehabilitation Act of 1973 to “any person alleging discrimination.” The regulations of the Attorney General (“AG”) implementing title II require that, if any individual who believes that he or she or a specific class of individuals has been subject to discrimination files a complaint, then the appropriate federal agency must investigate the complaint. 28 C.F.R. §§ 35.170(a), 35.172(a). Under the ADA, § 201(b)(1), (f) provides express authority for the General Counsel to investigate only when “(a) a qualified person with a disability . . . alleges a violation[.]. . . .” and “(b) the charge is ‘a ‘petitio jure’ allegation’ that is ‘[a] fairly regular basis, and at least once each category.”

19. Agencies must issue “Letter of Findings” and endeavor to “secure compliance by voluntary means.” “Title II of the ADA affords the remedies, procedures, and rights of § 505 of the Rehabilitation Act, and § 505 incorporates the remedies, procedures and rights of titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000a et seq.). The AG provides that enforcement action may be taken only if the federal agency concerned “has determined that compliance cannot be secured by voluntary means.” The AG’s regulations implementing title II of the ADA require that the Federal agency investigating a complaint must issue a Letter of Findings, 28 C.F.R. § 35.172, and, if noncompliance is found, the agency must initiate negotiations to “secure voluntary compliance” and, if no voluntary compliance is achieved, “to come into compliance” and must “provide assurance that discrimination will not recur.” 28 C.F.R. § 35.173. The CAA does not reference these provisions. Under the ADA, § 201(d)(2) authorizes the General Counsel to recommend mediation to the charging individual and the responsible entity, and the CAA requires approval of any settlement by the Executive Director. However, the General Counsel is specifically forbidden to participate in the mediation, and the CAA does not require any person involved in the mediation or in approving the settlement to make findings as to compliance or noncompliance or to endeavor to “secure voluntary compliance.”

20. Attorney General’s authority to bring enforcement action without a charge by a qualified person with a disability. Title II and III of the ADA and under regulations of the AG, if a federal agency receives a complaint that “any individual who believes that he or she has been subject to discrimination and is unable to secure voluntary compliance,” the agency may declare the matter to the AG for enforcement. 28 C.F.R. § 35.172; see U.S. v. Denver, 927 F. Supp. 1396, 1399-1400 (D. Co. 1996). Under the ADA, § 201(b)(1) authorizes the General Counsel to file an administrative complaint only after “(a) a qualified person with a disability . . . alleges a violation[.]. . . .” and “(b) a charge.”

21. Attorney General’s authority to bring enforcement action in federal district court. The AG enforces against a violation of ADA title II by bringing an action in federal district court. Under the ADA, § 201(b)(3) authorizes the General Counsel to bring an administrative complaint, but not by commencing an action in court.

Judicial Procedures and Remedies:

22. Private right of action. Title II of the ADA, both employees and non-employees of a public entity may sue a public entity for discrimination on the basis of disability. Under the ADA, non-covered-employees have no right to sue or bring administrative proceedings under § 210 or any other section of the ADA. (As discussed at page 16, row 23, below, covered employees may sue or bring administrative complaints under § 201 and § 401-408 of the CAA.)

23. Private right to sue immediately, without necessary exhaustion of administrative remedies. Both employees and non-employees of a non-federal public entity may sue under title II of the ADA immediately, regardless of whether administrative remedies have been exhausted. Under the ADA, covered employees may not file an administrative complaint or commence a civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days. (As discussed at page 15, row 22, above, non-covered-employees have no private right of action.)

Damages:

24. Monetary damages. § 503 of the ADA incorporates the remedies of titles VI and VII of the CAA, as noted in page 15, row 19, above. Title VII does not provide for damages other than back pay under § 706(g)(1) in connection with hiring or reinstatement, but, under Title VI, courts have inferred a private right to recover damages for an intentional violation. Franklin v. Garrett County Public Schools, 503 U.S. 62, 70, 112 S. Ct. 1208, 1303 (1992). Under the ADA, § 201(c) incorporates the remedy under title VI of the ADA. However, the ADA specifically held that the Federal Government is immune, under sovereign immunity principles, against the implied right to recover damages under title VI as incorporated by § 505 of the Rehabilitation Act. Dorsey v. U.S. Dept of Labor, 41 F.3d 1551 (D.C. Cir. 1994).

TITLE III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

Agency Enforcement Authorities:

25. Attorney General may investigate whenever there is reason to believe there may be a violation, even if not charged by a qualified person with a disability. Title III of the ADA requires the AG to investigate alleged violations and to undertake periodic compliance reviews. The AG’s regulations implementing title III specify that “any individual who believes that he or she or a specific class of individuals has been subject to discrimination may file a complaint, then the appropriate federal agency must investigate the complaint. 28 C.F.R. §§ 35.170(a), 35.172(a). Under the ADA, § 201(b)(1), (f) provides express authority for the General Counsel to investigate only when “(a) a qualified person with a disability . . . alleges a violation[.]. . . .” and “(b) the charge is ‘a ‘petitio jure’ allegation’ that is ‘[a] fairly regular basis, and at least once each category.”

26. Attorney General’s authority to bring enforcement action without a charge by a qualified person with a disability. Title III of the ADA affords the remedies, procedures, and rights of § 505 of the Rehabilitation Act, and § 505 incorporates the remedies, procedures and rights of titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000a et seq.). The AG provides that enforcement action may be taken only if the federal agency concerned “has determined that compliance cannot be secured by voluntary means.” The AG’s regulations implementing title III of the ADA require that the Federal agency investigating a complaint must issue a Letter of Findings, 28 C.F.R. § 35.172, and, if noncompliance is found, the agency must initiate negotiations to “secure voluntary compliance” and, if no voluntary compliance is achieved, “to come into compliance” and must “provide assurance that discrimination will not recur.” 28 C.F.R. § 35.173. The CAA does not reference these provisions. In judicial proceedings under the CAA, the courts may exercise their general powers to authorize proceedings

27. Damages. § 503 of the ADA incorporates the remedies of titles VI and VII of the CAA, as noted in page 15, row 19, above. Title VII does not provide for damages other than back pay under § 706(g)(1) in connection with hiring or reinstatement, but, under Title VI, courts have inferred a private right to recover damages for an intentional violation. Franklin v. Garrett County Public Schools, 503 U.S. 62, 70, 112 S. Ct. 1208, 1303 (1992). Under the ADA, § 201(c) incorporates the remedy under title VI of the ADA. However, the ADA specifically held that the Federal Government is immune, under sovereign immunity principles, against the implied right to recover damages under title VI as incorporated by § 505 of the Rehabilitation Act. Dorsey v. U.S. Dept of Labor, 41 F.3d 1551 (D.C. Cir. 1994).
CONGRESSIONAL RECORD — HOUSE

H347

February 2, 1999

AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")—Continued

FAIR LABOR STANDARDS ACT OF 1938 ("FLSA")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS

Prohibition against compensatory time off. Under the FLSA, employers generall may not require nor allow employees to receive compensatory time off in lieu of overtime pay. § 203 of the FLSA makes this prohibition generally applicable, but provisions of the CAA and other laws establish exceptions:

1. Coverage of Capital Police officers. § 203(4)(A) of the CAA, as amended, allows Capital Police officers to elect time off in lieu of overtime pay.

2. Coverage of employees whose work schedules depend on the House and Senate schedules. § 203(1)(C) of the CAA requires the Board to issue regulations concerning overtime compensation for covered employees whose work schedule depends on the schedules of the House and Senate, and § 203(1)(D) provides that, under those regulations, employees may receive compensatory time off in lieu of overtime pay.

3. Coverage of salaried employees of the Architect of the Capitol. § 5543(b) of the FLSA requires the Board to issue regulations concerning the compensatory time off for employees of the Architect of the Capitol who are classified as exempt.

4. Minimum wage. Interns are excluded from coverage under the minimum wage requirement.

5. Overtime to pay. Interns are excluded from coverage under the overtime pay requirement.

6. Equal Pay Act provisions. Interns are excluded from coverage under the Equal Pay Act provisions.

7. Child labor protections. Interns are excluded from coverage under child labor protection.

Sec. 2(a), 29 U.S.C. § 207(a).

Sec. 107(a)(3); 29 U.S.C. § 2617(b)(2), (d).

Sec. 7(a); 29 U.S.C. § 207(a).

Sec. 107(a)(1); 29 U.S.C. § 2617(b)(2), (d).

B. ENFORCEMENT

Agency Enforcement Authorities:

10. Grant of subpoena and other powers for use in investigations and hearings. § 9 of the FLSA grants the Labor Secretary subpoena and other investigatory powers for use in investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (2) 40 CFR (if the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigation.)

11. Agency authority to investigate complaints of violations and to conduct agency-initiated investigations. Under § 11(a)(6) of the FLSA, the Wage and Hour Division investigates complaints of violations and also conducts agency-initiated investigations. The CAA neither references these provisions nor sets forth similar provisions, authorizing agency investigation.

12. Recordkeeping and reporting requirements. The FLSA requires employers in the private sector to make and preserve such records and to make such records available in the same manner as the Wage and Hour Administrator shall prescribe by regulation or order as necessary or appropriate for enforcement. Labor Department regulations specify the “payroll” and other records that must be preserved for at least 3 years and the “employment and earnings” records that must be preserved for at least 2 years, and require each employer to make “such extension, recumulation, or transcription” of required records, and to submit such reports concerning matters set forth in the regulations, as the Board may require in writing. 29 C.F.R. §§ 516.4-516.8. As to the Equal Pay provisions, EEOC regulations require employers to keep records in accordance with the CAA and do not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not make these requirements applicable.

13. Agency authority to bring judicial enforcement actions. The FLSA authorizes the Labor Secretary to bring an action in district court to recover unpaid minimum wages or overtime compensation, and an equal amount of liquidated damages, and civil penalties, as well as injunctive relief. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring injunctive proceedings.

Judicial Procedures and Remedies:

14. Individual liability. Because the definition of “employer” under the FLSA includes any person who “acts, directly or indirectly, in the interest of an employer,” individuals may be held individually liable in an action under § 16(b) of the FLSA. Under the CAA, individuals may not be held individually liable, because any employing office may be named as respondent or defendant under §§ 403-410 and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).

15. Private right to sue immediately, without having exhausted administrative remedies. An employee who alleges an FLSA violation may sue immediately, without exhausting any administrative remedies. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.

16. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The FLSA authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII page 3, row 1, above.

17. Injunctive relief. § 17 of the FLSA grants jurisdiction to the district courts, upon the complaint of the Labor Secretary, to restrain violations. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to seek injunctive relief or granting a court or other tribunal jurisdiction to grant it.

18. Two or 3-year statute of limitations. A civil action under the FLSA may be brought within two years after the violation occurred; or, in the case of a willful violation, within three years. Proceedings under the CAA must be commenced within 180 days after the alleged violation.

19. Remedy for a child labor violation. §§ 16(a), (e), and 17 of the FLSA provide for enforcement of child labor requirements through agency enforcement actions for civil penalties or injunction and by criminal prosecution. The CAA does not reference § 16(a), (e), or 17 of the FLSA. § 203(b) of the CAA references only the remedies of § 16(b) of the FLSA, and § 16(b) makes employers liable for: (1) damages if the employer violated minimum-wage or overtime requirements of the FLSA, and (2) legal or equitable relief if the employer violated the anti-retaliation provision of the FLSA. The CAA thus does not expressly reference any FLSA provision establishing remedies for child labor violations.

Liquidated Damages; Civil and Criminal Penalties:

20. Criminal penalties. The FLSA makes fines and imprisonment available for willful violations. The CAA neither references these provisions nor sets forth similar provisions imposing criminal penalties.

21. Liquidated damages for violation, § 15(a)(3) of the FLSA prohibits discrimination against an employer for not complying with any of the provisions, and § 16(b) provides that an employer who violates § 15(a)(3) is liable for liquidated damages and “an additional equal amount as liquidated damages.” Under the CAA, § 203(b) incorporates the remedies of § 16(b) of the FLSA and explicitly includes “liquidated damages,” but only “for a violation of subsection (a).” § 203(b) does not reference § 15(a)(3) of the FLSA or otherwise prohibit retaliation. Liquidation is prohibited by § 203(b) of the CAA, but the remedy under § 203(b) is “such legal or equitable remedy as may be appropriate;” with no express provision to award liquidated damages.

22. Civil penalties. The CAA authorizes the Labor Secretary or the court to assess civil penalties for child labor violations or for repeated or willful violations of the minimum wage or overtime requirements. The CAA does not reference these provisions, and § 252(c) of the CAA expressly precludes the awarding of civil penalties for child labor violations.

C. OTHER AGENCY AUTHORITIES

23. Agency issuance of interpretative bulletins. The Wage and Hour Administrator has issued a number of interpretative bulletins and advisory opinions, and § 10 of the CAA allows the Secretary to make and publish, or authorize the publication of, such opinions. Under § 16(b) of the FLSA, an employer may be an unfair labor practice under § 220 of the CAA, but the procedures and remedies under that section are very different from those under the FLSA and under the CAA for violations of Equal Pay rights and protections. As noted at page 1, row 3, above, a similar situation exists in the executive branch, where § 717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are required to interpret and apply § 1981 apply by their own terms to such discrimination. Similarly, differing views might be expressed with respect to whether §§ 60(c)(2) and 16(b) of the FLSA apply by their own terms to prohibit discrimination by unions against legislative branch employees.

9. Prohibition of retaliation by “persons,” including unions, not acting as employers. § 15(a)(3) of the CAA forbids retaliation by any “person” against an employee for exercising rights under the FLSA, and § 15(a)(3) defines “person” broadly to include any “individual” and any “organized group of persons.” This definition is broad enough to include a labor union, its officers, and members. See Bowker v. Judson C. Burns, inc., 137 F.2d 37 (3d Cir. 1943). The CAA does not reference § 15(a)(3) of the FLSA, and § 207 of the CAA forbids retaliation only by employers.

6. Coverage of unions under Equal Pay provisions. The Equal Pay provisions at § 6(d)(2) of the FLSA forbid unions in the private-sector to cause or attempt to cause an employer to discriminate on the basis of sex under § 16(b) of the FLSA. (Under the CAA, § 203(a)(1) makes the rights and protections of § 6(d) of the FLSA applicable to covered employees, but no mechanism is expressly provided for enforcing these rights and protections against unions, because §§ 403-410 of the CAA allow complaints only against employing offices. The CAA does not reference § 220 of the CAA, but the procedures and remedies under that section are very different from those under the FLSA and under the CAA for violations of Equal Pay rights and protections.) As noted at page 1, row 3, above, a similar situation exists in the executive branch, where § 717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are required to interpret and apply § 1981 apply by their own terms to such discrimination. Similarly, differing views might be expressed with respect to whether §§ 60(c)(2) and 16(b) of the FLSA apply by their own terms to prohibit discrimination by unions against legislative branch employees.

Secs. 6(b)(2), 16(b); 29 U.S.C. §§ 206(d), 216(b).

Secs. 16(c); 29 U.S.C. § 215(a)(3).


Secs. 16(a), (e); 29 U.S.C. § 216(a), (e).

Secs. 16(a); 29 U.S.C. § 216(a).

Secs. 16(b); 29 U.S.C. § 216(b).

Secs. 16(b); 29 U.S.C. § 216(b).

Secs. 11; 29 U.S.C. § 211.

Secs. 9; 29 U.S.C. § 208.

Secs. 11(a); 29 U.S.C. § 211(a).

Secs. 12; 29 U.S.C. §§ 203(b), 216(b).


Secs. 16(b); 29 U.S.C. § 216(b).

Secs. 16; 29 U.S.C. § 216.


Secs. 11; 29 U.S.C. § 211.


Secs. 11; 29 U.S.C. § 211.


3. Recordkeeping requirements. The EPPA authorizes the Labor Secretary to require the keeping of records necessary or appropriate for the administration of the Act. Labor Department regulations specify the records regarding any polygraph use that employers and examiners must maintain and preserve for 3 years. 29 C.F.R. § 801.30. The CAA does not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not make these requirements applicable.

4. Grant of subpoena and other powers for investigations and hearings. The EPPA grants the Labor Secretary subpoena and other investigatory powers for use in investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. § 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigations.

5. Agency authority to bring judicial enforcement actions. The EPPA authorizes the Labor Secretary to bring an action in district court to restrain violations or for other legal or equitable relief. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.

**JUDICIAL PROCEDURES AND REMEDIES**

**B. ENFORCEMENT**

11. Requirement to post notices. The EPPA requires employers to post notices prepared and distributed by the Labor Secretary. The CAA does not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not incorporate these requirements.

**C. OTHER AGENCY AUTHORITIES**

1. Agency authority to bring judicial enforcement action. Under USERRA, if a private-sector employee files a complaint with the Labor Secretary, and if the Labor Secretary refers the complaint to the Attorney General, the Attorney General may commence an action in court on behalf of the employee. However, while the USERRA provisions establishing substantive rights and protections generally extend, by their own terms, to the legislative branch, the Attorney General’s authority under USERRA does not. Furthermore, the CAA neither references the Attorney General’s authority under the USERRA nor sets forth similar provisions authorizing an agency to bring an enforcement action.

2. Grant of subpoena and other investigatory powers. Under USERRA, the Labor Secretary may receive and investigate complaints from private-sector employees, and may issue enforceable subpoenas in carrying out such an investigation. However, while the USERRA provisions authorize the Secretary to receive and investigate complaints extend, by their own terms, to the legislative branch, the Secretary’s power to issue subpoenas does not. Furthermore, the CAA neither references the Secretary’s authority and powers under USERRA nor sets forth provisions granting an agency investigatory authority and powers. § 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigations.

**WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (“WARN ACT”)**

**ENFORCEMENT**

Agency Enforcement Authorities:

1. Agency authority to bring judicial enforcement action. Under USERRA, if a private-sector employee files a complaint with the Labor Secretary, and if the Labor Secretary refers the complaint to the Attorney General, the Attorney General may commence an action in court on behalf of the employee. However, while the USERRA provisions establishing substantive rights and protections generally extend, by their own terms, to the legislative branch, the Attorney General’s authority under USERRA does not. Furthermore, the CAA neither references the Attorney General’s authority under the USERRA nor sets forth similar provisions authorizing an agency to bring an enforcement action.

2. Grant of subpoena and other investigatory powers. Under USERRA, the Labor Secretary may receive and investigate complaints from private-sector employees, and may issue enforceable subpoenas in carrying out such an investigation. However, while the USERRA provisions authorizing the Secretary to receive and investigate complaints extend, by their own terms, to the legislative branch, the Secretary’s power to issue subpoenas does not. Furthermore, the CAA neither references the Secretary’s authority and powers under USERRA nor sets forth provisions granting an agency investigatory authority and powers. § 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigations.

**JUDICIAL PROCEDURES AND REMEDIES**

1. Individual liability. The definition of “employer” under the EPPA includes any person who “acts, directly or indirectly, in the interest of an employer.” This definition is substantially the same as that in the FLSA and the FMLA. As discussed in connection with these laws, employers may be held liable individually for violation of the FLSA, and, by the weight of authority, of the FMLA. Under the CAA, however, individual liability is not available, because an employing office may be named as respondent or defendant under §§ 401–408 of the CAA and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 413(a).

2. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The EPPA authorizes civil actions in which courts exercise ordinary subpoena authority, and, accordingly, authorize the issuing court to enter a judgment enforcing the issuance of the subpoena. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory authority to use subpoenas. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigations.)

3. Private right to sue immediately, without having exhausted administrative remedies. An employee who alleges an EPPA violation may sue immediately, without having completed periods of counseling and mediation and an additional period of at least 30 days. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.

4. Private right to sue immediately, without having exhausted administrative remedies. An employee who alleges a WARN Act violation may sue immediately, without having completed periods of counseling and mediation and an additional period of at least 30 days. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.

5. Limitations period borrowed from state law. The WARN Act does not provide a limitations period for the civil actions authorized by § 5, and the Supreme Court has held that limitations periods borrowed from state law should be applied to WARN Act claims. North Star Steel Co. v. Thomas, 515 U.S. 29, 115 S.Ct. 1927 (1995). Courts have generally applied state limitations periods to WARN Act claims ranging between one and six years. See, e.g., 29 U.S.C.A. § 2104 notes of decisions (Note 17—Limitations) (1997 supp. pamphlet). Under the CAA, proceedings must be commenced within 180 days after the alleged violation.

**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 (“USERRA”)**

**ENFORCEMENT**

Agency Enforcement Authorities:

1. Agency authority to bring judicial enforcement action. Under USERRA, if a private-sector employee files a complaint with the Labor Secretary, and if the Labor Secretary refers the complaint to the Attorney General, the Attorney General may commence an action in court on behalf of the employee. However, while the USERRA provisions establishing substantive rights and protections generally extend, by their own terms, to the legislative branch, the Attorney General’s authority under USERRA does not. Furthermore, the CAA neither references the Attorney General’s authority under the USERRA nor sets forth similar provisions authorizing an agency to bring an enforcement action.

2. Grant of subpoena and other investigatory powers. Under USERRA, the Labor Secretary may receive and investigate complaints from private-sector employees, and may issue enforceable subpoenas in carrying out such an investigation. However, while the USERRA provisions authorizing the Secretary to receive and investigate complaints extend, by their own terms, to the legislative branch, the Secretary’s power to issue subpoenas does not. Furthermore, the CAA neither references the Secretary’s authority and powers under USERRA nor sets forth provisions granting an agency investigatory authority and powers. § 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigations.

3. Individual liability. Because 38 U.S.C. § 4303(a)(4)(B) defines an “employee” in the private sector to include a “person . . . to whom the employer has delegated the performance of employment-related responsibilities,” two courts have held that individuals may be held individually liable in an action under 38 U.S.C. § 4323 Jones v. Wolf Camera, Inc., Civ. A. No. 93–CV–2578–O, 1997 WL 276878, at *2 (N.D.O.C., Jan. 10, 1997); Novak v. Rowan Co., 815 F.Supp. 870, 878 (D.O.C., 1996). However, the USERRA provisions that authorize civil actions and damages do not, by their own terms, extend to the legislative branch. Under the CAA, while § 206(b) authorizes damages, individuals may not be held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 of the CAA and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 413(a) of the CAA.

4. Private right to sue immediately, without having exhausted administrative remedies. A private-sector employee alleging a USERRA violation may sue immediately, without having completed periods of counseling and mediation and an additional period of at least 30 days. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.

5. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The EPPA authorizes civil actions in which courts exercise ordinary subpoena authority, and, accordingly, authorize the issuing court to enter a judgment enforcing the issuance of the subpoena. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory authority to use subpoenas. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigations.)

6. Four-year statute of limitation. USERRA states that no state statute of limitations shall apply, but otherwise provides no statute of limitations. Under 28 U.S.C. § 1658, statutes like USERRA enacted after December 1, 1990, have a 4-year statute of limitations unless otherwise provided by law. As noted in row 4 above, USERRA does not, by its own terms, entitle legislative branch employees to either file an administrative complaint or commence a civil action, but only after having completed periods of counseling and mediation and an additional period of at least 30 days.
7. Liquidated damages. Under USERRA, 38 U.S.C. § 4323(c)(1)(A)(iii) grants the district courts jurisdiction to require a private-sector employer to pay not only compensatory damages, but also an equal amount of liquidated damages. This provision does not apply by its own terms, extend to the legislative branch. Under theCAA, § 206(b) provides that the remedy for a violation of § 206(a) of theCAA includes such remedy as would be appropriate if awarded under 38 U.S.C. § 4323(a), and the CAA does not state specifically whether the liquidated damages authorized by subparagraph (A)(iii) of § 4323(c)(1) are included among the remedies incorporated by § 206(a). By contrast, in the two other instances where a law made generally applicable by theCAA provides for liquidated damages, theCAA states specifically that the liquidated damages are incorporated. See § 2018(b)(3) of theCAA (authorizing the award of “such liquidated damages as would be appropriate if awarded under section 705 of theCAA’’); § 2036(b) of theCAA (authorizing the award of “such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the [[FLSA]]’’).
APPENDIX II—ENFORCEMENT REGIMES OF CERTAIN LAWS MADE APPLICABLE BY THE CAA

The tables in this Appendix show the elements of enforcement regimes for nine of the laws made applicable by the CAA: Title VII, ADEA, EPA, ADA title I, FMLA, WARN Act, and USERRA. (Because ADA title I incorporates powers and procedures from Title VII, these two laws are combined in a single table.) These nine are the laws for which the CAA does not grant investigatory or prosecutory authority to the Office of Compliance. ADA titles II–II, the OSHAct, and Chapter 7L for which the OSHAct grants investigatory authority to the Office of Compliance, are not included in these tables.

In each of the tables, agency enforcement authority is described in the following six categories:

1. Initiation of agency investigation, whether by receipt of a charge by an affected individual or by an initiative.
2. Investigatory powers of the agency, including authority to conduct on-site investigations and power to issue and enforce subpoenas.
3. Authority to seek compliance by informal conference, conciliation, and persuasion.
4. Prosecutorial authority, including power of an agency to commence civil actions, the remedies available, and the authority to seek fines or civil penalties.
5. Authority of the agency to issue advisory opinions.
6. Recordkeeping and reporting requirements.

TITe VII AND AMERICANS WITH DISABILITIES ACT (TITe VII)

The ADA (title I) incorporates by reference the enforcement powers, remedies, and procedures of Title VII, and is therefore summarized here in the same chart as Title VII.

1. Investigation. Individual charges. When an individual claimant files a charge, Title VII and the ADA require the EEOC to serve notice of the charge on the respondent and to investigate. Commissioner charges, Title VII and the ADA also authorize the EEOC to serve notice and to investigate any charge filed by a Member of the EEOC. Commissioner charges are ordinarily based on leads developed by EEOC field offices.

2. Investigatory powers. On-site investigation. In connection with the investigation of an individual charge or a Commissioner charge, Title VII and the ADA authorize the EEOC and its representatives to ‘‘have access to, for purposes of examination, and the right to copy any evidence.” According to the EEOC Compliance Manual, this authority includes interviewing witnesses.

Subpoenas. Issuance. Title VII and the ADA grant the EEOC the power to issue subpoenas, relying on authorities under the NLRA, and EEOC regulations specify that subpoenas may be issued by any Commission member or any District Directors and certain other agency Directors and “any representatives designated by the Commission.” Subpoenas for revocation or modification. Under EEOC

regulations, Title VII and ADA subpoenas may be challenged by petition to the Director of the Office of Compliance, who may either grant the petition in its entirety or submit a proposed determination to the Commission for final determination. EEOC regulations also empower the EEOC to seek district court enforcement of such subpoenas under authorities of the NLRA, and EEOC regulations specify that the General Counsel or his designee may institute such proceedings.

3. “Reasonable cause” determination. Conciliation. Title VII and the ADA provide that, if after investigation the EEOC determines that there is “reasonable cause to believe that the charge is true,” then the EEOC must “endeavor to eliminate any such practice, to prevent its continuance or recurrence” by informal “conference, conciliation, and persuasion”; otherwise, the EEOC must dismiss the charge, and send notice to the parties, including a right-to-reply letter to the person aggrieved.

4. Prosecutorial authority. Civil suits. Generally, the EEOC has the authority to prosecute alleged private-sector Title VII and ADA violations in district court, after the Commission has determined that the EEOC’s “efforts to eliminate the alleged violation have been unable to resolve the case through ‘conference, conciliation, and persuasion.’” The EEOC General Council brings such civil actions on behalf of the EEOC. Remedies. The agency may request Title VII remedies (injunction, with or without back pay); compensatory or punitive damages may be granted only in an “action brought by a complaining party,” Title VII and the ADA also authorize the EEOC to ask the district courts for temporary or preliminary relief.

5. Authority of the agency to issue advisory opinions.

6. Recordkeeping and reporting requirements.

TITe VII AND AMERICANS WITH DISABILITIES ACT (TITe VII)

The ADA (title I) incorporates by reference the enforcement powers, remedies, and procedures of Title VII, and is therefore summarized here in the same chart as Title VII.

1. Investigation. Individual charges. When an individual claimant files a charge, Title VII and the ADA require the EEOC to serve notice of the charge on the respondent and to investigate. Commissioner charges, Title VII and the ADA also authorize the EEOC to serve notice and to investigate any charge filed by a Member of the EEOC. Commissioner charges are ordinarily based on leads developed by EEOC field offices.

2. Investigatory powers. On-site investigation. In connection with the investigation of an individual charge or a Commissioner charge, Title VII and the ADA authorize the EEOC and its representatives to ‘‘have access to, for purposes of examination, and the right to copy any evidence.” According to the EEOC Compliance Manual, this authority includes interviewing witnesses.

Subpoenas. Issuance. Title VII and the ADA grant the EEOC the power to issue subpoenas, relying on authorities under the NLRA, and EEOC regulations specify that subpoenas may be issued by any Commission member or any District Directors and certain other agency Directors and “any representatives designated by the Commission.” Subpoenas for revocation or modification. Under EEOC regulations, Title VII and ADA subpoenas may be challenged by petition to the Director of the Office of Compliance, who may either grant the petition in its entirety or submit a proposed determination to the Commission for final determination. EEOC regulations also empower the EEOC to seek district court enforcement of such subpoenas under authorities of the NLRA, and EEOC regulations specify that the General Counsel or his designee may institute such proceedings.

3. “Reasonable cause” determination. Conciliation. Title VII and the ADA provide that, if after investigation the EEOC determines that there is “reasonable cause to believe that the charge is true,” then the EEOC must “endeavor to eliminate any such practice, to prevent its continuance or recurrence” by informal “conference, conciliation, and persuasion”; otherwise, the EEOC must dismiss the charge, and send notice to the parties, including a right-to-reply letter to the person aggrieved.

4. Prosecutorial authority. Civil suits. Generally, the EEOC has the authority to prosecute alleged private-sector Title VII and ADA violations in district court, after the Commission has determined that the EEOC’s “efforts to eliminate the alleged violation have been unable to resolve the case through ‘conference, conciliation, and persuasion.’” The EEOC General Council brings such civil actions on behalf of the EEOC. Remedies. The agency may request Title VII remedies (injunction, with or without back pay); compensatory or punitive damages may be granted only in an “action brought by a complaining party,” Title VII and the ADA also authorize the EEOC to ask the district courts for temporary or preliminary relief.

5. Authority of the agency to issue advisory opinions.

6. Recordkeeping and reporting requirements.

TITe VII AND AMERICANS WITH DISABILITIES ACT (TITe VII)

The ADA (title I) incorporates by reference the enforcement powers, remedies, and procedures of Title VII, and is therefore summarized here in the same chart as Title VII.

1. Investigation. Individual charges. When an individual claimant files a charge, Title VII and the ADA require the EEOC to serve notice of the charge on the respondent and to investigate. Commissioner charges, Title VII and the ADA also authorize the EEOC to serve notice and to investigate any charge filed by a Member of the EEOC. Commissioner charges are ordinarily based on leads developed by EEOC field offices.

2. Investigatory powers. On-site investigation. In connection with the investigation of an individual charge or a Commissioner charge, Title VII and the ADA authorize the EEOC and its representatives to ‘‘have access to, for purposes of examination, and the right to copy any evidence.” According to the EEOC Compliance Manual, this authority includes interviewing witnesses.

Subpoenas. Issuance. Title VII and the ADA grant the EEOC the power to issue subpoenas, relying on authorities under the NLRA, and EEOC regulations specify that subpoenas may be issued by any Commission member or any District Directors and certain other agency Directors and “any representatives designated by the Commission.” Subpoenas for revocation or modification. Under EEOC regulations, Title VII and ADA subpoenas may be challenged by petition to the Director of the Office of Compliance, who may either grant the petition in its entirety or submit a proposed determination to the Commission for final determination. EEOC regulations also empower the EEOC to seek district court enforcement of such subpoenas under authorities of the NLRA, and EEOC regulations specify that the General Counsel or his designee may institute such proceedings.

3. “Reasonable cause” determination. Conciliation. Title VII and the ADA provide that, if after investigation the EEOC determines that there is “reasonable cause to believe that the charge is true,” then the EEOC must “endeavor to eliminate any such practice, to prevent its continuance or recurrence” by informal “conference, conciliation, and persuasion”; otherwise, the EEOC must dismiss the charge, and send notice to the parties, including a right-to-reply letter to the person aggrieved.

4. Prosecutorial authority. Civil suits. Generally, the EEOC has the authority to prosecute alleged private-sector Title VII and ADA violations in district court, after the Commission has determined that the EEOC’s “efforts to eliminate the alleged violation have been unable to resolve the case through ‘conference, conciliation, and persuasion.’” The EEOC General Council brings such civil actions on behalf of the EEOC. Remedies. The agency may request Title VII remedies (injunction, with or without back pay); compensatory or punitive damages may be granted only in an “action brought by a complaining party,” Title VII and the ADA also authorize the EEOC to ask the district courts for temporary or preliminary relief.

5. Authority of the agency to issue advisory opinions.

6. Recordkeeping and reporting requirements.
The enforcement regime for the Equal Pay Act ("EPA") is a hybrid between the FLSA model and the Title VII model. The EPA legislation, in 1963 added a new section 6(d) to the FLSA which mandates the rights and responsibilities, and relied on the existing FLSA provisions establishing enforcement powers, remedies, and procedures. The EPA was first enforced by the Labor Department with the rest of the FLSA; the Secretary's EPA functions were transferred to the EEOC by the Rehabilitation Act of 1973 when the EEOC has conformed its EPA enforcement processes with those for Title VII in some respects.

Unlike the other discrimination laws, the FLSA, as amended by the EPA, does not require the EEOC to notify the respondent or to investigate complaints. However, the EEOC applies a uniform policy for all discrimination laws, conducting an investigation appropriate to each particular charge. Directed investigations. Unlike Commission charges under Title VII and the ADA, directed investigations under the ADA may be commenced when the Commission has a "reasonable basis to conclude" that a violation has occurred or will occur.

Civil actions. Generally, the EEOC has authority to prosecute alleged ADEA violations in district courts if the EEOC is unable to "effectively pursue" the formal conciliation. The EEOC General Counsel brings such civil actions on behalf of the EEOC. Remedy is the agency may request an order compelling an employer to make "such reports therefrom," as the EEOC deems appropriate to each particular case or to undertake conciliation efforts. However, it is EEOC's uniform policy to issue "reasonable cause" letters only in a racial discrimination cases and its representatives to investigate and gather data, enter and inspect an employer's premises and records, and question employees to "determine whether any person has violated" the EPA or which may "aid in . . . enforcement" of the EPA.

Subpoenas. Under the FLSA, as amended by the EPA, the EEOC and its representatives can issue subpoenas, relying on the authorities of the FLSA. Subpoenas. Under the FLSA, as amended by the EPA, the EEOC and its representatives can issue subpoenas, relying on the authorities of the FLSA. However, subpoenas may be issued by any Member of the Commission, or (ii) a Federal Register publication designated as an "interpretation or opinion." The EEOC has authority to prosecute alleged ADEA violations in district courts if the EEOC is unable to "effectively pursue" the formal conciliation. Directed investigations. Directed investigations. The FLSA incorporates much of the investigative authority set forth in the FLSA and establishes prosecutorial powers modeled on those in the FLSA. Furthermore, the FLSA specifically requires the Secretary to "receive, investigate, and attempt to resolve" complaints of violations "in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of [FLSA] violations."
may not be delegated. Enforcement. The FLSA authorizes the Secretary and the Administrator to invoke the aid of Federal courts to enforce subpoenas, relying on the authorities of the FTC Act. The EPPA authorizes the Secretary to invoke the aid of Federal courts to enforce subpoenas, and such civil litigation on behalf of the Department is handled by the Solicitor of Labor.


On-site investigation. The FLSA authorizes the Secretary to enforce subpoenas, relying on the authorities of the FTC Act. The EPPA authorizes the Secretary to enforce subpoenas. The Solicitor of Labor may represent the Secretary in any suit for the collection of civil penalties. The Secretary's regulations establish a defense against liquidated damages, including liquidated damages owing to an employee, and (ii) an order restraining violations, including an order to pay compensation due, or other equitable relief.


Relation with private right of action. Unlike the discrimination laws, like the FLSA, the FLSA does not require an individual to first file a charge with the agency and await conciliation efforts before bringing a civil action. However, if the Labor Department first commences suit in the individual's behalf, the individual's right to bring suit terminates. Administrative assessment of civil penalties for violation of posting requirements may be assessed, according to the Secretary's regulations, by any Labor Department representative, subject to appeal to the Wage and Hour Regional Administrator, and subject to judicial collection proceeding commenced by the Solicitor of Labor.


