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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 9, 1999.

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

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

S. Con. Res. 7. Concurrent resolution honoring the life and legacy of King Hussein ibn Talal al-Hashem.

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.

PROMISE NO. 1: NAFTA WOULD CREATE HUNDREDS OF THOUSANDS OF NEW JOBS FOR AMERICAN WORKERS

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

Mr. BROWN of Ohio. Mr. Speaker, 5 years ago last month the North American Free Trade Agreement, a trade agreement signed by the countries of Canada, Mexico, and the United States, went into effect.

The proponents of NAFTA during the debate earlier that fall, in the fall of 1993, made five central promises: They promised that NAFTA would create hundreds of thousands of new jobs for American workers; they promised that NAFTA would actually improve environmental conditions along the U.S.-Mexican border; they promised that imported foods under NAFTA would benefit American consumers; they promised that NAFTA would not only not hamper our effort, but help our effort to detect and keep out illegal drugs from across the border; and they promised that NAFTA would not reduce the safety of our highways.

Mr. Speaker, on all five counts NAFTA has been an abysmal failure. First of all, on NAFTA's promise to create hundreds of thousands of jobs since NAFTA became effective, became law in 1994, January of 1994, what was a $1.7 billion U.S. trade surplus with Mexico fell into a $14.7 billion trade deficit. At the same time, our trade deficit with Canada increased to $18 billion, which, according to economists' estimates, a $1 billion trade surplus or deficit translates into about 20,000 jobs.

So the $14 billion trade deficit we now have with Mexico, which was a trade surplus prior to the North American Free Trade Agreement going into effect, has meant a loss of at least 300,000 generally good-paying industrial jobs for America's workers. So we have seen, instead of job increases as promised under NAFTA, we have seen hundreds of thousands of job losses.

Secondly, they promised that NAFTA would improve environmental conditions along the U.S.-Mexico border. Since NAFTA's implementation, the maquiladora zone, the region along the Mexican-U.S. border on the Mexican side, has attracted hundreds and hundreds of new businesses, mostly investments by American companies, often by Asian companies and other foreigners going into Mexico. We have seen no progress. In fact, we have seen significantly worse environmental conditions along the American-Mexican border.

Hazardous waste transports and dumping are increasing under NAFTA. We have seen an increase in hazardous waste imports into the United States from Mexico of 50 percent since 1996 alone.

We have also seen corporations, for the first time in what I can find in world trade history, we have actually seen corporations in one country sue a government of another country. American corporations have sued Canada, the Canadian government, to get Canada, successfully, unfortunately, to repeal one of its major clean air environmental laws.

We have seen case after case of corporations in one country suing governments in other countries to weaken food safety, environmental laws, and other laws that protect consumers and protect workers and protect all of us.

On the third promise, that imported foods under NAFTA would benefit American consumers, inspections along the border which used to be pretty regular and pretty frequent have now dropped to 2 percent. We inspect less than 2 percent of all foods coming into the United States from Mexico.

We have seen problems of Michigan schoolchildren coming down with hepatitis A as a result of importing of strawberries from Mexico. We have seen a variety of problems with pesticides. Pesticides that are banned for use in this country still are manufactured here, sold to Central American and Latin American countries, including Mexico. Then they are applied on crops and sold back into the United States, pesticides that we have made illegal because we know they are unhealthy for consumers.

Promise number four was that NAFTA would help us deal with the illegal drug problem. One former drug enforcement official called NAFTA a deal made in narco heaven. In fact, that Customs report where he said that has not been released to the American public. In spite of repeated attempts by me and others to get that report public, they will not release it, in large part because it contains so much bad news about drugs coming across the Mexican-U.S. border. The DEA estimates that the drug trade is bringing in, coming across the border, what amounts to over $10 billion a year.

Lastly, Mr. Speaker, promise five, that NAFTA would not reduce the safety of our highways, again has been an abysmal failure. Fewer than 1 percent of the 3.3 million Mexican trucks coming into the United States each year are inspected. For 5,000 trucks per day across the Texas-Mexican border, only two to five inspectors are on duty during weekdays, fewer on weekends. Governor Bush has not done his job, the U.S. Government has not done its job. Then in the year 2000 those Mexican trucks will be allowed to come into all 48 States.

Mr. Speaker, NAFTA has been a failure. We should consider repealing or markedly revising that agreement.

TRUTH IN BUDGETING

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

Mr. STEARNS. Mr. Speaker, I have a simple question for my colleagues this morning: How can the budget be in surplus if the debt went up last year by $109 billion? Indeed, how can the budget be in surplus if the debt is projected to go up another $101 billion this year, and another $90 billion the year after that?

Did anyone question these numbers, numbers which were released on January 29 by the Congressional Budget Office? Mr. Speaker, is there a single Member in this body who can deny that the national debt will continue to rise until the year 2005? It is interesting that we have become too careless with our language, or perhaps crafty, that the next few years of budget surplus will result in billions and billions of dollars more in debt over the next 6 years.

The reason for this situation, of course, is the social security trust fund. The temporary surpluses in the social security trust fund are masking the true size of the deficit.

That is why I am introducing ''The Honest Balanced Budget Act of 1999.'' The intent of this legislation is simple: to guarantee honesty in budgeting. The social security trust fund surplus should not be used to fund other programs. It should not be used to mask our Nation's deficit.

Added to that is the irony that this very same fund is scheduled to go bankrupt soon after the baby boomers start to retire, so this trust fund, which will soon go bankrupt, is now in surplus, hiding the true state of the Federal budget.

Rarely has a government program caused so much confusion, misled so many people, and bedeviled so many policymakers. What is the lesson we should draw from this situation? Number one, our budget problems, despite all the talks about surplus, are far from over. Entitlement spending is still on auto pilot, and still growing by leaps and bounds.

Medicare is still projected to go bankrupt not long after that. Social Security is still projected to go bankrupt not long after that, also. The national debt, which is the sum total of all the earlier budget deficits we have been running for so many years, the national debt is still at $5.6 trillion and climbing.

This may be disappointing news to some, politically unwise to bring up to others, but it is the truth, the reality, the actual state of the situation. That is why we should pass legislation to require truth in budgeting, to require Members of Congress to acknowledge these facts and to require the media to point them out.

We have been very zealous in cutting welfare spending and reducing the size of our government's bureaucracy. We should keep up our efforts and continue to cut unnecessary spending. Whatever surplus we may have is the result of lower taxes, controlled government spending and our balanced budget.

What would happen, Mr. Speaker, if the economy should start to falter? How would that affect the budget process if the surplus were to shrink, keeping in mind that the true state of our budget surplus is dubious at best?

That is why I hope my colleagues will join with me by cosponsoring The Honest Balanced Budget Act, so we can bring truth in budgeting finally into the process.

THE DEBT AND AMERICA'S CURRENT BUDGET SITUATION

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

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk also about debt and how we can get rid of it, and about our current budget situation.

We are getting better, which is the good news. In 1992 it seemed like we would never have anything but rising yearly deficits contributing to a larger and larger national debt for the rest of our lives and beyond. But we have turned that around.

We have seen the earlier deficits go down steadily since then and we have now even heard talk of actually running a surplus. The gentleman who preceded me is absolutely correct, we are not there yet, because we are still borrowing money from the social security trust fund and counting that as income, but we are getting closer. Even without counting social security, the debt this year was $30 billion, which is a lot less than it was 5 or 6 years ago. If we maintain the path of fiscal discipline we can get to the point where we begin to run surpluses.

What I would like to talk about today is taking that one step further, not just begin to run surpluses, but actually begin to pay down the debt. That debt is pushing towards $6 trillion, and has a devastating effect on our economy. We should get to the point where we can start paying down that debt to do a lot of positive things: to reduce interest rates and also stop the amount of interest we have to pay.

I have a couple of charts to illustrate this point. The first chart talks about how much money we spent on the debt. There are a lot of crushing needs that we have in government: defense, education, infrastructure, Medicare, social security. But this shows that one of the biggest items that every year out of the budget is paid is interest. Two hundred forty-three billion dollars, or 14 percent of our budget, is paid on interest, which does nothing for us. All it does is it meets our obligations on the debt.

To the extent we can reduce that debt, we can reduce the amount of money that we have to spend on interest and free up more money for tax cuts or for spending on other programs that are necessary, like national defense or Medicare. That is a huge blow to our budget. Every $100 million we can spend down on this debt will reduce this crushing figure we have to face and pay every year.

This goes beyond the effect it has on government. Paying down the national debt will have a profound effect on the lives of individual citizens, as the second chart will show. We have achieved a record level of home ownership in this country, and that is great, but it is still only about 60 or 65 percent.

We need to go even higher, and those of us who are homeowners would also like to see the monthly payment reduced. If we can pay down the debt, the government will not be the single largest borrower in this country. We will not be out there gobbling up all the money and driving up interest rates. We can actually reduce interest rates. What this basically means is that we will save in our mortgages.

This chart shows an example of an average home price of $115,000, so actually in today's market that is probably below average in a lot of areas. This shows what you can save on a home mortgage if you have a monthly payment of $844 at the 8 percent interest rate.

If we can reduce that interest rate by just 2 percent we can save as much as $155 a month, which is almost $2,000 a year out of our personal family budget. All that is by reducing the amount of money that the government gobbles up for its own debt. That can help make that money more available for people who want to borrow money for home mortgages, and also for businesses, for farms, for a variety of other interests. We can reduce that debt.

We face a lot of challenges in the next few years, but this is one of the biggest. The economy is strong right now. We have unemployment of 4.3 percent, we have low inflation, we have relatively low interest rates. Now is the time to save the money and pay down the debt, because that economy will not always be this robust.

When the time comes and the economy slows, that is when we might need to help the economy, maybe borrow money to help get the economy back up.

□ 1245

While we are in such a strong economic situation is the wrong time to be running debt the size of our current debt. There needs to be a constituency out there for reducing our Federal debt, help reduce interest rates and recognize the amount of money that the government is borrowing and also pays on interest each year in the budget.

As a Democrat, I want to make this a very important issue. I think for too long Democrats have been accused of not being fiscally responsible. I think we can and should be. And for my part, as a Democrat, I am going to argue we need to save some money, begin paying down that debt to reduce interest rates and reduce the amount of money that government spends on interest every year. It is the fiscally responsible and prudent thing to do when the economy is strong. If we wait, we are in no position to do it when the economy is weak.

Now is the time to step up our fiscal responsibility. We can all be proud. We can finally see someplace in the future where we will have a surplus. But let's take it one step further, let's pay down the debt.