Advisory opinions. The Portal-to-Portal Act, among other things, authorizes the Secretary to make "necessary or appropriate" investigations and inspections. The FLSA authorizes the Secretary to make "advisory opinions "to indicate the construction of the law which will guide the Administrator in the performance of his administrative duties." The FLSA requires that all records that employers must maintain and preserve for at least 12 months, unless the Secretary has reasonable cause to believe there may be a violation or is investigating a change. The Administrator's FLSA regulations indicate that employers must submit records "specifically requested by a Departmental official" and must submit "the original or a copy or transcriptions" of information in the records "upon request."


Civil proceedings. Generally. The Secretary has the authority to prosecute alleged FLSA violations in district court. The FLSA specifies that the Solicitor of Labor may represent the Secretary in any suit for the collection of civil penalties.


On-site investigation. The Portal-to-Portal Act authorizes the Labor Secretary to prosecute in district court alleged violations of the Portal-to-Portal Act. The EPPA authorizes the Solicitor of Labor to bring suit to enforce the EPPA and the Secretary of Labor to bring suit on behalf of the Department.

111. Remedies. Generally.

Civil proceedings. Generally. The Solicitor of Labor or the Regional Solicitors may bring suit in district court to enforce the Porter Act. The EPPA authorizes the Solicitor of Labor to bring suit on behalf of the Department. The Solicitor of Labor may represent the Secretary in any suit for the collection of civil penalties.
5. Advisory opinions. Unlike both Title VII and the FLSA, the EPPA establishes no defense for good-faith reliance on agency advisory opinions, and the Labor Secretary’s EPPA regulations specify no procedures for requesting interpretations or opinions designated as such nor procedures for requesting interpretations or opinions. However, the regulations contain a provision wherein the Secretary characterized as “interpretations regarding the effect of . . . the Act on other laws and collective bargaining agreements.”

6. Recordkeeping. The EPPA requires the keeping of records “necessary or appropriate for the administration efforts before bringing a civil action” if the employee is not satisfied that the complaint is meritorious, the Attorney General, who, if reasonably may ask the Secretary to refer the matter to the Attorney General to take the case but the individual may not also pursue a private action. In advisory opinions. The SEPPA establishes no defense for good-faith reliance on agency advisory opinions, and the Labor Secretary has not promulgated in the Federal Register any interpretations or opinions designated as such nor procedures for requesting interpretations or opinions.

7. Subpoenas. Issuance. The Secretary can issue subpoenas under the EPPA. Enforcement. The EPPA authorizes the Attorney General, upon the request of the Secretary, to invoke the aid of Federal courts to enforce subpart. 3 Finding that violation occurred; conciliation. If the Secretary determines that the action is alleged in a complaint occurred, the USERRA may authorize investigations without an employee complaint. On-site investigation. In connection with the investigation of any complaint, USERRA authorizes the Secretary’s “duly authorized representatives” to interview witnesses and to examine and copy any relevant documents. 

9. Prosecutory authority. Civil remedies. Generally. A complaining employee who receives notification that the Secretary could not resolve the complaint informally, and the Secretary declines, the Attorney General may take the case but the Attorney General does so, the individual may not also pursue a private action. In advisory opinions. The SEPPA establishes no defense for good-faith reliance on agency advisory opinions, and the Labor Secretary has not promulgated in the Federal Register any interpretations or opinions designated as such nor procedures for requesting interpretations or opinions. 2 Recordkeeping/reporting. The SEPPA imposes no recordkeeping or reporting requirements. 

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

The WARN Act establishes no agency investigation or enforcement authority, and is enforced solely through the private right of action. Notice of investigation. None. Investigatory powers. None. Conciliation. The WARN Act makes no provision for conciliation. POWERS OF THE ATTORNEY GENERAL


NOTIFICATIONS AND REPORTS

Notes regarding table 5—FLSA

1 See Schneider & Stine, Wage & Hour Law: Compliance and Practice (Clark, Boardman, Callaghan, 1996), § 10.02.
2 See id.
4 See id.
5 See id.
6 See id.
9 See State and Federal Wage and Hour Compliance Guide, supra, ¶ 10.02(2)(b), at 10-6.
10 See id.
11 See § 10(e) of the FMLA, 29 U.S.C. § 2617(e).
12 See id.
13 See §11(c) of the FLSA, 29 U.S.C. § 211(c).
14 See § 106(b) of the FFLA, 29 U.S.C. § 2613(b).
16 See supra Table 6-D, (e)(1)(ii) of the FMLA, 29 U.S.C. § 2678(1)(A) (ii).
17 See id.
18 See § 2617(b)(2)-(3), (d).
19 See § 2617(d).
20 See id.
21 See § 211(a) of the FLSA, 29 U.S.C. § 211(a).
22 See id.
23 See id.
24 See supra Table 6-D, (e)(2) of the FMLA, 29 U.S.C. § 2678(1)(A) (ii).
25 See id.
26 See § 2617(d).
27 See id.
28 See § 2617(d).
29 See § 2617(e).
30 See § 2617(e).
31 See § 2617(d).
32 See § 2617(d).
33 See § 2617(d).
34 See § 2617(d).
35 See id.
36 See § 2617(b).
37 See id.
38 See § 2617(b).
39 See id.
40 See § 2617(b).
41 See id.
42 See § 2617(b).
43 See id.
44 See § 2617(b).
45 See id.
46 See § 2617(b).
47 See id.
48 See § 2617(b).
49 See id.
50 See § 2617(b).
51 See id.
52 See § 2617(b).
53 See id.
54 See § 2617(b).
55 See id.
56 See § 2617(b).
57 See id.
58 See § 2617(b).
59 See id.
60 See § 2617(b).
61 See id.
62 See § 2617(b).
63 See id.
64 See § 2617(b).
65 See id.
66 See § 2617(b).
67 See id.
68 See § 2617(b).
69 See id.
70 See § 2617(b).
71 See id.
72 See § 2617(b).
73 See id.
74 See § 2617(b).
75 See id.
76 See § 2617(b).
77 See id.
78 See § 2617(b).
79 See id.
80 See § 2617(b).
81 See id.
82 See § 2617(b).
83 See id.
84 See § 2617(b).
85 See id.
86 See § 2617(b).
87 See id.
88 See § 2617(b).
89 See id.
90 See § 2617(b).
91 See id.
92 See § 2617(b).
93 See id.
94 See § 2617(b).
95 See id.
96 See § 2617(b).
97 See id.
98 See § 2617(b).
99 See id.
100 See § 2617(b).
101 See § 2617(b).
102 See id.
103 See id.
104 See id.
105 See id.
106 See id.
107 See id.
108 See id.
109 See id.
110 See id.
111 See id.
112 See id.
113 See id.
114 See id.
115 See id.
116 See id.
117 See id.
118 See id.
119 See id.
120 See id.
121 See id.
122 See id.
123 See id.
124 See id.
125 See id.
126 See id.
127 See id.
128 See id.
129 See id.
130 See id.
131 See id.
132 See id.
133 See id.
134 See id.
135 See id.
136 See id.
137 See id.
138 See id.
139 See id.
140 See id.
141 See id.
142 See id.
143 See id.
144 See id.
145 See id.
146 See id.
Title VII and ADEA allow suit and trial de novo after exhaustion of administrative remedies, provided the employee has not appealed to the PAB. (The employee may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.) EPA allows suit without administrative remedies having been exhausted.

Jury trials are not available for ADA and EPA claims.

1 See generally Section 230 Report at 27-29.

APPENDIX III, TABLE 1.—GENERAL ACCOUNTING OFFICE: TITLE VII, ADEA, AND EPA

Federal-sector provisions of Title VII (§ 717) and the ADEA (§ 15), as well as the EPA, apply to GAO.

GAO management investigates and decides complaints initially. GAO employees may appeal to the PAB, where the PAB General Counsel may investigate and prosecute the action on behalf of employees. GAO also maintains claims-resolution and affirmative-employment programs, which the PAB evaluates.

PAB is administratively part of GAO. Its Members are appointed by the Comptroller General ("CG"), and its General Counsel is selected by, and serves at the pleasure of, the PAB Chair, but is formally appointed by the CG.

The GAOPA provides that GAO employees may appeal dispositions resulting from complaints. The OC would adjudicate claims and appeals. The MSPB remedies FMLA violations implicated in adverse actions.

The PAB is preserved in statute.

The processes at GAO are modeled generally on those in the federal sector. Federal-sector provisions establish special rules for appealing and investigating cases. The EEOC investigates complaints under the Rehabilitation Act, 29 U.S.C. § 791, as generally the same as those at GAO.

The EEOC investigates and prosecutes in the private sector. Now, GAO is responsible for enforcing Dol’s authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.

The PAB Chair, but is formally appointed by the CG.

The appendices to this table list the institutions that conduct rights enforcement in the federal sector. The processes at GAO are modeled generally on those in the federal sector. The PAB is preserved in statute.

APPENDIX III, TABLE 2.—GAO: ADA TITLE I AND REHABILITATION ACT

All substantive rights of the ADA apply to GAO, under § 509 of the ADA.

GAO management investigates and decides complaints initially. The GAOPA provides that GAO may appeal to the PAB, where the PAB General Counsel may investigate and prosecute the action on behalf of employees. However, the PAB added a provision to the GAOPA allowing appellate authority to the Comptroller General, and this provision appears inconsistent with the GAOPA provision assigning appellate authority to the PAB.2

The MSPB remedies FMLA violations implicated in adverse actions in the federal sector. The EEOC investigates complaints under the Rehabilitation Act, 29 U.S.C. § 791, as generally the same as those at GAO.

The EEOC investigates in the private sector; see earlier discussions regarding the PAB's appellate authority and the institutional structure of the PAB within GAO.

The EEOC is unable to provide timely investigations of all individual charges. Now at GAO, the PAB adjudicates allegations of FMLA violations if the adverse action is appealable.

Private-sector provisions do not provide for administrative adjudication and appeal.

The MSPB remedies FMLA violations implicated in adverse actions in the federal sector. The processes at GAO are modeled generally on those in the federal sector. Now, GAO is responsible for enforcing Dol’s authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.

The PAB is preserved in statute.

The appendices to this table list the institutions that conduct rights enforcement in the federal sector. The processes at GAO are modeled generally on those in the federal sector. The EEOC investigates complaints under the Rehabilitation Act, 29 U.S.C. § 791, as generally the same as those at GAO.

The EEOC investigates complaints under the Rehabilitation Act, 29 U.S.C. § 791, as generally the same as those at GAO.

The MSPB remedies FMLA violations implicated in adverse actions in the federal sector. The EEOC investigates complaints under the Rehabilitation Act, 29 U.S.C. § 791, as generally the same as those at GAO.

Appellate adjudication, such as is provided by the PAB, is preserved in statute.

The processes at GAO are modeled generally on those in the federal sector. The EEOC may be unable to provide timely investigations of all individual charges.

Now at GAO, the PAB adjudicates allegations of FMLA violations if the adverse action is appealable.

Private-sector provisions do not provide for administrative adjudication and appeal.

Title VII and ADEA allow suit and trial de novo after exhaustion of administrative remedies, provided the employee has not appealed to the PAB. (The employee may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.) EPA allows suit without administrative remedies having been exhausted.

Jury trials are not available for ADA and EPA claims.

1 The GAOPA provides, among other things, that the PAB will exercise the same authorities over appeals matters as are exercised by the EEOC. See 31 U.S.C. § 7701(2); see also § 309(a) of Pub. Law 96-193, 94 Stat. 28-29 (Feb. 15, 1980) (GAOPA as enacted); however, § 509(a) of the ADA, 42 U.S.C. § 12209(a), as added by § 201(c)(5) of the CAA, generally assigns authority for administrative appeals to the "Chief official of the instrumentality of Congress." GAO, in comments submitted to the Board in preparing its Section 230 Study, noted this apparent statutory inconsistency and recommended that the relevant language of the ADA be reconsidered.

2 42 U.S.C. § 1981a(a)(2), which generally authorizes jury trials and compensatory damages in disability suits, does not reference § 509(a) of the ADA, 42 U.S.C. § 12209(a), as added by § 201(c)(5) of the CAA, which extends a private right of action for disability discrimination to GAO employees.

APPENDIX III, TABLE 3.—GAO: FAMILY AND MEDICAL LEAVE ACT

FMLA provisions for the private sector; 29 U.S.C. § 2611 et seq., apply to GAO.

The PAB is preserved in statute.

The MSPB remedies FMLA violations implicated in adverse actions in the federal sector. The processes at GAO are modeled generally on those in the federal sector. Now, GAO is responsible for enforcing Dol’s authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.

The MSPB remedies FMLA violations implicated in adverse actions in the federal sector. Now, GAO is responsible for enforcing Dol’s authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.

The MSPB remedies FMLA violations implicated in adverse actions in the federal sector. Now, GAO is responsible for enforcing Dol’s authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.

Now, GAO is responsible for enforcing Dol’s authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.
**APPENDIX III, TABLE 3.—GAO: FAMILY AND MEDICAL LEAVE ACT—Continued**

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAO employees may sue for FMLA violations, and are granted liquidated or other damages specified in the private-sector statute.</td>
<td>The CAA provides (jury trials, which are arguably not available now against GAO.</td>
<td>Federal-sector employees, unlike those at GAO, cannot sue under the FMLA, and can only obtain appellate judicial review of MSPB decisions in the Federal Circuit.</td>
<td>+The CAA provides (jury trials, which are arguably not available now against GAO.</td>
</tr>
<tr>
<td>[Jury trials, not being expressly provided by the FMLA, are arguably not allowed against the federal government.</td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
</tr>
<tr>
<td>The CG exercises DoL's authority under the FMLA to adopt substantive regulations.</td>
<td>The OC Board adopts regulations, ordinarily the same as DoL's, for all employing offices; GAO is responsible currently for issuing its own regulations.</td>
<td>+OPM's regulations apply Government-wide, whereas GAO is responsible for issuing its own FMLA regulations.</td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>Regulations are issued by DoL for all private-sector employers, whereas GAO is responsible for issuing its own regulations.</td>
<td></td>
</tr>
<tr>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
</tr>
</tbody>
</table>

**APPENDIX III, TABLE 4.—GAO: FAIR LABOR STANDARDS ACT**

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAO is covered by the FLSA and by OPM's FLSA regulations. GAO is also covered by civil service statutes that authorize the use of comp time apply only in the federal sector.</td>
<td>The CAA would provide receipt of comp time in lieu of FLSA overtime pay.</td>
<td>DoL's regulatory requirements would apply in lieu of OPM's, which are more specific and tailored to the federal civil service.</td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
</tr>
<tr>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
</tr>
</tbody>
</table>

**APPENDIX III, TABLE 5.—GAO: EMPLOYEE POLYGRAPH PROTECTION ACT**

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 204 of the CAA extends the substantive rights of the EPAA to GAO.</td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
<td><strong>SUBJECTIVE RIGHTS</strong></td>
</tr>
<tr>
<td>There is no disagreement as to whether GAO employees alleging a violation of § 204 may use CAA administrative procedures.</td>
<td>If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint.</td>
<td>Applying CAA procedures would enable GAO to sue the PAB, whereas the right to sue under the CAA now is subject to whether these cases are available under the CAA, and whether the PAB may adjudicate CAA charges in appealable adverse actions.</td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
</tr>
<tr>
<td>There is disagreement as to whether GAO employees may sue under the CAA.</td>
<td>There are no CAA procedures that provide for investigation or prosecution.</td>
<td>Applying CAA procedures would grant GAO employees the right to sue and, if it does not, the PAB may sue on its own initiative.</td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
</tr>
<tr>
<td>The OC Board has issued CAA regulations, substantially similar to those promulgated by DoL, and has extended the regulations to cover GAO, but the extension has not been approved by the House and Senate. Accordingly, § 411 of CAA would apply “the most relevant substantive executive agency regulation promulgated to implement the statutory provision as in the proceeding.”</td>
<td></td>
<td></td>
<td><strong>SUBJECTIVE RIGHTMAKING PROCESS</strong></td>
</tr>
</tbody>
</table>

---

1 The head of OPM is appointed by, and serves at the pleasure of, the President, and acts for the President in many of OPM's personnel functions.

2 This table assumes that, under the private-sector option, the PAB's authority to remedy FMLA violations would not be retained, because administrative adjudication and appeal are not provided under private-sector laws.

3 Under private-sector provisions applicable at GAO, but not under federal-sector provisions: (1) the employer may deny restoration to an employee who is a high-salary "key" employee; (2) an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and (3) the employer can recoup health insurance costs from an employee who does not return to work after FMLA leave.

4 This table assumes that, under the private sector option, the receipt of comp time in lieu of overtime pay would generally not be allowed. Although the same FLSA provisions apply in the federal sector and the private sector, the civil service provisions authorizing receipt of comp time in lieu of FLSA overtime pay.

5 Under private-sector provisions applicable at GAO, but not under federal-sector provisions: (1) the employer may deny restoration to an employee who is a high-salary "key" employee; (2) an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and (3) the employer can recoup health insurance costs from an employee who does not return to work after FMLA leave.

---

2 To our knowledge, the only federal-sector application of EPAA and WARN Act rights, other than under the CAA, is under the Presidential and Executive Office Accountability Act. 3 U.S.C. § 401 et seq., which generally covers Presidential and Vice Presidential offices. Administrative and judicial procedures and rulemaking processes with respect to EPAA and WARN Act rights under this law are similar to those under the CAA, except regulations are issued by the President or the President's designee, and administrative adjudication is before the MSPB.
§ 205 of the CAA extends the substantive rights of the WARN Act to GAO.
In addition, GAO's regulations under the CAA require 60 days' advance notice to GAO employees affected by a RIF.1

<table>
<thead>
<tr>
<th>SUBSTANTIVE RIGHTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAO is covered under WARN Act substantive rights as applied by the CAA.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADMINISTRATIVE PROCESSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint.</td>
</tr>
<tr>
<td>Applying CAA procedures would result in administrative adjudication by the OC and appeal to its Board. In the absence of a decision on the merits within 120 days, however, the CAA would not provide for investigation and prosecution of retaliation.</td>
</tr>
<tr>
<td>CAA confidentiality rules would apply.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>JUDICIAL PROCEDURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applying CAA procedures would grant GAO employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review.</td>
</tr>
</tbody>
</table>

The OC Board issued WARN Act regulations, substantially similar to those promulgated by DoL, and applied to the public and private sectors. Accordingly, § 411 of the CAA would apply the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.1

2. To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. See Table 5, note 3, above.

3. This table assumes that, under the private-sector option, the PAB would have authority to remedy WARN Act violations, but procedural and substantive rights are not provided under laws that apply in the private sector.

---

### APPENDIX III, TABLE 7.—GAO: VETERANS EMPLOYMENT AND REEMPLOYMENT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAO employees, like all other public- and private-sector employees, are covered by USERRA. In addition, § 206 of the CAA extends the substantive rights of USERRA to GAO.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GAO is covered under USERRA substantive rights as applied by the CAA, as well as under USERRA substantive rights as applied substantially the same rights as the CAA.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Substantive Rights**

**Administrative Processes**

**Substantive Rights**

- GAO employees may use the same USERRA procedures as applied generally to the federal sector, and is also covered under the CAA, which makes applicable substantially the same rights as the USERRA.
- GAO employees may also use CAA counseling, mediation, and adjudicatory procedures, which are not available generally in the federal sector.

**Judicial Procedures**

- Applying private-sector procedures would enable GAO employees to sue, whereas the right to sue under the CAA is now subject to dispute.
- Private-sector employees may also sue, whereas the right of GAO employees to sue under the CAA is now subject to dispute.

### APPENDIX III, TABLE 8.—GAO: ADA TITLES II–III

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All substantive rights of the ADA, including those involving public access, apply to GAO, under § 509 of the ADA.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantive rights under the ADA are generally the same as the public-access rights now at GAO under the ADA.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Substantive Rights**

**Administrative Processes**

| The CAA provides for mediation and adjudication administered by the OC, as well as to allegations against GAO, no such procedures are provided under authority of an entity outside of GAO. |
| The CAA establishes an enforcement-based process, under which an administrative proceeding may be commenced only by the GC of the OC after receiving a charge. Enforcement at GAO now is by private action only. |

| The Attorney General is responsible under E.O. 12250 (repealed at 42 U.S.C. § 2000d-1 note) to oversee review agency regulations and otherwise coordinating implementation and enforcement; however, no such authority has been granted to an entity outside of GAO. |

**Substantive Rights**

**Administrative Processes**

- For the federal sector, § 504 of the Rehabilitation Act applies substantive rights that are generally the same as the public-access rights now applicable to GAO under the ADA.
- For the private sector, title III of the ADA applies generally the same substantive rights involving public access as are applicable to GAO under the ADA.

**Judicial Procedures**

Under title III of the ADA, the Attorney General investigates allegations of violations in the federal sector; however, to allegations against GAO, no such authority has been granted to an entity outside of GAO.
The OC Board has adopted substantive OSH regulations. Under the GAOPA and the CG’s implementing regulations, the GAOPA requires the Comptroller General to adopt a rule establishing the procedures for handling complaints of public access violations. Section 215 of the CAA extends the substantive rights of employees alleging public-access violations by agencies to the OSHAct to GAO, and requires compliance with occupational safety and health, including the process for enforcing regulatory requirements.

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>After having exhausted administrative remedies, members of the public can sue and have a trial de novo. An individual may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.</td>
<td>— The charging individual may not sue under the CAA. However, such individual, having intervened in the CAA administrative proceeding, may appeal to the Federal Circuit.</td>
<td>— In the federal sector, as at GAO, members of the public alleging public-access violations by agencies may sue. In the private sector, as now at GAO, members of the public alleging public-access violations may sue.</td>
<td>— The Attorney General may prosecute title III violations in court, whereas no agency may do so as to GAO.</td>
</tr>
<tr>
<td>Substantive regulations promulgated by executive branch agencies under titles II–III of the ADA are not made applicable</td>
<td>— The OC Board promulgates regulations, generally the same as executive-branch agency regulations for the private sector, subject to House and Senate approval.</td>
<td>— In the federal sector, as at GAO, substantive regulations promulgated by executive branch agencies under titles II–III of the ADA are not made applicable</td>
<td>— Private-sector employers are subject to substantive regulations promulgated by the Attorney General. No entity outside of GAO now promulgates regulations for GAO.</td>
</tr>
</tbody>
</table>

APPENDIX III, TABLE 8.—GAO: ADA TITLES II–III—Continued

Section 215 of the CAA extends the substantive rights of the OSHAct to GAO, and requires compliance with occupational safety and health (“OSH”) standards as established by OSH. OSH is fully subject to the substantive, administrative, and judicial provisions of the CAA with respect to occupational safety and health, including the process for enforcing regulatory requirements.

The OC Board promulgates regulations, generally the same as executive-branch agency regulations for the private sector, subject to House and Senate approval. No entity outside of GAO now issues regulations applicable to GAO.

SUBSTANTIVE RULEMAKING PROCESS

The OC Board has adopted substantive OSH regulations incorporating OSH’s OSH standards, and has adopted an amendment extending those regulations to cover GAO. However, neither the regulations nor the amendment has been approved by the House and Senate. Accordingly, “the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding” would be applied, pursuant to §411 of CAA.

APPENDIX III, TABLE 9.—GAO: OSHACT

APPENDIX III, TABLE 10.—GAO: LABOR-MANAGEMENT RELATIONS

The GAO requires the Comptroller General to adopt a labor-management-relations program for GAO that assures each employer’s right to join, or to refrain from joining, a union, and is otherwise “consistent” with Chapter 71.

The GAO requires the Comptroller General to adopt a labor-management-relations program for GAO that assures each employer’s right to join, or to refrain from joining, a union, and is otherwise “consistent” with Chapter 71.

The Federal Labor Relations Act ("FLRA") provides that arbitral proceedings are not a required provision of collective bargaining agreements. The FLRA administers Chapter 71 in the federal sector.

PRIVATE SECTOR

Under the GAOPA and the CG’s implementing regulations, the PAB has authority to hear cases arising from representation matters, unfair labor practice ("ULP"), and exceptions from arbitral awards under negotiated grievance procedures.

Under the GAOPA and the CG’s implementing regulations, the PAB has authority to hear cases arising from representation matters, unfair labor practice ("ULP"), and exceptions from arbitral awards under negotiated grievance procedures.

The FLRA administers Chapter 71 in the federal sector. See discussion in Table 1 on institutional structure of the PAB within GAO.

The FLRA administers Chapter 71 in the federal sector. See discussion in Table 1 on institutional structure of the PAB within GAO.

Chapter 71 provides for judicial appeal to the Federal Circuit generally, as does the GAOPA.

Chapter 71 requires that any individual employee, including an individual employee, may bring an appeal.

Chapter 71 requires that any individual employee, including an individual employee, may bring an appeal.

Private-sector employees, covered by the National Labor Relations Act ("NLRA"), have the right to strike. Unionized employees in the private sector may enter into union security agreements.

Judicial review procedures in the private sector are generally the same as those made applicable for employing offices, including GAO, under the CAA.

Judicial review procedures in the private sector are generally the same as those made applicable for employing offices, including GAO, under the CAA.

APPENDIX III, TABLE 11.—GAO: OMA
The CG, by order, established the substantive terms of GAO’s labor management relations program. The GAOPA requires generally that the program must be “consistent” with Chapter 71.

The OCB adopts CAA regulations, ordinarily the same as the FSLA’s regulations, for all employment of GPO employees.

Under Chapter 71, substantive provisions applicable in the executive branch are established mostly by statute, and to a limited extent by FSLA regulation, which must conform to Chapter 71. GAO issues labor-management regulations for itself, which need be only “consistent” with Chapter 71.

The NLRB has authority to issue substantive regulations for the private sector: GAO issues labor-management regulations for itself, which need be only “consistent” with Chapter 71.

Title VII and ADEA allow suit and trial (but not jury trials) in federal court, whereas GAO now provides for administrative adjudication and appeal. The EEOC can prosecute in court.

Private-sector provisions do not provide for administrative adjudication and appeal. The EEOC and MSPB hear appeals, and the Special Counsel to hear and prosecute.

All substantive rights of the ADA apply to GPO, under § 505 of the ADA.

The OC Board adopts CAA regulations, ordinarily the same as those at GPO.

The CAA allows suit and trial (but not jury trials) in federal court, whereas GAO now provides for administrative adjudication and appeal. The EEOC can prosecute in court.

The CAA allows suit and trial (but not jury trials) in federal court, whereas GAO now provides for administrative adjudication and appeal. The EEOC can prosecute in court.

Jury trials and compensatory damages, which are arguably not available in disability suits against GPO, are afforded under federal-sector provisions but not under the ADEA.

The ADEA allows suit and trial de novo after exhausting administrative remedies. (The employee may sue either after a final CAA decision, or after a final EEOC decision on appeal, or if there is no such decision 180 days after the complaint or appeal.) EPA allows suit without having exhausted administrative remedies.

The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts.

The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts.

The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts.

The CAA establishes different employer prerogatives than the federal-sector provisions now at GPO.

With respect to FMLA rights, GPO is under the same substantive, administrative, and judicial statutory provisions as are executive branch agencies, and is subject to the authority of MSPB like executive-branch agencies.

The FMLA establishes different employer prerogatives than the federal-sector provisions now at GPO (see footnote 1).

1 For example, the following restrictions apply at GAO: a) exclusion of pay and hours from bargaining, even if the employee has statutory discretion, b) exclusion from negotiated grievance procedures of disputes involving Title VII, ADEA, and ADA violations, or involving actions for unacceptable performance, and c) pre-determined, broadly-drawn bargaining units.

APPENDIX III, TABLE 11.—GOVERNMENT PRINTING OFFICE: TITLE VII, ADEA, AND EPA

Federal-sector provisions of Title VII (§ 717) and the ADEA (§ 15), as well as the EPA, apply to GPO.

GoP management investigates and decides complaints initially, The EEOC and MSPB hear appeals, and the Special Counsel may investigate and prosecute against unlawful discrimination and retaliation that is a prohibited personnel practice.

Negotiated grievance procedures (binding arbitration and review by the FIRA or the Federal Circuit) may also be used.

GoP is subject to EEOC regulations governing claims-resolution and affirmative-employment programs, and EEOC evaluates GoP’s performance.

The CAA provides for adjudication and appeal administration, and to a limited extent by FLRA regulation, which must conform to Chapter 71. GoP issues labor-management regulations for itself, which need be only “consistent” with Chapter 71.

The NLRB has authority to issue substantive regulations for the private sector: GoP issues labor-management regulations for itself, which need be only “consistent” with Chapter 71.

The EEOC may investigate and prosecute against unlawful discrimination and retaliation that is a prohibited personnel practice.

The CAA establishes different employer prerogatives than the federal-sector provisions now at GPO.

2 An employee asserting a “mixed case” complaint may sue either if there is no GoP decision 120 days after the complaint, or after a final decision by the MSPB, or if there is no decision by the MSPB 120 days after an appeal to the MSPB.

APPENDIX III, TABLE 12.—GPO: ADA TITLE I AND REHABILITATION ACT

All substantive rights of the ADA apply to GPO, under § 505 of the ADA.

GoP management investigates and decides complaints. There is generally no administrative appeal from the Public Printer’s final decision (apart from negotiated grievance procedures).

Negotiated grievance procedures (binding arbitration and review by the FIRA or the Federal Circuit) may also be used.

The CAA provides for adjudication and appeal administration, and to a limited extent by FLRA regulation, which must conform to Chapter 71. GoP issues labor-management regulations for itself, which need be only “consistent” with Chapter 71.

The NLRB has authority to issue substantive regulations for the private sector: GoP issues labor-management regulations for itself, which need be only “consistent” with Chapter 71.

APPENDIX III, TABLE 13.—GPO: FAMILY AND MEDICAL LEAVE ACT

FMLA provisions for the federal sector: 5 U.S.C. § 6301 et seq., as well as GPO’s substantive FMLA regulations, apply.

The CAA establishes different employer prerogatives than the federal-sector provisions now at GPO.

With respect to FMLA rights, GPO is under the same substantive, administrative, and judicial statutory provisions as are executive branch agencies, and is subject to the authority of MSPB like executive-branch agencies.

Private-sector law establishes different employer prerogatives than the federal-sector provisions now at GPO.
The FMLA provides no administrative remedy, but GPO employees may seek a remedy through GPO's administrative grievance procedures, or from the MSPB if the agency action is appealable under civil service law (e.g., involving an "adverse action" or "performance-based action" or "prohibited personnel practice"). Negotiated grievance procedures may also be used.

The Kiess Act, 44 U.S.C. § 305(b), allows GPO to pay salaried employees compensatory time off for overtime work. GPO is also covered by civil service statutes authorizing credit hours and compressed work schedules in exceptions to FLSA overtime pay.

A GPO employee alleging a violation may complain to OPM, which is overseen by the President. (On OPM, Senate approval; whereas GPO is now subject to regulation by DoL, which is overseen by the President; whereas GPO is now subject to regulations promulgated by OPM, which is also overseen by the President. (See Table 4, footnote 1, on OPM.)

For the private sector, regulations are promulgated by DoL, which is overseen by the President, whereas GPO is now subject to regulations promulgated by OPM, which is also overseen by the President. (See Table 4, footnote 1, on OPM.)

Under private-sector provisions, DoL receives complaints and investigates FMLA violations, but does not afford administrative adjudication of complaints; whereas now the MSPB adjudicates alleged FMLA violations at GPO, but only if the adverse action is otherwise appealable under civil service law.2

Under private-sector provisions, DoL receives complaints and investigates FMLA violations, but does not afford administrative adjudication of complaints; whereas now the MSPB adjudicates alleged FMLA violations at GPO, but only if the adverse action is otherwise appealable under civil service law.

APPENDIX III, TABLE 14.—GPO: FAIR LABOR STANDARDS ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>GPO must provide any information requested by OPM, and OPM can currently request necessary information from GPO.</td>
<td>GPO is covered by generally the same FMLA substantive provisions and OPM's regulations and authorities as in the federal sector</td>
<td>Jury trials, which are arguably not now available against GPO, are available under private-sector procedures</td>
<td></td>
</tr>
<tr>
<td>The CAA provides counseling, mediation, and adjudication administered by the OC, unlike complaints now against GPO, decided by OPM without adjudication. Under the CAA, information is developed only through the parties' discovery; OPM can currently request necessary information from GPO. (The CAA should provide for investigation and proceeding as to retaliation.)</td>
<td>Jury trials, which are arguably not now available against GPO, are available under private-sector procedures.</td>
<td>For the private sector, regulations are promulgated by OPM, whereas GPO is not subject to regulations promulgated by OPM.</td>
<td></td>
</tr>
<tr>
<td>The CAA provides counseling, mediation, and adjudication administered by the OC, unlike complaints now against GPO, decided by OPM without adjudication. Under the CAA, information is developed only through the parties' discovery; OPM can currently request necessary information from GPO. (The CAA should provide for investigation and proceeding as to retaliation.)</td>
<td>Jury trials, which are arguably not now available against GPO, are available under private-sector procedures.</td>
<td>For the private sector, regulations are promulgated by OPM, whereas GPO is now subject to regulations promulgated by OPM.</td>
<td></td>
</tr>
</tbody>
</table>

APPENDIX III, TABLE 15.—GPO: EMPLOYEE POLYGRAPH PROTECTION ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The CAA would withdraw GPO's authority to require employees to take leave as a prerequisite to proceeding with complaint. The CAA would also preclude the receipt of comp time in lieu of FLSA overtime pay. DoL's regulatory requirements would apply in lieu of OPM's, which are more specific and tailored to the federal civil service.</td>
<td>GPO employees are covered under the same statutory and regulatory provisions governing OPM's receipt and resolution of complaints as federal-sector employees</td>
<td>Jury trials, which are arguably not now available against GPO, are available under private-sector procedures.</td>
<td></td>
</tr>
<tr>
<td>The CAA would withdraw GPO's authority to require employees to take leave as a prerequisite to proceeding with complaint. The CAA would also preclude the receipt of comp time in lieu of FLSA overtime pay. DoL's regulatory requirements would apply in lieu of OPM's, which are more specific and tailored to the federal civil service.</td>
<td>GPO employees are covered under the same statutory and regulatory provisions governing OPM's receipt and resolution of complaints as federal-sector employees</td>
<td>Jury trials, which are arguably not now available against GPO, are available under private-sector procedures.</td>
<td></td>
</tr>
<tr>
<td>The CAA would withdraw GPO's authority to require employees to take leave as a prerequisite to proceeding with complaint. The CAA would also preclude the receipt of comp time in lieu of FLSA overtime pay. DoL's regulatory requirements would apply in lieu of OPM's, which are more specific and tailored to the federal civil service.</td>
<td>GPO employees are covered under the same statutory and regulatory provisions governing OPM's receipt and resolution of complaints as federal-sector employees</td>
<td>Jury trials, which are arguably not now available against GPO, are available under private-sector procedures.</td>
<td></td>
</tr>
</tbody>
</table>

1 Under private-sector provisions made applicable under the CAA, but not under federal-sector provisions at OPM: (1) the employee may deny retaliation to an employee who is a high-salary "key" employee; (2) an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and (3) employees may seek a remedy through GPO's administrative decision as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and (4) negotiated grievance procedures may also be used. Negotiated grievance procedures may also be used.