INTRODUCTION OF THRIFT SAVINGS PLAN ENHANCEMENT ACT AND FEDERAL EMPLOYEE CHILD CARE AFFORDABILITY ACT

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Maryland (Mrs. MORELLA) is recognized during morning hour debates for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today to announce the recent introduction of two important pieces of legislation to enhance the quality of life of Federal employees and to invite my colleagues to join in cosponsoring this legislation.

Federal employees play vital roles in ensuring that the many important services offered by the Federal Government are provided to citizens of the United States when they are needed. All too often, instead of being rewarded for their work on behalf of all Americans, Federal employees find themselves facing many arbitrary barriers restricting their ability to enjoy many of the privileges that other Americans enjoy.

In a recent column in the Washington Post, Mike Causey pointed out the unfair situation under current law prohibiting Federal employees from saving for their retirement in the same manner as private sector employees with 401(k) plans. To address this, and other inequities affecting Federal employees' retirement savings, I have introduced H.R. 483, the Federal Thrift Savings Plan Enhancement Act. This legislation will provide Federal employees with tools essential to ensure that the Thrift Savings Plan meets their retirement needs.

The bill will allow employees to invest up to the IRS limit of $10,000 to the Thrift Savings Plan without changing the government contribution. Currently, FERS employees can put up to 10 percent of their salary into their TSP accounts. CSRS employees can only invest up to 5 percent of their salary into these accounts. This arbitrary percentage limitation works to the clear detriment of Federal employees.

For instance, a FERS employee at a GS–10 level earning $35,498 per year, may only contribute 10 percent, or $3,550 annually, into his or her TSP account. However, someone in the private sector earning the same amount may contribute as much as $10,000 annually into his or her 401(k) account, which is $6,450 more than the similarly situated Federal employee may invest.

My legislation is a sensible way to encourage Federal employees to increase their savings for retirement. At a time when we are encouraging Americans of all age to save and invest more for their retirements, it is absolutely inequitable to arbitrarily restrict the ability of these employees to invest in their retirements in the same manner as private sector employees with 401(k) plans.

In addition to remedying this inequity, my bill will eliminate all waiting periods for employee contributions to the TSP for new hires and rehires, making these employees eligible to contribute their own funds to the TSP immediately. President Clinton declared, during his State of the Union address, that ''We must help all Americans from their first day on the job to save, to invest, to create wealth.'' Well, this bill will enable Federal employees to do just that, to begin investing for their retirement from day one.

Finally, this legislation ensures the portability of retirement savings by authorizing employees to roll in money from a private sector 401(k) to their TSP accounts. That really does make sense. Doing this gives employees entering the Federal work force the ability to continue managing their retirement account and maximize the wealth that these accounts create.

America has one of the lowest savings rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what should be their golden years. While Americans recognize they should be saving more, half of all family heads in their late 50s possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must encourage Americans to save more, and this legislation is an important tool in empowering Federal employees to do precisely that.

I also want to point out that I am also working on child care needs. Critically important. I have introduced H.R. 206, the Federal Employee Child Care Affordability Act. It is a bipartisan bill. It will allow Federal agencies to use their salary and expense accounts to help executive agency employees pay for child care. Surprisingly enough, under current law, they cannot do that. So they need the authorization which would come from this bill, and the Federal agencies want it.

This bill, developed with the help of OPM, would allow agencies to pay a portion of the providers' operating costs, thus enabling child care centers to reduce the fees charged to lower income Federal employees. And, frankly, Mr. Speaker, it does not require any additional appropriations.

I do hope that all of my colleagues will join in cosponsoring these two important pieces of legislation.

TRIBUTE TO NATION'S LAW ENFORCEMENT OFFICERS AND REQUEST FOR SUPPORT OF 21ST CENTURY POLICING INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to pay tribute to our Nation's law enforcement officers; to thank them for risking their lives every single day to keep my family and my community safe.

I have had the fortunate experience of meeting many of my local officers, because they are spending more and more time in our neighborhoods, and it is through the success of Community Oriented Policing that we have helped thousands of local police departments getting their cops out on the beat and away from their desks.

The COPS program has hired, redeployed and retained over 100,000 more police officers who are now more recognized and are active members of their community. But more than that, Community Oriented Policing has proven its effectiveness in the fighting of crime. For example, in my district there is one agency that has seen crime rates drop 58 percent just over the last 5 years. That is more than half of the crime dropping.

Now that the COPS program has reached its goal of placing 100,000 more cops on the beat, it is time to take the next step in crime fighting, and that is through using the most advanced technology to make our police more effective, more efficient and more responsive.

I know a lot of Americans probably watch all of these police officer programs on television and they see all these high-tech types of things going on, computer databasing, et cetera, in which they are able to get the bad guy because of this. But the reality is much different in what is happening across the Nation.

For example, I was in the other day with one of my police departments where they told me it takes them almost a year to check fingerprints because they have no forensic lab right in their own police department. They sent off a pair of fingerprints that used to take 6 to 12 minutes to check, and they called back and were told it would take about a year before they could get the results back. They said, well, this is a very important case. And the woman on the other line said, well, if it is a very important case, we could probably make it faster. He said, well, how about the homicide of a policeman; is that important enough? And she said oh, yes, I think we can do that in two months. Meanwhile, the bad guys keep going on and doing the bad things.

The President has proposed $1.3 billion for the new 21st Century Policing Initiative. Part of that initiative includes giving law enforcement access to the latest crime fighting technologies. This past week I had three or four departments come in and show me some of the prototypes that they have for working with computers with analysis. One of my local police departments, Santa Ana Police Department, is eagerly awaiting to see such a Justice Department program come to fruition. Santa Ana PD has already developed plans for a crime analysis unit which would map and analyze crime patterns. The work of the unit would survey crime trends and patterns to more efficiently allocate police resources and to more quickly apprehend career criminals and predict crime problems.

In the 21st century our greatest tool to fight crime is information. When departments have detailed data on crime statistics or arrest reports they can then achieve a better understanding of each city's crime problems and how to best respond. More importantly, crime analysis contributes to the COPS' philosophy by reducing administration and investigation work for our police officers.

With Santa Ana PD's excellence in community policing, and their foresight in developing a modern advanced technology to fight crime, they can develop a crime analysis unit that departments across the country can use as a model.

Let's work together to make the next step in law enforcement work. I urge my colleagues to support the 21st Century Policing Initiative and to support funding programs like the Santa Ana crime analysis unit.

NATIONAL DEBT IS NOT GOING DOWN UNDER PRESIDENT'S RECENTLY RELEASED BUDGET

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

Mr. HERGER. Mr. Speaker, the White House would like the American public and this Congress to believe that the national debt is going down under their recently released fiscal year 2000 budget. But let us look at page 389 of the President's very own budget from his Office of Management and Budget. We see that the total national debt not only does not go down but, in fact, is actually going up each year for the next 5 years to the tune of $1.3 trillion.

Just last week I asked the President's Budget Director, Jacob Lew, during a Committee on the Budget hearing, about this, and he was evasive about the fact that the President's own budget calls for $1.3 trillion more in total debt on our children and grandchildren. I then asked Treasury Secretary Robert Rubin, the next day during a Ways and Means hearing, the same question, and Secretary Rubin refused to answer a yes or no question about whether the total debt is actually going up.

Mr. Speaker, President Clinton and his administration are grossly misleading the American people when they say the public debt is going down. They are telling a half truth. The President and his administration are correct in saying the public debt will go down, but what they are not telling us is that the total debt, the debt held by the government for Social Security and other trust funds, is going up at an even faster rate, which makes the total debt go up by, yes, $1.3 trillion over the next 5 years. No matter if the debt is held by the public or in various trust funds, it is still debt that must be paid back at some future point.

The Clinton administration is doing future generations no favors in this budget. More accurately, it is dishonest and disingenuous for the Clinton-Gore administration to tout huge surpluses on one hand when, on the other, their budget places even more debt on the shoulders of our children and grandchildren. And as if forcing $1.3 trillion in more debt on future generations was not enough, the President's budget called for a net tax increase of $45.8 billion, and requests an additional $150 billion in new spending over the next 5 years.

Mr. Speaker, it is the duty of this Congress to stop this assault on our future generations and all taxpayers. I urge my colleagues to amend the President's budget and to live within our means and to begin paying down our $5.5 trillion national debt.

□ 1300

EXECUTIVE ORDERS

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

Mr. METCALF. Mr. Speaker, to date, the President has issued 278 executive orders. A number of these have infringed on the powers and duties of Congress as dictated by Article I, Section 8 of the U.S. Constitution. One was even rescinded by Congress last year.

Today, I am introducing a concurrent resolution regarding executive orders. This vital legislation reasserts the role and responsibility of Congress to enact laws and to appropriate federal dollars. My resolution reminds all of us that only Congress has the power to spend Federal monies.

In the first century of our Nation's history, there were no problems with executive orders. They seemed to fit within the legitimate powers of the presidency because they were used mostly to direct Federal employees in carrying out their legitimate functions.

However, early in this century, presidents began issuing executive orders that pushed beyond the prescribed presidential authority. But somehow these orders seemed reasonable. They were accepted with criticism coming only from jurists and scholars who were concerned about the fine points of balance among the three coequal branches of government.

Thus, as always with the usurpation of power and authority, it begins in ways that seem needed, or at least reasonable. My resolution seeks to avoid any confusion or obscurity concerning executive orders by reestablishing congressional authority under Article I, Section 8 of the Constitution. This resolution also expresses the sense of the Congress that any executive order which infringes on congressional powers and duties or which requires the expenditure of Federal funds be advisory only and have neither force nor effect unless enacted into law.

Mr. Speaker, as you know, executive orders are not authorized by the Constitution. We in Congress have taken an oath to uphold the Constitution and

protect the balance that was established. I will not violate that oath, and I encourage my fellow Members of Congress to join me in cosponsoring and supporting this resolution.

ADMINISTRATION DECREASES BUDGET FOR VETERANS ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. MCKEON) is recognized during morning hour debates for 2 minutes.

Mr. MCKEON. Mr. Speaker, today I rise to bring to the attention of this House a serious problem that is facing our veterans.

While the Clinton administration is discussing, if not formalizing, the decision to send our men and women into Kosovo, they are not planning or formalizing plans on what will occur when they return home. For the third consecutive year, the Clinton administration has produced a budget that cuts veterans' funding. The administration is adding new programs and placing new burdens on the Veterans Administration while decreasing their budget.

The Veterans Administration budget has tremendous shortfalls in general health benefits, research grants for problems unique to our military veterans, and finally in burial benefits. Our veterans today are fortunate to even have a flag at their funeral let alone an honor guard. Over 50 percent of our national cemeteries are full or open only for cremation. Furthermore, only three new cemeteries are planned and with a 10-year window to open one, the problem of where our veterans are buried will only escalate in importance.