2 Under private-sector provisions made applicable under the CAA, but not under federal-sector provisions at GPO: (1) the employee may deny retaliation to an employee who is a high-salary "key" employee; (2) an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and (3) employees may seek a remedy through GPO's administrative decision as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and (4) negotiated grievance procedures may also be used.
### APPENDIX III, TABLE 15.—GPO: EMPLOYEE POLYGRAPH PROTECTION ACT—Continued

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBSTANTIVE RULEMAKING PROCESS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Under the CAA, substantive regulations would be promulgated for GPO under the same rulemaking process as for other employing agencies.</td>
<td></td>
<td></td>
<td>+Applying private-sector provisions would extend substantive regulations issued by DoL to cover GPO.</td>
</tr>
</tbody>
</table>

1 To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. See Table 5, note 1, above.

### APPENDIX III, TABLE 16.—GPO: WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Application of the CAA would extend WARN Act substantive rights to GPO employees</td>
<td>— WARN Act rights do not apply generally in the federal sector. (Federal-sector employees, like GPO employees in the competitive service, are entitled to 60 days' notice of a RIF, pursuant to applicable civil service statutes and regulations.)</td>
<td></td>
<td>+The substantive rights of the WARN Act apply generally in the private sector.</td>
</tr>
</tbody>
</table>

### APPENDIX III, TABLE 17.—GPO: VETERANS EMPLOYMENT AND REEMPLOYMENT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GPO employees, like all other public- and private-sector employees, are covered by USERRA.</strong></td>
<td>+Applying USERRA would grant GPO employees the right to sue, which they may not now do under USERRA.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GPO is not covered under the WARN Act, under § 205 of the CAA, or under any other law making applicable the rights of the WARN Act.</strong> (Most GPO employees are “competitive service” employees covered by OPM's RIF regulations and/or are members of bargaining units under collective bargaining agreements, both of which require 60 days' advance notice to employees affected by RIFs.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GPO is covered under the same substantive USERRA provisions as apply generally to the federal sector.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### APPENDIX III, TABLE 18.—GPO: ADA TITLES II-III

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Substantive rights under § 206 of the CAA are substantially similar to those applicable to GPO under the USERRA.</td>
<td>— GPO is covered under the same substantive USERRA provisions as applicable to the federal sector.</td>
<td>— GPO is covered under the same substantive USERRA provisions as private-sector employers.</td>
<td></td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Use of model ADR process under CAA is a prerequisite to proceeding with complaint</td>
<td>+Employees under federal-sector provisions of USERRA, including GPO employees, may complain to DoL, which investigates and informsally seeks compliance.</td>
<td>+Private-sector employees, like GPO employees, may submit complaints to DoL, which investigates and informsally seeks compliance.</td>
<td></td>
</tr>
<tr>
<td>+Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC.</td>
<td>+USERRA generally authorizes federal-sector employees, but not GPO employees, to: (1) request the Special Counsel to pursue a case on the employers' behalf; and (2) have any alleged USERRA violation adjudicated by the MSPB.</td>
<td>— Private-sector provisions do not provide for administrative adjudication of complaints.</td>
<td></td>
</tr>
<tr>
<td>+Applying CAA procedures would grant GPO employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review.</td>
<td>— CAA confidentiality rules apply</td>
<td>+Applying private-sector procedures would grant GPO employees to sue.</td>
<td></td>
</tr>
<tr>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Applying CAA procedures would grant GPO employees the right to sue, which they may not now do under the USERRA.</td>
<td>+Federal-sector employees, like GPO employees, may not sue.</td>
<td>+Applying private-sector procedures would grant GPO employees the right to sue, which they do not now have.</td>
<td></td>
</tr>
</tbody>
</table>

1 This table assumes that, under the CAA option, the existing remedial procedures under USERRA would be retained. § 225(d) of the CAA states that a covered employee “may also utilize any provisions of . . . [USERRA] that are applicable to that employee.”
After having exhausted administrative remedies, members of the public may sue and have a trial de novo. An individual may sue either after a final GPO decision if there is no such decision 180 days after the complaint.

Substantive regulations promulgated by executive branch agencies under titles II-III of the ADA are not made applicable. The OC Board adopts ADA regulations, generally the same as executive branch agency regulations for the private sector, subject to House and Senate approval. No entity outside of GPO now promulgates regulations applicable to GPO.

No agency outside of GPO has authority to inspect or require GPO compliance with ADA standards. GPO has established its own compliance procedures, including procedures for responding to employee complaints and regular inspections. Requirements to keep records and report to DoL, as imposed by the OSHAct and civil service law (5 U.S.C. § 7922).

The Public Printer has issued health and safety standards for itself, and must afford conditions "consistent with" those standards.

The OC would adopt exceptions and variances, conduct inspections, enforce, and resolve disputes, no such authority is now granted to an entity outside of GPO. The OSHAct requires private-sector employers and employees to abide by OSHA standards. Although GPO in fact applies OSHA standards that are generally the same as OSHA standards, present law only requires GPO to provide conditions "consistent with" those standards.

The OC Board exercises a role generally similar to that of the FLRA. Unions and employers in the private sector, if the employer agrees, may obtain exclusive recognition by card majority (i.e., without secret ballot election).

The CAA regulations, generally the same as DoL's standards, are issued by the OC Board subject to House and Senate approval for itself, and must afford conditions "consistent with" DoL's standards.

The OC Board under the CAA exercises a role generally similar to that of the FLRA. Grievance procedures are not a required provision of the Federal Labor-Management Relations Act ("NLRA"). Unions in the private sector, if the employer agrees, may obtain exclusive recognition by card majority (i.e., without secret ballot election).

The CAA generally makes DoL's OSH standards applicable. Although GPO applies OSHA standards that are generally the same as DoL's standards, present law only requires GPO to provide conditions "consistent with" those standards.

The CAA empowers the Board, with House and Senate approval, to exclude offices from coverage under labor-management relations provisions if exclusion is required because of conflict of interest or Congress's constitutional responsibilities. The Federal Circuit has no such provision.

The OSHAct requires that provisions regarding retaliation be consistent with those of the Federal Civil Service Act. The OSHAct requires private-sector employers and employees to abide by OSHA standards. Although GPO in fact applies OSHA standards that are generally the same as OSHA standards, present law only requires GPO to provide conditions "consistent with" those standards.
### APPENDIX III, TABLE 20.—GPO: LABOR-MANAGEMENT RELATIONS—Continued

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>Compared to CAA Coverage</th>
<th>Compared to Federal-Sector Coverage</th>
<th>Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal-sector provisions of Title VII (§ 717) and the ADEA (§ 15), as well as the EPA, apply to the Library</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts.</td>
<td>The processes at the Library are modeled generally on those at the Library.</td>
</tr>
<tr>
<td></td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
<tr>
<td>Title VII and ADEA allow suit and trial de novo after exhausting administrative remedies. (Employees may sue either after a final Library decision or if there is no such decision 180 days after the complaint.) EPA allows suit without having exhausted administrative remedies; jury trials are not available for ADEA and EPA claims.</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
</tbody>
</table>

---

APPENDIX III, TABLE 21.—LIBRARY OF CONGRESS: TITLE VII, ADEA, AND EPA

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>Compared to CAA Coverage</th>
<th>Compared to Federal-Sector Coverage</th>
<th>Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Library management investigates and decides complaints. There is no administrative appeal from the Librarian’s final decision (apart from negotiated grievance procedures). Negotiated grievance procedures (binding arbitration and review by the FLRA or the Federal Circuit) may also be used. The Library must maintain claims-resolution and affirmative-employment programs.</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
<tr>
<td>Title VII and ADEA allow suit and trial de novo after exhausting administrative remedies. (Employees may sue either after a final Library decision or if there is no such decision 180 days after the complaint.) EPA allows suit without having exhausted administrative remedies; jury trials are not available for ADEA and EPA claims.</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
</tbody>
</table>

---

### APPENDIX III, TABLE 22.—LIBRARY: ADEA TITLE I AND REHABILITATION ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>Compared to CAA Coverage</th>
<th>Compared to Federal-Sector Coverage</th>
<th>Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All substantive employee rights of the ADEA apply to the Library, under § 509 of the ADEA.</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
</tbody>
</table>

---

### APPENDIX III, TABLE 23.—LIBRARY: FAMILY AND MEDICAL LEAVE ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>Compared to CAA Coverage</th>
<th>Compared to Federal-Sector Coverage</th>
<th>Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMLA provisions for the private sector, 29 U.S.C. § 2611 et seq., apply to the Library.</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
</tbody>
</table>

---

### APPENDIX III, TABLE 24.—LIBRARY: FAMILY AND MEDICAL LEAVE ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>Compared to CAA Coverage</th>
<th>Compared to Federal-Sector Coverage</th>
<th>Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMLA provisions for the private sector, 29 U.S.C. § 2611 et seq., apply to the Library.</td>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td>The CAA provides for counseling, mediation, and adjudication administered by the OF. Now, as to allegations against the Library, no entity outside of the Library has such authorities.</td>
<td>The processes at the Library are modeled generally on those in the federal sector.</td>
</tr>
<tr>
<td></td>
<td><strong>ADMINISTRATIVE PROCESSES</strong></td>
<td>The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges. Such authorities have been granted to an agency outside of the Library.</td>
<td>Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations.</td>
</tr>
<tr>
<td></td>
<td><strong>JUDICIAL PROCEDURES</strong></td>
<td>The CAA confidentiality rules would apply.</td>
<td>The Library would be required to follow EEOC regulations governing agencies’ internal claims-resolution procedures and affirmative-employment programs.</td>
</tr>
</tbody>
</table>
There is no administrative appeal to an entity outside of the Library.

**FMLA provides no administrative procedures, but requires the Librarian to exercise DoL's authority to investigate and prosecute FMLA violations.**

There is disagreement as to whether Library employees arguably not allowed against the Federal government.

**Current Regime**  
- **Administrative Processes**: Use of model ADR process under CAA is a prerequisite to proceeding with complaint.
- **Federal-sector provisions**: OPM receives and resolves any FLSA complaints.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

Library employees may sue for FMLA violations, and are granted liquidated or other damages specified in the private-sector statute, as can Library employees.

**Current Regime**  
- **Administrative Processes**: The CAA provides for investigation and prosecu-
  tion of FMLA violations implicated in appealable adverse actions in the state sector, whereas the Library is responsible for investigating or enforcing other authorities.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

The Library is subject to DoL's substantive regulations implementing the FLSA Government-wide.

**Current Regime**  
- **Administrative Processes**: OPM receives and resolves any FLSA complaints against federal-sector employees, whereas OPM may operate complaints against the Library.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

The Library is subject to DoL's substantive regulations implementing the EPPA Government-wide.

**Current Regime**  
- **Administrative Processes**: OPM receives and resolves any EPPA violations.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

Library employees may sue for FMLA violations, and are granted liquidated or other damages specified in the private-sector statute, as can Library employees.

**Current Regime**  
- **Administrative Processes**: The CAA provides for investigation and prosecu-
  tion of FMLA violations implicated in appealable adverse actions in the state sector, whereas the Library is responsible for investigating or enforcing other authorities.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

The Library is subject to DoL's substantive regulations implementing the FLSA Government-wide.

**Current Regime**  
- **Administrative Processes**: OPM receives and resolves any FLSA complaints against federal-sector employees, whereas OPM may operate complaints against the Library.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

The Library is subject to DoL's substantive regulations implementing the EPPA Government-wide.

**Current Regime**  
- **Administrative Processes**: OPM receives and resolves any EPPA violations.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

There is disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures. There may be disagreement as to whether Library employees may seek a remedy for a § 204 violation using the Library's administrative grievance procedures, or negotiated grievance procedures at the Library.

**Current Regime**  
- **Administrative Processes**: If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint.

**JUDICIAL PROCEDURES**: The CAA provides for jury trials, which are arguably not available at the Library.

**SUBSTANTIVE RIGHTS**: The CAA provides for jury trials, which are arguably not available at the Library.

---

There is disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures. There may be disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures. There may be disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures. There may be disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures. There may be disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures.
### APPENDIX III, TABLE 25.—LIBRARY: EMPLOYEE POLYGRAPH PROTECTION ACT—Continued

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is disagreement as to whether Library employees may sue under the CAA</td>
<td>Applying CAA procedures would grant Library employees the right to sue, and if they pursue an administrative claim, to obtain appellate judicial review</td>
<td>Applying private-sector procedures would enable Library employees to sue, whereas the right to sue under the CAA is now subject to dispute.</td>
<td>The CAA provides that the Library shall be subject to generally the same regulatory requirements as under DoL's regulations for the private sector.</td>
</tr>
<tr>
<td>The OC Board has issued WARN Act regulations, substantially similar to those promulgated by DoL, and has extended the regulations to cover the Library, the extension has not been approved by the House and Senate. Accordingly, “the most relevant substantive executive agency regulation are DoL’s regulations, are adopted by the OC Board for all other employing offices.”</td>
<td>Substantive regulations under the CAA are now promulgated by the same process for the Library as for other employing offices.</td>
<td>The CAA confidentiality rules would apply as applied by the CAA.</td>
<td></td>
</tr>
<tr>
<td>There is disagreement as to whether Library employees alleging §206 violations may sue in federal court.</td>
<td>If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint. Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. Now no such procedures are provided under authority of an agency outside of the Library, unless under the CAA. (The CAA should provide for investigation, prosecution, and adjudication of retaliation.) —CAA confidentiality rules would apply.</td>
<td>Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. (The CAA should provide for investigation, prosecution, and adjudication of retaliation.) —CAA confidentiality rules would apply.</td>
<td></td>
</tr>
<tr>
<td>The OC Board has issued WARN Act regulations, substantially similar to those promulgated by DoL, and has extended the regulations to cover the Library, the extension has not been approved by the House and Senate. According to the Library, “the most relevant substantive executive agency regulation are DoL’s regulations, are adopted by the OC Board for all other employing offices.”</td>
<td>Substantive regulations under the CAA are now promulgated by the same process for the Library as for other employing offices.</td>
<td>The CAA confidentiality rules would apply as applied by the CAA.</td>
<td></td>
</tr>
</tbody>
</table>

### APPENDIX III, TABLE 26.—LIBRARY: WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>§205 of the CAA extends the substantive rights of the WARN Act to the Library</td>
<td>The Library is covered under WARN Act rights as applied by the CAA.</td>
<td>WARN Act rights do not apply generally in the federal sector. (Federal-sector employees in the competitive service are entitled to 60 days’ notice of a RIF, pursuant to applicable civil service statute and regulations. However, this table makes no assumptions as to whether the Library’s existing regulations and remedies involving RIFs would be retained, or whether the Library’s existing regulations and remedies involving RIFs would be applied to GAO. See generally footnote 1.)</td>
<td></td>
</tr>
<tr>
<td>There is disagreement whether Library employees alleging §205 violations may sue CAA administrative procedures.</td>
<td>If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint. Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. Now no such procedures are provided under authority of an agency outside of the Library, unless under the CAA. (The CAA should provide for investigation, prosecution, and adjudication of retaliation.) —CAA confidentiality rules would apply.</td>
<td>Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. (The CAA should provide for investigation, prosecution, and adjudication of retaliation.) —CAA confidentiality rules would apply.</td>
<td></td>
</tr>
<tr>
<td>There is disagreement whether Library employees may sue under the CAA.</td>
<td>Applying CAA procedures would grant Library employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review of a final administrative decision.</td>
<td>Applying CAA procedures would grant Library employees the right to sue, whereas the right to sue under the CAA is now subject to dispute.</td>
<td></td>
</tr>
</tbody>
</table>

### APPENDIX III, TABLE 27.—LIBRARY: VETERANS EMPLOYMENT AND REEMPLOYMENT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library employees, like all other public- and private-sector employees, are covered by USERRA. In addition, §206 of the CAA extends substantive rights of USERRA to the Library</td>
<td>The Library is covered under USERRA rights as applied by the CAA.</td>
<td>The Library is covered under the same substantive USERRA provisions as apply generally to the federal sector, and is also covered under the CAA, which makes applicable substantially the same rights as the USERRA applies in the federal sector.</td>
<td></td>
</tr>
<tr>
<td>Under USERRA, Library employees may file a complaint with DoL, which investigates and informally seeks compliance. There is disagreement as to whether Library employees alleging a §206 violation may sue federal administrative procedures.</td>
<td>Applying CAA procedures would make the use of model ADR process a prerequisite to proceeding with complaint. Applying the administrative procedures of the CAA would provide counseling, mediation, and adjudication administered by the OC. (The CAA should provide for investigation, prosecution, and adjudication of retaliation.) —CAA confidentiality rules would apply.</td>
<td>Employees under federal-sector provisions of USERRA, including Library employees, may complain to DoL, which investigates and informally seeks compliance. USERRA generally authorizes federal-sector employees, but not Library employees, to (a) request the Special Counsel to pursue a case on the employee’s behalf, and (b) have an alleged USERRA violation adjudicated by the MSPB.</td>
<td></td>
</tr>
<tr>
<td>USERRA does not authorize federal employees, including those at the Library, to sue. There is disagreement whether Library employees alleging a §206 violation may sue under the CAA.</td>
<td>Applying CAA procedures would grant Library employees the right to sue for §206 violations; Library employees are not afforded a private right of action under USERRA.</td>
<td>Federal-sector employees, like Library employees, may not sue.</td>
<td></td>
</tr>
</tbody>
</table>

1 This table assumes that, under the CAA option, the existing remedial procedures under USERRA would be retained. §225(d) of the CAA states that covered employees “may also utilize any provisions of . . . [USERRA] that are applicable to that employee.”

2 To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. See Table 5, note 1, above.

3 To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. See Table 5, note 1, above.

4 This table assumes that, under either the CAA option or the private-sector option, the existing procedures for remedying violations of the Library’s RIF regulations and collective bargaining agreements need not be changed. The notice rights under the Library’s RIF regulations seem sufficiently distinct from WARN Act rights that the existing procedures for seeking a remedy for RIF notice violations need not be superseded by application of either the CAA or the private-sector provisions.

5 To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. See Table 5, note 1, above.
## APPENDIX III, TABLE 28.—LIBRARY: ADA TITLES II-III

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All substantive rights of the ADA, including those involving public access, apply to the Library, under § 509 of the ADA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=Substantive rights, under the CAA are generally the same as the public-access rights now at the Library under the ADA.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=The prohibition against retaliation, which applies now at the Library under the ADA, is not granted under the CAA to members of the public</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Library must maintain administrative procedures under which members of the public can seek redress for ADA violations. The Library investigates complaints, and provides for appeal within the agency. There is no administrative appeal to an entity outside of the Library, nor other outside agency oversight of compliance by the Library.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=The CAA provides for mediation and adjudication administered by the OC, now, there is no administrative appeal to an entity outside of the Library.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=The CAA establishes an enforcement-based process, under which an administrative proceeding may be brought only by the GC of the OC after receiving a charge. Enforcement at the Library is by private action only.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=CAA confidentiality rules would apply to mediations, hearings, and deliberations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After having exhausted administrative remedies, members of the public can sue and have a trial de novo. (An individual may sue either after a final E.O. decision or if there is no such decision 180 days after the complaint.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=The charging individual may not sue under the CAA, but such individual, having intervened in the administrative proceeding, may appear to the Federal Circuit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantive regulations promulgated by executive branch agencies under titles II-III of the ADA are not made applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>=The OC Board adopts regulations, generally the same as executive-branch agency regulations for the private sector, subject to House and Senate approval. No entity outside of the Library now issues regulations applicable to the Library.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ADMINISTRATIVE PROCESSES

- For the federal sector, § 504 of the Rehabilitation Act applies substantive rights that are generally the same as the public-access rights applicable to the Library under the ADA.
- For the private sector, title III of the ADA applies generally the same substantive rights involving public access as are applicable to the Library under the ADA.

### JUDICIAL PROCEDURES

- Under title III of the ADA, the Attorney General investigates alleged violations in the private sector; as to the Library, no entity outside of the Library now investigates.
- The Attorney General may prosecute title III violations in court, whereas no agency may do so now as to the Library.
- Private-sector employers are subject to substantive regulations promulgated by the Attorney General. No entity outside of the Library now promulgates regulations applicable to the Library.

---

2 Because the Board’s public access regulations have not been approved, “the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding” would be applied, pursuant to § 411 of CAA.

## APPENDIX III, TABLE 29.—LIBRARY: OSHACT

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 215 of the CAA extends the substantive rights of the OSHAct to the Library and requires compliance with occupational safety and health (“OSH”) standards established by DoL.</td>
<td>=The Library is fully subject to the substantive, administrative, and judicial provisions of the CAA with respect to occupational safety and health, including the process for establishing any regulatory requirements. =Recordkeeping and reporting requirements should be applied, administered by the OC, whereas law now applicable to the Library requires recordkeeping and reporting to DoL. (The CAA should provide for investigation and prosecution of retaliation.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The administrative procedures of § 215 of the CAA apply fully to the Library. Requirements to keep records and report to DoL are now imposed under OSHAct and call service law.</td>
<td>=E.O. 12196 (reproduced at 5 U.S.C. § 7902 note) requires executive-branch agencies to comply with the same DoL standards as are made applicable to employing offices, including the Library, under the CAA. =The CAA is not applicable to the Library.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The judicial procedures of § 215 of the CAA apply fully to the Library.</td>
<td>=There is no judicial review of actions or decisions under the E.O. Unrelated, the CAA, which provides for appellate judicial review of administrative decisions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ADMINISTRATIVE PROCESSES

- =E.O. 12196 requires DoL to inspect and consider employee complaints; the CAA is administered for employing offices, including the Library, by the OC. Unlike the CAA, the E.O. does not require each agency to establish its own OSH program.
- =If DoL and the employing agency disagree, there is no adjudicatory or other formal dispute resolution process under the E.O., whereas there is under the CAA. Rather, the agreement is submitted to the President.

### JUDICIAL PROCEDURES

- =In appellate review procedures in the private sector are generally the same as those made applicable for employing offices, including the Library, under the CAA.
- =DoL investigates and prosecutes private-sector retaliation. The CAA, which now covers the Library, has no such authority, but it should.

---

3 Because the Board’s public access regulations have not been approved, “the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding” would be applied, pursuant to § 411 of CAA.

## APPENDIX III, TABLE 30.—LIBRARY: LABOR-MANAGEMENT RELATIONS

<table>
<thead>
<tr>
<th>Current Regime</th>
<th>— Compared to CAA Coverage</th>
<th>— Compared to Federal-Sector Coverage</th>
<th>— Compared to Private-Sector Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBSTANTIVE RIGHTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Library is covered by Chapter 71 and by the FLRA’s regulations thereunder.</td>
<td>=The CAA affords generally the same substantive rights as apply now at the Library under Chapter 71. The CAA empowers the Board, with House and Senate approval, to include offices from coverage under labor-management relations provisions if exclusion is required because of conflict of interest or Congress’s constitutional responsibilities; Chapter 71 has no such provision.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The E.O. was issued for the executive branch by the President. Executive branch regulations, which are applicable to the Library, are adopted by the OC Board, subject to approval by the House and Senate.</td>
<td>=The same substantive, administrative, and judicial statutory provisions of Chapter 71 apply generally in the federal sector as apply now at the Library, and agencies in the federal sector are generally subject to the authority of the FLRA as it is the Library.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>=Private-sector employees, covered by the National Labor Relations Act (&quot;NLRA&quot;), have the right to strike. =Unions and employers in the private sector may enter into union security agreements. =Unions in the private sector, if the employer agrees, may obtain exclusive recognition by card majority (i.e., without secret ballot election).</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:


112. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Accreditation of Non-Government Facilities [Docket No. 95-071-2] (RIN: 0579-AA75) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

113. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Electric Overhead Distribution Lines; Specifications and Drawings for 24 kV/14.4 kV Line Construction—January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

114. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Addition to Quaran-tined Areas [Docket No. 98-113-1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

115. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Liechtenstein Because of BSE [Docket No. 98-119-1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

116. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Tolerances and Exemptions for Barley [Docket No. 98-088-3] (RIN: 0578-AA20) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

117. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Wallows Grown in California; Increased Assessment Rate [Docket No. FV99-1 FR] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

118. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revised Quality and Handling Requirements and Entry Procedures for Import of Peanut Products [Docket No. 98-999-1 FR] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


120. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—RUS Fidelity and Insurance Requirements for Electric Cooperatives [RIN: 0572-AA86] received January 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

121. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Real Estate Relocation and Disruption Payments for Employees [RIN: 0579-A810] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

122. A letter from the Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting the Department's final rule—Conversion of Farmland [RIN: 0578-AA20] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerance [OPP-300768; FRL-6050-5] (RIN: 2070-AB78) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


127. A letter from the United States Court of Appeals, transmitting an opinion of the Court; to the Committee on Agriculture.

128. A communication from the President of the United States, transmitting a request for previously appropriated emergency funds for the Department of Defense; (H. Doc. No. 106-10); to the Committee on Appropriations and ordered to be printed.

129. A communication from the President of the United States, transmitting a request for additional funding; (H. Doc. No. 106-4); to the Committee on Appropriations and ordered to be printed.

130. A communication from the President of the United States, transmitting the Budget of the United States Government for Fiscal Year 2000; (H. Doc. No. 106-3); to the Committee on Appropriations and ordered to be printed.

131. A communication from the President of the United States, transmitting a request for Department of Defense research, development, test, and evaluation, Defense-wide; $770,000,000; (H. Doc. No. 106-15); to the Committee on Appropriations and ordered to be printed.

132. A letter from the Secretary of Labor, transmitting a report on two violations of the Antideficiency Act; to the Committee on Appropriations.

133. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Materiel Command is initiating a single function cost comparison of the Education and Training functions at Robins Air Force Base (AFB) Georgia, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.


137. A letter from the Director, Office of Research and Development, Department of Energy, transmitting the Agency's final rule—Approval of an Environmental Impact Statement; Simplified Acquisition Procedures [FRL-6198-1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

138. A letter from the Associate General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


140. A letter from the Director of Regulatory Management and Information, Department of Health and Human Services, transmitting the Agency's final rule—Payment of Treatment Costs of Publicly Insured Inpatients [Docket No. 98-NA-057; RIN: 0490-AB56] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


143. A letter from the Director of Regulatory Management and Information, Department of Commerce, transmitting the Office's final rule—Modification of the Ozone Monitoring Season for Washington and Oregon [ORWA-030799-a; FRL-6220-3] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

144. A letter from the Director, Office of Regulatory Management and Information, Department of Commerce, transmitting the Office's final rule—Regulatory Management Program Revisions [FRL-6217-7] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

145. A letter from the Director, Office of Regulatory Management and Information, Department of Commerce, transmitting the Office's final rule—Approval and Promulgation of Implementation Plans: California [FRL-6216-1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

146. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District [CA-207-0108a; FRL-6203-7] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

147. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMA Approval of Submittal; Production of Digital Television Spectrum Pursuant to Section 336(e)(1) of the Telecommunications Act of
February 2, 1999

CONGRESSIONAL RECORD – HOUSE

200. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

201. A letter from the Staff Director, Commission on Civil Rights, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

202. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the OMB Final Rule for the Fiscal Year 1999 Federal Procurement List Additions—received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

203. A letter from the Comptroller General, transmitting a monthly listing of new investigations, audits, and evaluations, to the Committee on Government Reform.

204. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the consolidated report on accountability and proper management of Federal resources pursuant to the Inspector General Act and the Federal Financial Managers' Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

205. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Ins. Gen. Act) section 5(b); to the Committee on Government Reform.

206. A letter from the Deputy Secretary of Defense, transmitting the Department's FY 1998 Annual Statement of Assurance, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

207. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

208. A letter from the Chairman, Federal Communications Commission, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act Annual Report for the Federal Communications Commission, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

209. A letter from the Acting Chairman, Federal Election Commission, transmitting the report of the Commission and the objective of reducing conflicts of interest pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

210. A letter from the Chair, Federal Labor Relations Authority, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

211. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Regional Federal Labor Relations Authority, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

212. A letter from the Administrator, General Services Administration, transmitting a report to Congress regarding the implementation of, and compliance with the Federal Financial Managers' Integrity Act Amendments of 1997, to the Committee on Government Reform.


214. A letter from the President, National Endowment for Democracy, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

215. A letter from the Chairman, Federal Trade Commission, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

216. A letter from the Administrator, General Services Administration, transmitting a report to Congress regarding the implementation of, and compliance with the Federal Financial Managers' Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

217. A letter from the Chairman, National Endowment for Democracy, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

218. A letter from the Chairman, National Endowment for Democracy, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

219. A letter from the Chairman, National Endowment for Democracy, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

220. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

221. A letter from the Chairwoman, National Academy of Sciences, transmitting a report of the Federal Mediation Board for the Fiscal Year of 1998, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

222. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Corrections and Updating to Certain Regulations of the Office of Government Ethics (RINs: 3209-AA00, 3209-AA04 and 3209-AA13) received January 8, 1999, pursuant to 5 U.S.C. app. (Ins. Gen. Act) section 5(b); to the Committee on Government Reform.

223. A letter from the Director, Office of Personnel Management, transmitting a de minimis memo rule—Final rule—Clarifying the mailroom services and the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Government Reform.

224. A letter from the Director, Office of Personnel Management, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

225. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1997 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

226. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration (General); Collection by Offset from Indebted Governmental Employees (RIN: 3209-AC62) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

227. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Excepted Service; Pro-
status of drug testing in the Executive Office; jointly to the Committees on Government Reform and Appropriations.

305. A letter from the Chair of the Board of Directors, Domini Capital Management, transmitting a report on the applicability to the legislatively branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to Public Law 104-1, section 102(b)(2) (109 Stat. 6); jointly to the Committees on House Administration and Education and the Workforce.

306. A communication from the President of the United States, transmitting the “Report to Congress on a Comprehensive Plan for Responding to the Increase in Steel Imports”; jointly to the Committees on Ways and Means and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Transporation and Infrastructure. H.R. 98. A bill to amend chapter 443 of title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes; with an amendment (Rept. 106-2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transporation and Infrastructure. H.R. 99. A bill to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes; with an amendment (Rept. 106-4). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. H.R. 304. A bill to improve congressional deliberation and Infrastructure. H.R. 99. A bill to amend title 49, United States Code, popularly known as the Aviation Safety Act of 1996, to extend Federal Aviation Administration programs, and for other purposes; with an amendment (Rept. 106-6). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transporation and Infrastructure. H.R. 105. A bill to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes; with an amendment (Rept. 106-4). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. H.R. 304. A bill to improve congressional deliberation and Infrastructure. H.R. 99. A bill to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes; with an amendment (Rept. 106-4). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. H.R. 304. A bill to improve congressional deliberation and Infrastructure. H.R. 99. A bill to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes; with an amendment (Rept. 106-4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. YOUNG of Florida, Mr. HYDE, Mr. BUR-THURSTON of Hawaii, Mr. DAVIS of Virginia, Mr. BATeman, Mr. WOLF, Mr. BOURCHER, Mr. GOODE, Mr. SISISKY, Mr. OXLEY, Mr. WHITFIELD, Mr. FOSSELLA, Mr. NORWOOD, Mr. BROWN of Ohio, Mr. PALLONE, Mr. PICKERING, Mr. BISHOP, Mr. GEJDENSON, Mrs. MINN of Hawaii, Mr. COOK, Mr. MALONEY of Connecticut, Mr. COYNE, Mr. SCARBOROUGH, Mr. HOLDEN, Mr. RAHALL, Mr. RILEY, Mr. FILER, Mr. SHAYS, Mr. PASCAREL, Mr. SESSIONS, Mr. CARNEY of Delaware, Mr. UNDERWOOD, Mr. HANSEN, Mr. STUPAK, Mr. DANNER, Mr. DOYLE, Mrs. THURMAN, Mr. KLECEZKA, Mr. WELDON of Florida, Mr. VANDERHYDE of Pennsylvania, Ms. KAPITUR, Mr. GREEN of Texas, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mr. HALL of Ohio, Mr. SAXTON, Mr. BENTSEN, Mr. MEEKS of New York, Mrs. MYRICK, Mr. DIXON, Mr. BARRETT of Wisconsin, Mr. DIAZ-BALART of Florida, Mr. ACKER, Mr. GRANGER, Mr. JOHNSON, Mr. WOOLSEY, Mr. STEINHOLM, Mr. CARSON, Mr. CUNNINGHAM, Mr. JENKINS, Mr. SENS of Missouri, Mr. SMITH of Washington, Mr. DUNCAN, Mr. TANCREDI, Ms. KILPATRICK, Mr. CHAMBLISS, Mr. ABERCROMBIE, Mr. BURCH of North Carolina, Mr. DEUTCH, Mr. JAMES, Mr. KENNEDY, Mr. ENGLISH of Pennsylvania, Mr. METCALF, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. RANGEL of Texas, Mr. SPALDING, Mr. PETERSON of Pennsylvania, Mr. GARY MILLER of California, Mr. TURNER, Mr. GUTMEYER, Mr. CAMPBELL, Mr. WELDIN, Mrs. JONES of Ohio, Mr. BRYANT, Mr. CALVERT, Mrs. CUBIN, Mr. BLAGOJEVICH, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. GILLMOR, Federal, Mr. PAYCE of Ohio, Mr. BAKER, Mr. TRAFICANT, Mr. HORN, Mr. McDERMOTT, Mr. MARTINEZ, Mr. FROST, Mr. TOWNS, Mr. BACHUS, Mr. STRICKWORTH, Mr. BLUNT, Mr. ALLEN, Mr. PETERSON of Minnesota, Mr. UPTON, Mr. LANTOS, and Mr. CURTIS.

H.R. 430. A bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of title 38, United States Code, to veterans who have been awarded the Purple Heart, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CAMP (for himself, Mr. EHLERS, Mr. HOEKSTRA, Mr. KILDEE, Mr. RIVERS, Mr. SMITH of Michigan, and Mr. UPTON).

H.R. 431. A bill to require any amounts appropriated for Members’ Representation Allotments for the House of Representatives for a fiscal year that remain after all payments are made from such Allotments for the year to be deposited in the Treasury and used for deficit reduction or to reduce the deficit due to the Committee on House Administration.

By Mr. GILMAN (for himself, Mr. GEJDENSON, and Mr. LANTOS).

H.R. 432. A bill to locate the North/South Center as the Dante B. Faschl North/South Center; to the Committee on International Relations.

By Mr. DAVIS of Virginia (for himself, Ms. NORTON, and Mrs. MORELLA).

H.R. 433. A bill to restore the management and leadership of the District of Columbia; to the Committee on Government Reform.

By Mr. CRANE (for himself, Mr. RANDEL, Mr. McDERMOTT, Mr. ROYCE, Mr. DREIER, Mr. JEFFERSON, Mr. PAYNE, Mr. Houghton, Mr. Gilman, Mr. LEVIN, Mr. Baker, Mr. BARRY of Nebraska, Mr. BUTLER, Mr. BILBAY, Mr. BLUMENAUER, Mr. BOEHNER, Mr. Brady of Texas, Mr. BROWN of Florida, Mr. Campbell, Mr. CHABOT, Mr. Christian-Christensen, Mr. DICKS, Ms. Dunn of Washington, Mr. EHlers, Mr. ENGLISH of Pennsylvania, Mr. Ewing, Mr. FALOMBAEVA, Mr. FATTAL, Mr. FOLEY, Mr. FORD, Mr. HALL of Ohio, Mr. RUSH of Illinois, Mr. JEFFCOTT, Mrs. MASON, Mr. ROBINSON, Mr. STEWART, Mr. WIRTH, Mr. BLOOM, Mr. BROWN of North Carolina, Mr. BUNCH, Mr. ROTHENBERG, Mr. SCHIFF, Mr. SHABAZZ, Mr. EVANS, Mr. FXOM, Mr. MILLER of California, Mr. MCCLUSKEY, Mr. BURCHER, Mr. BROWN of New Mexico, Mr. BROWN of California, Mr. BROWN of Missouri, Mr. MCCLURE, Mr. MCGRATH, Mr. MCINTOSH, Mr. MEeks of California, Mr. MORNAN of Virginia, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PETRI, Mr. PORTMAN, Mr. RADONOVICH, Mr. RAMSTAD, Mr. SALAS of Colorado, Mr. SAWYER, Mr. SNYDER, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMAS, Mr. TOWNS, Mr. WOLF, and Mr. WYNN).

H.R. 434. A bill to restrict new trade and investment policy for sub-Sahara Africa; to the Committee on International Relations; in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER (for himself, Mr. RANDEL, Mr. CRANE, and Mr. LEVIN).

H.R. 435. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. WAXMAN, Mr. DAVIS of Virginia, Ms. BURGESS, Mr. WCSCHURS, Mr. SESSIONS, and Mr. DAVIS of Florida).

H.R. 436. A bill to reduce waste, fraud, and error in Government programs by making improvements with respect to management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN (for himself, Mr. DAVIS of Virginia, Mr. EHLERS, Mr. SHAYS, Mr. SESSIONS, Mr. ENGLISH of Pennsylvania, and Mr. TAYLOR of North Carolina).

H.R. 437. A bill to provide for a Chief Financial Officer in the Executive Office of the President; to the Committee on Government Reform.

By Mr. SHIMKUS (for himself and Mr. TAUSIN).