How does the Clinton administration plan to solve these problems? By cutting funding for our veterans, by taking researchers out of the lab and into patient care, by refusing to offer a credible short-term, midterm, or even long-term solution to burial issues.

As the Clinton administration continues to consider sending our men and women into harm's way, I call upon them to think about what they will do when they return home. Let's show some appreciation for their dedication and hard work by never again disgracing them with a budget like this.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 5 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 pro tempore (Mr. SHIMKUS) at 2 p.m.

PRAYER

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

When we think of people and their needs, we know we can offer our prayers for ourselves and for all people. When we see illness, we pray that You, O God, would give renewed strength and make whole; when we see alienation or estrangement, we know that we can pray for Your gift of reconciliation and understanding; when we see wars or conflict, we pray that hostilities would ease and peace would reign; when we see a lack of spirit so that faith is not there and meaninglessness is widespread, then we pray, O God, give us hearts that are open to Your grace and Your love.

Bless us and all Your people this day we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. PETERSON of Minnesota 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.

STORAGE OF NUCLEAR WASTE AT EARTHQUAKE HOTBED IS STUPID

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

Mr. GIBBONS. Mr. Speaker, most of us see earthquakes in real tangible terms: A natural disaster, an unpredictable violent force of nature that mankind has been trying to predict, and outwit, for centuries. We see earthquakes as a cause of billions of dollars worth of structural destruction and the cause of death for untold thousands of people.

It seems now that the scientists over at the Department of Energy are seeing earthquakes in other terms. Now they are just ''part of the plan,'' part of the plan to ''hasten the process,'' I quote, to cover up high level nuclear waste at Yucca Mountain.

Folks, Yucca Mountain is the heart of 32 known earthquake faults, just hundreds of feet from our groundwater levels, and just miles away from the homes of thousands of Nevada residents. Boy, talk about con men and city slickers.

For the better part of a century, DOE has been trying desperately to fit a square peg in a round hole, knowing they are unable to develop structures that can withstand the crushing force of earthquakes. Now they are telling us they are trying to cash in on the destructive power of earthquakes. I guess that means that the mountain, when it collapses, will help coverup the waste. That is unbelievable.

Albert Einstein once said, ''There are only two truly infinite things, the universe and stupidity. And I am unsure about the universe.''

Mr. Speaker, to store nuclear waste at a hot bed of earthquakes in Nevada is stupidity, and I am doubly sure about that.

SOCIAL SECURITY MUST BE SAVED

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

Mr. DAVIS of Illinois. Mr. Speaker, I join with those who maintain that we must save Social Security, we must save it for the 46,481 households in my district back in Illinois who currently receive it, and we must save it for the millions of workers and their families who need the economic security and protection which it provides.

Since its inception, Social Security has provided benefits to more than 160 million workers and their families. Without our Social Security system, half of the Nation's elderly would live in poverty. We must save Social Security for the unmarried and elderly widowed women who rely upon it for more than half of their income. There are over 53,000 female head of households with no husband present in my district alone.

Mr. Speaker, this is not the time to cut and experiment. We know what works, we know how it works, and we know why it works. Let us keep it working for all of the people.

AMERICANS KNOW BEST HOW TO SPEND THEIR OWN MONEY

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

Mr. BALLENGER. Mr. Speaker, as American taxpayers keep a steady eye on April 15, only 65 days away, many will notice that the $500 per child tax credit passed by the Republican Congress in 1997 will make things a little easier this year.

For those with children, the pain of April 15 will be mitigated somewhat because the Republican Congress passed legislation allowing middle class families with children to keep a little bit more of what they earned.

Let us remember a key point that seems to be overlooked by those on the other side of the aisle: Washington did not ''give'' anything to millions of middle class families with children; Uncle Sam is merely allowing them to keep a

little bit more of what already belongs to them.

This legislation was passed because Republicans think the tax burden on the middle class is too high. Revenues to Uncle Sam are at record levels. Taxes paid in Washington have risen steadily higher since the days of Ronald Reagan ended.

The idea that the Federal Government, of all things, can be trusted better to spend our money than the people that earned it, is simply mind-boggling.

FDA MISGUIDED ON PRIORITIES

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

Mr. TRAFICANT. Mr. Speaker, the Food and Drug Administration has approved a new-state-of-the-art antidepressant for dogs. The FDA says ''American canines are suffering from anxiety.'' Think about it, no barking beagles, no more whining weimaraners, no more defecating Dobermans.

Meanwhile, the FDA continues to deny approval for certain cancer-treating drugs to help mom and dad.

Beam me up. It is evident that the FDA has gone to the dogs. What is next, Viagra for felines?

I yield back all the misguided priorities of the Food and Drug Administration.

DOLLARS TO THE CLASSROOM

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

Mr. PITTS. Mr. Speaker, when we think of our children's schooling, we think of books, classrooms, computers and things like flash cards, spelling tests and calculators. We do not think of bureaucrats, bureaucratic programs and stacks of paperwork.

As we stand here today, children are sitting in their kindergarten through 12th grade classrooms, learning everything from spelling the word ''house'' to a method of reaching a calculus derivative. They are learning with a teacher, and with the use of classroom tools.

The very small part that the Federal Government does play in adding value to the elementary and secondary education experience should be to fund classroom activity directly.

Dollars to the Classroom: A simple, but profound, concept. Instead of keeping education dollars here in Washington, let us send our Federal dollars directly to the parents, teachers and principals of our local public schools, local people, who are truly helping our children to learn.

BUDGET SURPLUS BELONGS TO TAXPAYERS

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

Mr. GUTKNECHT. Mr. Speaker, the President said something recently in Buffalo, New York, that I think perfectly captures the attitude of our some of our friends on the left when it comes to tax cuts.

In Buffalo the President spoke about what should be done with the projected budget surpluses over the next 15 years. He said, ''We could give it all back to you and hope that you spend it right, but . . ..''

''Hope that you spend it right?'' Excuse me, what exactly does the President mean when he says ''hope that you spend it right?'' Is the budget surplus something that belongs to the government, or does it belong to the people who earn the money?

Well, it does not belong to Washington, and it does not belong to the politicians. It belongs to the people who sent the money to Washington in the first place. They are called taxpayers, and, yes, some of us believe that they ought to get some of it back.

TEACHER TECHNOLOGY TRAINING ACT

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

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation that will provide teachers with the technology training that they need to meet the classroom challenges of the 21st Century.

The Teacher Technology Training Act would include technology, teacher training and professional development programs that are authorized under the Elementary and Secondary Schools Act of 1994.

What it would do is it would require states to incorporate technology requirements in teacher training content and performance standards. We certainly do need this. During the 104th Congress, language was included in the Telecommunications Act to provide affordable access to the Internet for our Nation's schools.

Well, with all its possibilities, technology alone cannot improve our system of education. It could be just a useless baby-sitter, providing little educational benefit, without the help of the classroom teacher.

The classroom teacher is the key to success in bringing technology into our schools. All too often, however, teachers are expected to incorporate technology into the classroom, without even being given the training to do so.

So this bill would require that they have it. It costs no money. It would be included, and our classrooms must have teachers who know how to use technology in order for our children to succeed into the next century.

I hope my colleagues will join in cosponsoring this important legislation.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
Washington, DC, February 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 8, 1999 at 12:35 p.m. and said to contain a message from the President whereby he submits the National Drug Control Strategy for 1999.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

1999 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, the Committee on Agriculture, the Committee on Armed Services, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Education and the Workforce, the Committee on Government Reform, the Committee on International Relations, the Committee on Resources, the Committee on Transportation and Infrastructure, the Committee on Veterans Affairs, and the Committee on Ways and Means:

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the 1999 National Drug Control Strategy to the Congress. This Strategy renews and advances our efforts to counter the threat of drugs—a threat that continues to cost our Nation over 14,000 lives and billions of dollars each year.

There is some encouraging progress in the struggle against drugs. The 1998 Monitoring the Future study found that youth drug use has leveled off and in many instances is on the decline—the second straight year of progress after years of steady increases. The study also found a significant strengthening of youth attitudes toward drugs: young people increasingly perceive drug use as a risky and unacceptable behavior. The rate of drug-related murders continues to decline, down from 1,302 in 1992 to 786 in 1997. Overseas, we have witnessed a decline in cocaine production by 325 metric tons in Bolivia and Peru over the last 4 years. Coca cultivation in Peru plunged 56 percent since 1995.

Nevertheless, drugs still exact a tremendous toll on this Nation. In a 10-year period, over 100,000 Americans will

die from drug use. The social costs of drug use continue to climb, reaching $110 billion in 1995, a 64 percent increase since 1990. Much of the economic burden of drug abuse falls on those who do not abuse drugs—American families and their communities. Although we have made progress, much remains to be done.

The 1999 National Drug Control Strategy provides a comprehensive balanced approach to move us closer to a drug-free America. This Strategy presents a long-term plan to change American attitudes and behavior with regard to illegal drugs. Among the efforts this Strategy focuses on are:

—Educating children: studies demonstrate that when our children understand the dangers of drugs, their rates of drug use drop. Through the National Youth Anti-Drug Media Campaign, the Safe and Drug Free Schools Program and other efforts, we will continue to focus on helping our youth reject drugs.

—Decreasing the addicted population: the addicted make up roughly a quarter of all drug users, but consume two-thirds of all drugs in America. Our strategy for reducing the number of addicts focuses on closing the ''treatment gap.''

—Breaking the cycle of drugs and crime: numerous studies confirm that the vast majority of prisoners commit their crimes to buy drugs or while under the influence of drugs. To help break this link between crime and drugs, we must promote the Zero Tolerance Drug Supervision initiative to better keep offenders drug- and crime-free. We can do this by helping States and localities to implement tough new systems to drug test, treat, and punish prisoners, parolees, and probationers.

—Securing our borders: the vast majority of drugs consumed in the United States enter this Nation through the Southwest border, Florida, the Gulf States, and other border areas and air and sea ports of entry. The flow of drugs into this Nation violates our sovereignty and brings crime and suffering to our streets and communities. We remain committed to, and will expand, efforts to safeguard our borders from drugs.

—Reducing the supply of drugs: we must reduce the availability of drugs and the ease with which they can be obtained. Our efforts to reduce the supply of drugs must target both domestic and overseas production of these deadly substances.

Our ability to attain these objectives is dependent upon the collective will of the American people and the strength of our leadership. The progress we have made to date is a credit to Americans of all walks of life—State and local leaders, parents, teachers, coaches, doctors, police officers, and clergy. Many have taken a stand against drugs. These gains also result from the leadership and hard work of many, including Attorney General Reno, Secretary of Health and Human Services Shalala, Secretary of Education Riley, Treasury Secretary Rubin, and Drug Policy Director McCaffrey. I also thank the Congress for their past and future support. If we are to make further progress, we must maintain a bipartisan commitment to the goals of the Strategy.