H.R. 438. A bill to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes; to the Committee on Commerce.

By Mr. TALENT (for himself, Ms. VELAZQUEZ, Mrs. KELLY, Mr. PASCARELL, Mr. SWEENEY, and Ms. SCHAKOWSKY).

H.R. 439. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Ms. VELAZQUEZ, Mr. PASCARELL, and Ms. SCHAKOWSKY).

H.R. 440. A bill to make technical corrections to the Microloan Program; to the Committee on Small Business.

By Mr. RUSH (for himself and Mr. SMITH).
By Mr. ABERCROMBIE (for himself and Mrs. Mink of Hawaii):  
H.R. 442. A bill to amend title XIX of the Social Security Act to increase the Federal medical contribution percentage for fiscal years 1990 and 1991, to make available an additional 1 percentage point (except Social Security, Federal retirement, and interest on the debt) equal to 5 percent of the SB baseline; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. SUNDERLAND, Mr. SMITH of New Jersey, Mr. CAMPBELL, Mrs. JOHNSON of Connecticut, Mr. SHERMAN, Mr. WEIXLER, Mr. LEWIS of Georgia, Mr. HASTINGS, Mrs. MCLAFFERTY, Mr. PAYNE, Mr. Wynnn, Mr. DELAHUNT, Mr. Brown of California, Mr. FARR of California, Mr. MORAN of Virginia, Mr. THOMAS, Mr. TRAFICANT, Mr. TAUSCHER, Mr. DEUTSCH, Mr. WAXMAN, Ms. RIVERS, Ms. LEE, Mr. Filner, Mrs. LOWERY, Mr. FRANK of Massachusetts, Mr. BESCHERT, Mr. GEORGE MILLER of California, Mr. GILMAN, Ms. WOOLEY, Mr. DEFAZIO, Mr. TIERNEY, Mr. MURTHA, Mr. CLYBURN, Mr. BROWN of Texas, Mr. BLUMENAUER, Mrs. MALONEY of New York, and Mr. LANTOS):
H.R. 443. A bill to amend the Packers and Stockyards Act to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory animals without first making the required information available to the buyer; to the Committee on Agriculture.

By Ms. BALDWIN (for herself, Mr. CUNNINGHAM, Mr. OSWALD, and Mr. PETERSON of Minnesota):
H.R. 444. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture.

By Mr. BARRETT of Wisconsin (for himself and Mr. VENTO):
H.R. 445. A bill to amend the Electronic Fund Transfer Act to ensure that a financial institution that is in electronic funds transfer networks and that is required to use software to safeguard consumer information complies with the standards adopted by the Federal Reserve System; to the Committee on Banking and Financial Services.

By Mr. BTSAN:
H.R. 446. A bill to amend the Internal Revenue Code of 1986 to eliminate tax subsidies for ethanol fuel; to the Committee on Ways and Means.

By Mr. BEREUTER:
H.R. 447. A bill to establish the Lands Title Repayment Program in order to facilitate certain home mortgage loans; to the Committee on Banking and Financial Services.

By Mr. BILLIRAKIS (for himself, Mr. HASTINGS, Mr. TUPA, Mr. TALENT, Mr. GOODLING, Mr. GILLMOR, Mr. CUNNINGHAM, Mr. ENGEL of Pennsylvania, Mr. GROSS, Mr. PRICE of Ohio, Mr. HILL of Montana, Mr. ARMEY, and Mr. OXLEY):
H.R. 448. A bill to provide new patient protections under group health plans; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Maryland (for himself, Mr. WELDON of Pennsylvania, and Mr. BRADY of Pennsylvania):
H.R. 449. A bill to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. CAMPBELL (for himself, Mr. GUTKNECHT, and Mr. POMEROY):
H.R. 450. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that do not restrict access to agricultural products of the United States, to the Committee on Ways and Means.

By Mr. CAMPBELL:
H.R. 451. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration of all budgetary accounts for fiscal year 2000 (except Social Security, Federal retirement, and interest on the debt) equal to 5 percent of the SB baseline; to the Committee on the Budget.

H.R. 452. A bill to provide off-budget treatment for the receipts and disbursements of the land and water conservation fund, and to provide that the amount appropriated from the fund for a fiscal year for Federal purposes may not exceed the amount appropriated for the same purpose for fiscal year 1996; to the Committee on the Budget.

H.R. 453. A bill to amend the Animal Welfare Act to ensure that dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. CANADY of Florida (for himself, Mr. HYDE, Ms. JACKSON-LEE of Texas, Mr. GILMAN, Mr. MURTHA, Mr. CAMPBELL, Mr. DEFAZIO, Mr. HOLDEN, Mr. LEWIS of Florida, Mr. ROTHMAN, Mr. SATXON, Mr. SHAYS, Mr. HINCHey, Ms. PELSOI, Mr. KLECKZKA, Mr. SMITH of New Jersey, Ms. RIVERS, Mr. MORELLA, Mr. TIERNEY, Mr. WEIXLER, Mr. BLUMENAUER, Mr. SHERMAN, and Ms. WOOLEY):
H.R. 454. A bill to amend the Animal Welfare Act to encourage States and political subdivisions that have a dog or cat pound or shelter to establish an adopt a no-kill or low-kill policy; to the Committee on Agriculture.

By Mr. CAPPS (for herself, Mr. DEUTSCH, Mr. KAPTUR, Mr. FROST, Mr. SANDERS, Ms. DELAURUO, Mr. GREEN of Texas, Ms. LOFGREN, Mr. STARK, Mrs. CLAYTON, Mr. WAXMAN, Mr. REYES, Mrs. MALONEY of New York, Mr. BROWN of California, Ms. KILPATRICK, Mr. BONIOR, Mr. MCDERMOTT, Mr. TOWNS, Mr. McGOVERN, Mr. LANTOS, Mr. MILLS, Mr. GOODLING, Mr. GILLMOR, Mr. CUNNINGHAM, Ms. JONES of Ohio, Mr. FILNER, and Ms. DiGETtE):
H.R. 455. A bill to amend section 102 of the Thompson Amendment of 1986 to allow the President to make certain local educational agencies to provide integrated classroom-related computer training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. COLLINS:
H.R. 456. A bill to amend the relief of the survivors of the 34 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 19, 1994, when United States fighter aircraft mistakenly shot down 2 United States helicopters over Irag; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Ms. NORTON, Ms. KILPATRICK, Mr. BENNET, Ms. MORELLA, Mr. FORD, Ms. RIVERS, Mr. UNDERWOOD, Mr. FROST, Mr. BACON, and Mr. MAMO):
H.R. 457. A bill to amend title 5, United States Code, to increase the amount of leave available to a Federal employee in any leave year to 40 hours per week for the time available to a Federal employee in any leave year to 40 hours per week for a period to be subsequently determined by the Commissions on the Judiciary, for a period to be subsequently determined by the Committee on the Judiciary.

By Mr. DAVIS of California:
H.R. 458. A bill to amend title XIX of the Social Security Act to allow States to use funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the Medicaid Program; to the Committee on Government Reform.

By Mr. FRELINGHUYSEN (for himself and Mr. PALLONE):
H.R. 459. A bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project; to the Committee on Commerce.

By Mr. GALLEGLY (for himself, Mr. SALMON, Mr. ROYCE, Mr. SHERMAN, Mr. STUMP, Mr. HORN, Mr. CUNNINGHAM, Mr. ROGAN, Mr. BACHUS, Mr. HAYWORTH, Mr.NEY, Mr. TRAFICANT, Ms. TAYLOR, Mr. EHRlich, and Mr. NETHERCUTT):
H.R. 460. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age with respect to Federal law enforcement officers; to the Committee on Government Reform.

By Mr. GALLEGLY (for himself, Mr. SALMON, Mr. ROYCE, Mr. SHERMAN, Mr. STUMP, Mr. HORN, Mr. CUNNINGHAM, Mr. ROGAN, Mr. BACHUS, Mr. HAYWORTH, Mr.NEY, Mr. TRAFICANT, Ms. TAYLOR, Mr. EHRlich, and Mr. NETHERCUTT):
H.R. 461. A bill to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. THOMAS of Nevada, Mr. PAYNE, Mr. WYNN, Mr. DELAHUNT, Mr. HASTINGS of Washington, Mr. STARK, Mrs. CLAYTON, Mr. WAXMAN, Ms. PELOSI, Mr. KLECKZKA, Mr. SMITH of New Jersey, Ms. RIVERS, Mr. MORELLA, Mr. TIERNEY, Mr. WEIXLER, Mr. BLUMENAUER, Mr. SHERMAN, and Ms. WOOLEY):
H.R. 462. A bill to amend the Federal Election Campaign Act of 1971 to protect the equal participation of eligible voters in campaigns for election for Federal office; to the Committee on House Administration.

By Ms. GRANGER (for herself, Mr. WELLER, Mr. PICKERING, Mr. BEREUTER, Mr. BROWN of Georgia, Mr. PAYNE, Mr. MURTHA, Mr. PITTS, Mr. CUNNINGHAM, Mr. KING of New York, Mr. POMBO, Mr. SESSIONS, Mr. FROST, Mr. MANZULLO, Mr. BRADY of Texas, Mr. ALFORD, Mr. BRADY of Louisiana, Mr. GRAMM, Mr. STRICKLAND, Mr. HUNSTEIN, Mr. SHAYS, Ms. JONES of Ohio, Mr. FILNER, Mr. DEMPSEY, Ms. DICKEY, and Mr. JONES of Kentucky):
H.R. 463. A bill to amend the Federal Election Campaign Act of 1971 to protect the equal participation of eligible voters in campaigns for election for Federal office; to the Committee on Ways and Means.

By Mr. HERGER:
H.R. 464. A bill to direct the Foreign Trade Zones Board to expand Foreign Trade Zone No. 143 to include an area of the municipal airport of Chico, California; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. WISE, Mr. MASCARA, Mr. KANJORSKI, Mr. MURTHA, and Mr. BOUCHER):
H.R. 465. A bill to make improvements in the Black Lung Benefits Act; to the Committee on Education and the Workforce.

By Mr. SAM J OHNSON of Texas:
H.R. 466. A bill to amend section 3319 of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether; to the Committee on Ways and Means.
February 2, 1999

H376
CONGRESSIONAL RECORD – HOUSE

H.R. 468. A bill to designate as wilderness, wild and scenic rivers, and biological connecting corridors certain public lands in the States of Idaho, Montana, Washington, Wyoming, and for other purposes; to the Committee on Resources.

By Mr. STEARNS (for himself, Mr. BROWN of Ohio, Mr. THURMAN, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. DICKEY, Mr. LEVIN, Mr. Matsu, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. OLIVE, Mr. KILPATRICK, Mr. BONIOR, Mr. VENTO, Mr. CLAY, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SANDERS, and Mr. RAHALL):

H.R. 469. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services for children attending nontraditional schools, outside normal school hours, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Texas (for himself, Mr. BONILLA, and Mr. COMBEST):

H.R. 470. A bill to require the Secretary of Energy to purchase additional petroleum products for the Strategic Petroleum Reserve; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mrs. THURMAN, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. LEVIN, Mr. Matsu, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. OLIVER, Mr. KILPATRICK, Mr. BONIOR, Mr. VENTO, Mr. CLAY, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SANDERS, and Mr. RAHALL):

H.R. 471. A bill to amend title X of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Commerce.

By Mr. MCMULLEN:

H.R. 472. A bill to amend title 49, United States Code, to provide a national standard for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 473. A bill to provide authorities to, and impose requirements on, the Secretary of Defense in order to facilitate State enrollment of employment, and licensing laws against Federal construction contractors; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 474. A bill to provide authorities to, and impose requirements on, the Secretary of Defense in order to facilitate State enrollment of employment, and licensing laws against Federal construction contractors; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 475. A bill to amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 476. A bill to prescribe alternative payment mechanisms for the payment of annual enrollment fees for the TRICARE program of the military health care system; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 477. A bill to amend the Public Health Service Act with respect to research on cognitive disorders arising from traumatic brain injury; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 478. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on J Johnston Atoll, an unincorporated territory of the United States; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 479. A bill to amend the Act of March 12, 1933 (Public Law 72-147; 48 Stat. 1043) to require that contract work covered by the Act which requires licensing be performed by a person who is so licensed; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 480. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for commuting to and from work are excluded from gross income; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. MAST, Mr. OFDIA, Mr. LEW of Georgia, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. HINCHENY, Ms. RIVERS, Mr. COSTELLO, Mr. NADLER, Mr. GUTIERREZ, Mrs. KILPATRICK, Mr. BROWN of Ohio, Mr. TOWNS, Mr. PASCARELL, Mr. GEIDENSTAD, Mr. BLUMENAUER, Mr. SANDERS, Mr. BROWN of New Jersey, Mr. MEEHAN, Mr. FARR of California, and Ms. NORTON):

H.R. 481. A bill to amend the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Resources.

By Mr. MCNULTY:

H.R. 482. A bill to provide for the Federal program of insurance against the risk of catastrophic, volcanic eruptions, and hurricanes, and for other purposes; to the Committee on Transportation and Infrastructure; and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 483. A bill to amend title I, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. UNDERWOOD, Mr. KENNEDY, Mr. FILMINGER, Mr. KILPATRICK, Mr. DAVIS of Virginia, Mr. HINCHENY, Mr. FATTAL, and Mr. MCMULLEN):

H.R. 484. A bill to provide for the Federal program of insurance against the risk of catastrophic, volcanic eruptions, and hurricanes, and for other purposes; to the Committee on Transportation and Infrastructure; and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 485. A bill to direct the United States Sentencing Commission to provide enhanced penalties for drug offenses committed in the presence of children; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mr. BURTON of Indiana, Mr. DAVIS of Georgia, Mr. MILLER of Florida (for himself, Mr. BURTON of Indiana, Mr. DAVIS of Georgia, Mr. GREENWOOD of South Carolina, Mr. HAYWORTH, Mr. MICA, Mr. PETRI, and Mr. RYAN of Wisconsin):

H.R. 486. A bill to provide for the Federal program of insurance against the risk of catastrophic, volcanic eruptions, and hurricanes, and for other purposes; to the Committee on Transportation and Infrastructure; and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. UNDERWOOD, Mr. KENNEDY, Mr. FILMINGER, Mr. KILPATRICK, Mr. DAVIS of Virginia, Mr. HINCHENY, Mr. FATTAL, and Mr. MCMULLEN):

H.R. 487. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for commuting to and from work are excluded from gross income; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 488. A bill to amend the Social Security Act to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from the State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 489. A bill to provide for a biennial budget process and a biennial appropriations process to enhance oversight and the
performance of the Federal Government; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:
H.R. 494. A bill to amend the Endangered Species Act of 1973 to reform the regulatory process under that Act; to the Committee on Resources.

By Mr. THOMAS:
H.R. 495. A bill to reform Federal land management activities relating to endangered species conservation; to the Committee on Resources.

By Mr. THORNBEY:
H.R. 497. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from oil and gas produced from certain off-shore oil and gas wells; to the Committee on Ways and Means.

By Mr. TRAFICANT:
H.R. 499. A bill to amend the Worker Adjustment and Retraining Notification Act to require an employer which is terminating its business to offer its employees an employee stock ownership plan; to the Committee on Education and the Workforce.

By Mr. MURTHA:
H.R. 500. A bill to increase the rates of military basic pay and to revise the formula for the computation of retired pay for members of the Armed Forces who first entered military service on or after August 1, 1986; to the Committee on Armed Services.

By Mr. TRAFICANT:
H.R. 501. A bill to require the registration of all persons providing intercountry adoption services; to the Committee on International Relations.

By Mr. TRAFICANT (for himself, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. MASCARA, Mr. NEY, Mr. KLINK, Mr. DICKY, Mr. RAHALL, Mr. BACHUS, Mr. MOLLOHAN, Mr. VISNOSKY, Mr. STUPAK, Ms. KAPTUR, Mr. DOYLE, Mr. JONES of Ohio, and Mr. NORWOOD):
H.R. 502. A bill to impose a 3-month ban on imports of steel and steel products from Japan, Russia, South Korea, and Brazil; to the Committee on Ways and Means.

By Mr. TRAFICANT:
H.R. 503. A bill to designate the Youngstown-Warren area of Ohio as an empowerment zone under subchapter U of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. TRAFICANT:
H.R. 504. A bill to amend the Internal Revenue Code of 1986 to require, in weighing the factors taken into account in the evaluation of applications for the designation of empowerment zones in urban areas under subchapter U of such Code, that the unemployment rate and percentage of an explicit and general effort be given half the weight; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:
H.R. 505. A bill to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe Hidalgo; to the Committee on Resources.

By Mr. VISNOSKY (for himself, Mr. QUINN, Mr. KUCINICH, Mr. NEY, Mr. MURTHA, Mr. GEPPERT, Mr. BONIOR, Mr. WISE, Mr. VENTO, Mr. DOYLE, Mr. DICKEY, Mr. MOLLOHAN, Mr. STUPAK, Mr. TRAFICANT, Mr. EVANS, Mr. KENNEDY, Mr. RAHALL, Mr. LIPINSKI, Mr. BISHOP, Mr. COSTELLO, Mr. BACHUS, Mr. HINCHY, Mr. CONYERS, Mr. STRICKLAND, Mr. BRADY of Pennsylvania, Mr. OWENS, Ms. RIVERS, Mr. HALL of Texas, Mr. PASCARELL, Mr. PETERSON of Pennsylvania, Mr. DELAHUNT, Mr. PALLONE, Mr. BROWN of Ohio, Ms. LEE, Mr. RUSH, Mr. GUTIERREZ, Mr. MATSUI, Mr. NORWOOD, Mr. BLAGOJEVICH, Mr. MASCARA, Mr. MEES of New York, Mr. CARDIN of Oregon, Mr. CARSON, Mr. OLIVER, Mr. LATORETTE, Mr. FRANK of Massachusetts, Mr. HILLIARD, Mr. DINGELL, Mrs. JONES of Ohio, Mr. COYNE, Mr. TOWNS, Ms. McKINNEY, Mr. SKEEN, Mr. SANDERS, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. DELAuro, Mr. SIBILIO, Mr. FILNER, Mr. KANJORSKI, Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. LEWIS of Georgia, Mr. ROTHMAN, Mr. CUMMINGS, Mr. SPEATT, Mr. GUZMAN, Mr. STABENOW, Mrs. MCCARTHY of New York, Mr. KILDEE, Mr. SANCHEZ, Ms. MCCARTHY of Missouri, Ms. NORTON, Mr. ROMER, Mr. METCALF, Mrs. CAPPS, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. LAMPPSON, Mr. SHOWS, Ms. MILLER-MCDONALD, Mr. THOMPSON of Mississippi, Mr. FROST, Mr. DANNER, Mr. ROEMLER, Mr. CANNON, Mr. HOYER, Mr. CRAMER, Mr. MCGOVERN, Mr. HILL of Indiana, Mr. WYNNE, Mrs. CLAYTON, Mr. MENENDEZ, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, Mr. CALLAHAN, Mrs. THURMAN, Mr. HORN, Ms. WATERS of California, Mr. DAVIS of Illinois, Mr. WEYGAND, Mr. BERRY, Mr. BALDACCI, Mr. BORSKI, and Mr. GEORGE MILLER of California):
H.R. 506. A bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997; to the Committee on Ways and Means.

By Mr. WOLF:
H.R. 507. A bill to amend title 49, United States Code, to transfer certain motor carrier safety functions vested in the Secretary of Transportation from the Federal Highway Administration to the Federal Motor Carrier Safety Administration; to the Committee on Transportation and Infrastructure.

By Mr. THOMAS (for himself, Mr. HOYER, Mr. GILMAN, Mr. GEJNDENSON, Mr. LANTOS, Mr. REGULA, and Mr. LATORETTE):
H. Con. Res. 20. Concurrent resolution pertaining to the Rotunda of the Capitol for a ceremony as part of the commemoration of the 25th anniversary of the victims of the Holocaust; to the Committee on House Administration.

By Mr. CAMPBELL (for himself and Ms. HARRIS of California):
H. Con. Res. 31. Concurrent resolution calling for free, fair, and transparent elections in Indonesia; to the Committee on International Relations.

By Mr. FROST:
H. Res. 29. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. WATTS of Oklahoma:
H. Res. 30. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BEREUTER (for himself, Mr. KOLBE, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mrs. MORELLA, Mr. WELLER, and Mr. KUYKENDALL):
H. Res. 32. A resolution expressing support for, and calling for actions in support of, free, fair, and transparent elections in Indonesia; to the Committee on International Relations.

By Mr. CLEMENT (for himself, Mr. DUNCAN, Mr. FORD, Mr. TANNER, Mr. BRYANT, Mr. GORDON, Mr. HILLIARY, Mr. WAMP, and Mr. ENKINS):
H. Res. 33. A resolution congratulating the Tennessee Volunteers for winning the undisputed national championship in college football.

By Mr. DELAURO (for herself, Mr. GEPPERT, Mr. BONIOR, Mr. RUSH, Mr. MATSUI, Mr. FORKOW, Mr. THURMAN, Mr. PELOSI, Mr. LOWEY, Mr. NEWELL, Mr. MALONEY of New York, Mr. MCDEE, Mr. COYNE, Mr. NEAL of Massachusetts, Mr. LEVIN, Ms. BROWN of Florida, Mr. OLIVER, Mr. PETRI, Mr. FILNER, Ms. MEK of Florida, Mr. CAPPS, Mr. GEIDENSON, Mr. SERRANO, Mr. MILLER-MCDONALD, Mr. MEEHAN, Ms. RIVERS, Mr. KUCINICH, Mrs. CLAYTON, Mr. NORTON, Ms. KAPTUR, Mr. FROST, Mr. HINCHY, Mr. FORD, Ms. MCKINNEY, Mr. ROYBAL-ALLARD, Mr. STUPAK, Mr. LEE, Mr. DELAHUNT, Mr. CALLAHAN of Texas, Mr. ALLEN, Ms. VELAZQUEZ, Ms. WOOLSEY, Ms. SLAUGHTER, Mr. BENSON, Mr. BISHOP, Mr. DANNER, Mrs. MINK of Hawaii, Mr. KILDEE, Mr. FRANK of Massachusetts, Mr. LOFGREN, Mr. POMEROY, Ms. MCCARTHY of New York, Mr. NADLER, Mr. PALLONE, Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. WYNNE, Mr. WEXLER, Mr. VENTO, Mr. BROWN of Ohio, Mr. MALONEY of Connecticut, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. SHERMAN, Mr. SANDLIN, Mr. DIXON, Mr. MANZULLO, Mr. HOOLEY of Oregon, Mr. GOODE, Mr. LEWIS of Georgia, Mr. ROMERO-BARCELO, Ms. KILPATRICK, Mr. HINOJOSA, Ms. SCHAKOWSKY, Ms. ESHEL, Mr. ABERCROMBIE, Mrs. NAPOLITANO, Mr. BREAM, Mr. HILL of Indiana, Mr. CROWLEY, Mr. UNDERWOOD, Mr. DEFAZIO, Ms. DEGETTE, Mr. WAXMAN, Mr. SHISHPOLOV, Ms. LIPSON, Mr. MCPERSON, Mr. SANDERS, Ms. WATERS, and Mr. HILLIARD):
H. Res. 34. A resolution recognizing the unique effects that Social Security may have on women; to the Committee on Ways and Means.
By Mr. WEXLER (for himself and Mr. CLYBURN).
H. Res. 35. A resolution condemning the racism and bigotry espoused by the Council of Conservative Citizens; to the Committee on the Judiciary.

MEMORIALS
Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 77, memorializing the Congress of the United States to enact legislation providing full protection to any innocent person who has filed a joint tax return with a former marital partner from the inequitable imposition of joint and several liability for underpayment of federal income tax under that return; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS
Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MCINTYRE:
H.R. 223: Mr. ENGLISH of Pennsylvania.

By Mrs. JOHNSON of Connecticut:
H.R. 122: Mr. LAZIO of New York.

By Mr. BALLENGER:
H.R. 45: Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. WELLER:
H.R. 225: Mr. LATHAM, Mr. OBERSTAR, Mr. BRADY of Pennsylvania.

By Mr. HASTINGS of Georgia:
H.R. 65: Mr. LAZIO of New York, Mr. NORTON, Mr. ROYCE, Mr. ROHRABACHER, Mr. HOSTETTER.

By Mr. LAFALCE:
H.R. 33: Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. BRADY of Pennsylvania:
H.R. 119: Mr. JOHN, Mr. FROST, Mr. WAMP, Mr. WELSCH, Mr. HUIZenga, Mr. COLE, Mr. JACOBSEN, Mr. BALLENGER, Mr. BRADY of Pennsylvania.

By Mr. BRYANT:
H.R. 148: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. GILMAN:
H.R. 14: Mr. BISCHOFF, Mr. WINKEL, Mr. DREW, Mr. HIGHTOWER, Mr. LAFALCE, Mr. MOORE of Texas, Mr. LAZIO of New York, Mr. GONZALEZ, Mr. JACOBSEN, Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. HUNT:
H.R. 171: Mr. SMITH of New Jersey, Mr. FOODMAN, Mr. NORTON, Mr. MILLARD, Mr. BALLENGER, Mr. HIGHTOWER, Mr. JOHNSON of Georgia, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. LAFALCE:
H.R. 197: Mr. WALSH, Mr. FROST, Mr. MCNULTY, Mr. CLAY, Mr. TIERNEY, Mr. REUTER, Mr. GEIDENSON, and Mr. MCCONVY.

By Mr. MILLARD:
H.R. 179: Mrs. MCCARTHY of New York, Mr. METCALF, and Mr. ENGLISH.

By Mr. SMITH of New Jersey:
H.R. 184: Mr. FARK of California.

By Mr. SMITH of Texas:
H.R. 117: Mr. DALEY, Mr. SMITH of New Jersey, Mrs. ROUKEMA, and Mr. PALLONE.

By Mr. MURPHY of Texas:
H.R. 125: Mr. SMITH of Texas, Mr. LAZIO of New York, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. COLBY of New York:
H.R. 137: Mr. SMITH of Texas, Mr. LAZIO of New York, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. MILLARD:
H.R. 120: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. GILMAN:
H.R. 148: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. SMITH of North Carolina:
H.R. 103: Mr. LATHAM, Mr. GONZALEZ, Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. SMITH of New Jersey:
H.R. 171: Mr. SMITH of New Jersey, Mr. FOODMAN, Mr. NORTON, Mr. MILLARD, Mr. BALLENGER, Mr. HIGHTOWER, Mr. JOHNSON of Georgia, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. MILLARD:
H.R. 179: Mrs. MCCARTHY of New York, Mr. METCALF, and Mr. ENGLISH.

By Mr. SMITH of New Jersey:
H.R. 184: Mr. FARK of California.

By Mr. SMITH of Texas:
H.R. 117: Mr. DALEY, Mr. SMITH of New Jersey, Mrs. ROUKEMA, and Mr. PALLONE.

By Mr. MURPHY of Texas:
H.R. 125: Mr. SMITH of Texas, Mr. LAZIO of New York, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. MILLARD:
H.R. 120: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. GILMAN:
H.R. 148: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. SMITH of North Carolina:
H.R. 103: Mr. LATHAM, Mr. GONZALEZ, Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. SMITH of New Jersey:
H.R. 171: Mr. SMITH of New Jersey, Mr. FOODMAN, Mr. NORTON, Mr. MILLARD, Mr. BALLENGER, Mr. HIGHTOWER, Mr. JOHNSON of Georgia, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. MILLARD:
H.R. 120: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. GILMAN:
H.R. 148: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. SMITH of North Carolina:
H.R. 103: Mr. LATHAM, Mr. GONZALEZ, Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. SMITH of New Jersey:
H.R. 171: Mr. SMITH of New Jersey, Mr. FOODMAN, Mr. NORTON, Mr. MILLARD, Mr. BALLENGER, Mr. HIGHTOWER, Mr. JOHNSON of Georgia, Mr. SMITH of New Jersey, Mr. CUMMINGS.

By Mr. MILLARD:
H.R. 120: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. GILMAN:
H.R. 148: Mr. BISKUP, Mr. GODE, Mr. GILMAN, Ms. DANNER, Mr. PETERSON of Minnesota, Mr. MILLARD, Mr. BRADY of Pennsylvania.

By Mr. SMITH of North Carolina:
H.R. 103: Mr. LATHAM, Mr. GONZALEZ, Mr. BALLENGER, Mr. FRANK of Massachusetts, Mr. BISHOP, Mr. TAYLOR of North Carolina, Mr. MCCONVY, Mr. KENNEDY, Mr. RAHALL, Mr. SISKY, Mr. SALLADYNE, Mr. SHORT, Mr. EBBERS, Mr. CARSON, Mr. MCCULLOCH, Mr. SMITH of New Jersey, Mr. CUMMINGS.
CONGRESSIONAL RECORD — HOUSE

MYRICK, Mr. PAUL, Mr. STUMP, Mr. SANDLIN, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. FROST, Mr. LATOURETTE, Mr. DOYLE, Mr. SCHAFER, Mr. SHOWS, Mr. FATTAH, Mr. GILLAM, Mr. COBURN, Mr. HILLIARD, and Ms. PELOSI.

H. R. 226: Mrs. Meek of Florida, Mr. GILMAN, Mr. WOOD, Mr. PAUL, Mr. THOMPSON of Mississippi, and Mr. HILLIARD.

H. R. 232: Mr. FATTAH, Mr. NEY, and Mr. BARTON of Texas.

H. R. 226: Mrs. Meek of Florida, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. WELLER, Mr. GOODE, and Mr. LATHAM.

H. R. 235: Mr. BERMAN, Mr. ROMERO-BARCELLO, Mr. GREEN of Texas, Mr. GILMORE, Mr. OLIVER, Mr. FROST, Mr. KROWLEY, Mr. CARMICHAEL of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.

H. R. 357: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. RANGEL, Mr. OLIVER, Mr. DIXES, Mr. FROST, Mr. CROWLEY, Mr. MCCARTHY of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.

H. R. 357: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. RANGEL, Mr. OLIVER, Mr. DIXES, Mr. FROST, Mr. CROWLEY, Mr. MCCARTHY of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.

H. R. 357: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. RANGEL, Mr. OLIVER, Mr. DIXES, Mr. FROST, Mr. CROWLEY, Mr. MCCARTHY of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.

H. R. 357: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. RANGEL, Mr. OLIVER, Mr. DIXES, Mr. FROST, Mr. CROWLEY, Mr. MCCARTHY of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.

H. R. 357: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. RANGEL, Mr. OLIVER, Mr. DIXES, Mr. FROST, Mr. CROWLEY, Mr. MCCARTHY of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.

H. R. 357: Mr. TOWNS, Mr. MALONEY of Connecticut, Mr. BERMAN, Mr. RANGEL, Mr. OLIVER, Mr. DIXES, Mr. FROST, Mr. CROWLEY, Mr. MCCARTHY of Missouri, Mr. HILLIARD, Mr. GUTIERREZ, Mr. TIERNY, Mr. UNDERWOOD, Ms. MORELLA, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. RANGEL, Mr. SHOWS, Mr. NEY, and Mr. REGULA.
TITLE II—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY.

(a) In general.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking “October 1, 1998” and inserting “October 1, 1999”, and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: “or the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 or the Airport Improvement Program Short-Term Extension Act of 1999”.

(b) Limitation on Expenditure Authority.—Section 9502 of such Code is amended by adding at the end the following new subsection:

“(f) Limitation on Transfers to Trust Fund.—

“(1) In general.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

“(2) Exception for prior obligations.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.”.
The Senate met at 9:59 and 58 seconds a.m., and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL WEDNESDAY, FEBRUARY 3, 1999

The PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 12 noon, Wednesday, February 3, 1999.

Thereupon, the Senate, at 10 o'clock and 12 seconds a.m., adjourned until Wednesday, February 3, 1999, at 12 noon.
COMBAT VETERANS MEDICAL EQUITY ACT

HON. TOM BLILEY
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. BLILEY. Mr. Speaker, today I rise to reintroduce the Combat Veterans Medical Equity Act. This legislation guarantees eligibility for Veterans Administration (VA) hospital care and medical services based on the award of the Purple Heart Medal. It also sets the enrollment priority for combat injured veterans for medical service at level three—the same level as former prisoners of war and veterans with service-connected disabilities rated between 10 and 20 percent.

Most people are unaware that under current law, the Purple Heart does not quality a veteran for medical care at VA facilities. This bill would change the law to ensure combat-wounded veterans receive automatic access to treatment at VA facilities.

We as a nation owe a debt of gratitude to all our veterans who have been awarded the Purple Heart for injuries suffered in service to this country. This bill is long overdue and I am proud to sponsor this bill for our Nation's Purple Heart recipients.

This bipartisan legislation has over 100 original cosponsors and has been endorsed by the Military Order of the Purple Heart.

IN MEMORY OF ANTHONY J.
CELEBREZZE

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great servant of the people of Ohio, Judge Anthony J. Celebrezze. Celebrezze served Ohioans for over five decades. His recent death at the age of 88, is a sorrowful event for myself and many in my state.

Born in Anzi, Italy, Celebrezze emigrated to Cleveland at the age of two. He was one of 13 children. Like so many immigrants, Anthony Celebrezze grew up with modest means, but what he lacked in advantages he more than made up for in effort and ability. He worked his way through college at John Carroll University and through law school at Ohio Northern.

In 1950, Anthony was elected to the Ohio Senate. Three years later he was elected mayor of Cleveland. He was the first foreign born mayor of Cleveland. For an unprecendented five terms Anthony Celebrezze tirelessly served the people in this position. His leadership of the city brought Cleveland national recognition and respect. In 1962, he was appointed by President John F. Kennedy to the Secretary of the U.S. Department of Health, Education and Welfare. Anthony Celebrezze worked to build Congressional support for Medicare and the Civil Rights Act of 1964, two legislative achievements that reflect the principles of compassion and decency.

In 1965, he was appointed by President Johnson to a federal judgeship. Six years later the Federal Building in Cleveland was renamed the Anthony J. Celebrezze Federal Building. He was in the public eye for five decades, serving Ohio and the nation with honor and dignity. President Johnson said of Celebrezze that “with tolerance and energy with single minded purpose, he presided over the greatest thrust for the future of American education and health that his nation has ever known.”

Judge Celebrezze was my role model, a man whose love of family and his community was never ending. I will never forget his warm smile, his friendly greetings, and his sense of decency, honesty and fairness. I am proud to have known him, and I think of him often. I, like many other Ohioans, will miss him terribly.

I ask you to join me in honoring the memory of this great man, Anthony J. Celebrezze. He will be greatly missed.

THE MEDICARE-CHOICE IMPROVEMENT ACT

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. STARK. Mr. Speaker, I rise today with a number of my colleagues to introduce The Medicare-Choice Improvement Act. I don't need to tell you that the large number of Medicare-Choice plan terminations this past year was a real shock to many of our Medicare beneficiaries. In a number of communities, beneficiaries are left with fewer affordable coverage options in Medicare.

We should take immediate steps to make changes to the Medicare-Choice program that will protect beneficiaries when health plans leave the program, and we should make certain improvements that will aid health plans' abilities to project costs and continue as Medicare providers. I disagree with assertions that the only way to do this is to throw more money into the Medicare-Choice program and will oppose efforts of that nature.

History always has had a way of getting distorted and the Medicare-Choice program is a fine example of that happening. Let us remember, the Medicare-Choice program was created as part of the Balanced Budget Act. In other words, the purpose of creating the Medicare-Choice program was to save money in the Medicare program.

We have known for years that our payment system for Medicare managed care plans overcompensated them for the risk of the patients they were insuring. Medicare HMOs have historically insured younger, healthier seniors. Because Medicare's payment to managed care plans was based on the average fee for service payment in the county, the HMO payments were higher than appropriate. We also know that there are a number of other ways in which we are still overcompensating Medicare managed care plans. A chart highlighting these current overpayments is attached.

So, rather than rewrite historical evidence to advocate increased funding of the Medicare-Choice program, I have put together The Medicare-Choice Improvement Act to make important consumer protection improvements in the Medicare-Choice Program. The bill would:

- Broaden consumer protections so that beneficiaries can leave health plans that have announced that they are terminating Medicare participation and join another Medicare-Choice plan to purchase a Medigap policy;
- Provide new protections for Medicare's disabled and ESRD patients,
- Prohibit door-to-door cold-call marketing of Medicare-Choice plans to seniors;
- Protect state efforts to provide comprehensive prescription drug benefits to their seniors;
- End Medicare-Choice plans' abilities to gerrymander their Medicare service areas in comparison to their commercial businesses;
- Require HCFA to calculate the portion of beneficiaries in a region receiving services through VA or DOD;
- Require the NAIC to reconfigure the Medigap policies so that they better meet the needs of today's Medicare beneficiaries.

On the health plan side of the equation, my legislation would take care of one of their most pressing concerns: it would move the ACR submission date (the date that health plans must submit their pricing and benefit data for the following year to HCFA) from the current date of May 1 to July 1. This would give health plans two additional months to compile necessary data for the upcoming year. This might not move the date as far as health plans would like, but there are serious costs to move the date further in the year. As one example, moving the date any later would seriously jeopardize the ability of HCFA to prepare the “Medicare&You” beneficiary handbook which is mailed to seniors each year.

On the topic of risk adjustment, I think that HCFA's proposal to phase-in risk adjustment over the next five years is just too long. We have solid evidence that Medicare managed care plans have been enrolling healthier patients and making more money off of them because of that fact (again, see the attached chart). The hospital-based risk adjustment proposed by HCFA is a first step toward fixing this inequity. It would finally put in place a financial incentive to enroll less healthy beneficiaries. We need to be moving forward as quickly as possible with this mechanism. I do concede that a phase-in approach is appropriate, but my legislation would have that phase-in occur over three years rather than five.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
We have an opportunity this year to make improvements to the Medicare-Choice program that will protect beneficiaries when health plans make business decisions about whether to continue participating in Medicare. This bill makes those improvements without senselessly increasing Medicare expenditures on a program that already costs more than traditional Medicare. I look forward to working with my colleagues to make these important, reasonable, and necessary fixes to the Medicare-Choice program.

CURRENT MEDICARE OVERPAYMENTS TO MANAGED CARE PLANS

<table>
<thead>
<tr>
<th>Source of overpayment</th>
<th>Cost to Medicare</th>
<th>Source of analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBA change</td>
<td>$800 million in 1997</td>
<td>Congressional Budget Office.</td>
</tr>
<tr>
<td></td>
<td>$8.7 billion over 5 years</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$32 billion over 10 years</td>
<td></td>
</tr>
<tr>
<td>Overpayments due to inflation of Medicare's share of plan administration costs</td>
<td>5-6% overpayment to HMOs per beneficiary who is enrolled</td>
<td>Physician Review Agency.</td>
</tr>
<tr>
<td>Overpayments due to lack of risk adjustment</td>
<td></td>
<td>HHS Office of Inspector General.</td>
</tr>
<tr>
<td>Overpayments due to inclusion of fraud, waste, and abuse dollars from FFS payments, Managed care plans should better &quot;manage&quot; and therefore avoid such fraud, waste, and abuse.</td>
<td>7% annual overpayment</td>
<td>HHS Office of Inspector General.</td>
</tr>
<tr>
<td></td>
<td>$5 billion in 2002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$10 billion in 2007</td>
<td></td>
</tr>
</tbody>
</table>

THE 509TH BOMB WING—SECOND TO NONE

HON. IRE SKELETON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. SKELETON. Mr. Speaker, let me take this means to pay tribute to the successful leadership of the 509th Bomb Wing at Whiteman Air Force Base, MO. This superb military unit, located in West-Central Missouri and in the heart of the 8th Air Force and a command of a District, is home to the B-2 Stealth Bombers.

The history of Whiteman AFB is rich in tradition. In 1981, I began my work to make sure Whiteman AFB would have a future in the rapidly changing military arena, insisting on modernizing what was then becoming a run-down missile base. This modernization set the stage for 21 B-2 bombers that will eventually be based at Whiteman. People living in the proximity of Whiteman AFB have a great opportunity to observe regularly what depicts the premier United States Air Force Base. Attesting to the top quality of the base's 509th Bomb Wing was a recent mission in which three B-2s were deployed to Guam for a month of training exercises with 250 troops and other Air Force bombers. The returning B-2s were met at Whiteman by an honor guard and the two commanders, Lt. General Ronald C. Marcotte, the commander of the 8th Air Force, and Brig. General Leroy Barnidge, Jr., present commander of the 509th Wing.

Both commanders praised the success of the training exercise which combined a global power mission with precision bombing training on targets in the South Pacific. The praise of the 509th was given for good reason. Their team performed flawlessly and received high praise on every daily report.

Mr. Speaker, the success of the 509th is due to the high caliber leadership at both the 8th Air Force and Whiteman AFB. Lt. General Marcotte and Brig. General Barnidge possess the expertise and high-quality leadership that makes our national defense second to none. The U.S. Air Force and branches of military service merit the support of every American, including all Members of Congress.

HONORING MARTIN L. KING, FIREFIGHTER, CITY OF NEW HAVEN

HON. ROSA L. DELAURIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Ms. DELAURIO. Mr. Speaker, on Tuesday, November 17, 1998, family and friends will come together to hold a testimonial dinner to honor Martin L. King, who retired from the New Haven Fire Department after forty-eight years. It is with great pleasure that I salute Marty King and his notable career of service to the New Haven Fire Department.

Marty King’s career as a firefighter began in 1954 when he joined the fire service. In 1953 when he transferred from his first public service job with the New Haven Police Department to the New Haven Fire Department after forty-eight years. It is with great pleasure that I salute Marty King and his notable career of service to the New Haven Fire Department.

Marty King’s career as a firefighter began in 1954 when he transferred from his first public service job with the New Haven Police Department to the New Haven Fire Department after forty-eight years. It is with great pleasure that I salute Marty King and his notable career of service to the New Haven Fire Department.

I wholeheartedly support awarding the Boyd family death benefits under the Public Safety Officers’ Benefit Program due to the contributions Rangemaster Boyd made to the Santa Ana Police Department. This legislation will clarify the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance (BJA). Joseph Boyd, the dedicated and highly decorated Rangemaster for the Santa Ana Police Department (SAPD), tragically died on-duty while testing an illegal firearm.

I wholeheartedly support awarding the Boyd family death benefits under the Public Safety Officers’ Benefit Program due to the contributions Rangemaster Boyd made to the Santa Ana Police Department. This legislation will clarify the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance (BJA). Joseph Boyd, the dedicated and highly decorated Rangemaster for the Santa Ana Police Department (SAPD), tragically died on-duty while testing an illegal firearm.

I wholeheartedly support awarding the Boyd family death benefits under the Public Safety Officers’ Benefit Program due to the contributions Rangemaster Boyd made to the Santa Ana Police Department. This legislation will clarify the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance (BJA). Joseph Boyd, the dedicated and highly decorated Rangemaster for the Santa Ana Police Department (SAPD), tragically died on-duty while testing an illegal firearm.
an integral part of this Weapons Inspection Team, and as part of his duties, Joe examined and tested firearms to confirm their nomenclature and help prove the elements of a crime.

Joe Boyd was an indispensable resource to the investigators assigned to the Team, and he performed exceptionally in his duties. At the time of his death, Joe was assisting the SAPD, in conjunction with the firearms program, in testing a fully automatic MAC-11 weapon. The faulty construction of this weapon led to his untimely death.

As we approach the one anniversary of Joe's death, we can recount with pride the innumerable contributions he made to SAPD and the city of Santa Ana. The unusual circumstances surrounding his death call for the Boyd family to be compensated for their tragic loss. While this legislation may not make the loss of Joe Boyd any less painful, it will honor his work and legacy as a man dedicated to the safety of his community and his fellow officers. Thank you Mr. Speaker, and I would like to add the following materials to the Record.

ASHTON FLEMINGS, 
Public Safety Officers' Benefits Program, Bureau of Justice Assistance, Washington, DC. 
Re: Claim for benefits—Joseph Samuel Boyd, File No. 98-185

DEAR MR. FLEMINGS: As you know, in January of 1998, the Santa Ana Police Department suffered a great loss with the accidental-on-duty death of Rangemaster Joseph Samuel Boyd. The Boyd Family respectfully submits the Report of Public Safety Officer's Death, and the Boyd Family submits the Claim for Death Benefits. Also attached to this letter is a comprehensive Statement of Circumstances that will prompt the Bureau of Justice Assistance to award benefits to the family. Please find below a comprehensive Statement of Circumstances as requested. Should you need additional information, please feel free to call me at (714) 245-8003.

In 1995, the United States Bureau of Justice Assistance (BJA) awarded the Santa Ana Police Department a grant under the Bureau of Alcohol, Tobacco and Firearms Trafficking Program. The Department's Weapons Interdiction Team (WIT) has worked closely in joint operations with the Bureau of Alcohol, Tobacco and Firearms (BATF), as well as the Federal Bureau of Investigations (FBI), to combat illegal firearms trafficking. The Santa Ana grant program has proven to be an unqualified success, and one of the most effective firearms programs in the Nation. Rangemaster Joseph Samuel Boyd, a civilian, was an integral part of this program as he examined and tested the firearms to confirm their nomenclature and help prove the elements of the crime. Rangemaster Boyd performed these duties not only beyond his customary functions in the Department, but to be a critical and indispensable resource to the investigators assigned to the Weapons Interdiction Team.

During an undercover operation in January 1998, investigators from the Santa Ana Police Department's WIT team purchased a MAC-11 from a gun store in the City of Los Angeles. The gun store had a stoppage, and while attempting to make the weapon safe, the weapon malfunctioned, and unexpectedly fired uncontrollably in full-auto. John Samuel Boyd, one of four children, was born March 26, 1943 in New York City to Patrick and Albina Boyd. He graduated from the New York School of Printing in 1961 and enlisted that same year in the United States Marine Corps. After attending boot camp at Parris Island, South Carolina, Joe served the next ten years primarily in the infantry and included combat duty in Vietnam.

Upon returning to the United States, Joe was assigned as a Drill Instructor at the Marine Corps Recruit Depot in San Diego, California where he was meritoriously promoted to the rank of Gunnery Sergeant and in 1970 was awarded a commission as a 2nd Lieutenant. While having a very busy schedule and family life, Joe was somehow able to attend the 109th session of the FBI National Academy, not to mention both the San Diego Community College Police Induction Training Course and the San Diego County Sheriff's Basic Academy, graduating with 560 hours in 1972. Joe decided on a career change in the Marine Corps and entered the field of Military Police. He continued his advancement attaining the rank of Major and retiring after 24 years of honorable service to his country. At the time of Joe's retirement, he was responsible for base security at the Marine Corps Air Station El Toro.

Some of the awards Joe received during his career include the Meritorious Service Medal, the Navy Commendation Medal, the Vietnamese Cross of Gallantry, Combat Ribbon Citation, Presidential Unit Citation and Good Conduct Medal. He also received numerous awards for his expertise in weapons competition and was a member of the Marine Corps Pistol Team.

Joe's extensive knowledge and interest of weapons and training grew, he also recognized a strong desire to work with law enforcement officers on weapons proficiency and officer safety. After his retirement, he became an instructor and worked for the Orange County Sheriff's Department at their training academy, the Orange County Shooting and Training Center and Orange County Marshal's Department between 1985 and 1993.

In 1993, Joe was hired by the Santa Ana Police Department as the Rangemaster. He immediately set out to develop an intensive training curriculum in firearm proficiency and safety for the department's 400 officers. Therefore, I respectfully request that the BJA grant death benefits to the Boyd family. If you have any further questions regarding this matter, please do not hesitate to contact me or Aylin Kuyumcu of my staff at (202) 225-2963. Thank you for your consideration, and I look forward to your response.

Sincerely,

LORETTA SANCHEZ, Member of Congress.
officers. Joe’s number one goal was to insure that each and every officer, regardless of position or rank, was properly equipped and mentally prepared to confront any situation they might encounter.

When involved in training scenarios, he always stressed officer safety and demanded that every officer practice safe weapons handling. To bring as much realism as possible to the training, he made available to the department a state-of-the-art system he was responsible for designing. The training scenarios simulate real life situations officers encounter daily and require them to rapidly evaluate and assess a set of circumstances in complex ‘shoot or don’t shoot’ situations. Joe believed this type of decision-making training was essential for every police officer.

While the new Police Department Administration Building and jail were being planned, Joe was busy assisting with the design of the range. It was obvious to everyone this was his “love” and he gave totally of himself as the facility was under construction and the range was opened for operation in August 1997.

In recognition of Joe’s contributions to the Police Department and City of Santa Ana, he received top honors as the 1997 Exceptional Quality Service Award winner. When not involved in range training, Joe enjoyed shooting, bicycle riding, camping, rock climbing and weightlifting. Perhaps the most enjoyment in Joe’s life came from spending time with his twin three-year-old grandsons, Patrick John and Shane Joseph. They were the joy of his life and he never passed up an opportunity to tell you how proud a grandfather he was. In a personal biography Joe wrote to the Department when he was hired, he said the following: “My interests are in police training and my goal is to make a positive contribution to the field of law enforcement.” Let there be no doubt that the many achievements Joe has made have all of law enforcement are appreciated and will never be forgotten.

Joe is survived by this loving wife, Marion, whom he married 34 years ago; his son, Keith, who was recently married to Kim; his daughter, Cynthia Journay and her husband John; twin grandchildren Patrick John and Shane Joseph; his sister, Patricia Frankenbarg; and brothers Andrew and Robert Boyd.

A Memorial Fund has been established to assist the family. Please send any donations to the Joe Boyd Memorial Fund, c/o Security First Bank, 141 W. Bastanchury Road, Fullerton, CA 92835.

COMMENDING THE TENTH ANNIVERSARY OF SK DESIGN GROUP

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. MOORE. Mr. Speaker, I rise today to take note of the tenth anniversary in business of SK Design Group, Inc., of Overland Park, Kansas.

SK Design Group, Inc., was established in 1989 and since its founding has provided professional engineering services to such clients as the Stowers Institute, the City of Kansas City, Missouri, the Department of Defense, the Blue Valley School District, the University of Missouri, and many more. SK Design provides a full range of civil engineering and construction phase services, including site designs, storm sewers, roadways, sanitary sewers, and water lines.

Mr. Speaker, I join with SK Design Group’s employees in congratulating the firm’s president, Sassan Mahobian, and its vice-president, Katereh Mahobian, for their ten years of successful service in providing civil engineering and professional design services to the Kansas City community. We wish them many more successful years to come.

IN MEMORY OF REVEREND FRANCIS M. BEDNAR

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Rev. Francis M. Bednar for his many years of service and countless contributions to his community.

Father Bednar, a Cleveland native, graduated from Cathedral Latin School and studied for the priesthood at Borromeo College and St. Mary Seminary. In 1974, after his ordination to the priesthood, he became the associate pastor at the St. Justin Martyr parish in Eastlake, Ohio. Between 1979–1985 he served at the St. Clement Church in Lake- wood, Ohio. Since 1985 Rev. Bednar has served as pastor of Sacred Heart of Jesus Church in Cleveland.

In addition to his service with the Church, Father Bednar was diocesan director of the Perpetual Adoration of the Blessed Sacrament. In 1982 he was named spiritual director of the Cleveland Division of the Blue Army of Fatima. In July 1997, he was elected district chairman of the Southeast District.

Rev. Bednar was a wonderful man who was warm, caring, and deeply devoted to the Church. Away from his duties to the Church Rev. Bednar was also deeply devoted to his family. In recent years Rev. Bednar provided care for his parents with the same passion and determination that he pledged to the Church. His dedication was an inspiration to all who knew him. He touched many lives and his passing is a great loss.

Rev. Bednar is survived by his parents, Michael and Agnes; brothers Richard, Philip, Jerome, and Michael; and sisters Mary and Bernadette.

My fellow colleagues, I ask that we remember Rev. Bednar for his service to the Catholic Church and to the Cleveland community.

CONGRATULATIONS TO NARAL ON 30 YEARS OF PRO-CHOICE ADVOCACY

HON. FORTNEY P EYE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. STARK. Mr. Speaker, as the National Abortion and Reproductive Rights Action League (NARAL) celebrates 30 years of pro-choice advocacy, those of us dedicated to preserving a woman’s right to choose know that pro-choice is a right the American people have never underestimated the powerful impact of NARAL’s message, that we all want to see abortion made less necessary. NARAL tirelessly exposes the irony of the abortion debate—that the strongest opponents of the right to choose also oppose programs promoting comprehensive sex education and birth control, which actually reduce unplanned pregnancies. Instead, anti-choice politicians would make access to family planning options more difficult, more dangerous, more expensive and more humiliating.

We must continue to support legislation to help reduce the number of unplanned pregnancies. Specifically, we must re dedicate our efforts to require that health insurance plans provide coverage for contraceptives to the same extent that they provide coverage for other prescription drugs.

Our job in Congress is to move our nation toward a reproductive health care policy that promises to make abortion less necessary and protects the right of Americans to do what they believe is best for their families. We congratulate you on thirty years of advocacy, and look to NARAL for leadership as the 106th Congress prepares to defend a woman’s right to choose.

AFRICAN GROWTH AND OPPORTUNITY ACT

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. CRANE. Mr. Speaker, today I join with 65 of my colleagues in reintroducing bipartisan legislation that the House passed last year to firmly establish sub-Saharan Africa on the U.S. trade and investment policy agenda.

Overall, the African Growth and Opportunity Act represents a trade-centered approach to development that will complement all additional forms of assistance. Increased U.S.-African trade and investment is a win-win proposition, one that can facilitate and strengthen the development of sub-Saharan African countries and create opportunities for U.S. firms and workers. Already, U.S. exports to the sub-Sa- haran region exceed twice the value of all the former Soviet states combined. Sub-Saharan Africa is a continent with vast opportunities for U.S. companies and many U.S. businesses.
Joe W. Scallorns, bank president of Farmers and Traders Bank, retired recently after over 30 years of serving Missouri's banking needs. Scallorns’ distinguished banking career began as a bank collector in Columbia, Missouri when finishing his degree as a student at the University of Missouri. After college, he joined Morgan Guaranty Trust Company of New York as a credit analyst. He returned to Columbia in 1967, eventually rising to the position of Vice President of the First Bank of Commerce and later as President of the First National Bank and Trust Company. He joined the Eagle Bank of Highland, Illinois, as its President in 1987. In June 1988, he purchased Farmers and Traders Bank in California, Missouri.

Additionally, Joe is active in professional organizations, chairing the committees on Banking Education, Legislative Affairs, and the Political Action Committee of the Missouri Banking Association, also serving on its Board of Directors. He also served on the Government Relations Council of the American Bankers Association and its National BancPac Committee.

As he prepares for quieter time with his wife, Fran and his son, Joseph, I know all Members of Congress will join me in paying tribute to my good friend Joe Scallorns and in wishing him the best in the days ahead.

Mr. SKELTON. Mr. Speaker, It has come to my attention that a distinguished career in the banking industry has come to an end.
the interest that would otherwise be paid by schools. Schools will save millions of dollars in interest costs by having to repay only the principle amount of the bond.

To be eligible for the bond program, local school districts must have rapid growth rates and high student-teacher ratios, facing the majority of suburban schools in this nation. Schools must also seek out partnerships with local businesses and the private sector for donations of equipment or funding, volunteer work, vocational training, or however a school administrator sees fit. Encouraging our schools to develop these public/private partnerships will only enhance the impact of the bond initiative. The Expand and Rebuild America’s Schools Act aims to reward schools that have high standards and are working hard to solve their overcrowding problems.

This bill is also simple and easy to administer. Schools can apply directly to the Secretary of Education for these bonds, bypassing state bureaucracy and cutting red tape. And, my bill does not create any new government programs nor does it use general fund money. Within a week of the bill’s introduction, we have gained 27 bipartisan co-sponsors, and the numbers keep growing. My bill is supported by the Administration, and even the President has included $25 billion in school construction bonds in his FY 2000 budget. Organizations such as Cal Fed and the Coalition for Adequate School Housing have endorsed the bill, and I have also held numerous community wide forums and hearings in my Congressional district to highlight the benefits of H.R. 415.

Our schools are waiting for the Federal Government to act. And, we must act in a bipartisan and collaborative manner if we are to truly make a difference. The passage of school construction legislation is possible, but we must work together to achieve this goal. We can take the example down south. Help relieve America’s bulging classrooms! This public/private partnership is the answer. I encourage my colleagues to cosponsor H.R. 415. Thank you, Mr. Speaker, and I would like to include the following materials into the Record.

COMMITTEE ON WAYS AND MEANS
HOUSE OF REPRESENTATIVES
Hon. LORETTA SANchez,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MRS. MCNAMARA: I am writing to tell you how pleased I am that you are interested in introducing a bill to expand the education zone bond program that was enacted as part of the Taxpayer Relief Act of 1997. Like you, I believe that program was a needed first step and that we should look opportunities to expand it.

I hope to have the opportunity to offer an amendment that extends the bottom line on the program in connection with the consideration of H.R. 2695. That legislation would permit tax-payers to contribute $2,500 per year to an education tax account. Earnings from that account would be tax-exempt if used to pay expenses of primary and secondary education.

I oppose this legislation because I believe that it is a diversion of scarce resources for the benefit of a small group of wealthy families with children in private schools. I believe that those resources should be devoted to the improvement of our public school system. Therefore, I intend to offer a substitute that would expand an education zone bond program. My substitute would increase the size of the program from $400 million per year for the next two years to $4 billion per year for those years. My substitute would permit the use of those bonds for school construction. My substitute is very similar to your proposed legislation and I hope that you will work closely with me. Again, I welcome your interest in the education zone bond program and look forward to working with you on this issue in the future.

Sincerely,
CHARLES B. RANGEL,
Ranking Democrat.

U.S. SENATE;
Hon. ROBERT E. RUBIN,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR MR. RUBIN: I share your commitment to schools and education and applaud the administration’s school construction bond initiative. The proposed legislation provides assistance to schools in California, particularly schools in low income areas. These schools have significant rehabilitation and construction needs and my bill would pay the highest bond interest rates to obtain financing, if the bonds can be issued at all.

In preparing the legislation for introduction in Congress, I encourage the Treasury Department to use the proposed tax legislation to address the important issue of alleviating school overcrowding, which will contribute dramatically to improving education. Specifically, I urge the administration to incorporate provisions of H.R. 2695, introduced by Representative Loretta Sanchez, which confers eligibility for the bonds to schools facing significant school overcrowding, projecting significant future growth and has adopted a strategic plan to address overcrowding concerns. California’s schools face a major crisis in education: California faces compelling school infrastructure needs and a school overcrowding bottom line is simply no longer sustainable.

Today, California’s 32 million people are relying on school infrastructure built when the population was 18 million. The state projects a six percent increase each year to solve this overcrowding problem. If we do nothing, our population increases close to 50 million over the next 25 years. School overcrowding directly affects education quality. Educators tell us that elementary schools should be limited to 450 students, yet some California elementary schools serve more than 5,000 students. Average enrollment in K-12 schools is expected to increase by more than 400,000 students by the end of this decade. At this pace, California would have to build nearly a school each day just to keep up with increased enrollment. In response to overcrowding, the state school-construction program recently expanded to include school overcrowding, projecting significant future growth and has adopted a strategic plan to address overcrowding concerns. California’s schools face a major crisis in education: California faces compelling school infrastructure needs and a school overcrowding bottom line is simply no longer sustainable.

To be sure, the nation’s education system cannot be fixed with just bricks, mortar and electrical wiring. However, California’s schools face major needs, with both the national projections and governmental relations for the state school-construction program set to expire. Sanchez, which confers eligibility for the bonds to schools facing significant school overcrowding, projecting significant future growth and has adopted a strategic plan to address overcrowding concerns. California’s schools face a major crisis in education: California faces compelling school infrastructure needs and a school overcrowding bottom line is simply no longer sustainable.

The state school-construction program requires that those resources be devoted to the primary and secondary education. I encourage my colleagues to cosponsor H.R. 415. Thank you, Mr. Speaker, and I would like to include the following materials into the Record.

E 102
CONGRESSIONAL RECORD — Extensions of Remarks
February 2, 1999

Dianne Feinstein, U.S. Senator.

[From the Orange County Register, Orange County, CA, Jan. 21, 1999]

J AM P ACKED S CHOOLS

EDUCATION: A PUBLIC FORUM TODAY ADDRESSES THE IMPACT OF OVERCROWDING IN L.A. Cnty.

(By Dennis Love and Dina Elboghdady)

Lunch time at Edison Elementary School in central Santa Ana. Fourth-grader Azucena Aburca stood at the rear of a 90-kid-dense lunch line that, to her, seemed to stretch to Arizona.

"It takes so long—10 or 15 minutes," she said, straining on tiptoes for a glimpse of the promised land. "And when we get up there, we have to eat fast."

Other symptoms of overcrowding abound at Edison, where 950 children and a staff of 65 jostle about a 1.7-acre campus designed for half that many.

Portable classrooms sit where children once played basketball. Music students practice in a small classroom amid papers of stacked chairs. In a hallway, seven first-graders squeeze together like paper dolls on an old sofa to be tutored in reading.

Conditions such as these are the subject of a public forum today at 10 a.m. at Loara Elementary School in Anaheim, where Rep. Loretta Sanchez, D-Garden Grove, and House Minority Leader Richard Gephardt, D-Mo., will be among those listening to testimony from students, parents, teachers, principals, superintendents and others about overcrowding and its impact in central Orange County.

Sanchez arranged the hearing in support of legislation she has proposed that encourages new school and classroom construction through new tax-exempt bonds.

Enrollment in California is growing faster than anywhere else in the nation, and school districts are feeling the pressure. In the Anaheim City School District, for example, the newest school opened 10 years ago, but already stands overcrowded.

"Our kids are at a disadvantage!", said Mike Vail, senior director of facilities planning and governmental relations for the Santa Ana Unified School District, who will testify at the hearing. "School overcrowding is a serious problem because we just don’t have a reliable stream of money to build more classrooms."

The state school-construction program requires school districts to put up matching money, which few districts have. Compounding the dilemma is that any local school-bond measure must be approved by a two-thirds majority of voters rather than a simple majority.

Even if only a simple majority were required, school officials consider that avenue unpromising. In response to Sanchez’s request, conducted by Sanchez, Michael Perez, director of facilities planning for the Anaheim City School District, said, "Orange County is still recovering from the recession, and the likelihood of the community passing a general obligation bond seems very unlikely."

All the while, enrollments are soaring and many school districts are running out of stop-gap measures. The recent move in California to 20-to-1 student-teacher ratios in grades K-3 only intensified the crunch.

For example, Perez said the Anaheim City School District needs a minimum of $80 million over the next five years to build eight new schools. In addition, Perez said, "Almost all buildings are already pushing the day’s safety and structural requirements for school facilities." Vail said Santa Ana needs...
$120 million to build a high school and three elementary schools. Yet these needs often run counter to political realities. Historically, building schools has been a hot button issue in Congress and paying for school construction for philosophical and economic reasons.

Some local taxpayers will become more dependent on the federal government and less committed to paying property taxes if Uncle Sam helps build schools. Otherwise, too much. For instance, building a new school in the Anaheim City School District costs about $15 million, according to Perez. And the General Accounting Office has said that it would take $122 billion to repair schools nationwide.

"The Republican majority in Congress has tended to avoid federal involvement in education," said Sally McConnell, a lobbyist for the National Association of Elementary School Principals. "That mood is still there among lots of members.

To appease deficit hawks and other critics, many lawmakers who want the federal government to pitch in are focusing on tax-orientation rather than spending-based solutions.

Under Sanchez's proposal, the federal government would give investors in school-construction bonds a tax credit. A tax credit, Sanche said, will entice purchasers of bonds and take some financial burden off the schools without costing the federal government any monies or holding local control of schools.

To get the tax credit, schools must prove that they've tried to alleviate overcrowding by using nontraditional classroom space or holding a year-round schedule. They must work in partnership with a private group or business willing to pay some expenses as contractors.

And they must meet at least two of the following criteria: a 10 percent growth rate during a five-year period; a student-teacher ratio of 24:1 or at least 35 percent of students living below the poverty level.

Sen. Carol Moseley-Braun, D-Ill., wants $1 billion a year in tax credits for companies doing school construction projects so they would charge the local school districts less for the work.

Under Moseley-Braun's plan, $226.7 million in tax credits would go directly to two school districts and six cities in California, including Santa Ana.

President Clinton, who has plans to weigh in. In his State of the Union Speech on Jan. 27, Clinton is expected to propose spending $5 billion an year on school repairs and construction. A similar plan was shelved last year during the balanced-budget talks, angering many education groups.

If any school-construction bill passes, it probably will borrow from the various pieces of existing legislation, said Michael Briggs, Moseley-Braun's spokesman.

Advocates of federal school-construction money say they're encouraged that some Republican governors are joining them to ask for federal help, including Gov. Pete Wilson, who has initiated his own school-construction bond proposal.

About 87 percent of the public schools in California say they need to upgrade or repair buildings, according to a recent study by the GAO.

Enrollment in the state's elementary and secondary schools is projected to reach almost 7 million by 2007 from the current 6 million—a 17 percent increase, making it the state with the highest growth rate in the nation, according to the U.S. Department of Education.

And with many pushing for smaller classes, the space crunch will only get worse. About 62 percent of schools are not able to accommodate the growing enrollment, the education department study says.

"The joke around education circles is that every available trailer was headed to California when that thing passed," said J ewell Gould, research director at the American Federation of Teachers.

To principals like Edison's Ann Leibovitz, it may seem as if all those portables have landed on her campus. "We need more air conditioning, and we're not bumping into each other as much."

REMEMBERING THE REVEREND DR. EDWARD ANDERSON FREEMAN

HON. DENNIS MOORE OF KANSAS

HON. KAREN MCCARTHY OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. MOORE. Mr. Speaker, my colleague, Ms. McCARTHY of Missouri, and I join today in paying tribute to the late Reverend Dr. Edward Anderson Freeman. "E.A." as we are saddened to report passed away on January 26, 1999, in Kansas City, Kansas. His funeral was held this morning at the First Baptist Church of Quindaro, where he had been pastor for fifty years before retiring in 1996.

Reverend Freeman was the fifth of seven sons of James and Ollie Watts Freeman, born in Atlanta, Georgia, on June 11, 1914. He was educated in the Atlanta public schools, and received an A.B. from Clark College in Atlanta. After attending U.S. Army Chaplaincy School and Harvard University, he received his bachelor of divinity, master of theology and doctor of theology degrees from Central Baptist Theological in Kansas City, Kansas. His doctoral thesis was published as a book, "Ephoc of Negro Baptist and the Foreign Mission Board" in 1953, and remains a standard text-book for teaching religious progress from the earliest beginnings of African-American life in the United States. After his early career as principal of Austell School in Georgia, Reverend Freeman served as pastor of two churches and as a U.S. Army chaplain from 1942-46, attaining the rank of major. After discharge from the Army, he was called to pastor the First Baptist Church in Kansas City, Kansas, where he served our community for fifty years.

Reverend Freeman, simply put, was a leader in local, national, and international communities. He was a visionary who was driven to assist and empower people, fighting as a civil rights activist, community leader, and president of the Kansas City chapter of the National Association for the Advancement of Colored People. Reverend Freeman was president of the Sunday School and Baptist Training Union Congress of the National Baptist Convention of Kansas; president of the Sunday School and Baptist Training Union Congress of the National Baptist Convention of Kansas; chairman of the Baptist World Alliance for five years. After his early career as principal of Austell School in Georgia, Reverend Freeman served as pastor of two churches and as a U.S. Army chaplain from 1942-46, attaining the rank of major. After discharge from the Army, he was called to pastor the First Baptist Church in Kansas City, Kansas, where he served our community for fifty years.

Reverend Freeman, simply put, was a leader in local, national, and international communities. He was a visionary who was driven to assist and empower people, fighting as a civil rights activist, community leader, and president of the Kansas City chapter of the National Association for the Advancement of Colored People. Reverend Freeman was president of the Sunday School and Baptist Training Union Congress of the National Baptist Convention of Kansas; president of the Sunday School and Baptist Training Union Congress of the National Baptist Convention of Kansas; chairman of the Baptist World Alliance for five years.

Freeman's influence extended beyond Kansas City. He was first vice president of the Baptist World Alliance, a worldwide organization of Baptist churches, for five years in the 1980s. He worked with people of different races, ethnic backgrounds and cultures around the world.

Celebrating the 25th anniversary of the Iranian hostage crisis in 1990, Freeman was among African-American ministers who went to Iran to try to open lines of communication between Islamic and Christian leaders.

"I had a great respect for him," said the Rev. Stacey Hopkins, pastor of First Baptist. "Everybody respected him. He was always there to help the young people. Many of us tried to pattern ourselves after him. . . . He always wore a shirt, tie and jacket. Always. He was a good example."
"He was a mentor for me," said Thompson, president of the Greater Kansas City chapter of the Southern Christian Leadership Conference. "He was a rare individual. Not many people are so loved by their church for 50 years.

Freeman was a past president of the Sunday School and Baptist Training Union Congress, the Christian education arm of the National Baptist Convention U.S.A. Inc. He was also a past president of the Missionary Baptist State Convention of Kansas. He had been president of the Kansas City, Kan., chapter of the NAACP; a member of the Kansas City Board of Probation and Parole, member of the Kansas State, Kansas, Crime Prevention Council.

When Freeman retired, he said his greatest desire had been to help people. He recalled speaking with city officials about problems that minorities faced and riding with police during the riots after the death of the Rev. Martin Luther King Jr., "trying to keep everybody calm.

Alvin Brooks, a former assistant city manager in Kansas City, said that his friend of more than 40 years was more than a preacher or politician.

"He could really preach a sermon," said Brooks, "but he wasn't just a preacher. He could be a peacemaker, and he had a presence. He was a great role model for young African-American men and young men aspiring to be ministers."

The funeral service will be at 11 a.m. Tuesday at First Baptist Church, Fifth Street and Nebraska Avenue, Kansas City, Kan. Visitation will be from 10 a.m. to 6 p.m. Monday and from 9 a.m. to 11 a.m. Tuesday at the church.

It was Freeman's wish that Jackson deliver his eulogy. Jackson spoke at First Baptist's religious league meetings throughout the community and various parts of the country are expected to attend the services.

He is survived by his wife, Ruth Anthony Freeman; his children, Edward A. Freeman Jr. of San Diego, Calif., Constance M. Lindesay and William N. Freeman, both of Kansas City; a son-in-law, Horace B. Lindesay Jr.; six grandchildren; and a great-grandchild.

[From the Kansas City Star, Feb. 1, 1999]

COMMITMENT WAS THE HALLMARK OF REV. E.A. FREEMAN'S LIFE

[By Steve Kim and Erica Wood]

The first indication that the Rev. E.A. Freeman could be a persuasive force in his adopted home of Kansas City, Kan., came in the spring of 1946.

Then a 32-year-old Army chaplain and major about to leave the service, Freeman arrived at the invitation of a friend. The First Baptist Church, at Fifth Street and Nebraska Avenue, found Freeman between preachings. Freeman agreed to give a guest sermon.

He proved quite up to the task. This was, after all, the Edward A. Freeman who at the age of 16 had written a patriotic contest in his hometown of Atlanta.

Well, the short version of the story goes, Freeman so impressed the leaders of First Baptist that they had a little problem. They quickly solved it by withdrawing an offer they had made to their pastor-to-be and giving the job to Freeman.

It turned out that Freeman was not just taking on a job when he moved his wife, Ruth, and three children from Atlanta that June. He was taking on a way of life.

Over the next 50 years, until his retirement in 1996 and his death a week ago today, Freeman's way of life was commitment. As most people would put it, he embodied the idea of commitment, not only to his God and to his church, but to his community.

Preacher, pastor, minister to those in need, bridge builder, conciliator, a quiet civic giant. Husband and father. Orator and scholar. Advocate for social and economic justice.

Freeman's accomplishments were many and his influence vast.

The Rev. Jesse Jackson—civil rights leader, activist, political candidate—will deliver the eulogy at Freeman's funeral today. Jackson said that, after Martin Luther King Jr., the most important person in his political life was the Rev. E.A. Freeman of Kansas City, Kan.

"He was a real freedom fighter," Jackson said.

CIVIC, RELIGIOUS PILLAR

Leon Lemons, a retired banker, an old friend and a trustee of First Baptist, noted how important Freeman was to the city when he recalled what H.W. Sewing, a founder and president of Douglass Bank, told him some 40 years ago.

"We should not let Reverend Freeman get out of this city," Sewing told Lemons. "He's a man with vision, a man with integrity. He's a man who can get things done."