As we enter the new millennium, we are reminded of our common obligation to build and leave for coming generations a stronger Nation. Our National Drug Control Strategy will help create a safer, healthier future for all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1999.*

PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND ROMANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–13)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b) and (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Romania Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Romania has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Romania under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals. Cooperation until now has taken place under a series of supply agreements dating back to 1966 pursuant to the agreement for peaceful nuclear cooperation between the United States and the International Atomic Energy Agency (IAEA).

The Government of Romania supports international efforts to prevent the spread of nuclear weapons to additional countries. Romania is a party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Romania also subscribes to the Nuclear Suppliers Group guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the guidelines of the NPT Exporters Committee (Zangger Committee), which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. In addition, Romania is a party to the Convention on the Physical Protection of Nuclear Material, whereby it agrees to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control. Finally, Romania was one of the first countries to sign the Comprehensive Test Ban Treaty.

I believe that peaceful nuclear cooperation with Romania under the proposed new agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Central Europe. Cooperation under the agreement also will provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day

continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1999.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

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

PACKERS AND STOCKYARDS ACT AMENDMENTS

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 169) to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation for the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter and of muscle cuts of beef and lamb to include swine and muscle cuts of swine, as amended.

The Clerk read as follows:

H.R. 169

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

SECTION 1. EXPANSION OF MANDATORY DOMESTIC REPORTING PILOT INVESTIGATION UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) INCLUSION OF SWINE; REFERENCE TO FORWARD CONTRACTING.—Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), as added by section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, (as contained in section 101(a) of division A of Public Law 105–277), is amended in both paragraphs (1) and (2):

(1) by striking ''beef, or'' and inserting ''beef,''; and

(2) by inserting after ''lamb,'' the following: ''or domestic or imported swine for immediate slaughter and fresh muscle cuts of swine,''.

(b) TECHNICAL CORRECTIONS.—Such section is further amended by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(c) DURATION OF SWINE PILOT INVESTIGATION.—Such section is further amended by adding at the end the following new subsection:

''(d) POSSIBLE EXTENSION OF PILOT INVESTIGATION.—If the pilot investigation required by this section is implemented before the date on which the pilot investigation is expanded to include swine, the Secretary of Agriculture shall continue the pilot investigation beyond the 12-month period referred to in subsection (a) so that price information regarding the procurement of domestic or imported swine for immediate slaughter and fresh muscle cuts of swine is collected under the pilot investigation for 12 months.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Speaker, H.R. 169 is a simple bill and would simply add hogs and pork product to the pilot investigation on beef and lamb prices that was authorized last fall as a part of the omnibus appropriation.

I would like to thank and commend my colleague on the Committee on Appropriations and on the Subcommittee on Agriculture who is very instrumental in agriculture policy, the gentleman from Iowa (Mr. LATHAM), for introducing this legislation and for calling for its swift adoption.

□ 1415

Many of our colleagues are aware that livestock prices, particularly those received by lamb and beef producers, have been distressingly low for some time. The pilot investigation that was included in last year's omnibus appropriations bill is a relatively nonintrusive way to shed some light on the workings of these complex markets.

Last fall, when the omnibus bill was being crafted, the pork producers declined to be included in the USDA pilot investigation. However, recent and drastic declines in live hog prices have led pork producers to reconsider and ultimately reverse that decision. Thus, H.R. 169 will simply include pork in the ongoing pilot investigation.

Tomorrow, the House Committee on Agriculture will conduct a hearing on livestock prices during which we will consider testimony outlining the current market conditions for beef, lamb and pork.

I hope that in this hearing we will be able to illuminate trends, dispel myths and come to a common understanding of how these livestock markets operate so that we can responsibly consider many proposals currently being discussed in the agricultural community. In the same way, I am hopeful that H.R. 169 will aid our deliberation of these issues by providing needed information and insight into the hog market.

I ask that Members support this legislation as a constructive step in this ongoing policy discussion.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking member of the Subcommittee on Livestock, Dairy, and Poultry and a representative from northwestern Minnesota, I have been acutely aware of the downturn in many sectors of the farm economy. In particular, the U.S. livestock industry has been hard-hit with sustained low prices. Beef and lamb markets have been depressed for several years and, more recently, historically low prices have plagued the pork market.

The economic explanation for low prices is a complicated mix of supply, demand and other factors such as trade. Legislative proposals have been pursued in an effort to return viability to the industry. However, I believe that we must be cautious in our approach. Whatever legislative actions are taken should not impede or wrongly dampen one aspect of the industry to benefit another. We need to ensure that we move carefully toward the combined goal of a stable and viable livestock industry.

To this end, I believe that H.R. 169 is a prudent use of our authority. Building on last fall's effort to initiate a pilot study of comprehensive mandatory price reporting for beef and lamb, the bill simply seeks to add pork to that study. One of the unknown factors in the low price story is the impact of price information. It is unclear whether or not a full and open price reporting system operated through the Federal Government would allow producers to operate more effectively to market their products. A complete study of the impacts of price reporting with a quick turnaround on the results would help direct any future action in this area.

Obviously, the passage of this bill and the resulting study will not cure the ills that are facing the livestock industry at this time. But it is a small piece that can answer an important question: Can greater price information aid livestock producers? The information obtained from the study should help us proceed in a logical and effective manner.

Therefore, I ask that my colleagues join me in support of our livestock producers and support H.R. 169.

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

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM), the author of this proposal, and again, one of the strong advocates of American agriculture.

Mr. LATHAM. Mr. Speaker, first of all, I want to express my thanks to the chairman of the full committee. He has done such a great job working for American agriculture, the gentleman from Texas (Mr. COMBEST) and his cooperation in working out a few technical difficulties we had, but I appreciate it very, very much. Also, I appreciate the comments of the gentleman from Minnesota (Mr. PETERSON), who has worked so hard for all of agriculture.

Mr. Speaker, on January 6, I introduced H.R. 169 in an effort to level the playing field for embattled American pork producers. I think the Speaker is acutely aware of the problems that pork producers have experienced in recent months with the prices dipping down to under $10 per hundred. Currently, they moved back up to close to $28 per hundred, but certainly well below any level of profitability. We have experienced prices well below Depression Era prices, and it is so important that we do as much as possible

and as quickly as possible to help our pork producers.

My legislation amends the Packers and Stockyards Act of 1921 to include swine in a 12-month pilot investigation of live cattle and lamb prices that was included in last year's omnibus appropriations bill. This legislation contributes to our efforts to revive a farm economy that is in bad shape. The difficulties associated with low grain prices have been compounded by low livestock prices.

At the very least, America's farmers want to know if they are receiving fair compensation for their very hard work. It is important that accurate information be available to the livestock industry in order for competitive markets to function properly. Without this pricing information, we risk supporting a business environment that gives too much control to too few.

H.R. 169 will assist farmers by examining how we can best preserve the competitive nature of the farm economy. We cannot allow our Nation's farmers to be left without the tools for them to use to make sure they receive the best possible price for their livestock. It is important to consider that the four largest meat packers in this country process 57 percent of all of the hogs. As a result, the industry is looking to Congress to find out if this increase in packer concentration had a direct effect on the recent decline in live hog prices.

If we can find methods in which accurate and timely pricing information can provide producers with the tools needed to make the best possible business decisions for their farm, we will be making a positive contribution to agriculture. It is my hope the results of this investigation will help Congress and the administration formulate additional policies that will be a result of more fair, effective market prices so that we all know what the real price of pork is.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a very valued member of the Committee on Agriculture.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support today of H.R. 169, the Competitive Pork Pricing Act. This is a very modest first step in terms of providing some transparency in terms of the pricing of pork.

Mr. Speaker, 5 years ago, 80 percent of the finished hogs were sold at auction markets, and I know a little bit about the auction business. When people went to the auction ring, they could see what hogs were actually selling for. In fact, 5 years ago, 87 percent of the hogs being purchased by large packers were bought on a spot basis. Today, that situation is reversed, and with the increase of contracting, we now have big pork producers and large packing concerns who have worked out long term contracts for hogs.

Contracts in and of themselves are not necessarily inherently evil, but they have had a profound impact on what is happening to smaller pork producers throughout the United States. What this has done out in farm country is created a tremendous amount of distrust. There is distrust among producers, because we may have one farmer on one side of the road who is being paid one price for his pigs, and another farmer who is paid a different price, and they could be in a situation where neither would know what the other one is actually receiving for their hog. This has caused distrust among producers, but it has caused intense distrust among the producers with the packers, and the packing industry itself has become the villain in this story, and perhaps there is some truth to that.

But as we move inherently towards a much more market-oriented agriculture, it seems to me that we at the Federal level have some responsibility to make certain that those markets are orderly, and that the participants in those markets at least have equal access to information. As I say, this is a very modest step in the right direction in terms of providing some transparency to all producers as far as what prices are actually being paid.

Now, we cannot guarantee here at the Federal level that everyone is going to make a profit, but we must guarantee that every producer gets better and more accurate information.

A good example would be the New York Stock Exchange. We created the Securities and Exchange Commission many years ago, and that is an ongoing auction every day, and one can, on line, literally see every transaction and know what the price of a particular stock is at any moment in time. Such is not the case in the livestock industry. It seems to me we ought to create a system whereby producers have better access to better information.

Mr. Speaker, it has often been said that America's farmers are like the ultimate gamblers; they sit down at the casino every day. I think the best way to think about this particular legislation is it is the first step to making certain that all of the cards in that casino are dealt face-up, and everybody knows that all the cards are on the table.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS), who has a very intensive interest in agriculture and is always very helpful on agricultural issues.

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

Mr. WATKINS. Mr. Speaker, I would like to first and foremost extend my special thanks to the gentleman from Texas, the chairman of the Agriculture Authorizing Committee, for bringing forth this legislation and technical amendments.

We know that agriculture is changing in this world, and we truly are in a global competitive world that our vast commodities must compete against. We must do as much in the global marketing area as we have in the production area. I have two degrees in agriculture, and basically when I was taking agriculture at Oklahoma State University, our study centered a lot on production. We had maybe some various electives that we could use in marketing, but marketing must in the 21st century be centered on beating the competition in a global economy. Anything less and we are selling out the farm families of this great United States.

Yes times have changed, and there has to be changes in policies that meets or beats the production and marketing policies of other countries. I will say bringing to light the fact that our beef industry is hurting and our cattlemen and ranchers are having deep problems. Our lamb industries have been involved in this study, and I know adding the swine industry and allowing the pork producers to have a great deal more input into this study, the problems must be addressed before it is too late.