By that point, after a little more than 10 years in Kansas City, Kan., Freeman had run for city council and state legislature. Although unsuccessful, those campaigns gave him a public forum to speak up about social welfare and segregation.

But he didn't stop there. He ran a campaign to raise his voice: In 1949, he exorcised the Wyandotte County chairman of the American Red Cross over a racial affront at a "Victory Day" celebration by a boycott of the agency's fund drives.

In the years to come, he would spearhead housing developments and become involved in many improvements in Kansas City, Kan., as a member of the city's Planning Commission for 40 years and its chairman for 29.

There were disappointments, too, and failures amid the long economic decay of his city, but he never stopped fighting for what he believed was right.

In the 1970s and '80s, he helped establish some of the first homeless shelters in the community, spearheading the formation of the United Way of Wyandotte County.

"He seemed to be everywhere in the community," said Severance.

In civic dealings, Freeman's trademark was his tranquil demeanor. He often was a peacemaker. The Rev. Nelson Thompson, a former president of the school board and the state Legislature, described Freeman as a man with vision, a man with integrity.

In ministerial dealings, his tenure produced results. Freeman's eloquence carried him through two sermons, a spiritual one and a political one. He gave the scripture sing, but he also quoted with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it." Freeman's ability to "Get it put together before you talk about it too much."

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

Cleaver said, "You would know quickly that this was no ordinary man. He was touched divinely in ways many can only imagine."

"I used to tell him, 'Reverend, talk will kill anything. You've got to just keep low. Get it put together before you talk about it too much.'"

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And I read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done," Thompson said.
FASTA, THE "FAIR STEEL TRADE ACT"

HON. JAMES A. TRAFICANT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. TRAFICANT. Mr. Speaker, my colleagues, Mr. WAXMAN and Mr. SHERMAN, and I rise today to pay tribute to our dear friend Dick Volpert, who this year received the Learned Hand Award from the American Jewish Committee. Certainly we can think of nobody more deserving of an award that honors both superior intellect and humanitarianism. Dick is that all-too-rare person who cannot remain aloof when he sees a person or group in need of help. He has a widespread and richly-deserved reputation for getting passionately involved in a range of causes.

Dick and his wife, Marcia, were without question among the most forceful and tireless advocates among us in the drive to save Soviet Jews in the 1970s and 80s. There is no doubt that their efforts enabled many Jews to emigrate from the Soviet Union at a time when the freedom to practice their religion had been threatened and that people talk about. He loved to tell jokes. Every time he spoke, people could expect to hear two or three jokes along the way. Of course, he had two kinds of jokes: those he could use in sermons and those he couldn’t.

One of his very popular jokes dated from the days of “streaking,” when college kids would dash through public places in the buff. Freeman’s joke had to do with some older women in a nursing home. The punch line: ‘‘He just beamed. His eyes just twinkled.’’

By the late 1990s, Freeman desperately wanted to go to college. But his widowed father was struggling to support seven sons.

Freeman interviewed with the president of Clark College in Atlanta and begged to attend classes there. He succeeded, working his way through as a custodian, and eventually graduated with a degree in education. After he returned to Kansas City, Kan., he earned advanced degrees, including his doctorate in theology from Central Baptist Theological Seminary in 1953. At the time, the opportunity to earn such a degree was rare for a black minister.

Education remained important throughout his involvement in the National Baptist Convention, USA. Freeman became president of the organization’s Congress of Christian Education (as it’s now called) in 1968. His influence was almost immediate. His dynamic leadership and speechmaking helped increase attendance at its annual meeting by the thousands over his 15-year tenure.

‘‘It’s his personality,’’ said the Rev. Ellis Robinson, Freeman’s successor at First Baptist. ‘‘He knew how to get things done.’’

In his work for the National Baptist Convention and other programs, Freeman traveled extensively—all around the world—often at a moment’s notice.

But his first priority was always his church. He always made sure that things would get done in his absence. ‘‘Ministers and clergymen play a lot of different roles,’’ said Thompson. ‘‘The pastoral role is one of caring, of protecting and watching over the flock. Nobody I know of played that role as well as Rev. Freeman. He was just a rare individual. He could make you feel good when you felt bad; he was very inspirational and uplifting.’’

There’s something else about Freeman that people talk about. He loved to tell jokes. Every time he spoke, people could expect to hear two or three jokes along the way.

Of course, he had two kinds of jokes: those he could use in sermons and those he couldn’t.

One of his very popular jokes dated from the days of “streaking,” when college kids would dash through public places in the buff. Freeman’s joke had to do with some older women in a nursing home. The punch line: One fellow goes, "What was that?" And the other goes, "I don’t know, but it sure did leave a mark!"

In January, it was reported that a Congressional-mandated report on foreign steel dumping would finally be released from the Clinton Administration. The report, which had been requested by the steel industry, an industry vital to America’s economy and national security, is not decimated by illegal competition.

A separate group will not put a single steelworker back to work. Tax breaks and more retraining programs will not put a single steelworker back to work. This is a white-collar worker. This is a skilled worker. This is an American worker.

TRIBUTE TO DICK VOLPERT

HON. HOWARD L. BERMAN
OF CALIFORNIA

HON. HENRY A. WAXMAN
OF CALIFORNIA

HON. BRAD SHERMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. WAXMAN and Mr. SHERMAN, and I rise today to pay tribute to our dear friend Dick Volpert, who this year received the Learned Hand Award from the American Jewish Committee. Certainly we can think of nobody more deserving of an award that honors both superior intellect and humanitarianism. Dick is that all-too-rare person who cannot remain aloof when he sees a person or group in need of help. He has a widespread and richly-deserved reputation for getting passionately involved in a range of causes.

Dick and his wife, Marcia, were without question among the most forceful and tireless advocates among us in the drive to save Soviet Jews in the 1970s and 80s. There is no doubt that their efforts enabled many Jews to emigrate from the Soviet Union at a time when the freedom to practice their religion had been threatened.
eliminated and in a very real sense their lives were in peril. The Volperts educated the Jewish community of Southern California and beyond about the dire circumstances of Soviet Jews and the absolute necessity of doing whatever all of us could to bring about their release. As far as I am concerned, Dick and Marcia merit at least a chapter in any history of the Soviet Jewry movement in the United States.

While this was going on, Dick also spent countless hours engaged in pursuits relative to the Jewish community of Southern California. And though the cause of Soviet Jewry waned with the fall of the Soviet Union, Dick today remains extraordinarily active in local Jewish affairs. Since 1996, he has been a board member of the Brandeis-Bardin Institute, and he continues as both a member of the Community Relations Committee of the Jewish Federation Council of Los Angeles and the Executive Board of the American Jewish Committee. Dick has also been active with the University of Judaism and Valley Beth Shalom, a large synagogue in the San Fernando Valley.

Dick has other causes that occupy his time, not to mention a thriving practice in real estate law. For example, he is president of the Board of Governors of the Los Angeles County Natural History Museum, a position that allows him to help determine the future of cultural life in Southern California. The Museum is, in fact, one of the most important places to experience art and culture in the entire region.

We ask our colleagues to join us in saluting Dick Volpert, a man whose dedication to making ours a better world is an inspiration to us all. We are proud of his accomplishments and proud to be his friend.

HONORING THE FOUR CHAPLAINS

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. GILMAN. Mr. Speaker, this month our nation commemorates the 56th anniversary of one of the most tragic, and at the same time inspirational, incidents in our nation's history.

As an avid stamp collector, as well as a Member of Congress who served for many years on the Post Office and Civil Service Committee and who now serves on the Subcommittee on the Postal Service, I have long been aware that federal law prohibits any American being honored on a postage stamp prior to 10 years after his or her death. The only exception made is for Presidents of the United States, who may appear on stamps one year after their death.

However, once every once in this century was an exception made.

And that was in 1948, fifty-one years ago, when Congress passed special legislation allowing the four chaplains to be honored on a stamp only five years after they sacrificed their lives. It was the night of February 3, 1943, fifty-six years ago this week, when four brave chaplains—George I. Fox and Clark V. Poling, Protestant ministers; Alexander D. Goode, a Rabbi; and John P. Washington, a Roman Catholic Priest—laid down their lives aboard the U.S.S. *Dorchester* so that others might live on.

The *Dorchester*, carrying 902 servicemen, merchant seamen, and civilian workers, was traveling across the North Atlantic, toward a U.S. Army base on the coast of Greenland, when it was attacked without provocation by a German submarine. The Germans fired torpedoes toward the *Dorchester* which struck the transport ship below the water line, beyond all hope of repair. As water began to flood through the ship's hull, chaos set in aboard the *Dorchester*, and it was into the ensuing scene of utter hopelessness and despair that the chaplains' legacy was woven.

When it was discovered that the supply of life jackets aboard the *Dorchester* was insufficient, the chaplains—without hesitation—removed their own life jackets and offered them to four frightened young men. The chaplains remained with those injured by the initial blast as the ship slanted downward into the icy water. The four chaplains were last seen clutching hands together, offering prayers to heaven for those around them.

The qualities which those chaplains embodied—self-sacrifice, unity, and faith—are the qualities upon which our nation rests, and it is for this reason that they are rightfully honored as true American heroes.

As we pay homage to the four chaplains today and throughout this month, let us call on all our fellow Americans to reflect for a moment upon the attributes which defined their actions.

Mr. Speaker, today more than ever, it is important that we recall the sacrifice and selflessness which won for us the liberty and freedom which all of us Americans enjoy today.

Today, sometimes seem to be living in an era when selflessness and sacrifice for others is considered "passé". Today, it sometimes seems that some people are more concerned with coming up with excuses for their actions, and casting themselves as the "victims", no matter what.

Today, more than ever, it is appropriate to remember the four chaplains and their self-sacrifice. It is important to recall also the sacrifice of countless other men and women who gave their lives in the name of our country.

Nathaniel Hawthorne once wrote: "A hero cannot be a hero unless in a heroic world."

Mr. Speaker, in memory of the 4 chaplains, let us dedicate ourselves to reconstruct that historic world, a world where ideals and principals reign supreme.

INTRODUCTION OF THE INDIAN HEALTH EQUALITY ACT

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would fix an inequity in the current reimbursement rates for low-income Native Americans who receive health care through the Indian Health Service (IHS).

Under current law, a 100 percent federal medical assistance percentage (FMAP) applies for the cost of services provided to Medicaid beneficiaries by a hospital clinic, or other IHS facility, as long as they are run by the IHS, tribes, or tribal organizations. While IHS facilities (usually in rural areas) are eligible to receive the 100 percent FMAP, similar services provided through IHS programs (usually in urban areas) receive only 50–80 percent reimbursement depending on the service.

My legislation would fix this inequity by raising the IHS program FMAP to 100 percent as well.

Equalizing the FMAP for health care received through IHS programs is especially important given that roughly half of the nation's Native Americans now live in urban areas. Furthermore, many urban IHS programs are run through Federally Qualified Health Centers whose state funding have been threatened by repeal of the Boren Amendment.

Passing this legislation would benefit IHS programs in over 35 cities throughout the country and would have little impact on the federal budget. Informal estimates illustrate that equalizing the FMAP for IHS programs would cost $17 million over the next 5 years.

I urge my colleagues to join me in support of the Indian Health Equality Act.

IN MEMORY OF HEDY SOMMERFELT

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Hedy Sommerfelt, a prominent figure in the Cleveland Polish Community.

Hedy was a lifelong Slavic Village resident. While in elementary school she began to go to Polish school on Saturdays. There she learned to speak, write, and read the Polish language. Throughout her life she was an advocate of Polish culture. In 1946 Hedy married John F. Sommerfelt. This prompted her to join the Union of Poles in America (UPA), a fraternal organization founded more than 100 years ago. In 1978, Mrs. Sommerfelt began working for the UPA as the financial secretary.

Passing that, she worked under longtime UPA president Richard Jablonski as the executive vice president. When Jablonski died in 1995, Mrs. Sommerfelt was appointed the president of the Union of Poles. She was the first woman president of the organization. She also volunteered for many Catholic and Polish causes and was the president of the Immaculate Heart Parent Teachers Unit (PTU) in the 1960's.

Those who worked with Hedy will forever remember the pens given to them which were topped with a tiny gold "guardian angel." One of these pens, her trademark, was even given to President Clinton in 1996. She was a pillar of strength in the community. She had great energy which she used to help the Polish community in every way to further the cultural and spiritual growth of the community. Her influence was felt at every level of government. She was committed to the cause of Poland as well as the Polish Community in Greater Cleveland. She and her husband were lifelong friends and I consider her passing a personal loss.

Ladies and gentlemen, please join me in honoring the memory of this remarkable woman, Hedy Sommerfelt.
Mr. STARK. Mr. Speaker, today I wish to pay tribute to Tracey Toomey, a firefighter from San Leandro, California, who died in the line of duty on January 10, 1999. He leaves a wife, Renee, and two children, Daniel and Shannon. Mr. Toomey died while on voluntary over-time, trying to put out a six-alarm fire which consumed a nightclub in Oakland. He was a dedicated and talented firefighter.

He was born and raised in Oakland, graduating from Castlemont High School in Oakland in 1964, and went on to study at Laney Junior College. He served for two years in the United States Marine Corps, from 1965 to 1967, during which time he served in the Vietnam war.

He became a firefighter in 1972, working in Oakland for several stations, including Station 23 and 6, and was volunteering for a further station at the time of his death.

Toomey was as active in his personal life as he was in his professional life. He could often be found hiking, biking and hunting with his son. He also ran a welding business, and was skilled in the production of detailed pieces. He was a member of the California Artistic Blacksmiths' Association.

He was a committed family man and was weeks from celebrating his twenty-ninth wedding anniversary. All those who had lived and worked with him will miss him greatly. He will be remembered as one whose commitment to his job went far beyond most and for that reason I wish to pay tribute to him today, and send our deepest sympathies to his family.

Mr. Speaker, today I am introducing legislation to require the U.S. Department of Housing and Urban Development (HUD), when evaluating future applications for designation as an urban empowerment zone (EZ), to make an applicant’s unemployment rate and poverty rate 50 percent of the criteria. Last month, the Vice President announced 15 new urban empowerment zones. Each zone will receive $10 million a year for ten years in federal grants and $13 million a year for ten years in bonding authority. While many of the new zones went to needy areas, some designations raised serious questions about the designation process. HUD selected zones based on a 100-point scoring system that measured the quality of revitalization plans, poverty and unemployment rates, and private and public sector commitments made to implement the plans. An applicant’s poverty and unemployment rate only counted for 25 points under HUD’s current scoring system.

The scoring system presented many distressed communities across the country with a Catch-22. In order to put together a competitive application, communities had to secure large commitments from both the public and private sector. Most of the winning applicants had commitments in excess of one billion dollars. But most distressed communities do not have billions in public and private resources to commit to an EZ designation. In fact, communities with more than a billion dollars in public and private resources really don’t need additional aid in the form of empowerment zone designation. It is those communities that have seen an exodus of manufacturing and other private sector jobs and received federal assistance. But the way the EZ application scoring system was developed, those communities cannot compete.

For example, last October the cities of Youngstown and Warren in Ohio submitted a joint application for an EZ designation. The Youngstown-Warren area has a poverty rate of 51.42 percent and an unemployment rate of 17.3 percent—almost four times the state and national average. Youngstown-Warren’s application was turned down. But Santa Ana, California, with an unemployment rate of only 5.6 percent and a 31 percent poverty rate, got an EZ designation. Santa Ana’s unemployment rate was three times higher than Santa Ana’s. Youngstown-Warren’s poverty rate was 20 percent higher. Yet, Youngstown-Warren’s application didn’t make the cut. The difference? Santa Ana was able to leverage $2.54 billion in public and private sector commitments. Youngstown-Warren was only able to come up with about $200 million.

The list goes on. Minneapolis, Minnesota, with an unemployment rate three percentage points lower than Youngstown-Warren’s, and a poverty rate 11 points lower, received an EZ designation. The difference once again was the fact that Minneapolis was able to come up with $2 billion in public-private sector commitments. In fact, most of the communities awarded EZ designations last month had poverty and unemployment rates significantly lower that Youngstown-Warren’s. But they all had very strong public and private sector commitments.

I agree that EZ applicants should demonstrate strong local and private participation. But something is wrong when a community with a poverty rate of more than 50 percent and an unemployment rate of 17.3 percent is turned down, and a community with a poverty rate of 31 percent and an unemployment rate of only 5.6 percent is awarded EZ designations should be reserved for those communities that desperately need to attract private sector jobs.

My legislation will change the scoring system. HUD uses in evaluating EZ applications so that, in the future, struggling communities will have a fighting chance to get the federal assistance they so desperately need. The Traffacant bill will end the Catch-22 many communities faced in the recent round of EZ awards. The bill will end many communities put together applications with strong public and private commitments. But it would give an applicant’s poverty and unemployment rates equal footing with public and private dollars. That’s the way it should be.

This legislation is a common sense fix to ensure that future EZ designations go to the neediest communities.

The scoring system presented many distressed communities across the country with a Catch-22. In order to put together a competitive application, communities had to secure large commitments from both the public and private sector. Most of the winning applicants had commitments in excess of one billion dollars. But most distressed communities do not have billions in public and private resources to commit to an EZ designation. In fact, communities with more than a billion dollars in public and private resources really don’t need additional aid in the form of empowerment zone designation. It is those communities that have seen an exodus of manufacturing and other private sector jobs and received federal assistance. But the way the EZ application scoring system was developed, those communities cannot compete.

For example, last October the cities of Youngstown and Warren in Ohio submitted a joint application for an EZ designation. The Youngstown-Warren area has a poverty rate of 51.42 percent and an unemployment rate of 17.3 percent—almost four times the state and national average. Youngstown-Warren’s application was turned down. But Santa Ana, California, with an unemployment rate of only 5.6 percent and a 31 percent poverty rate, got an EZ designation. Santa Ana’s unemployment rate was three times higher than Santa Ana’s. Youngstown-Warren’s poverty rate was 20 percent higher. Yet, Youngstown-Warren’s application didn’t make the cut. The difference? Santa Ana was able to leverage $2.54 billion in public and private sector commitments. Youngstown-Warren was only able to come up with about $200 million.

The list goes on. Minneapolis, Minnesota, with an unemployment rate three percentage points lower than Youngstown-Warren’s, and a poverty rate 11 points lower, received an EZ designation. The difference once again was the fact that Minneapolis was able to come up with $2 billion in public-private sector commitments. In fact, most of the communities awarded EZ designations last month had poverty and unemployment rates significantly lower that Youngstown-Warren’s. But they all had very strong public and private sector commitments.

I agree that EZ applicants should demonstrate strong local and private participation. But something is wrong when a community with a poverty rate of more than 50 percent and an unemployment rate of 17.3 percent is turned down, and a community with a poverty rate of 31 percent and an unemployment rate of only 5.6 percent is awarded EZ designations should be reserved for those communities that desperately need to attract private sector jobs.

My legislation will change the scoring system. HUD uses in evaluating EZ applications so that, in the future, struggling communities will have a fighting chance to get the federal assistance they so desperately need. The Traffacant bill will end the Catch-22 many communities faced in the recent round of EZ awards. The bill will end many communities put together applications with strong public and private commitments. But it would give an applicant’s poverty and unemployment rates equal footing with public and private dollars. That’s the way it should be.

This legislation is a common sense fix to ensure that future EZ designations go to the neediest communities.

Mr. Speaker, I am introducing legislation that will improve the safety of our highways for the millions of motorists who use them. Very simply, my legislation moves the Office of Motor Carriers (OMC) from the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA).

In 1997, 5,355 people died on America’s highways in truck related accidents. That was not only more people killed than in the previous year, but more people than any other year in this decade. Regardless of who’s at fault, when a tractor-trailer is involved in an accident on our highways, the consequences are too often fatal. I should note that many, if not most, trucks are operated safely and their drivers are concerned first and foremost with safety. Unfortunately, there are always operators on the margins who make the roads unsafe and in 1997, the last year for which figures are available, the number of people killed in truck related accidents has risen to a new high for the decade. The trucking industry dismisses these figures by noting that the per-vehicle-mile death rate has gone down. They’re right. But the fact remains that the number of people who died in 1997 from accidents rose.

To put the issue in perspective, compare these figures to the aviation industry. What would our response be if the aviation industry suggested that only 5,355 people died in airline crashes? What if we rationalized that as a percentage of miles traveled, there has been a reduction in fatalities? There would be outrage in America. Last year, the domestic aviation industry’s rate of death’s per mile traveled also decreased. But the actual number of aviation related fatalities decreased too, all the way to zero. This year our goal: a reduction in the both actual and per-vehicle-mile deaths on our highways. We are talking about real people—not just statistics.

Federal efforts to monitor the trucking industry for safety are falling short. The Office of Motor Carriers (OMC) which is responsible for the oversight of the trucking industry is a component of the Federal Highway Administration (FHWA), the agency principally tasked with managing over $25 billion in highway and construction dollars. Locating OMC under FHWA has placed a lower priority on truck safety issues and blunted some of the initiatives needed to maintain an effective and forceful monitoring program. In fact, OMC personnel have become too close to some in the trucking industry which I believe has compromised their effectiveness.

Recently, the U.S. Department of Transportation Inspector General (DOT IG) completed an OMC and the trucking industry. In the attached report summary, the IG found that OMC leadership has engaged in a “strategy . . . devised to solicit the
trucking industry and third party communications to Congress in order to generate opposition to the OMC transfer provision in [Congressional legislation].” In short, OMC contacted the industry it is charged with regulating to solicit support to defeat a proposal to move the OMC to the National Highway Traffic Safety Administration (NHTSA). OMC officials have effectively gotten in debt to the very people they are supposed to regulate.

**SOLUTION: CONSOLIDATE OMC FUNCTIONS IN ANOTHER SAFETY AGENCY**

In my opinion, the rising number of deaths and the poor oversight of the trucking industry by OMC is a partial result of OMC’s location at FHWA. FHWA is skilled at building and maintaining roads, but has done a poor job at monitoring the trucking industry. This task has not been high on the priority list. Therefore, I have suggested a reorganization where OMC will become a part of an existing or new managerial structure whose primary mission will be safety. I have suggested NHTSA, and I recognize the possibility that a better structure may exist. The legislation I introduce today, if not the answer, is a good place to start.

The proposal upon which this proposal is implemented becomes critical when we consider that on January 1, 2000, less than a year from now, the Northern American Free Trade Agreement (NAFTA) will permit trucks crossing the border from Mexico to travel anywhere in the United States. Anywhere. Currently, Mexican trucks are permitted to travel in border commercial zones which range from three to 20 miles. A recent DOT IG report, which is also enclosed, found that of the 3.7 million trucks from Mexico crossing in 1998, only 17,332 were inspected, and of this number, 44 percent were found to be in such disrepair that they were immediately taken out of service. These unsafe trucks could be in your state next year. These trucks could be on every road in America—most uninspected and many grossly unsafe. We need to address this problem now.

Finally, Mr. Speaker, the House Appropriations Subcommittee on Transportation, which I chair, will be holding hearings on this important issue Tuesday, February 23.

**HUNTINGDON FIRE COMPANY, NO. 1, 125 YEARS OF EXCELLENCE**

**HON. BUD SHUSTER**

**OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, February 2, 1999

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the 125th anniversary of the Huntingdon No. 1 Fire Company located in my District in Huntingdon County, Pennsylvania.

Most people take fire protection for granted, yet don’t realize the intensive undertaking involved in training and maintaining a fire department. Huntingdon No. 1 Fire Company has shouldered this responsibility well, as evidenced by their solid record of outstanding service. Created by an ordinance passed in 1801 making bare provisions for the town’s fire protection, Huntingdon No. 1 Fire Company has evolved into a sophisticated and flexible organization, and of managing a wide variety of emergencies.

Mr. Speaker, please join me in commending each member of the department, past and present, on a job well done. They have helped safeguard Huntingdon for the past 125 years and will continue to do so far into the future. I am indeed very privileged to serve such a distinguished group of individuals in the U.S. House of Representatives, and I wish them the best in their future endeavors.

**IN MEMORY OF JUDGE JAMES P. KILBANE**

**HON. DENNIS J. KUCINICH**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Judge James “Seamus” P. Kilbane, who dedicated his life to serving the public.

Judge Kilbane graduated from St. Ignatius High School, where he was an avid athlete, in 1941. He then attended John Carroll University before he served during World War II as a first lieutenant in the infantry. Following his service in the Army Judge Kilbane earned his Bachelor’s degree from John Carroll University in 1948, working as a boilermaker and salesman while he was in school.

In 1951 Judge Kilbane received his law degree from Western Reserve University Law School and in 1968 he earned a juris doctorate. While attending Western Reserve University he also served as a patrolman for the Cleveland Police Department. He resigned from that position in 1952 to practice law.

From 1955 until 1962, Judge Kilbane served as a member of the Ohio House of Representatives, and in 1963 and 1964 he served as a member of the Ohio State Senate. As a legislator Judge Kilbane fought for legislation that established state nursing home standards as well as legislation that supported labor and welfare.

In 1972 Judge Kilbane was elected judge of the Cuyahoga County Common Pleas Court, where he served full-time until 1990. Judge Kilbane, however, continued judging cases on a part-time basis after 1990. He was known as a well-prepared, hard working judge who always stuck to his convictions.

Judge Kilbane and his outstanding, life-long commitment to public service will be greatly missed.

**IN HONOR OF THE DALE CITY CIVIC ASSOCIATION CITIZEN OF THE YEAR AWARDS**

**HON. THOMAS M. DAVIS**

**OF VIRGINIA**

**IN THE HOUSE OF REPRESENTATIVES**

Tuesday, February 2, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize a group of outstanding citizens from Dale City in Prince William County of the Eleventh Congressional District of Virginia. These remarkable individuals have been selected by the Dale City Civic Association in recognition of their many achievements and their dedication to serving their community. These outstanding citizens have gone above and beyond the call of duty on a daily basis. They are members of the Dale City community who gave of their time in order to serve others and encourage others to be leaders. These citizens will be recognized on January 31, 1999, by the Dale City Civic Association, one of the largest, most active and accomplished Citizens Associations in the Commonwealth of Virginia. I would like to offer my congratulations to these award recipients.

Citizen of the Year: David H. Dell, Sr. Mr. Dell, a twenty-two year resident of Dale City, has made a career of giving back to the community. In addition to being a Life Member of the Dale City Civic Association, Mr. Dell is also a long-time member of the Dale City Volunteer Fire Department and volunteer driver for hospital personnel, doctors, nurses and staff to get them to and from work during inclement weather. Not only does Mr. David Dell, Sr. see to the safety needs of Dale City, he is also dedicated to fostering the City’s cultural life as well. Being as Staging Director for the Dale City 4th of July Parade for the past three years. Mr. Dell has demonstrated exceptional community spirit over the past twenty-two years and is certainly deserving of the honor bestowed upon him by the Dale City Civic Association.

Young Citizen of the Year: Rachel J. Bryant. Miss Bryant is an extraordinary young citizen who has already become a strong role model to her peers. Rachel is currently a senior at Gar-Field High School. At Gar-Field, Rachel is a member and facilitator in the Gifted Education Enrichment Seminar Program for the past four years. Additionally, Miss Bryant is Vice President of her class, a member of the National Honor Society and has attended Virginia’s Governor’s School for Mathematics, Science and Technology where she was awarded the Macy’s Scholar Award for Minorities in Medicine. Rachel is Gar-Field High School’s shining star and demonstrates that our next generation is caring, selfless and dedicated.

Community Service Award: Dorothy Holley. Mrs. Holley is a volunteer who works with the elderly, local service organizations, and the less-fortunate. She spends much of her volunteer time arranging for food donations to be made to the PW Homeless Shelter. Senior Citizens and the PERTC Thermal Shelter. Throughout the community she is described as always willing and able to lend a hand in her community.

The Kathy Fenney Nurse of the Year: Eileen J. Yetter, RN. Mrs. Yetter has served the Dale City community at Potomac Hospital for the past eight years and is now one of the senior staff members in the Emergency Department. She is clearly dedicated to administering excellent quality care to her patients. In particular, Mrs. Yetter has helped design the state of the art Emergency Care Center at Potomac Hospital that have been duplicated in other emergency rooms across the nation. She also has worked to make the senior communities in Dale City
more aware of their specific health risks, and how to react if they recognize them. The patients and community at Potomac Hospital have truly benefited from her work.

Police Officers of the Year: Officer Ruben D. Castilla and James C. Virgil. Officers Castilla and Virgil are instrumental in Dale City’s streets more inviting and safe for community residents. Specifically, Officers Castilla and Virgil were commended by their department for the thorough investigation of the vandalism cases which led to the closure of twenty two businesses and the clearance of an unreported attempted armed robbery. These two officers are also credited with removing two area juveniles who had been harassing residents. Their efforts have provided protection to the residents of Dale City, so they can sleep peacefully at night.

Deputy Sheriff of the Year: Sergeant William O’Connell, Jr. Sergeant O’Connell is an individual who cares deeply about the people he serves. As a member of the Sheriff’s Department and resident of Dale City for eleven years, Sergeant O’Connell is credited with developing the innovative Mentoring Program for middle school students in Prince William County and the cities of Manassas and Manassas Park, bringing together a variety of criminal justice agencies. Sergeant O’Connell also serves as the Sheriff’s office representative to the Northern Virginia chapter of the Virginia D.A.R.E. Association. Sergeant O’Connell has proven his dedication to making Prince William County safer for all residents.

Firefighter of the Year: Todd Zavash. As a Battalion Captain with the Dale City Volunteer Fire Department he has been instrumental in the personal and professional growth of over eighty firefighters whom he has supervised in two Battalions. His leadership has allowed the residents of Dale City to know that firefighting personnel are ready to respond to all calls for assistance. Captain Zavash is recognized by his peers as an individual who is always willing to lend a helping hand or a sympathetic ear.

Emergency Medical Technician of the Year: John Dooley. Mr. Dooley has served as a volunteer with the Dale City Volunteer Police Department for the past eight years, and is currently the lead paramedic on Battalion 1. Mr. Dooley being awarded this honor is the culmination of years of dedicated service to the people of Dale City. Mr. Dooley is highly respected for his professionalism and dedication as a senior staff member by his peers and the community. He is truly a remarkable person who has provided excellent medical care to those who call in need.

Elementary School Teacher of the Year: Miss Beville. Miss Raphel is a second grade teacher at Kerrville Elementary School. In addition to her regular teaching duties, Miss Raphael volunteers in support of a number of school activities. She is well-known for her work with the Special Needs Committee, which is a community outreach program to assist families during special holidays and emergency situations. As part of her work with this group she spends the Thanksgiving and Christmas holidays preparing and delivering baskets of toys and food for families in need. Miss Raphael is also active in the Prince William Alliance of Black School Educators, which is an organization that promotes academic achievements for minority students in Prince William County Schools through a scholarship fund. Through her many varied activities Miss Raphael has certainly made a positive mark in Dale City’s educational system.

Middle School Teacher of the Year: Suzanne Johnson. Mrs. Johnson is a seventh grade teacher of language arts at Stuart M. Beville Middle School. At Beville she is involved in many extra-curricular activities, and was a charter faculty member of the school in 1990. Mrs. Johnson is known among the students and faculty alike as “An energetic and resourceful teacher”, always willing to offer assistance. She brings tremendous care and dedication to her work, and inspires her students to excel.

High School Teacher of the Year: Jeannine Turner. Mrs. Turner has been an AP English teacher at C.D. Hylton Senior High School for the past thirty-three years. She has encouraged her students to excel in their studies using innovative teaching techniques and dedicating as much of her own time as necessary. Her work in this area has enabled the students at Hylton to achieve higher academic levels than ever before. Additionally, she volunteers her time to the alternative education program and works with at-risk students through the night school and summer school programs. Mrs. Turner is an individual who is able to unlock each student’s desire and motivation to learn and gives completely of herself. Mr. Speaker, and my colleagues will join me in congratulating these outstanding citizens for their tireless efforts to make Dale City, Virginia a better place to live. Through the untried and selfless efforts to citizens like these, many others across the country are inspired to do likewise. Not only Dale City, but America is enriched by their accomplishments and dedication.

TRIBUTE TO THE LATE GEORGE GOLDT

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, the late George Goldt, a man known far and wide as “the gentle giant.”

As Undersheriff of Ocean County, George met Michael Gillick, a young cancer patient, and took him under his wing, naming Michael “Honorary Sheriff.” In fact, when Michael was honored, even standing on a chair, he only reached George’s waist. It was his interest in Michael and his compassion and dedication to people of all ages in Morris County. In 1985, the Center added an in-house After School Care program. Later, in 1988, the Center added the Y’s Owl Care Child Center which provides care to approximately 130 children each day.

The spirit of George Goldt, the gentle giant, will always be a large part of Ocean of Love due to his efforts in behalf of kids in need. I remember George best during the years he served as President of the Manchester Township Republican Club. During those years George and this Office in Morris County were among my most avid and energetic supporters. George knew what should be accomplished and made sure it was, and almost always without me even asking. The success of the club and the candidates it supported under his leadership speaks volumes about George.

In recognition of this great man, the recipient of this year’s Ocean of Love Public Service Award, George Goldt is truly deserving of this posthumous honor, and of the love and gratitude of the community.

THE 125TH ANNIVERSARY OF THE MORRIS CENTER YMCA, COUNTY OF MORRIS, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 125th Anniversary of the Morris Center YMCA, of Morris County, New Jersey.

Since January 2, 1874, the Morris Center YMCA has provided programs essential to the people of Morris County. The 172 founding members first gathered in meeting rooms located in the Old Post Office in Morristown. In 1888, the Board of Directors dedicated a new building which included a gymnasium, classrooms, bowling alleys and a game room. A second building was dedicated in 1912 which included a wing exclusively for women. By 1968, however, it became clear that a new building was needed and plans were made to begin construction.

On March 1, 1981, the grand opening of the newly completed Morris Center YMCA took place. The Center featured a 25 meter swimming pool, gymnasium, track, racquetball courts, weight rooms and a fitness center. Over the years renovations have been made to the building, bringing many more programs to people of all ages in Morris County. In 1985, the Center added an in-house After School Care program. Later, in 1988, the Center added the Y’s Owl Child Care Center which provides care to approximately 130 children each day.

The Owl program received national accreditation by the National Association for the Education of Young Children. Building on the reputation of the Y’s Owl Child Care Center, the Morris Center YMCA was selected to create and manage the child care center of the Morristown Memorial Hospital, and opened the Children’s Corner in the late fall of 1996.

The Center currently has over 400 volunteer members comprising the Board of Directors, all of its committees and program leaders. These volunteers are the heart of the Morris Center YMCA, working in all aspects of the organization. In short, the Center is people caring for people, not just buildings and equipment.

Mr. Speaker, for the past 125 years, the Morris Center YMCA has provided the citizens of Morris County with programs that benefit all those who participate. I ask that you and my
colleagues join me in congratulating all past and present members of the Morris Center YMCA on this special anniversary year.

IN RECOGNITION OF GIL IBERG, “BIG BAND MOUTH OF THE SOUTH”

HON. JIM McCРERY
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. McCРERY. Mr. Speaker, I would like to acknowledge today my constituent, Gil Iberg, known by many as “Big Band Mouth of the South.” Gil Iberg has distinguished himself as a true connoisseur of big band music and has amassed an extraordinary collection of roughly 1,000 cassettes and 100 albums, containing the music of over 200 big bands. To make sure he misses no opportunity to add to his collection, Gil keeps a radio/cassette recorder on his bedside table so he can tape big band broadcasts.

Gil learned to play the trumpet when he was young, following the footsteps of his father, who played a bass fiddle in a local band in his hometown of Highland, Illinois. Although he caught big band fever when he was young, he didn’t start collecting records and tapes until the 1960s, when the popularity of the music began to wane. Afraid that he might lose access to the music he loved, Gil began to collect his own supply. Gil has also seen many big bands in person, including Glenn Miller’s and Artie Shaw’s ensembles.

In the words of Gil himself, “I could talk about big bands all day and all night. I live and breathe and eat big band music. I play big band music every day of the week, and I exchange tapes and letters with other big band buffs from all over the country.”

Mr. Speaker, please join me in commending Gil Iberg for following his dream and becoming an expert in his chosen hobby. In more of his own words, “Some men fish or hunt. Some men golf. My thing is big bands. For me, there’s nothing like it.”