Mr. Speaker, I thank the chairman for his leadership in moving this forward.

Mr. BEREUTER. Mr. Speaker, this Member rises in reluctant opposition to H.R. 169, a bill which expands the pilot investigation into livestock price reporting to include pork.

This Member would like to begin by stating his strong support for meaningful mandatory price reporting legislation. Pork producers throughout Nebraska consistently stress the need to have this vital information. It's time that we ensure that it's provided to them.

Unfortunately, this Member is not convinced that H.R. 169 will accomplish that goal. This Member appreciates the efforts of the distinguished gentleman from Iowa (Mr. LATHAM) in introducing this bill and seeking to assist pork producers. However, the problem is that H.R. 169 simply builds on the watered-down price reporting provisions included in last year's omnibus appropriations bill. Livestock producers see the study as an excuse or cover for the lack of action on imposing mandatory reporting. This Member was very disappointed that mandatory price reporting requirements were eliminated during the conference. In some respects, the provisions which survived were worse than none at all. In passing the flawed one-year pilot study last year, it needlessly delayed confronting the real issue, suppressed timely price reporting and lessened the pressure to take meaningful action.

Although well-intentioned, H.R. 169 does nothing to overcome the underlying defects in the current price reporting pilot study. It offers convincing proof that you can't make a silk purse out of a sow's ear.

A great many of this Member's pork-producing constituents (and cattlemen

too) believe that it is time to stop studying this issue and start instituting mandatory price reporting, numerous Nebraska pork producers have expressed concern that this well-intended legislation, in fact, could delay meaningful price reporting.

This Member intends to again support comprehensive and mandatory livestock price reporting legislation in this Congress that will offer transparency and a level playing field for all producers. That legislation should be enacted as soon as possible.

Mr. STENHOLM. Mr. Speaker, the last few years have been very difficult for the U.S. livestock industry. In addition to the recent drought, an epidemic of low prices has further erased producer equity. During these years, producers of beef, lamb, and more recently, pork have all experienced prices that are simply too low to endure.

Livestock products account for more than half the value of all our domestic agricultural production. Consequently, if we are to maintain a viable and stable rural America, we must pay particular attention to the livestock producers who help sustain those rural communities. When livestock producers suffer, their losses spill over to all the small, rural businesses that depend on their patronage.

Reflecting on this economic difficulty, many have questioned whether the prices currently paid to livestock producers reflect the true market-value of their products. As more and more animals are sold in ''closed'' trades, which are not included in reported average prices, the actual value of those remaining animals sold in open, ''cash'' markets has been cast into some doubt.

With this in mind, language was added to last year's Omnibus Appropriations bill, requiring a one-year pilot study of comprehensive, mandatory price reporting for beef and lamb. Now, this bill before us, H.R. 169, would simply add pork to that one-year study. Given the recent disastrous drop in pork prices, it is not difficult to understand why pork producers are anxious to have insights into the curious behavior of their markets.

While this pilot study does not begin to solve the problems facing U.S. livestock producers, it is a small step in the right direction. I hope that the information from this study will help us to decide if permanent price reporting would in fact result in more accurate markets for beef, lamb, and pork. It is logical and reasonable to settle that question once and for all, so we can consider whether further action is warranted. I encourage all members to support our livestock producers by voting for H.R. 169.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 169, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 391, SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–13) on the resolution (H. Res. 42) providing for consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 436, GOVERNMENT WASTE, FRAUD AND ERROR REDUCTION ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–14) on the resolution (H. Res. 43) providing for consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 437, PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. (106–15) on the resolution (H. Res. 44) providing for consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President, which was referred to the House Calendar and ordered to be printed.

□ 1430

MICROLOAN PROGRAM TECHNICAL CORRECTIONS ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 440) to make technical corrections to the Microloan Program, as amended.

The Clerk read as follows:

H.R. 440

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''Microloan Program Technical Corrections Act of 1999''.

SEC. 2. TECHNICAL CORRECTIONS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) by amending paragraph (7)(B) to read as follows:

''(B) AVAILABILITY OF FUNDS.—Subject to appropriations, the Administration shall ensure that at least $800,000 of new loan funds are available for each State in any fiscal year. All funds are to be made available subject to approval of the Administration. If, at the beginning of the third quarter of a fiscal year, the Administration determines that the funds necessary to comply with this provision are unlikely to be awarded that year, the Administration may make those funds available to any State or intermediary.''; and

(2) in paragraph (8)—

(A) by inserting ''and providing funding to intermediaries'' after ''program applicants''; and

(B) by inserting ''and provide funding to'' after ''shall select''.

SEC. 3. LOAN LOSS RESERVE.

Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended to read as follows:

''(D)(i) IN GENERAL.—The Administrator shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid.

''(ii) LEVEL OF LOAN LOSS RESERVE FUND.—

''(I) IN GENERAL.—Subject to subclause (III), the Administrator shall require the loan loss reserve fund of an intermediary to be maintained at a level equal to 15 percent of the outstanding balance of the notes receivable owed to the intermediary.

''(II) REVIEW OF LOAN LOSS RESERVE.—After the initial 5 years of an intermediary's participation in the program authorized by this subsection, the Administrator shall, at the request of the intermediary, conduct a review of the annual loss rate of the intermediary. Any intermediary in operation under this subsection prior to October 1, 1994, that requests a reduction in its loan loss reserve shall be reviewed based on the most recent 5-year period preceding the request.

''(III) REDUCTION OF THE LOAN LOSS RESERVE.—Subject to the requirements of subclause IV, the Administrator may reduce the annual loan loss reserve requirement to reflect the actual average loan loss rate for the intermediary during the preceding 5-year period, except that in no case shall the loan loss reserve be reduced to less than 10 percent of the outstanding balance of the notes receivable owed to the intermediary.

''(IV) REQUIREMENTS.—The Administrator may reduce the annual loan loss reserve requirement of an intermediary only if the intermediary demonstrates to the satisfaction of the Administrator that—

''(aa) the average annual loss rate for the intermediary during the preceding 5-year period is less than 15 percent; and

''(bb) that no other factors exist that may impair the ability of the intermediary to repay all obligations owed to the Administration under this subsection.''.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the

gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, let me begin by thanking my colleague, the ranking member on the Committee on Small Business, the gentlewoman from New York (Ms. Velázquez), for her generous support in moving this bill, as well as thanking the gentleman from Illinois (Mr. DAVIS) for co-managing and bringing this bill with me to the House floor.

Mr. Speaker, the microloan program was established as a pilot program in 1991 and was made permanent in 1997. The program provides small loans, under $25,000, to the Nation's smallest entrepreneurs. These loans are made through intermediaries, SBA-certified and approved nonprofit lending and business development organizations.

These intermediaries borrow funds from the SBA and, in turn, lend those funds to small businesses. In order to protect taxpayer assets, the intermediaries are required to maintain a loss reserve based on the amount of microloans they have outstanding.

When the program was made permanent in 1997, changes were also made to modify the loan loss reserve for microloan intermediaries. That legislation specified microloan borrowers were to maintain a loss reserve of 15 percent of their outstanding microloans for the first 5 years of their participation in the program. After that, intermediaries were to maintain a loss reserve equal to 10 percent of their outstanding loans or twice their loss rate, whichever was greater.

Unfortunately, this provision was interpreted by the Small Business Administration to mean an amount equal to twice an intermediary's aggregate losses. That interpretation created an immense burden on microloan intermediaries. We attempted to fix that problem last year with statutory language similar to H.R. 440. Unfortunately, that failed to pass prior to Congress's adjournment.

H.R. 440 is necessary to correct this interpretation and clearly establish that the loss loan reserve will be 15 percent for the first 5 years for all intermediaries, and that intermediaries may apply for a reduction of that reserve to reflect their actual annual average loss rate, but no less than 10 percent.

The loan loss reserve reduction is to be based on the actual annual average loss rate over a 5-year period. We want to make that legislative history absolutely clear. The committee expects that intermediaries will request such reviews no more than annually, and that such reviews will not affect the SBA's ability to conduct further reviews for oversight and management purposes.

H.R. 440 also replaces the cap on the amount of microloan funds that can be made available to intermediaries in any one State. This cap was originally imposed to ensure that microloan funds would not be used disproportionately in those States with more aggressive microloan programs. As the program has matured, however, the restrictions become unnecessary.

Finally, H.R. 440 will establish a floor for the availability of microloan funds for all States. The availability of these funds is subject to appropriations and the approval of the SBA. In addition, the committee expects any reserve established by the SBA will be held for no more than the first half of the fiscal year.

Mr. Speaker, this bill will have a real impact on the very smallest of businesses in this country seeking start-up financing, and at the end of the day, that is one of our most important jobs.

Let me again thank my colleague, the gentlewoman from New York (Ms. Velázquez) and her staff for their assistance in moving the measure before us.

Mr. Speaker, I urge my colleagues to support H.R. 440, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 440, the Microloan Program Technical Corrections Act, and I commend the gentleman from Missouri (Chairman TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for moving quickly to pass this important legislation.

As a matter of fact, I would further note that it is a pleasure to serve on the Committee on Small Business because of the leadership provided by the gentleman from Missouri (Chairman TALENT) and that of the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

These changes are important for small entrepreneurs because they will allow lenders to make more loans and increase technical assistance. In my district, the Seventh District of Illinois, there are many small businesses eager to take advantage of these resources which are being made available to them.

Everyone agrees that the challenge facing most entrepreneurs is access to capital. However, it is often far more difficult, if not impossible, for many small and very small businesses to get the financing they need. Microborrowers are either very small, start-up, or growth-phased businesses which are unable to meet a lender's collateral or credit requirements.

For this reason, many private lenders consider these borrowers too risky for loan consideration, thus leaving these businesses without the capital to grow and expand.

To address this problem, the Small Business Administration launched the Microloan Pilot Project in 1992. This program was designed to help underserved, start-up, and existing small business owners that did not have access to financing.

Since its beginning, the microloan program has helped countless businesses to start up and to grow. Today, with over 100 participating intermediaries, the small business microloan program is the largest Federal program of its kind. It has a proven track record of giving small businesses the support they need to succeed.

One of the most important aspects of the microloan program is its ability to reach women and other minority groups. This population may need just a small loan to create or expand a business. Often women and minorities do not have the credit history or necessary capital to get a loan from a bank or other traditional channel. This is where the microloan program steps in and provides the necessary tools to help these business owners achieve the American dream. In fact, the microloan program has become a traditional funding source for women entrepreneurs.