IN MEMORY OF ROBERT E. HAGAN

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Robert Hagan, an exceptional father, a dedicated public servant, and a brilliant humorist.

Mr. Hagan grew up in Youngstown, OH, one of six children in his family. He served as a Marine Corps flight instructor during World War II. Following the war he worked for his father’s steel-erecting business, where he patented a new steel-scaffolding process.

Always aspiring for something new and challenging, Mr. Hagan hosted his own TV variety show in Youngstown. He also appeared occasionally on the Mike Douglas syndicated television show when it was broadcast from Cleveland.

In 1956, Mr. Hagan embarked on his political career by running for Trumbull County commissioner. He lost that election, but ran again in 1962 and won. He served eight years at that position, resigning in 1969 in protest of a local judge’s disregard for the commissioners. As a politician Mr. Hagan was a vocal critic of the Vietnam War and an ardent supporter of civil rights and labor unions.

In 1970, when making a bid for the presidency, George McGovern hired Mr. Hagan as a special assistant in charge of one-liners. This offered Mr. Hagan the chance to merge two things he loved and understood best, political humor. He explained why this combination worked so well when he said, “the very concept of humor, to me, is a very important one because it communicates ideas in a most pleasant way.”

Mr. Hagan was elected to the Ohio State House in 1981, where he served with his son Robert Hagan. After he failed in his bid to win re-election in 1988, Mr. Hagan continued to perform stand-up comedy and contribute editorials and guest columns to area newspapers. I will always be grateful for the opportunity to have known Robert Hagan. He set an example of how to do a job well, and have fun at it too. I will miss him.

Mr. Hagan was the father of 14 children. His commitment to them, as well as his contributions to politics and humor, will be greatly missed.

THE INTRODUCTION OF THE ORGAN DONOR LEAVE ACT

HON. ELIJAH E. CUMMINGS
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. CUMMINGS. Mr. Speaker, during the last 20 years, important medical breakthroughs such as tissue typing and immunosuppressive drugs have allowed for a larger number of successful organ transplants and a longer survival rate for transplant recipients. Certain organs, such as a single kidney, a lobe of a lung, a segment of the liver or a portion of the pancreas, can be transplanted from living donors, making it possible for them to save the lives of family members, coworkers, and friends.

Currently, federal employees may use up to 7 days of leave in each calendar year to serve as an organ or bone marrow donor. Yet, experience has shown that an organ transplant operation and post-operative recovery for living donors may take as long as six to eight weeks. In order to address this disparity, I worked with the Office of Personnel Management (OPM) and the Department of Health and Human Services (HHS) in drafting this legislation to increase the amount of leave that may be used for organ donation to 30 days. The amount of leave that may be used for bone marrow donation will remain at 7 days because that is generally adequate for recovery from bone marrow donations.

Under this legislation, donors will not have to be concerned about using their personal sick or annual leave for these vital medical procedures because the leave granted is in addition to what they routinely earn.

The bill passed the House during the last Congress but the Senate failed to act on it before adjourment. I reintroduced this bill at the beginning of the 106th Congress in the hope that there will be ample time to win its enactment.

The Organ Donor Leave Act has the support of the American Society of Transplantation (AST), the largest professional transplant organization in the United States. In a letter expressing its support, the ASTP stated, “... a lack of leave time has served as a significant impediment and disincentive for individuals willing to share the gift of life.

Since the first kidney transplant in 1954, hundreds of patients have received successful transplants from living donors. Yet, each day, while 55 people receive an organ transplant, another 10 people on waiting lists die because not enough organs are available. When a name is added to a waiting list every 18 minutes in the United States. In 1997 only 15,000 people donated organs, leaving 35,000 people desperately in need. Currently, over 58,000 are waiting for a life saving organ transplant.

One lung can help another person breathe. One kidney can free someone from dialysis. A portion of a liver could save the life of a patient dying from disease. One’s bone marrow could help repair another person’s damaged joints.

This legislation will give federal employees who may consider becoming organ donors the assurance that they will be granted an adequate amount of time to recuperate from the life saving process that they voluntarily undertake. It will also serve as a guide and encouragement to other employers, public and private, to provide similar benefits to their employees. I urge all members to give it your support.

TRIBUTE TO MS. KAREN M. PHILLIPS

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to honor the memory of Karen M. Phillips, a Peace Corps volunteer who was killed late last year near her home in Gabon, West Africa.

Karen Phillips dedicated her life to improving the lives of others. Starting in June, 1998 when she was sworn in as a volunteer in Gabon, she worked to help local farmers market their products. She had also previously worked for five years for the international development organization CARE. According to her peers, she was a well-liked and dedicated volunteer.

In today’s world, people often bemoan the lack of positive role models and heroes for our children and ourselves. Karen Phillips proved that this is not necessarily true. We would do very well to follow her example of selfless service.

SOUTH FLORIDA TEEN GIRLS RECEIVE POSITIVE ATTITUDE

HON. ILEANA ROSLEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Ms. ROSLEHTINEN. Mr. Speaker, I would like to highlight the accomplishments of a woman who has served as a wonderful example for teenage girls in the South Florida area.
SKOKIE, ONE OF THE BEST TOWNS AROUND
HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999
Ms. SCHAKOWSKY. Mr. Speaker, I submit the following letter to be included in the CONGRESSIONAL RECORD.

HON. JACQUELINE B. GORELL
MAYOR JACQUELINE B. GORELL,
Village of Skokie, Skokie, IL.

DEAR MAYOR GORELL: What a wonderful job you have done in shaping Skokie into the remarkable place that it is! You should feel very proud and fulfilled as you leave elective office after 22 years of service, ten as Mayor. Now it is your turn to enjoy the wealth of opportunities that you have brought to Skokie.

You have more time to enjoy the world class library for which you were truly the driving force. You can walk the beautiful canal bank along with so many of your villagers who are appreciating the bike path, the sculpture park and the natural beauty which you have made possible. You and Nate can attend even more excellent activities at the Performing Arts Center which is now your legacy. And you can rest assured at all times that you and yours are protected by a police and fire department that achieved a status that few other municipalities have reached while under your watch.

It is no wonder that Chicago Magazine rated Skokie as “one of the best towns around”, and Worth Magazine said that “on Wall Street, it is a star.” Those of us who have had the pleasure of working with you and observing your leadership are not surprised by these accolades.

Mayor, thank you for all that you have done for the community. I wish you happiness in your retirement. If I can ever be of help to you, I would be honored if you would call on me.

Sincerely,
JAN SCHAKOWSKY
Member of Congress.

TRIBUTE TO FLORA WALKER
HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999
Mr. BONIOR. Mr. Speaker, I have great pride in rising today to recognize Flora Walker, past President of AFSCME Council 25, who retired on November 16, 1998. Her friends and colleagues will honor her with a reception on January 29, 1999.

Through the years, Flora Walker has been a fighter. Her tireless efforts have improved the lives of the working families throughout Southeastern Michigan. Flora is a woman who has dedicated her life to securing dignity and respect for all people. She has been a champion of civil rights and civil liberties, and has helped create a stronger, more united community. Her strong leadership and vision were recognized by her colleagues and she was chosen to serve in a distinguished list of elected positions.

Flora Walker began her career with the AFSCME Council 25 Executive Board that continued for twenty-four years. Her first elected position was as a representative. She went on to serve as a delegate to one special and two regular Council 25 Conventions. Her tenure as president began in 1992 during a time of crisis for the Council. Under her guidance, it has become a strong, united, statewide council continuing the work begun by the Founding Convention in 1978.

During her six years as President, many new innovative programs were implemented. Flora was instrumental in overhauling the entire Council 25 legal operation, providing union members with an unprecedented level of service. The arbitration department was streamlined, initiating a process of audits and improving the number of arbitrators. Serving the members, Flora has also served as an AFSCME International Vice President from Michigan. Flora had a demanding schedule, but she would never hesitate to go to the bargaining table with her members if needed.

Flora is not only an active union leader, but a community leader as well. She has received both the Champion of Hope Award from the National Kidney Foundation and the Dr. Martin Luther King, Jr. Award. She was recognized by the University of Michigan during a Black Labor History Celebration. She has been honored for her active involvement in the community, in the political arena, and in service and charitable projects.

Few people have given to their community with the vision and commitment that Flora Walker has given to hers. She is a person who has inspired the admiration of many. I am sure her colleagues will miss the famous Walker hug. I would like to offer my heartfelt congratulations to Flora on her very distinguished career and I wish her and her family all the best.

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.
HON. SPENCER BACHUS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999
Mr. BACHUS. Mr. Speaker, I rise today to eulogize and celebrate the life of Dr. George Vernon Irons, Sr., distinguished professor of history and political science at Samford University for 43 years, who passed away July 21, 1998. Dr. Irons taught 17 university presidents—more than any other known educator.

Dr. Irons was also a colonel in the United States Army for 33 years, active and reserve, and received full military honors. Dr. Irons was a member of the prestigious Alabama Sports Hall of Fame for 22 years—its oldest member. He was the only distance star ever inducted into the Alabama Sports Hall of Fame and a true great in Alabama’s rich athletic history. As captain of the University of Alabama distance team, he broke the record for the Birmingham Road Race in 1923. His record was never broken or equaled. Dr. Irons also broke the Southern Intercollegiate Athletic Association, now the Southeastern Conference, record for two, three and three and one-half mile races.

Dr. Irons was listed in Who’s Who in America, Who’s Who in the South and Southwest, Who’s Who in American Education and Directory of American Scholars. Dr. Irons was awarded the George Washington Honor Medal from Freedom’s Foundation, Valley Forge, Pennsylvania, in 1962.

Mr. Speaker, I ask unanimous consent that articles from the Alabama Sports Hall of Fame and Bama Magazine be included in the CONGRESSIONAL RECORD to share the achievements of this great Alabamian who served Samford University as distinguished educator 43 years, his country as colonel in the U.S. Army 33 years and his alma mater, the University of Alabama, as a record-breaking champion athlete and Phi Beta Kappa honor student.

[From the Alabama Sports Hall of Fame]
IRONS ACCUSTOMED TO SEEING FINISH LINE FIRST
(Read by Kyle Mooty)
While football was far from its ‘king’ stages the University of Alabama would enjoy in the future, Crimson Tide track star George Irons was keeping the athletic flame burning at the Capstone as its ‘Knight of the Cinderpath.’

Former Alabama Sen. John Sparkman was a classmate of Irons at Alabama and later served in the Army together. And according to Sparkman, if it hadn’t been for Irons, athletics would have been pretty boring during that time period at Alabama.

“George Irons was all we had to cheer about,” said Sparkman.

Today, Dr. George Vernon Irons is catching another milestone, as he’ll turn 91 on Aug. 7.

With the discipline, desire and skill he possessed, Irons would have probably been a standout distance runner anyway. But there were other reasons for perfecting the art of running.

“Ironies of life—the fear of being panned,” Irons said.

“When I was a freshman at Alabama the sophomores were always getting after the freshmen. If they caught you, you could do two things: lie or you could run. Don’t press me too much on which I did because I did both of them.”
Irons also said that running was getting for catching up with the co-eds.

In Born Demopolis as a son of a Presbyterain minister, Irons moved to Fort Valley. As a child, he realized he had a talent for running. As he got older, he took a job as a paper boy. Strangely enough, it was perhaps that job that was the start of something that led to him being inducted into the Alabama Sports Hall of Fame in 1978.

"I rode the bicycle a whole lot delivering those papers, so I had strong legs," Irons said.

Later, as a freshman at Alabama, Irons first realized he could run a long distance in a short period of time.

"From where I was living, when I would hear the whistle blow each morning I had about 10 minutes to make it to class," Irons recalled. "A half-mile pretty good distance. But I always made it to class on time. I don't think I was ever late. I guess you could say I found out I could run fast by accident."

His trip to class would take him across an open field, a few acres of ground that now is the home of Bryant-Denny Stadium.

Irons also said he was a "college boy" running around the university's campus having what seemed like good times. He laughs now at remembering thinking they were running around as newlyweds, but in reality, when actually it was the track team's shorts.

Irons joined the Alabama track team and would make the trip to the team's water tank. From his sophomore year on, Irons never lost a race to another collegian. But the problem was not fellow collegians. The problem was pros.

The big running events often allowed older, professional runners to compete with the collegians. And one of the best of those that Irons would run against was a man named Richter, who was running in events ranging from the 880-yard run to the four-mile run.

"Richter was there, but I would always beat him in Atlanta because he didn't know the course," Irons said.

Irons added that Alabama's big rival in track was Mississippi A&M, which is now known as Mississippi State University.

Irons worked his way through school. Despite his success, he ran for three years on no scholarship. But as a senior he became aggressive off the track, too.

"Yeah, my last year I suggested to them that I could use a scholarship," laughed Irons about something that was certainly no laughing matter to him anymore.

Irons' coach at Alabama was the late Hank Crisp, who was more widely known for his football and basketball duties. He served as the Alabama football assistant coach, and was the head basketball coach from 1924-42 in Tuscaloosa, but he actually came to Alabama to be the head track coach.

The NCAA rule book was nowhere near as thick as it is today. And with Crisp being what Irons called "a very kind man," his players did not have to worry if they got in a serious bind financially.

"He (Crisp) would loan you money on the side if you really needed it," said Irons.

Irons, like most of that came into contact with Crisp, had great respect for the head coach.

"He was a four-year letterman at VPI (Virginia Tech) despite having his right arm cut off," said Irons.

Crisp lost his arm when he was 13 cutting corn to fill a silo.

"But man was he tough," said Irons. "And he ran the hurdles, and if you've ever run hurdles before you know how important balance is on one arm."

Irons also played football, basketball and baseball.

They said he played outfield and after he would catch the ball, he'd throw the glove up in the air and start running, coming out and throw it back to the infield.

Crisp died the night he was inducted into the Alabama Sports Hall of Fame on Jan. 23, 1970.

Irons didn't let the university or Crisp down for awarding him the scholarship for his senior season. He finished undefeated in dual matches. And the biggest race in the south during that period was an AAU event run in Atlanta where some of the top eastern runners were also competing.

Irons won that race two years in a row.

Irons path in life took a turn during World War II. He had finished at the university just after World War I, but through his ROTC classes he had made 2nd Lt. He would become a Captain in WWII and eventually a Lt. Col. for four and a half years.

"I had various battle stations in the Army," said Irons. "I was in a swamp about 30 miles north of Wilmington, NC. They put us there because when the Japanese were coming in they wouldn't hurt anything but the rattle snakes.

He would also be stationed in Texas, Mexico and New Jersey before returning home.

"He wouldn't let the university or Crisp down for awarding him the scholarship for his senior season. He finished undefeated in dual matches. And the biggest race in the south during that period was an AAU event run in Atlanta where some of the top eastern runners were also competing. Irons won that race two years in a row."

Irons path in life took a turn during World War II. He had finished at the university just after World War I, but through his ROTC classes he had made 2nd Lt. He would become a Captain in WWII and eventually a Lt. Col. for four and a half years.

"I had various battle stations in the Army," said Irons. "I was in a swamp about 30 miles north of Wilmington, NC. They put us there because when the Japanese were coming in they wouldn't hurt anything but the rattle snakes."
his legs up by delivering newspapers on bicy-
cycle, Irons found his leg strength could come in
handy.

"I lived in Tuscaloosa on Queen City Ave-
 nue," he said. "They blew a whistle in those
days to start class. They would take roll 10
minutes after the whistle. I found I could eat my
pasta and still get there for class for roll call
after they blew the whistle.

"Also in those days, the upperclassmen
would haze the freshmen. They would wait around
the cycle path that was the center of campus
because that's where the Post Office was—and grab a freshman and carry him up-
stairs for a paddling. There were two things a
freshman had to learn to do. One was to roll
and the other was to run.

"I'd rather not comment on the lying, but
that's where I started my running. I found
that running was a fun thing to do. I just
gradually worked my way up to cross-coun-
try.''

By the end of his four years at Alabama, Irons
had made his name as one of the best,
some said the very best, distance runners of
his day. Known as "Alabama's Shining
Knight of the Cinderpath" (track events
were then run on cinder courses), Irons com-
peted all over the South against the best
amateur and, occasionally, professional
runners around.

"I mostly ran the mile, two miles and
three miles. I ran cross-country over hill
and dale and streams and meadows. Sometimes
they would even have me in the half-mile to
pick up a point in a meet," he said.

After his freshman year, Irons won every
cross-country and road race while competing
for the Tide. That led to his being named
captain of the track and cross-country teams
his junior and senior year. In addition, in
Southern Intercollegiate Athletic Associa-
tion competition, he carried his freshman
year, Irons never finished worse than second in
any race, including shorter-distance races
that he ran to help the team score points.

During his four years at Alabama, he
did not begin running without
commitment to his community and
world.

In 1978, Irons was recognized as one of the
state's outstanding athletes by being in-
ducted into the Alabama Sports Hall of
Fame. In 1979 and again in 1998, he
was a driving force behind the
school's Student Body Association,
winning its Student of the Year Award.

In 1980, his rousing speech to striking work-

ers around the state, he retired a few years ago after teaching
for the Tide. That led to his being named
captain of the track and cross-country teams
his junior and senior year. In addition, in
Southern Intercollegiate Athletic Associa-
tion competition, he carried his freshman
year, Irons never finished worse than second in
any race, including shorter-distance races
that he ran to help the team score points.

As a 6-foot-10, 6-6 took to the sport, he did not begin running without
some skepticism. "That first race I didn't
know that I'd be running so much," he said,
"and I asked myself, 'What am I doing this
for? This hurts!' So I decided to pick it up
and start passing people to get it over with,
and I ran in first.

And running around town in a track suit in
those days attracted more attention than it
does today.

"When we'd run down Greensboro Avenue,
some of the sweet old ladies would call the
police to come arrest these men running
down the street in their underwear. The po-
lice would understand, and they asked us
to run back another way and not let the la-
dies see us again," Irons said.

One race that stands out in Irons' memory
is his final run in the Birmingham Athletic
Club Road Race in 1923. In that race
Irons broke the course record by over 20
seconds, and his record has never been broken. As the
three-mile event is no longer run, his
record may stand forever.

"I'd been running that race all along," he
said, "but I won twice. I won it twice, but
for this race I'd bought a pair of kangaroo lea-
ther running shoes. All the other runners
were wearing tennis shoes, but I had brought
together in their arms. As the
three-mile event is no longer run, his
record may stand forever.

"I'd been running that race all along," he
said, "but I won twice. I won it twice, but
for this race I'd bought a pair of kangaroo lea-
ther running shoes. All the other runners
were wearing tennis shoes, but I had brought
together in their arms. As the
three-mile event is no longer run, his
record may stand forever.

"I'd been running that race all along," he
said, "but I won twice. I won it twice, but
for this race I'd bought a pair of kangaroo lea-
ther running shoes. All the other runners
were wearing tennis shoes, but I had brought
together in their arms. As the
three-mile event is no longer run, his
record may stand forever.

"I'd been running that race all along," he
said, "but I won twice. I won it twice, but
for this race I'd bought a pair of kangaroo lea-
ther running shoes. All the other runners
were wearing tennis shoes, but I had brought
together in their arms. As the
three-mile event is no longer run, his
record may stand forever.

"I'd been running that race all along," he
said, "but I won twice. I won it twice, but
for this race I'd bought a pair of kangaroo lea-
ther running shoes. All the other runners
were wearing tennis shoes, but I had brought
together in their arms. As the
three-mile event is no longer run, his
record may stand forever.

"I'd been running that race all along," he
said, "but I won twice. I won it twice, but
for this race I'd bought a pair of kangaroo lea-
ther running shoes. All the other runners
were wearing tennis shoes, but I had brought
together in their arms. As the
three-mile event is no longer run, his
record may stand forever.
HONORING THE FIELDING INSTITUTE

HON. LOIS CAPPs
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mrs. CAPPs, Mr. Speaker, I rise to pay tribute to the Fielding Institute.

The Fielding Institute has been a leader in distance learning for mid-career professionals since it was founded in Santa Barbara, California in 1974.

With the development of a revolutionary “Learning Community” concept that provides lifetime learning opportunities for its scholars, the Fielding Institute has maintained its leadership in the field.

The Institute has built an outstanding reputation for its graduate programs, including doctoral programs in Clinical Psychology, Human and Organizational Development and Educational Leadership and Change and a masters program in Organizational Design and Effectiveness.

Their approach offers highly effective, customized, professionally rich and interactive learning processes, along with significant possibilities for learning created by emerging electronic technologies.

In providing a graduate learning experience using technology that is uniquely tailored to the professional and personal needs of adult learners, the Fielding Institute has been at the forefront of the distance learning movement.

And so Mr. Speaker, I would like to commend the Fielding Institute. They have provided 25 years of service and outstanding graduate learning opportunities to the scholars of California, the United States and the world.

Tribute to Dr. Margaret Walker-Alexander

HON. BENNIE G. THOMPSON
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. THOMPSON, Mr. Speaker, I stand here today to pay tribute to the late Dr. Margaret Walker-Alexander. Dr. Walker-Alexander was a world renowned author and poet who resided in the Second Congressional District of Mississippi. Dr. Walker-Alexander was best known for “Jubilee,” her 1966 novel about slave life. Dr. Walker-Alexander died on November 30th, 1998 in Jackson, Mississippi of cancer at the age of eighty-three.

Apart from “Jubilee,” Dr. Walker-Alexander has written more than four volumes of poetry. Among some of her most noted works are: “Prophets For A New Day,” “October Journey,” “How I Wrote Jubilee,” and co-authored with Nikki Giovanni, “Poetic Educations: Conversation Between Nikki Giovanni and Margaret Walker Alexander.”

Dr. Margaret Walker-Alexander was born on July 7, 1915, in Birmingham, Alabama. At the age of fifteen, she published her first poem, “I Want to Write,” which appeared in the 1934 edition of Crisis Magazine, then edited by W.E.B. DuBois. After graduating school, Dr. Walker-Alexander enrolled in Northwestern University and the University of Iowa where she received her M.A. and Ph.D. respectively. In 1943, she married Fimist James Alexander. From this union were born two sons and two daughters.

In 1949, the Alexanders moved to Jackson, Mississippi where she remained until her death. Dr. Walker-Alexander became a positive role model in the community. She taught at Jackson State University where she served as an inspiration to young Mississippians. Throughout her life, Dr. Walker-Alexander received numerous honors and awards for her outstanding literary works includes the Yale University Award for Younger Poets, 1942; Rosenwald Fellowship, 1944; Ford Fellowship at Yale University, 1953–54; and an honorary doctoral degree in literature from Tougaloo College.

In closing Mr. Speaker, I want to salute Dr. Margaret Walker-Alexander for her outstanding work in our literary world. Her works will remain with us for years to come to pass down to the next generation to enjoy her stories and learn from them.

In Memory of Anthony “Tony” DeMarinis of Groton, Connecticut

HON. SAM GEJDENSON
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. GEJDENSON, Mr. Speaker, I rise with sadness to memorialize Anthony “Tony” DeMarinis of Groton, Connecticut. Mr. DeMarinis, who passed away on January 25, was a true American hero—a career Army officer, a public servant and a great human being. He will be sorely missed by his family, friends and citizens from across southeastern Connecticut.

Tony DeMarinis served in the United States Army for 32 years before retiring in 1972 with the rank of Captain. He enlisted in 1940 and served in 14 campaigns during World War II. He was wounded in battle and received a battlefield commission. Tony helped the United States prevail in the greatest test of good versus evil the world has ever known and played a role in freeing my family from the terror of the Holocaust. Tony served in the Korean conflict where he received yet another battlefield commission elevating him to the rank of Captain.

In another selfless act on behalf of his country, Tony volunteered to serve with the First Army Division—known as the “Big Red One”—in Vietnam. Throughout his distinguished military career, Tony received many honors and decorations, including the Bronze Star and Purple Heart.

After retiring from the Army, Tony continued to serve the public. He was elected to three terms as City Clerk of Groton in the 1980s. In this position, Tony did much more than merely perform administrative duties. He worked each and every day to build pride in the community. One of his most lasting achievements in this regard was securing a large mural depicting the Battle of Groton Heights, the only major battle of the Revolutionary War fought in Connecticut, for display in City Hall. This engagement occurred in Groton and resulted in the massacre of almost every single soldier at Fort Griswold due to the treachery of Benedict Arnold. Tony DeMarinis was instrumental in ensuring the City of Groton received this important part of its history.
Mr. Speaker, Tony DeMarinis was a public servant of the highest order. He served his country in the Army for three decades. He served the City of Groton as City Clerk. He did so unselfishly and with boundless enthusiasm and pride. Tony DeMarinis embodied all of the best qualities of America—service, patriotism and pride in community. I extend my deepest sympathy to his family and friends.

U.S. AIRLINES REACH SAFETY MILESTONE

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. OBERSTAR. Mr. Speaker, in the late summer of 1908, just fifty years ago he and his brother, Wilbur, completed the first successful powered flight at Kitty Hawk. Orville Wright was demonstrating their flying machine for the U.S. Army Signal Corps at Ft. Myer, Virginia, just across the Potomac River from where we now assemble.

After a successful first flight, Orville took off again, this time with a young Signal Corps officer, Lt. Thomas Selfridge, aboard. As they climbed out of the field, Orville heard two strange thumps. He cut the engine and attempted to glide the plane to a safe landing, but the Wright Flyer lost lift and plummeted nose-first to the ground.

Lt. Selfridge died as a result of the crash and became the first person ever to be killed in an airplane accident. Orville Wright survived, but took four months to recover from his injuries.

Now, 90 years after that fatal day at Ft. Myer, air travel has become commonplace. Last year, American air carriers transported 615 million passengers, most of us in this House among them, through the skies. However, for the first time in the 31 years such records have been kept, and possibly the first time in history, U.S. airlines completed their flights without a single fatal accident. Let me repeat that: 615 million passengers carried by U.S. scheduled air carriers, not one single fatality.

For many years now, statistics have shown that travel on America’s airlines has been among the safest of all transportation modes. In contrast, 42,000 people died on America’s roads, streets and highways in 1997, the latest year for which a total is available.

The airlines are to be congratulated for this remarkable safety record. Congratulations, too, are to be extended to the Federal Aviation Administration, the National Transportation Safety Board, and the aircraft manufacturers, all of whom can share credit for this remarkable accomplishment.

Mr. Speaker, we indeed have cause to celebrate, but we must also temper our celebration with a dose of realism. Travel, whether by air, rail, highway or sea, is never without some element of risk. We cannot rest on this single year’s result.

Worldwide, flights are expected to increase from 16.3 million this year to over 25 million by 2010. The number of passengers on U.S. domestic and international flights is expected to increase to over 900 million by 2006, a 50 percent increase over 10 years. We must be ready to manage this growth.

SECRETARY OF TRANSPORTATION RODNEY SLATER AND FAA ADMINISTRATOR JANE GARVEY, IN PARTNERSHIP WITH THE AVIATION COMMUNITY, HAVE INITIATED A TARGETED SAFETY AGENDA, FOCUSING ON ISSUES SUCH AS TERRAIN AVOIDANCE SYSTEMS, TO HELP US MEET THE CHALLENGE.

Mr. Speaker, I have been a Member of the Transportation and Infrastructure Committee since I was first elected to the House 24 years ago. When I had the privilege to chair the Investigations and Oversight Subcommittee, and later the Aviation Subcommittee, I held many, many hours of hearings which called the airlines, the manufacturers and the FAA to account for practices that threatened to diminish the margins of safety for the traveling public. I feel it is only right that, when the country’s air transportation system has achieved such a remarkable safety record, I should also stand to give those responsible the credit they most certainly deserve.

I call upon my colleagues to join me in this commendation.

RECOGNITION OF DELRAY BEACH CHAMBER OF COMMERCE

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. SHAW. Mr. Speaker, I rise today to recognize the Delray Beach Chamber of Commerce’s acquisition of its 1,000th member. The membership of Redhead Yacht Charters, owned and operated by Mr. Jerry Janaro, has brought the Delray Chamber’s membership to a landmark.

The Delray Beach Chamber of Commerce has an 86-year history of serving the South Florida business community boasting over 175 businesses which have been members for 15 years or more, including a select group which is celebrating their 50th anniversary with the Chamber.

Although Mr. Janaro’s Redhead Yacht Charters is a new member, Jerry is not new to the Chamber. Jerry joined the Chamber in 1984 and has served on the executive board, holding positions as Vice Chair of area committees as well as Chairman of the Board. Jerry has joined other chambers now that his business takes him up and down the coast, but says, “None can beat the Greater Delray Beach Chamber of Commerce for value, services and friendliness. It’s the best chamber around.”

The mission of the Chamber is to provide “leadership, promote the economic well-being of our total community, preserve our free enterprise system, and promote business growth and development. All business must continue to have the resources to make critical capacity and safety investments. The FAA and NTSB must have the safety inspectors, air traffic controllers, airway system specialists and the air traffic control equipment to meet the increased aviation demand. As a matter of fact, from all indications, we can expect to debate a measure on the House floor sometime this year to provide these resources.

Mr. Speaker, I have been a Member of the Transportation and Infrastructure Committee since I was first elected to the House 24 years ago. When I had the privilege to chair the Investigations and Oversight Subcommittee, and later the Aviation Subcommittee, I held many, many hours of hearings which called the airlines, the manufacturers and the FAA to account for practices that threatened to diminish the margins of safety for the traveling public. I feel it is only right that, when the country’s air transportation system has achieved such a remarkable safety record, I should also stand to give those responsible the credit they most certainly deserve.

I call upon my colleagues to join me in this commendation.

HONORING DR. MARY SCOPATZ
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mrs. CAPPS. Mr. Speaker, I rise to honor Dr. Mary Scopatz of Santa Barbara, California as she retires on January 29, 1999 after serving our local schools for 28 years.

Mary began her distinguished career in 1970 as the Department Chair and teacher for the Santa Barbara High School Business Education Department. After only three years, she was named Outstanding Teacher of the Year in 1973. In 1978, she served as the Project Director for Disadvantaged Students, and then became the coordinator for the Youth Employment Training Programs and the Private Sector Involvement Project.

After receiving her Educational Doctorate in 1980, Mary focused her attention on involving local industry with education as the Director of the Santa Barbara Industry Education Council, and providing year-round and summer employment opportunities for young people as the Director of the Career and Youth Employment Programs.

Mary has also shown a deep commitment to her community through her involvement in organizations such as the American Vocational Association, the California Business Education Association, as a member of both the Santa Barbara and the Goleta Chambers of Commerce, the Santa Barbara Youth Coalition, and the Children’s Resource and Referral programs.

Recently, my office had the pleasure of working with Mary on establishing a Job Corps Program on the Central Coast. Her determination and commitment to the success of young people is unquestionable.

Mr. Speaker, I commend Dr. Mary Scopatz for her lifelong work as a committed, innovative educator. Her dedication and vision will be missed but never forgotten.

HONORING MRS. RUTH ANN HALL
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor an extraordinary woman, Mrs. Ruth Ann Hall of Waldorf, MD who passed away on January 18, 1999. Her passing is a tremendous loss for her family and all the people who knew her.

Ruth Ann graduated from Charles County Community College and the University of Maryland and was a teacher for the Charles County Public Schools for more than 20 years. She was voted outstanding teacher of the year in the mid-1980s, was a past president of the Education Association of Charles County and was active in many political associations.

Christa McAuliffe, one of our country’s best known teachers, used as her credo: “I touch the future, I teach.” Ruth Ann touched, indeed she embraced and shaped, the future. Ruth Ann fought tirelessly for children and for their teachers. She advocated public policies that would benefit our students and recognize the critical importance and inestimable worth of
those we entrust to expand the minds of our children, our teachers.

Ruth Ann was the embodiment of excellence and enthusiasm. She inspired her students and colleagues. She was what every parent would want for their children—a person with great ability, who loved children and enriched their lives as she shaped their future and, in turn, our country’s future.

Her love of politics was a joy to behold. She was a leader—by example, by conviction, by courage, and by extraordinary competence.

Ruth Ann Hall was, in sum, one of those very special people who make a difference. She was a good and decent person, whose goals and ideals motivated her actions. I extend my deepest sympathy to Ruth Ann’s husband, Bob; her parents George and Anna Collier; her brother George Collier, Jr., her son and daughter-in-law, Bruce and Laura Ann Johnson, and her grandchildren, Kaitlyn and Erynn Johnson. Ruth Ann Hall will be remembered as an outstanding teacher, a loving wife and mother, and a very special friend to all who knew her.

HONORING LEIGH MORRIS

HON. TIM ROEMER
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. ROEMER. Mr. Speaker, there is a common question asked in theoretical science that has also become part of the political lexicon. And I think I have the answer. The question is “What happens when an irresistible force meets an immovable object?” The answer is “Leigh Morris.”

I say this because Leigh is both. He has been a tireless worker for our community and a vortex of organized activity to advance health care quality. And he has also been a stoic, standing rock-solid in his insistence on excellence, community participation and vision for the future.

Although we consider Leigh our own in northern Indiana, he is nationally recognized for his expertise and abilities in health care management and planning. I must also add that Leigh is equally well-known for his grace, courtesy and intellect.

Leigh Morris has served in his capacity as President of LaPorte Hospital, which is now known as the LaPorte Hospital Regional Health System, for twenty-one years. His stewardship at the helm has steered through some very rough times, and some very good ones. And he will be leaving at a time of very positive growth and success. We will know in the future that the good health of our hospital system was due in part to Leigh’s planning and foresight.

Although his dedication to the LaPorte Hospital is the cornerstone of Leigh’s career, he will also become part of his political lexicon. He has served as a member of the Indiana Hospital Association and the American Hospital Association. He has brought his unique vision to hospitals, administrators and providers throughout the nation, and I know they are as grateful for his gifts as we are here today.

Mr. Speaker, Leigh has impacted our community in many ways beyond the health care system. He has been involved in other quality of life issues, fighting for superior education, pulling for economic development, laboring to bring enriching cultural experiences to our citizens, young and old.

Many have expressed concern that we are somehow “losing” Leigh Morris due to his retirement. I think otherwise. Leigh is not leaving us, rather he enters a new chapter in his life. I know that he will find new and interesting ways to bring added life and zest to our community: in health care, in business and in all ways. I am pleased to be able to join his wife Marcia and his family in sharing the pride and admiration I know they must feel at this important time.

Mr. Speaker, some among us are leaders, some are healers, and some are teachers. Leigh Morris is all of these. He has preserved the health of so many, kindled the imagination of more, and inspired everyone. For all he has done, he deserves recognition and reward.

For who he is, his own work was reward enough.

13TH ANNUAL NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. KAREN McCARTHY
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor all girls and women who participate in sports by recognizing the 13th annual National Girls and Women in Sports Day.

This year’s theme, “All Girls Allowed,” reminds us all should have an equal chance to participate in sports regardless of gender. In my youth women were discouraged from team sports and were looked upon if active in an individual sport. “All Girls Allowed” characterizes how far we’ve come. But there is more to do. This day grants us a special time to remember past and current achievements, and reflect on the continuing struggle for equality in sports.

In 1987, a Congressional Resolution created National Girls and Women in Sports Day to celebrate the achievements of Olympic volleyball player Flo Hyman and to recognize her work to assure equality for women’s sports. Today we take this day to celebrate the achievements of all girls and women in sports. Communities such as mine around the country observe this day with events, luncheons, awards banquets, and parades.

We can all call to mind significant women in sports who have paved the way for others including the high-profile tennis match when Billie Jean King defeated Bobby Riggs, or the recent emergency of the Women’s National Basketball Association. Because of the leadership of these women, there are more sports opportunities today than there were 25 years ago.

Title IX of the Education Amendments of 1972 prohibits sex discrimination from extracurricular activities—including sports—in federally assisted education programs. One in three girls in high school now participate in athletics. As a former educator, I have seen firsthand the value athletics has played in building self-esteem, establishing confidence and leadership skills, and more.

In the 5th District, the Women’s Intersport Network for Kansas City (WIN for KC) is sponsoring a luncheon to honor local girls and women that have achieved significant goals in sports. WIN for KC was established to promote sports participation opportunities and recognition for girls and women in the Greater Kansas City area. Olympic gold medalist in gymnastics Shannon Miller will deliver the keynote address to encourage and support fellow athletes. Past national award winners include Heather Burroughs for USA Track and Field, Janet Calandro for Spirit, Peggy Donovan for Senior Sportswoman of the Year, Linda Jones for Coach of the Year, Jean Nearing for Physically Challenged Sports, Lauren Powers for Courage, and Jennifer Waterman for Mentor of the Year.