This legislation is straightforward. The first thing the Microloan Program Technical Corrections Act of 1999 would do is remove the State formula caps. The caps were put in place in order to ensure equitable distribution of funds, but resulted in just the opposite. By removing the cap, we will be ensuring that all States have access to the program.

By allowing lenders with successful loan portfolios to make more loans and to provide additional technical assistance, today's legislation will only help more microenterprises grow. Providing additional technical assistance to businesses will enable entrepreneurs who are on the threshold of moving forward the opportunity to do so.

Finally, the microloan program has proved invaluable in helping America's small businesses to grow. This bill will give those businesses in these communities access to increased resources to help them grow and further expand. I am indeed pleased that we are moving quickly to pass this crucial legislation, and that we are looking for ways to improve this important program.

Mr. Speaker, I think this is indeed a tremendous piece of legislation that has been brought to us very early in this session. Again, I would commend the gentleman from Missouri (Chairman TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for the expeditious manner in which they have acted.

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

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

Mr. Speaker, I will close by saying I appreciate very much the gentleman's kind words. I really should emphasize what he is saying. This program is very important to the smallest of our entrepreneurs, those just getting started. It

many cases, these are folks who are moving off of lives in some cases of dependency into lives of entrepreneurship. They are the people who need these small loans.

In order to make this program work we have to correct this misperception, as well as make some other technical corrections. So it is a very important bill. I thank the gentleman for his support, and I urge my colleagues to support H.R. 440.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 440, as amended.

The question was taken.

Mr. TALENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PAPERWORK ELIMINATION ACT OF 1999

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 439) 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.

The Clerk read as follows:

H.R. 439

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 ''Paperwork Elimination Act of 1999''.

SEC. 2. PROMOTION OF USE OF ELECTRONIC INFORMATION TECHNOLOGY.

Section 3504(h) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ''; and'', and by adding at the end the following:

''(6) specifically promote the acquisition and use of alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.''.

SEC. 3. ASSIGNMENT OF TASKS AND DEADLINES.

Section 3505(a)(3) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following:

''(D) a description of progress in providing for the acquisition and use of alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures, including the extent to which such progress accomplishes reduction of burden on small businesses or other persons.''.

SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.

(a) PROVIDING FOR USE OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(1)(B) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of clause (ii) and by adding at the end the following:

''(iv) provides to persons required to submit information the option to use, where appropriate, electronic submission, maintenance, or disclosure of information; and''.

(b) PROMOTION OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(3)(C) of title 44, United States Code, is amended by striking ''or'' after the semicolon at the end of clause (ii), by adding ''or'' after the semicolon at the end of clause (iii), and by adding at the end the following:

''(iv) the promotion and optional use, where appropriate, of electronic submission, maintenance, or disclosure of information.''.

(c) USE OF ALTERNATIVE INFORMATION TECHNOLOGIES.—Section 3506(c)(3)(J) of title 44, United States Code, is amended to read as follows:

''(J) to the maximum extent practicable, uses information technology, including alternative information technologies, that provide for electronic submission, maintenance, or disclosure of information, to reduce burden and improve data quality, agency efficiency, and responsiveness to the public.''.

SEC. 5. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION.

Section 3507(a)(1)(D)(ii) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of subclause (V), by adding ''and'' after the semicolon at the end of subclause (VI), and by adding at the end the following:

''(VII) a description of how respondents may, if appropriate, electronically submit, maintain, or disclose information under the collection of information.''.

SEC. 6. RESPONSIVENESS TO CONGRESS.

Section 3514(a)(2) of title 44, United States Code, is amended by striking ''and'' after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ''; and'', and by adding at the end the following:

''(E) reduced the collection of information burden on small businesses and other persons through the use of electronic submission, maintenance, or disclosure of information as a substitute for the use of paper, including—

''(i) a description of instances where such substitution has added to burden; and

''(ii) specific identification of such instances relating to the Internal Revenue Service.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

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

Mr. Speaker, today the House considers H.R. 439, the Paperwork Elimination Act of 1999. This is legislation that is not new to the House. In both the 104th Congress and the 105th Congress virtually identical legislation was considered and overwhelmingly passed. In the 104th Congress, the House passed this bill by a vote of 418 to zero. In the 105th Congress, the House passed this bill by a vote of 395 to zero. I certainly hope we can continue this trend this afternoon.

Before I take a moment to explain the bill, I would like to thank my colleague, the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, as well as the rest of my friends on the Democratic side, for their help in moving this legislation forward. The ranking member and her staff have been very cooperative, and deserve much of the credit for bringing this legislation to the floor.

Mr. Speaker, paperwork burdens are literally strangling the productivity of our Nation's economy, particularly small businesses. Consider the fact that in 1996 the government-wide burden hour estimate reached 6.7 billion hours. That means that Americans spent 6.7 billion, that is ''billion'' with a ''B'', filling out paperwork required by the Federal Government. That figure is up almost 350 percent from the 1.5 billion burden hour estimate in 1980.

As I said a moment ago, paperwork burdens impact our Nation's small businesses particularly hard. A recent study indicated that for companies with fewer than 20 employees, complying with paperwork requirements cost an average of $2,017 per employee per year. For companies with 20 to 499 employees, our small businesses, that cost was almost as much.

For these companies, complying with paperwork requirements cost an average of $1,931 per employee per year. But for companies with 500 employees or more, the costs were much lower. For these companies, complying with paperwork requirements cost an average of $1,086 per employee per year. Clearly, for the sake of our Nation's small businesses, we need to start reducing the overall burden of complying with federally-mandated paperwork.

One of the ways in which we can do this is to enable the Federal Government to take advantage of the Information Age. The Committee on Small Business has recognized the need to encourage the Federal Government to utilize new information technology to reduce the public costs of meeting the Federal government's information needs. Nowhere is this need more acute than in the small business community.

Because small businesses typically do not have the resources to hire employees whose explicit purpose is to deal with paperwork and regulatory requirements, there is a specific need to allow these small businesses, as well as other taxpayers, with access to computers and modems to use them when dealing with the Federal Government. That is the goal that the Paperwork Elimination Act of 1999 is intended to accomplish.

Let me briefly run down exactly what is contained in this legislation. First, it specifically requires the director of the Office of Management and Budget, the OMB, to promote the acquisition and use of electronic transmission of information as a substitute for paper when small businesses and individuals are required to comply with

the information needs of the Federal Government.

Second, it requires the director of OMB to include in the government-wide resources plan that is already maintained a description of progress in providing for the acquisition and use of alternative technologies that provide for electronic transmission of information.

This report is also to include the extent to which the paperwork burden on small businesses and individuals has been reduced as a result of using this technology.

Third, it clearly states the new responsibilities of each Federal agency. It specifically requires each Federal agency to provide the option of electronically transmitting information when complying with their regulations and other information needs.

□ 1445

It also requires each Federal agency to certify to the director of OMB that each collection of information it undertakes has reduced paperwork burdens to the greatest extent possible, particularly on small entities, by allowing for the electronic transmission of data.

Fourth, it prohibits each Federal agency from collecting information until it has first published a notice in the Federal Register describing how respondents may, if they choose, submit the required information electronically.

Finally, it requires the director of OMB, when reporting to Congress, to include a report on how paperwork burdens on small businesses and other persons have been reduced by using electronic transmissions of information as a substitute for paper. Furthermore, it requires this report to describe any instances where the use of electronic transmission of information has added to paperwork burdens and specific identifications of instances relating to the Internal Revenue Service.

Mr. Speaker, before I conclude my statement, I do wish to clarify two items. First, I want to stress that any requirements imposed by this legislation fall on the Federal Government. It is the Federal Government that is required to provide the option of using electronic names to transmit information. No small business or individual will be required to use electronic means to transmit information to the government if he or she does not wish to.

The second item I wish to clarify is how H.R. 439 differs from previous versions of the Paperwork Elimination Act. As I indicated earlier, in both the 104th and 105th Congresses, the House passed by unanimous votes virtually identical versions of H.R. 439. The version that we are considering today has been changed only slightly to reflect a small portion of last year's bill that was included in the Omnibus Appropriations Act, Public Law 105–277, and signed into law. What we are doing today is considering the remaining portions of legislation already passed by the House in previous Congresses but which did not get signed into law. This complements the provision enacted last year and strengthens the underlying statute.

In conclusion, Mr. Speaker, H.R. 439 is not controversial legislation. It is virtually identical to legislation that this House has repeatedly and overwhelmingly passed. I would like to thank the gentleman from Missouri (Mr. TALENT) for his tireless work on this legislation. I would also like to thank once again the gentleman from New Jersey (Mr. PASCRELL), the ranking member; the gentlewoman from New York (Ms. VELÁZQUEZ); and the entire Committee on Small Business and their staffs for the bipartisan work on this legislation. I urge all of my colleagues to support the legislation.

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

Mr. PASCRELL. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank the gentlewoman from New York, our subcommittee chairperson.

Mr. Speaker, as the ranking member on the Subcommittee on Regulatory Reform and Paperwork Reduction of the Committee on Small Business, I rise today to encourage quick passage of the Paperwork Elimination Act of 1999. I believe it is an outstanding piece of legislation that enjoys overwhelming bipartisan support.

During my tenure in the New Jersey legislature, Mr. Speaker, I was on the committee that recommended a reduction in unnecessary regulations, and I think that is one of the reasons why we are here. It is stated in our purpose of being. I believed then, as I do today, that reducing bureaucratic red tape is essential to unlocking the great potential of our small businesses. This will be the third consecutive Congress that this measure was considered. Unfortunately, on the two earlier occasions, the Senate failed to act. I hope as the 106th Congress gets underway, the Senate will join us in passing this legislation and sending it to the President for his signature. It is long overdue, Mr. Speaker.

Small businesses are powerful job creators, both in New Jersey and throughout this great land. Efforts should be made to increase their profitability and productivity, not hinder them, and that is exactly what this common sense measure does.

The importance of small businesses cannot be emphasized enough. The fact is that they are the backbone of our economy. My State of New Jersey is a great example. Of the 213,000 full-time business firms with employees in our State, 98.5 percent are small businesses. The income of small businesses, including sole proprietors and partnerships, rose 4½ percent to $16.4 billion in 1998.

Small businesses in any State are leading our economic growth, particularly in the last 4 or 5 years. Of the over 17 million new jobs created over the past 6 years, close to 80 percent have come not from our Fortune 500 companies, but from those small businesses that we see in our neighborhoods, day in and day out.

Despite this growth, the problem of red tape is clear. It has been estimated, and the gentlewoman from New York pointed out quite succinctly, that the American public spends an amount of time and effort equal to $510 billion, 9 percent of the gross domestic product, in order to meet the Federal Government's information needs. To suit our purposes, what we require in paperwork now amounts to 9 percent of the gross domestic product. I find that to be quite unbelievable, but true.

Small businesses bear a disproportionate share of these costs. To use an extreme example, some small businesses are required to file forms with up to 50 different Federal, State and local agencies. We think we understand what that means, and I think I do, but no one understands it unless they are a small businessperson doing it. That is an incredible fact of life.

That is one of our purposes for being here, is to shrink the arm of government. It is too long, goes into our productivity, and goes into the profits of small businesses. These bureaucratic demands can literally strangle a small business. The small business entrepreneur needs to focus on expansion, customer service and the bottom line, not on filling out paperwork for hours upon hours to keep some other bureaucrat in business.

The aim of this Paperwork Elimination Act is to maximize economic growth by minimizing the burden of Federal paperwork demands. It does this through the use of electronic information technology. The bill before us will reduce this burden by requiring all Federal agencies to provide the option of electronic submission of information to all those who must comply with Federal regulations.

As we approach the 21st century, the technological advances that are now commonplace in the private sector should be an integral part of the way our Federal agencies do business. It is important to remember that the measure will in no way hinder the ability of small businesses and individuals without access to computers or modems to comply with Federal paperwork requirements. The measure merely requires Federal agencies to provide an electronic option to those who desire it. This legislation is not a mandate on small business and there is no requirement that a small business needs to computerize. This is a win-win situation for everyone involved.

Small businesses, Mr. Speaker, play a critical role in our economy and have been an integral part of the economic growth we have enjoyed in recent years. Before us is sound legislation which allows small businesses to focus on job creation, to focus on productivity, and to focus on expansion while

bringing the Federal Government into the information age. I strongly urge my colleagues to support this legislation.

I want to commend the chair of our subcommittee, and the overall chair, the gentleman from Missouri (Mr. TALENT).

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank the gentleman from New Jersey for yielding this time to me. I would also like to thank the committee for entertaining the idea that resources and technical assistance should be made available to what I call micro businesses, that is small barbershops, beauty parlors, restaurants, and other businesses that may not have the resource on site to file electronically.

Mr. Speaker, I rise today in support of the Paperwork Elimination Act of 1999, introduced by the gentleman from Missouri (Mr. TALENT). Two years ago Congress passed the Paperwork Reduction Act, which mandated fixed percentage cuts in paperwork burden over the next few years. We passed that legislation to unleash our Nation's small businesses from the colossal amounts of paperwork which we know that they face. H.R. 439 intends to lessen some of the burden.

Today, technological advances have improved our travel time to and fro and made trade and money almost effortless. I ask why not apply the same technology to help our Nation's 22 million small businesses? This legislation urges the Federal Government to disseminate and receive information electronically, where appropriate, thereby increasing responsiveness. It will minimize the Federal paperwork burden of individuals, small businesses and State and local governments. It will maximize the usefulness of information collected by the Federal Government, and will minimize the costs carried by the Federal Government of collecting, maintaining, using and distributing information.

Again, I join with those who are in favor of this legislation. I think it is obviously an idea whose time has come, and I am certain, without a doubt, that all of the small businesses in America, especially those who labor spending as much time filling out forms as they do trying to make money, will rise up and say to this Congress, well done.

Mr. PASCRELL. Mr. Speaker, I yield myself such time as I may consume. I want to thank the Speaker for indulging us, and thank the gentlewoman from New York (Mrs. KELLY) and also the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

One final point, Mr. Speaker, if I may. We have had three bills from out of the Committee on Small Business, all bipartisan. I think this is an example of the direction we should be going, and if we can do it, everybody else can do it. So I salute the majority party and I salute the chairman and subcommittee chairs for doing this. I think this is very important; significant. Not only the bill itself, Mr. Speaker, but what we are attempting to do in our committee.

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

Mrs. KELLY. Mr. Speaker, I yield myself the balance of my time.

Let me conclude by saying that this legislation is consistent with what the House has passed in previous Congresses. I urge everyone to support this bill, and I am delighted to have those kind words from my colleague from New Jersey.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 439.

The question was taken.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 439 and H.R. 440.

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

There was no objection.

□ 1500

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

The Clerk read as follows:

H.R. 435

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 1999''.

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

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking ''LIMITATION ON APPOINTMENTS.—''; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking ''For purposes of'' and all that follows through ''90-day period'' and inserting ''For purposes of sections 203(c) and 407(c)(2), the 90-day period''.

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

''(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.''.

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking ''481(e)'' and inserting ''489''; and

(B) by inserting ''(22 U.S.C. 2291h)'' after ''1961''.

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking ''481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))'' and inserting ''489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)''.

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking ''and'' after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

''TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

''Sec. 801. Short title.
''Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.
''Sec. 803. Sugar quota.
''Sec. 804. Progress reports.
''Sec. 805. Definitions.''.

(b) OTHER TRADE LAWS.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking ''subsection (a)(1) through (a)(8)'' and inserting ''paragraphs (1) through (8) of subsection (a)''; and

(ii) in subparagraph (C)(ii)(I) by striking ''paragraph (A)(i)'' and inserting ''subparagraph (A)(i)''.

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the ''Foreign Trade Zones Act'') (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the ''Foreign Trade Zones Act'') (19 U.S.C. 81i) is amended by striking ''Post Office Department, the Public Health Service, the Bureau of Immigration'' and inserting ''United States Postal Service, the Public Health Service, the Immigration and Naturalization Service''.

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking ''Special Representative'' and inserting ''Trade Representative''; and

(B) by inserting after the items relating to subtitle D of title IV the following:

''Subtitle E—Standards and Measures Under the North American Free Trade Agreement

''CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

''Sec. 461. General.
''Sec. 462. Inquiry point.
''Sec. 463. Chapter definitions.

''CHAPTER 2—STANDARDS-RELATED MEASURES

''Sec. 471. General.
''Sec. 472. Inquiry point.
''Sec. 473. Chapter definitions.

''CHAPTER 3—SUBTITLE DEFINITIONS

''Sec. 481. Definitions.

''Subtitle F—International Standard-Setting Activities

''Sec. 491. Notice of United States participation in international standard-setting activities.
''Sec. 492. Equivalence determinations.
''Sec. 493. Definitions.''.

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking ''631(a)'' and ''1631(a)'' and inserting ''631'' and ''1631'', respectively.

(B) Section 50(c)(2) of such Act is amended by striking ''applied to entry'' and inserting ''applied to such entry''.

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking ''102(17) and 102(15), respectively, of the Controlled Substances Act'' and inserting ''102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))''; and

(B) in paragraph (3)—

(i) by striking ''or which consists of any spirits,'' and all that follows through ''be not shown,''; and

(ii) by striking '', and, if any manifested merchandise'' and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking ''disclosure within 30 days'' and inserting ''disclosure, or within 30 days''.

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking ''(c)'' each place it appears and inserting ''(h)''.

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking ''general most-favored-nation (MFN)'' and by inserting in lieu thereof ''general or normal trade relations (NTR)''.

SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking ''General Agreement on Tariffs and Trade'' and inserting ''GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)'' ; and

(B) in paragraph (5) by striking ''General Agreement on Tariffs and Trade'' and inserting ''WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)''.

(2) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking ''Contracting Parties to the General Agreement on Tariffs and Trade'' and inserting ''Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)''.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n–2(b)) is amended—

(1) in paragraph (1)(A) by striking ''General Agreement on Tariffs and Trade or Article 10'' and all that follows through ''Trade'' and inserting ''GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act''; and

(2) in paragraph (2)(B) by striking ''Article 6'' and all that follows through ''Trade'' and inserting ''Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)''.

(c) BRETTON WOODS AGREEMENTS ACT.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking ''GATT Secretariat'' and inserting ''Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)''.

(d) FISHERMEN'S PROTECTIVE ACT OF 1967.—Section 8(a)(4) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking ''General Agreement on Tariffs and Trade'' and inserting ''World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)''.

(e) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking ''contracting party to the General Agreement on Tariffs and Trade'' and inserting ''WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)''; and

(2) by striking ''latter organization'' and inserting ''World Trade Organization (as defined in section 2(8) of that Act)''.

(f) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking ''Agreement on Interpretation'' and all that follows through ''trade negotiations'' and inserting ''Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement''.

(g) ENERGY POLICY ACT OF 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking ''General Agreement on Tariffs and Trade'' and inserting ''multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)''; and

(B) by striking ''United States-Canada Free Trade Agreement'' and inserting ''North American Free Trade Agreement''.

(2) Section 1017(c) of such Act (42 U.S.C. 2296b–6(c)) is amended—

(A) by striking ''General Agreement on Tariffs and Trade'' and inserting ''multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)''; and

(B) by striking ''United States-Canada Free Trade Agreement'' and inserting ''North American Free Trade Agreement''.

(h) ENERGY POLICY CONSERVATION ACT.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking ''General Agreement on Tariffs and Trade'' each place it appears and inserting ''multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act''.

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking ''General Agreement on Tariffs and Trade'' and inserting ''multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)''.

SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking ''33.02 cm'' in the article description and inserting ''34.29 cm'':

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act,

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry, and

(C) that is—

(i) unliquidated,

(ii) under protest, or

(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-*P*-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.90	Diiodomethyl-*p*-tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2102. RACEMIC dl-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.06	Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356–70–4) (provided for in subheading 2906.11.00)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHY- DROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.28	2,4-Dichloro-5-hydrazinophenol monohy drochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2104. TAB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004–78–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.31.12	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3′-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.31.13	3-Methoxycarbonylamino-phenyl-3′-methylcarbanilate (phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.31.14	3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.91	2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESUL- FONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.31	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2111. 3-AMINO-2′-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.90	3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315–20–6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671–49–4) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121–66–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121–18–6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118–33–2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2119. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.20	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2122. TANNIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.01	Tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693–53–9) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346–51–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96–75–3) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2129. PIGMENT YELLOW 151.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.04	Pigment Yellow 151 (CAS No. 031837–42–0) (provided for in subheading 3204.17.90)	6.4%	No change	No change	On or before 12/31/2001	’’.