Mr. Speaker, please join me in celebrating the 13th annual National Girls and Women in Sports Day, congratulate every individual for their dedication and efforts, and thank them for paving the way for other women.

THE HAWAII FEDERAL MEDICAL ASSISTANCE PERCENTAGE ADJUSTMENT ACT OF 1999

HON. NEIL ABERCROMBIE
OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. ABERCROMBIE. Mr. Speaker, I rise today to re-introduce legislation to adjust the State of Hawaii’s Federal medical assistance percentage (FMAP) rate. The intent of this bill is to fairly reflect the ability of the state to bear its share of Medicaid payments. I am happy to have my colleague, Representative Patsy Mink, as a cosponsor of this measure. I am also pleased that our Hawaii Senators, Senator Daniel Akaka and Senator Daniel Inouye, have introduced similar legislation in the Senate, S. 264.

The FMAP, or Federal share of the medical assistance expenditures under each state’s Medicaid program, is determined annually by a formula that compares a state’s average per capita income level with the national income average. States with a higher per capita income level are reimbursed a smaller share of their Medicaid costs. By law, the FMAP cannot be lower than 50 percent nor higher than 83 percent. In 1997, the FMAPs varied from 50 percent to 77.2 percent, with Hawaii receiving the lowest 50 percent rate.

Alaska was another state receiving the lowest FMAP rate in 1997. However, in the Balanced Budget Act of 1997, a provision increasing Alaska’s FMAP rate to 59.8 percent for the next 3 years was included. Language in the Balanced Budget Act also mentioned that the same conditions warranting an increase in Alaska’s FMAP rate applied to the State of Hawaii. The legislation that I am introducing today would conform Hawaii’s rate with Alaska’s. This bill would increase Hawaii’s FMAP rate to 77.1 percent, fairly reflecting the ability of the state to bear its share of Medicaid payments.

The rationale for the FMAP change is quite simple. Hawaii’s high cost of living skews the per capita income determining factor. Based on 1995 United States Census data, the cost of living in Honolulu is 83 percent higher than the average of the metropolitan areas. More recent studies have shown that for the state as a whole, the cost of living is more than one-third higher than the rest of the United States. In fact, Hawaii’s Cost of Living Index...
Mr. Speaker, First Sergeant Jennings will be sorely missed. It is indeed reassuring to know that he is going to a better place. His efforts and services to the Second Congressional District of Mississippi will be remembered for eternity. There will never be another like him.

TRIBUTE TO EVELYN WATSON

HON. JOSÉ E. SERRANO
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Evelyn Watson, an outstanding individual who has dedicated her life to public service and education. She was honored by parents, family, friends, and professionals for her outstanding contributions to the community at a January 29 dinner marking her retirement as Executive Director of East Tremont Head Start.

Mrs. Watson was born on September 10, 1925 in Beckley, West Virginia. She received her certificate in Community Organization in 1972, her AAS from New York University in 1974, and her BSW from the same university in 1975.

She started her career as a Units Clerk at the New York State Employment from 1955-1962. From 1967 to 1969 she worked as a Family Assistant with Head Start. From 1969 to 1974 she was a Lay Associate LCA at Messiah Lutheran Church. In 1976 she joined East Tremont Head Start.

Mr. Speaker, Mrs. Watson has been a pillar of our Bronx Community for more than thirty years. She dedicated almost twenty-five years of her life to the Head Start community, working at East Tremont Head Start. Her first position was Family Assistant. She served as Acting Director before ascending to Executive Director. Presently, East Tremont Head Start is comprised of six sites, all operating under Mrs. Watson’s diligent and dedicated leadership.

It is a privilege for me to represent the 16th congressional district of New York, where East Tremont Head Start is located. I have witnessed first-hand the exemplary work they are doing for our community, and I am deeply impressed. I am very proud of their accomplishments.

Evelyn Watson retired on January 29 after a fruitful career in public service. Mrs. Watson left us with many lessons learned in community service, leadership in education, and wisdom. A talented leader and educator, Mrs. Watson will continue sharing her knowledge and views with her family, including three children, five grandchildren, and two great grandchildren, and her friends.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Evelyn Watson for her outstanding achievements in education and her enduring commitment to the community.

KEEP BART-TO-SFO ON TRACK

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. LANTOS. Mr. Speaker, I rise today to share a recent editorial that appeared in the San Francisco Chronicle about the Bay Area Rapid Transit (BART) extension to the San Francisco International Airport (SFO), also known as the BART SFO Extension. This editorial strongly endorses the existing program and plans for extension of BART to the airport and Milbrae.

The BART SFO Extension will connect the 95-mile, four county intermodal rail transit system of the Bay Area to the rapidly growing San Francisco International Airport. Four new stations will provide service to the airport and cities on the Peninsula offering millions of travelers fast and convenient connections to and from the airport and the greater metropolitan San Francisco Bay Area. The BART SFO Extension will improve mobility, productivity and economic opportunity, while alleviating traffic congestion and air pollution throughout the Bay Area.

Mr. Speaker, I think it is important to point out that 70 percent, or $2 billion, of the overall BART Extension program, which includes three extensions in the East Bay and the
BART SFO Extension, is funded by state and local sources. All of the operating costs on each extension, including the BART SFO Extension, are being funded 100 percent locally. Only the BART SFO Extension is a recipient of federal capital funds. The project is an excellent model for federal, state and local cooperation.

Mr. Speaker, the San Francisco International Airport is one of the county’s fastest growing airports and has undertaken a locally funded $12.4 billion expansion program which includes a new international terminal and will double the size of the existing terminal. By the year 2006, SFO is projected to increase air passenger travel by 70 percent, or 51 million total travelers a year. Without the BART SFO Extension the impact on traffic congestion and air pollution along adjacent Bay Area freeways would be staggering.

The BART SFO Extension is a long-awaited regional project and is taking shape after more than two decades of painstaking planning, consensus-building, and the tireless efforts of a remarkable partnership forged among local, regional, state and federal officials and funding entities. In the past year, significant progress has been made on the BART SFO Extension. As a longtime supporter of the BART SFO Extension, I am pleased to report that construction is well underway and progressing rapidly.

Mr. Speaker, the recent editorial in the Chronicle notes that after many years of planning, analysis, public input and consensus-building, the scope of the project is well established and construction is in high gear. Naturally, cashflow needs are substantial during the construction phase, In order to keep costs within budget and avoid expensive increases in financing costs and construction delays, it is imperative that BART secure federal appropriations consistent with levels identified in the Full Funding Grant Agreement (FFGA) funding schedule and as requested by the President in his budget submitted to the Congress yesterday.

Mr. Speaker, it is time that we, as federal partners in this project speak with one voice and commit the resources promised to deliver this project. The BART SFO Extension is a sound investment in our nation’s future transportation infrastructure and I encourage my colleagues to join me in supporting appropriations that meet the FFGA targets.

KEEP BART-TO-SFO ON TRACK
[From the San Francisco Chronicle, Jan. 11, 1999]

A small group of Peninsula activists continues to try to stymie BART’s plans to run train service to San Francisco International Airport. Its latest argument is that the $1 billion project, now under construction, should be scaled back because it is running over budget and federal funding is coming in slower than expected. Specifically, the Coalition for a One-Stop Terminal (COST) has suggested that BART should scrap the portion that would extend service south of the airport, to a Millbrae station.

Given the importance of this project, we recently invited representatives of BART and COST if for an Editorial Board meeting to debate the issues.

While it was clear that BART does have some serious budget problems with the project, it was equally apparent that elimination of the station would not make any sense from either an economic or transportation-planning standpoint.

For starters, scaling back the project would be inviting Congress to reduce the funding even further. And a perception of controversy on this project would make it easier for lawmakers to justify steering the money to projects in other regions.

Also, the airlines have agreed to put $13 million into a minor revision of the plans, such as eliminating the Millbrae extension, would require renegotiation of that hard-won pact—with the possibility of a smaller airline contribution.

Moreover, the purpose of this project is to get air travelers to take mass transit to SFO. It would seem imperative to have at least some south of the airport. Also, the Millbrae station would have a convenient cross-platform connection with Caltrain.

The debate about the best way to bring BART to the airport has been settled. It is time to stop the obstructionist tactics and make a strong, unified regional pitch for full congressional funding.

The region’s leaders should be striving to keep this project on budget and on schedule for its December 2001 completion.

ENDANGERED SPECIES REFORM NOW
HON. WILLIAM M. THOMAS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999
Mr. THOMAS. Mr. Speaker, when Congress begins anew this month, I will reintroduce three bills to reform the Endangered Species Act, an act that has miserably failed to safeguard species while imposing an enormous burden on American landowners. Republicans have held the House for four years now but have yet managed to break the grip of the so-called environmentalists and the U.S. Fish and Wildlife Service. The reason is that oversized and comprehensive bills, while entirely justified, can not garner the support needed for passage especially in light of an antagonistic Administration. Let’s face it. The Administration has us in stalemate.

The strategy behind my bills is simple. We need to shake up the debate, take the negotiating victories we have won so far, introduce some new ideas, and package them in smaller, easier to pass bills. We need rifle-shot bills targeted toward specific and clear abuses by the Federal Government. We can not wait until we can patch together a political coalition to rewrite the entire Endangered Species Act.

We need ideas we can win with and give you relief, now. Here are my bills:

The Fair Land Process Reform bill will ensure open and equal access to the decision making process of federal agencies and allow landowners to identify and criticize poor decisions from the onset.

Public access to scientific studies and underlying study data and a right for landowners and commercial interests to join in decision making process through a formal rule-making hearing. No more closed decisions using secret information.

A substantial evidence standard for agency listing decisions and peer review of scientific date. No more tolerance of inadequate science.

The Fair Land Management Reform bill will ensure government pays for obligations it imposes on landowners.

Landowner compensation for significant government takings.

Limit on mitigation requirements imposed by government. No more giving up 30 acres in order to use 1 acre of one’s own land.

The Liability Reform bill will stop unfair government penalties against landowners.

No criminal liability for unintended and speculative loss of endangered species. No penalty for modifying so-called habitat in which no endangered species actually exists.

A “Safe harbor” and “No surprises” provision. No more broken promises and the added obligations put on landowners.

The Endangered Species Act needs to be reformed now. These proposals are a fair and balanced response to the tragic failures of the current system. I look forward to presenting my bills at House hearings.

TRIBUTE TO FRED MATTEI
HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999
Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, Mr. Fred Mattei, whose life-long commitment to the city of Petaluma is to be commended.

Fred Mattei died last December at the age of 83 in the city that he loved. I wish to join his family, friends and colleagues in celebrating his distinguished life.

Fred Mattei spent most of his life involved in his family business, located in the heart of downtown Petaluma. Opened in 1907, Mattei Bros. became a Petaluma tradition that has been sadly missed since it closed four years ago. Mr. Mattei also served on the City Council and as Mayor of Petaluma for 15 years.

During his tenure as a member of the City Council, Mayor Mattei was supportive of the adoption of the landmark growth control ordinance that was eventually upheld by the U.S. Supreme Court.

Fred Mattei’s devotion to the community was admirable. In 1996, he was recognized for his long service to the community when he was given the Lifetime Achievement Award at the annual Petaluma Community Recognition Awards Ceremony. He worked tirelessly to support community organizations, including the Petaluma Rotary Club, the Petaluma Chamber of Commerce, and the Petaluma Boys and Girls Club.

Mr. Speaker, it is my distinct honor to pay tribute to Fred Mattei. His dedication to the residents of Petaluma will be greatly missed. I send my very best and my heartfelt sympathy to his family and friends.

STOP ILLEGAL STEEL IMPORTS ACT
HON. BENJAMIN L. CARDIN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999
Mr. CARDIN. Mr. Speaker, I’m so glad to see so many people from both sides of the aisle supporting the Stop Illegal Steel Imports Act today. Bethlehem Steel in my hometown of Baltimore and the other great American steel manufacturers have proven that they can take a
punch and come back strong. The American steel industry is the Rocky Balboa of the global market.

None of us will forget those difficult days 15 years ago when American steel was on the ropes. We had become too content with the status quo, and overseas competitors exploited this. But management and unions worked together and American steel was reborn.

We have seen real and significant growth since then. In my district, Beth Steel cranks out 9,000 to 10,000 tons of quality American steel a day!

That's 9,000 to 10,000 tons of quality steel a day when operating under normal conditions. But these days things are anything but normal. Steel producers in our country are decreasing production, laying off workers, and reporting losses.

I understand that there are serious economic problems around the world—problems that are already affecting us. But we must protect our businesses, our employees and our country.

The American steel industry has done nothing wrong. It shouldn't pay the price for other countries' mistakes.

I'm proud to be here to stand up for steel and my friends who produce it. This is an industry rich in tradition. This is an industry which literally made this country. From the Golden Gate Bridge to the Alaskan oil pipeline—Baltimore's Beth Steel has been there.

This industry has proved it can take a punch. But it shouldn't have to weather a storm of low blows, which is what this foreign dumping amounts to.

This has nothing to do with protectionism. Insisting that our trading partners adhere to international law and play by the rules is not protectionism. I would call it something simpler: it's called fairness.

It's not fair that Beth Steel lost $23 million in the last quarter because of these low blows. The bill we're here to introduce today would become the referee in a fair fight.

The bill we're here to introduce today would become the referee in a fair fight. The bill we're here to introduce today would become the referee in a fair fight.

Under existing law, UDC is, by definition, a Historically Black University that qualifies for Historically Black Colleges and Universities (HBCU) funds because it meets the three salient requirements: (1) UDC was created from colleges established before 1964; (2) it served primarily black people; and (3) it is an accredited institution. Though technically an HBCU, UDC was denied the funding benefits of HBCU status because of a factual error. In the HBCU provision of Title III, UDC is discussed in the same section with Howard University, and evidence shows that the University receives a direct payment from the federal government. This has never been true, and in any case, the District itself no longer receives a federal payment.

The importance of HBCU funding and status is that there is an annual appropriation for HBCUs. I have attempted to get HBCU funding for UDC before. The only reason that UDC has not been included is that no extra funds were available to accompany the request, and the entry of UDC was seen as diminishing the appropriations available for the 103 existing HBCUs. I work diligently by proposing that an amount to be determined from the $17 million in the President's budget for college bound D.C. students be allotted to UDC. The amount in the President's budget is not based on specific underlying assumptions about the availability of resources, and it explicitly indicates that the University receives a direct payment from the federal government. This has never been true, and in any case, the District itself no longer receives a federal payment.

The University was forced to close for three months in 1996, a calamity that would have destroyed most colleges and universities. Yet, D.C. residents are voting with their feet and returning to UDC. Despite the University's hardships, entering freshmen enrollment rose dramatically by 70% in only one year, from 661 in fall 1997 to 1125 in fall 1998. Today, the University's enrollment of 5,284 represents, an 11% increase in one year.

Some emphasize the undeniable fact that UDC receives more money. Our District youngsters need increased opportunities for higher education, a truism if ever there was one. However, I told UDC students who visited the Capitol yesterday that it is wrong to pit individual justice against institutional justice. I say the same thing to my colleagues—we must do the right thing and assure that we have a win-win for higher education for our young people in this city.

ON THE DEATH OF VIRGINIA GOV. MILLS GODWIN

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. BATEMAN. Mr. Speaker, today in the borough of Chuckatuck, Mills E. Godwin Jr., a former Governor of Virginia, was laid to rest. He was not just a Governor of Virginia, he was in my view and that of many others, the greatest Governor of the Commonwealth in this century.

Mills Godwin served Virginia in the House of Delegates, in the Senate of Virginia, as Lt. Governor and then from 1966–1970, as Governor for his first term as a Democrat. Later, after sitting out a term, he was elected to a second term as Governor, this time as a Republican. Mills Godwin has the distinction of being the only person twice elected Governor of Virginia in this century, and is the only person elected Governor of a state once as a Democrat and once as a Republican.

The term of Governor Godwin was a magical time in Virginia. For too long, unrealistic fiscal policies prevented Virginia from investing in its future by elevating the level of
spending for public education, higher education, mental health facilities, transportation and economic development. All this changed under the inspirational leadership of Governor Godwin. A statewide network of two-year community colleges was created during his first term. He led in the successful effort to comprehensively reorganize the 1902 Constitution of Virginia, and in doing so made possible prudent fiscal policies that provided limited, responsible use of long-term financing of vitaly needed programs that had been barred by the old Constitution.

It is no wonder that Mills Godwin for so many people epitomized responsible conservatism. His life and his work attest to the fact that dramatic progress can be coupled with sound conservatism.

I was privileged to have served in the Senate of Virginia as a newly elected Democrat member during Mills Godwin's first administration. We came from different factions of the Democratic Party of the 1960s. I served during his second administration when he was a Republican and I had become a Democrat.

My respect for him as Governor, and our friendship, was never affected by our political party affiliation. He was a person of tremendous natural dignity accompanied by a keen sense of humor, untouched by frivolity. No American in my lifetime has surpassed the eloquence of Mills Godwin. He had a magical gift of the language and the ability to communicate a sense of quiet passion for the ideas and values he expounded.

Virginia has lost a great son. Virginia is and should be proud of him and the legacy he leaves behind.

POPE JOHN PAUL II REJOICES AT CROSS-STRAIT TALKS BETWEEN TAIWAN AND CHINA

HON. DONald M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. PAYNE. Mr. Speaker, on January 11, 1999, Pope John Paul II spoke to all the ambassadors accredited to the Holy See and gave his evaluation of world affairs. The pontiff specifically mentioned that the Holy See "should rejoice at the efforts of the great people of China, in a dialogue undertaken with determination and involving the peoples of both sides of the Strait. The international community and the Holy See in particular—follows the felicitous development with great interest, in the hope of significant progress which, without any doubt, would be beneficial to the whole world."

Indeed, I myself am very happy to see that Taiwan has done its very best in attempting to achieve the goal of peace through a mutual understanding with the Chinese mainland. In his 1996 inaugural speech, President Lee Teng-hui of the Republic of China made it very clear that he is a man of peace and that he would like to embark on a journey of peace to the mainland. On numerous occasions President Lee Teng-hui said he would like to see continuing peace and stability in the Taiwan Strait and that he fervently prayed for the reunification of Taiwan and the Chinese mainland agree under the principles of democracy, freedom, and equitable distribution of wealth. In fact, during his January 18, 1999 meeting with some of the members of the International Relations Committee, President Lee reiterated his desire to see rapid progress in the cross-strait relations and extended his welcome to Mr. Wang Daohan, chairman of the Peking-based Association for Relations Across the Taiwan Strait. In his 1996 inaugural speech, Mr. Speaker, President Lee Teng-hui ought to be commended for maintaining peace and stability in the Taiwan Strait and for re-starting the cross-strait dialogue between Taiwan and the Chinese mainland.

In Europe, I am firmly convinced that the nations still bogged down in divisions and disagreements. I am firmly convinced that these two nations, thanks particularly to the Christian faith which unites them, will be able to meet the great challenge of fraternity and peace, and thus turn a painful page of their history, which in fact dates from the very beginning of their existence as independent states. I add in particular—follows this felicitous development with great interest, in the hope of significant progress which, without any doubt, would be beneficial to the whole world.

However, the culture of peace is far from being universal, as the centres of persistent dissension testify. Not far from us, the Balkan region continues to experience a time of great instability. We cannot yet speak of normalization in Bosnia-Hercegovina where the effects of the war are still being felt in inter-ethnic relations, where half the population remains displaced and where social tensions dangerously persist. Again recently, Kosovo has been the scene of deadly confrontations for both ethnic and political reasons which have prevented a peaceful dialogue between the parties—hindered any process of normalization. Everything must be done to help the people of Kosovo and the Serbs to meet around a table in order to defuse without delay the armed suspicion which paralyses and kills. Albania and Macedonia would be the first to benefit, since in the Balkans all things are closely related. Many other countries in Eastern and Central Europe are also at the mercy of political and social instability; they are struggling along the road to democracy and have not yet succeeded in living in a world that is capable of giving everyone a legitimate share of well-being and growth.

The peace process undertaken in the Middle East continues to make uneven progress and has not yet brought the local peoples the hope and well-being which they have the right to enjoy. It is not possible to keep people indefinitely between war and peace, without the risk of dangerously increasing tensions and violence. It is not reasonable to put off until later the question of the status of Jerusalem, the holy city of the three monotheist religions, which turn their gaze. The parties concerned should face these problems with a keen sense of responsibility.

The issue of Iraq has shown once more that war does not solve problems. It complicates them, and
leaves the civilian population to bear the tragic consequences. Only honest dialogue, a real concern for the good of people and respect for the international order can lead to solutions. These are duties which the Church and religious traditions are rooted. If violence is often contagious, peace can be too, and I am sure that a stable Middle East would contribute to solving the region of conflict. It is hoped that with the help of the United Nations, the peoples, who often send me pleas for help, I can assist in saving humanity, and that peace is undoubtedly the only way to peace.

Africa also remains a continent at risk. Out of its fifty-three States, seventeen are experiencing military conflicts, either internally or with other States. I am thinking in particular of Sudan where, in addition to a civil war, a terrible human tragedy is unfolding. Eritrea and Ethiopia which are once again in dispute, and Sierra Leone, where the people are still the victims of merciless strife.

On this vast continent there are up to eight million refugees and displaced persons practically from every country. This is also the region of the Great Lakes where the State of Rwanda and Burundi, where an embargo is dramatically abandoned to their fate. The countries of the Great Lakes region still bear untold suffering and the grave forms of dislocations have been caused by the Great Lakes conflict. In Rwanda and Burundi, where an embargo is devastating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year in the Province of Uruguavi testify to this. It is also the reality in Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimate
had taken in 13 children that day. On the day that Jeremy died, while the owner ran errands, all 13 children were left at the mercy of a poorly trained staff person who was not CPR certified. The provider had lied to Jeremy’s parents.

The circumstances surrounding the deaths of these two infants are frighteningly similar. In both cases, the day care provider misrepresented to parents about the number of children who would be accepted daily, who would be responsible for caring for the child, and the qualifications of the person who would care for the child. Two children died after the day care professional misrepresented the conditions of care being provided. In both cases, the only recourse for the parents was in civil court. No federal or state criminal law applied. Under my bill, a crime will be committed if a day care provider intentionally misrepresents: (1) Credentials, licenses or permits that the provider or the staff possesses; (2) Number of children for whom they care, or; (3) Quality of the day care facilities.

Most states do not have adequate criminal laws in this arena. In many states, there are standards but they are not consistently enforced. Critical gaps that would safeguard the basic health and safety standards for child care exist. For example, many states do not require small, in-home day care providers to apply for a license. Those providers are not inspected. Even when states require in-home providers to be licensed, most of the time there are no inspections.

Today, millions of parents have no choice. They must make ends meet to pay the bills. So, they are forced to place their loved ones in child care while they work. Currently, 77 percent of all women with children under the age of 17 hold a job. Each day, about 13 million children under the age of six spend part of their day in day care. There are six million infants and toddlers who are being cared for by people that parents are hoping they can trust.

Every parent wants to feel secure in knowing their loved ones are receiving quality day care. Quality care means providing a safe and healthy environment where care givers safeguard infants and nurture their development. Quality care means having a maximum number of children for each care giver. The best of all worlds means every child in day care receives as much one-on-one attention as possible. This bill gives moms and dads what they deserve—the peace of mind that goes with knowing their children are safe and secure and in the arms of a day care professional. Jeremy and Julia’s Law is a fair bill. Prosecutors will be allowed to pursue day care providers that deliberately break the law. Parents will see justice done when their child is seriously injured or dies. I urge my colleagues to support this legislation.

WHAT WILL POSTERITY SAY ABOUT THE PETTINESS

HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 2, 1999

Mr. OWENS. Mr. Speaker, first the impeachment debate; and now the trial in the Senate, have provided the American people with graphic examples of government descending into dangerous pettiness. The House Managers or prosecutors have behaved like zealous persecutors. Beyond Kenneth Starr’s forty million dollars already spent, they propose to paralyze the nation’s decision-making process for an indefinite time period. Issues such as school construction and the minimum wage increase will get scant attention while we drag witnesses in for more Peyton Place depositions. Mice minds have hijacked the government machinery of a great nation. The situation may be summarized in the following RAP poem:

PROFILE OF THE PERSECUTING PROSECUTORS

Mice men gnawing
At the Core of the Nation
History will rate them
The pompous petty generation
Rodents feeding
On the Monica sensation
Eloquent enemies
Of issue liberation
Filibuster babies
Babbling in their bubbles
Mischievous teenie boppers
Making monumental troubles
Nice men guffawing
Mice men gnawing
Franklin’s wisdom dies
Madison closes his eyes
Rodents raiding Hamilton
Jumping over Jefferson
Boasting bloody fangs
The pompous petty generation
Bloated on Monica sensation
Perfumed urination
Decorated defecation
Mice men gnawing
On the heart of the nation.
Tuesday, February 2, 1999

Daily Digest

HIGHLIGHTS
See Résumé of Congressional Activity.

Senate

Chamber Action
Routine Proceedings, page S1113
Senate met at 9:59:58 a.m. in pro forma session, and adjourned at 10:00:12 a.m., until 12 noon, on Wednesday, February 3, 1999.

Committee Meetings
(Committees not listed did not meet)

NATIONAL SECURITY
Committee on Armed Services: Committee held hearings, in open and closed sessions, on current and future worldwide threats to U.S. national security, including proliferation of weapons of mass destruction, international narcotrafficking and organized crime, information warfare, terrorist bombings, Russia, China, Iraq, North Korea, Iran, India and Pakistan, the Balkans, the Aegean, Haiti, and Africa, receiving testimony from George J. Tenet, Director, Central Intelligence Agency; and Lt. Gen. Patrick M. Hughes, USA, Director, Defense Intelligence Agency.

Hearings were recessed subject to call.

PRESIDENT'S BUDGET
Committee on the Budget: Committee held hearings on the President's proposed budget request for fiscal year 2000, receiving testimony from Jack Lew, Director, Office of Management and Budget. Committee will meet again tomorrow.

NOMINATION
Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of Carolyn L. Huntoon, of Virginia, to be Assistant Secretary of Energy for Environmental Management, after the nominee, who was introduced by Senator Landrieu, testified and answered questions in her own behalf.

PRESIDENT'S BUDGET AND TAX PROPOSALS
Committee on Finance: Committee held hearings on the President's proposed budget request for fiscal year 2000 and related tax proposals, receiving testimony from Robert E. Rubin, Secretary of the Treasury. Hearings were recessed subject to call.
Chamber Action


Reports Filed: The following reports were filed:
- H.R. 98, to amend chapter 443 of title 49, United States Code, to extend the Aviation War Risk Insurance Program (H. Rept. 106-2);
- H.R. 99, amended, to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999 (H. Rept. 106-3);
- H. Res. 31, providing for consideration of H.R. 99, to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999 (H. Rept. 106-4); and

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Barrett of Nebraska to act as Speaker pro tempore for today.

Recess: The House recessed at 1:30 p.m. and reconvened at 2:00 p.m.

Committee on Standards of Official Conduct: The Chair announced that the Speaker named the following members to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 106th Congress: Representatives Biggert, Granger, Hastings of Washington, Hulshof, LaTourette, McCrery, Sessions, Shimkus and Thornberry. Subsequently, read a letter from the Minority Leader wherein he designated the following members to serve on the same committee: Representatives Clyburn, Doyle, Edwards, Klink, Lewis of Georgia, Meek of Florida, Stupak, and Tanner.

Dante B. Fascell North/South Center: H.R. 432, to designate the North/South Center as the Dante B. Fascell North-South Center (passed by a yea and nay vote of 409 yeas with none voting “nay”, Roll No. 8).

Committee Election: The House agreed to H. Res. 30, electing Representative Chenoweth to the Committee on Government Reform; Representative Bachus to the Committee on the Judiciary; Representatives Sanford and Metcalf to the Committee on Science; Representatives Pease, Thune, and Bono to the Committee on Small Business; Representatives Bereuter, Kuykendall, and Simpson to the Committee on Transportation and Infrastructure; and Representatives Hansen, Mckeon, and Gibbons to the Committee on Veterans’ Affairs, all to rank in the named order following Representative LaHood.

Presidential Messages: Read the following messages from the President:
- Fiscal Year 2000 Budget of the United States: Message wherein he transmitted his Budget of the United States Government for Fiscal Year 2000—referred to the Committee on Appropriations and ordered printed (H. Doc. 106-3); and
- Immigration Laws and Policies of Albania: Message wherein he transmitted his updated report concerning the emigration laws and policies of Albania—referred to the Committee on Ways and Means and ordered printed (H. Doc. 106-16).

Calendar Wednesday: Agreed that the business in order under the Calendar Wednesday rule be dispensed with tomorrow, Feb. 3, 1999.

Senate Messages: Messages delivered to the Clerk on Jan. 20, 1999 and Jan. 29, 1999 from the Senate appear on pages H 283-84.

Amendments: Amendment ordered printed pursuant to the rule appears on pages H 379-80.
Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H293-94 and H294. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:36 p.m.

Committee Meetings

COMMITTEE ORGANIZATION
Committee on Appropriations: Met for organizational purposes.

LEGISLATIVE APPROPRIATIONS
Committee on Appropriations: Subcommittee on Legislative held a hearing on the House of Representatives, the Office of Compliance and on the Financial Managers Council. Testimony was heard from the following officials of the House of Representatives: Jay Eagen, Chief Administrative Officer; Jeff Trandahl, Clerk; Wilson S. Livingood, Sergeant at Arms; John W. Lainhart, IV, Inspector General; and John W. Lainhart, IV, Inspector General; and John F. Eisold, M.D., Attending Physician; the following officials of the Office of Compliance: Virginia Seitz, member, Board of Directors; and Ricky Silberman, Executive Director; and the following officials of the Financial Managers Council: Richard Brown, Deputy Assistant Comptroller General, Operations, GAO; and John Webster, Director, Financial Services, Library of Congress.

YEAR 2000 NATIONAL DEFENSE AUTHORIZATION
Committee on Armed Services: Held a hearing on fiscal year 2000 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: William S. Cohen, Secretary; and Gen. Henry H. Shelton, USA, Chairman, Joint Chiefs of Staff.

Hearings continue February 10.

TRANSFER BUREAU OF RECLAMATION FACILITIES TO LOCAL IRRIGATION AUTHORITIES
Committee on Resources: Subcommittee on Water and Power held a hearing on the transfer of title of Bureau of Reclamation facilities to local irrigation authorities. Testimony was heard from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

FAA SHORT-TERM EXTENSION
Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 99, to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, equally divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives clause 4(a) of Rule XIII (requiring a three-day layover of the committee report) and sections 302(f) (prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation) and 303(a) (prohibiting consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to) of the Congressional Budget Act of 1974 against the consideration of the bill. The rule makes in order the amendment in the nature of a substitute printed in the Congressional Record and numbered 1, which shall be considered as read. The rule waives clause 7 of Rule XVI (prohibiting non-germane amendments) and sections 302(f) and 303(a) of the Congressional Budget Act of 1974 against the amendment in the nature of a substitute. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Shuster and Representative Oberstar.

MANDATES INFORMATION ACT

MANDATES INFORMATION ACT
Committee on Rules: Subcommittee on Rules and Organization of the House and Subcommittee on Legislative and Budget Process held a joint hearing on H.R. 350, Mandates Information Act of 1999. Testimony was heard from Representatives Condit, Portman and Boehlert; James L. Blum, Acting Director, CBO; and public witnesses.

COMMITTEE ORGANIZATION
Committee on Ways and Means: Subcommittee on Oversight met for organizational purposes.

IMPACTS OF CURRENT SOCIAL SECURITY SYSTEM
Committee on Ways and Means: Subcommittee on Social Security held a hearing on impacts of the current Social Security system. Testimony was heard from public witnesses.

Hearings continue tomorrow.
COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 3, 1999

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on Armed Services: February 3, to hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program, 9:30 a.m., SH-216.

Committee on the Budget: February 3, to hold hearings on the President’s proposed budget request for fiscal year 2000, 10 a.m., SD-608.

**House**

Committee on Appropriations, Subcommittee on Legislative, on Joint Economic Committee; GAO and GPO, 9:30 a.m., on Joint Committee on Taxation; Architect of the Capitol; and on Capitol Police Board, 1:30 p.m., H-144 Capitol.

Committee on Armed Services, executive, hearing on threats to U.S. national security, 10 a.m., 2118 Rayburn.

Committee on Banking and Financial Services, to consider the Committee’s Oversight Plan for the 106th Congress, 2:30 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing on implementation of the Credit Union Membership Act of 1998, 10:30 a.m., 2128 Rayburn.

Committee on the Budget, hearing on the President’s Budget Submission for Fiscal Year 2000, 10:00 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Energy and Power, hearing on reauthorization of the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act, 2 p.m., 2322 Rayburn.


Committee on House Administration, to meet for organizational purposes, 3:30 p.m., 1310 Longworth.

Committee on Resources, to consider the following: H.R. 149, Omnibus Parks Technical Corrections Act of 1999; H.R. 171, to authorize appropriations for the Coastal Heritage Trail Route in New Jersey; H.R. 193, Sudbury, Assabet, and Concord Wild and Scenic River Act; and the Committee Oversight Plan for the 106th Congress; immediately followed by an oversight hearing on the impact of the expansion of the Minneapolis-St. Paul International Airport on the Minnesota Valley National Wildlife Refuge, 11:00 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 350, Mandates Information Act of 1999, 2:30 p.m., H-313 Capitol.

Committee on Small Business, to mark up the following measures: Paperwork Elimination Act; and the Microloan Program Technical Corrections Act, 2:30 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Ground Transportation, hearing on Present and Future Trends in Ground Transportation, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, to meet for organizational purposes, 2:30 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, to meet for organizational purposes, 3 p.m., and to hold a hearing on SSI fraud and abuse, 3:30 p.m., B-318 Rayburn.

Subcommittee on Social Security, to continue hearings on impacts of the current Social Security system, 2:30 p.m., 1100 Longworth.

Subcommittee on Trade, hearing on U.S. trade relations with Sub-Saharan Africa, 9:45 a.m.; and to markup the Africa Growth and Opportunity Act, 1 p.m., 1100 Longworth.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SIXTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY
January 6 through January 31, 1999

<table>
<thead>
<tr>
<th>Days in session</th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time in session</td>
<td>58 hrs, 32'</td>
<td>9 hrs, 14'</td>
<td></td>
</tr>
</tbody>
</table>

Congressional Record:
- Pages of proceedings: 1,111
- Extensions of Remarks: 91
- Public bills enacted into law: 
- Private bills enacted into law: 
- Bills in conference: 
- Measures passed, total: 21
- Senate bills: 
- House bills: 
- Senate joint resolutions: 
- House joint resolutions: 
- Senate concurrent resolutions: 
- House concurrent resolutions: 
- Simple resolutions: 18
- Measures reported, total: 2
- Senate bills: 1
- House bills: 
- Senate joint resolutions: 
- House joint resolutions: 
- Senate concurrent resolutions: 
- House concurrent resolutions: 
- Simple resolutions: 
- Special reports: 
- Conference reports: 
- Measures pending on calendar: 12
- Measures introduced, total: 367
- Bills: 331
- Joint resolutions: 7
- Concurrent resolutions: 4
- Simple resolutions: 25
- Quorum calls: 4
- Yea-and-nay votes: 8
- Recorded votes: 
- Bills vetoed: 
- Vetoes overridden: 

### DISPOSITION OF EXECUTIVE NOMINATIONS
January 6 through January 31, 1999

Civilian nominations, totaling 97, disposed of as follows:
- Unconfirmed: 97

Other civilian nominations, totaling 127, disposed of as follows:
- Unconfirmed: 127

Air Force nominations, totaling 47, disposed of as follows:
- Unconfirmed: 47

Army nominations, totaling 3, disposed of as follows:
- Unconfirmed: 3

Navy nominations, totaling 0, disposed of as follows:

Marine Corps nominations, totaling 11, disposed of as follows:
- Unconfirmed: 11

Summary

Total Nominations received this Session: 285
Total Confirmed: 
Total Unconfirmed: 285
Congressional Record

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512±1661; type swais, then login as guest (no password required). For general information about GPO Access, contact the GPO Access User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512-1644, or telephone (202) 512-1644. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $165.00 for six months, $325.00 per year, or purchased for $2.75 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (202) 512-1800, or fax orders to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.