SEC. 2130. PIGMENT YELLOW 181.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.17	Pigment Yellow 181 (CAS No. 074441–05–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2131. PIGMENT YELLOW 154.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.18	Pigment Yellow 154 (CAS No. 068134–22–5) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2132. PIGMENT YELLOW 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.19	Pigment Yellow 175 (CAS No. 035636–63–6) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2133. PIGMENT YELLOW 180.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.20	Pigment Yellow 180 (CAS No. 77804–81–0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2134. PIGMENT YELLOW 191.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.21	Pigment Yellow 191 (CAS No. 129423–54–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2135. PIGMENT RED 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

‘‘	9902.32.22	Pigment Red 187 (CAS No. 59487–23–9) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2136. PIGMENT RED 247.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.23	Pigment Red 247 (CAS No. 43035-18-3) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2137. PIGMENT ORANGE 72.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.24	Pigment Orange 72 (CAS No. 78245–94–0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2138. PIGMENT YELLOW 16.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.25	Pigment Yellow 16 (CAS No. 5979–28–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2139. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

‘‘	9902.32.26	Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2140. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.27	Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2141. PIGMENT RED 188.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.28	Pigment Red 188 (CAS No. 61847–48–1) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2142. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828–00–2) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2143. β-BROMO-β-NITROSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.92	β-Bromo-β-nitrostyrene (CAS No. 7166–19–0) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2144. TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2145. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.30.18	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2146. DICLOFOP-METHYL.

Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

''	9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338–27–3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2147. RESMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.29	([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2148. N-PHENYL-N'-1,2,3-THIADIAZOL-5-YLUREA.

Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

''	9902.30.17	N-phenyl-N′-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2149. (1R,3S)3[(1′RS)(1′,2′,2′,2′,-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)-α-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.19	(1R,3S)3[(1′RS)(1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2150. PIGMENT YELLOW 109.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.00	Pigment Yellow 109 (CAS No. 106276–79–3) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2151. PIGMENT YELLOW 110.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.05	Pigment Yellow 110 (CAS No. 106276–80–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2152. PIGMENT RED 177.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.30.58	Pigment Red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2153. TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.20	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2154. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.70.06	Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2155. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.14	2-Methyl-4,6- bis[(octylthio) methyl]phenol (CAS No. 110553–27–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2156. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.12	2-Methyl-4,6- bis[(octylthio) methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2157. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO] -2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991–84–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2158. (2-BENZOTHIAZOLYLTHIO)BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.31	(2-Benzothiazolylthio)butanedioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2159. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.16	Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140–91–2) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2160. 4-METHYL-γ-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.26	4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2161. WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams	3.3%	No change	No change	On or before 12/31/2001	''.

SEC. 2162. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2163. DEMT.

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

''	9902.32.12	N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2164. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	6%	No change	No change	On or before 12/31/2001	''.

SEC. 2165. 2H–3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.56	2H–3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598–52–4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2166. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.32	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2167. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2168. CERTAIN ORGANIC PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2169. 4-HEXYLRESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2170. CERTAIN SENSITIZING DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.37	Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2171. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2172. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutylnaphthalenesulfonic acid, sodium salt (CAS No. 25638–17–9) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2173. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512–33–9) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2174. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPY-RIMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2175. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADI-AZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2176. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.52	Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2177. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-Chloro-phenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl- methyl]-1H-1,2,4-triazole (CAS No. 119446-68-3) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2178. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2179. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2180. CHLOROACETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.11	Chloroacetone (CAS No. 78–95–5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2181. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.60	Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–2) (provided for in subheading 2933.40.30)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2182. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2183. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.18	Mucochloric acid (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2184. CERTAIN ROCKET ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2185. PIGMENT RED 144.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.11	Pigment Red 144 (CAS No. 5280–78–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2186. PIGMENT ORANGE 64.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.09	Pigment Orange 64 (CAS No. 72102–84–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2187. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.08	Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2188. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.13	Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2189. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B] [1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2190. 4-CHLOROPYRIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2191. 4-PHENOXYPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.35	4-Phenoxypyridine (CAS No. 4783–86–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2192. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915–43–5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/2001	’’.

SEC. 2193. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLI-NONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.37	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	’’.

SEC. 2194. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.38	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149–76–6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	’’.

SEC. 2195. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575–17–6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2196. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4-(1H)-QUINAZOLINONE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2197. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899–58–9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2198. [R-(R*,R*)]-1,2,3,4-BUTANETETROL-1,4-DIMETH- ANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2199. 9-[2- [[BIS[(PIVALOYLOXY) METHOXY]PHOS- PHINYL]METHOXY] ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.01	9-[2- [[Bis[(pivaloyloxy)-methoxy]phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340–99–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2200. 9-[2-(R)-[[BIS[(ISOPROPOXYCARBONYL)OXY- METHOXY]-PHOSPHINOYL]METHOXY]-PROPYL]ADENINE FUMARATE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.02	9-[2-(R)-[[Bis[(isopropoxy- carbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1) (CAS No. 202138-50-9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2201. (R)-9-(2-PHOSPHONOMETHOXYPROPYL)ADE- NINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.03	(R)-9-(2-Phosphono-methoxypropyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2202. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606–55–6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2203. 9-(2-HYDROXYETHYL)ADENINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2204. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino-α-methyl- (CAS No. 14047–28–0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2205. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2206. (R)-1,2-PROPANEDIOL, 3-CHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090–45–6) (provided for in subheading 2905.50.60)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2207. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.09	Oxirane, (S)- ((triphenylmethoxy)methyl)- (CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2208. CHLOROMETHYL PIVALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.10	Chloromethyl pivalate (CAS No. 18997–19–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2209. DIETHYL (((P-TOLUENESULFONYL)OXY)- METHYL)PHOSPHONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.11	Diethyl (((p- toluenesulfonyl)oxy)- methyl)phosphonate (CAS No. 31618–90–3) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2210. BETA HYDROXYALKYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.25	N,N,N’,N’-Tetrakis-(2-hydroxy-ethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334–25–4) (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2211. GRILAMID TR90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.12	Dodecanedioic acid, polymer with 4,4¹-methylenebis (2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2212. IN–W4280.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.51	2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807–21–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2213. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.54	Methyl 4- trifluoromethoxyphenyl-N- (chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2214. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.55	Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2215. DPX–E6758.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.59	Phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392-03-0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2216. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.68	Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50)	3.3%	No change	No change	On or before 12/31/2001	’’.

SEC. 2217. 3-MERCAPTO-D-VALINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.66	3-Mercapto-D-valine (CAS No. 52–67–5) (provided for in subheading 2930.90.45)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2218. P-ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.31.21	p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2219. PANTERA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.09	(+/−)- Tetrahydrofurfuryl (R)-2[4-(6-chloroquinoxalin-2-yloxy)phenoxy] propanoate (CAS No. 119738–06–6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2220. P-NITROBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.70	p-Nitrobenzoic acid (CAS No. 62–23–7) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2221. P-TOLUENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.95	p-Toluenesulfonamide (CAS No. 70–55–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2222. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2223. METHYL 2-[[[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRI- FLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]AMINO]- CARBONYL]AMINO]SULFONYL]-3-METHYL- BENZOATE (TRIFLUSULFURON METHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.11	Methyl 2-[[[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]amino]carbonyl]-amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2224. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2001	
	9902.84.81	Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
	9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2225. TEXTURED ROLLED GLASS SHEETS.

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

''	9902.70.03	Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2226. CERTAIN HIV DRUG SUBSTANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.32.43	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057–17–0)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	
	9902.32.44	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537–30–4)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	
	9902.32.45	(3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163–81–8)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99	''.

SEC. 2227. RIMSULFURON.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.60	N-[[(4,6-Dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931–48–0) (provided for in subheading 2935.00.75)	7.3%	No change	No change	On or before 12/31/99	''.

(b) RATE FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—
(1) by striking ''7.3%'' and inserting ''Free''; and
(2) by striking ''12/31/99'' and inserting ''12/31/2000''.
(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2228. CARBAMIC ACID (V–9069).

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.61	((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006–94–7) (provided for in subheading 2935.00.75)	8.3%	No change	No change	On or before 12/31/99	''.

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—
(1) by striking ''8.3%'' and inserting ''7.6%''; and
(2) by striking ''12/31/99'' and inserting ''12/31/2000''.
(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2229. DPX–E9260.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.33.63	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671–01–9) (provided for in subheading 2935.00.75)	6%	No change	No change	On or before 12/31/99	''.

(b) RATE ADJUSTMENT.—Heading 9902.33.63, as added by subsection (a), is amended—
(1) by striking ''6%'' and inserting ''5.3%''; and
(2) by striking ''12/31/99'' and inserting ''12/31/2000''.
(c) EFFECTIVE DATES.—
(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.
(2) ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2230. ZIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.38.28	Ziram (provided for in subheading 3808.20.28)	Free	No change	No change	On or before 12/31/2001	''.

SEC. 2231. FERROBORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.72.02	Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2232. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRA- HYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]- THIO]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.66	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo- [3,4-a]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester (CAS No. 117337–19–6) (provided for in subheading 2934.90.15)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2233. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI- CARBOXIMIDO)-4-FLUOROPHENOXY]ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.66	Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2234. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.67	Bentazon (3-Isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723–80–3) (provided for in subheading 2934.90.11)	5.0%	No change	No change	On or before 12/31/2001	’’.

SEC. 2235. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2236. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.21	Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2237. 5-TERT-BUTYL-ISOPHTHALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.12	5-tert-Butyl-iso-phthalic acid (CAS No. 2359–09–3) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2238. CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.07	A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1); and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211-00-0) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2001	’’.

SEC. 2239. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.33.16	2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2001	’’.

CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

Subtitle B—Other Trade Provisions

SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

‘‘3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

‘‘(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

‘‘(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

‘‘(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be ‘units’ for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

‘‘(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of the enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.’’.

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting ‘‘and additional U.S. note 3(e) of chapter 71,’’ after ‘‘Tax Reform Act of 1986,’’.

(c) EFFECTIVE DATE.—The amendments made by this section take effect 45 days after the date of the enactment of this Act.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: ‘‘The term ‘instruments and apparatus’ under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.’’.

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

‘‘(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

‘‘(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

‘‘(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.’’.

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A–274–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86–2909242	9/2/86	New Orleans, Louisiana
87–05457388	1/9/87	New Orleans, Louisiana

SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking ''Packaging material'' and inserting the following:

''(1) IN GENERAL.—Packaging material''; and

(2) by adding at the end the following:

''(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

''(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.''.

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

''SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

''(b) DEFINITION.—As used in this section, the term 'large yacht' means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

''(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

''(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

''(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

''(d) PROCEDURES UPON SALE.—

''(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

''(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

''(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

''(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

''(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

''(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

''(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

''(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

''(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: ''Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.''.

SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting ''(including any merchandise processing fees)'' after ''excess duties''.

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking ''section 520(c)'' and inserting ''subsection (c) or (d) of section 520''.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting ''(including international travel merchandise)'' after ''Any merchandise subject to duty''.

SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

''(7) EXCLUSIONS FROM COMPUTATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

''(B) APPLICATION OF EXCLUSION.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.''.

SEC. 2411. WATER RESISTANT WOOL TROUSERS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

SEC. 2412. REIMPORTATION OF CERTAIN GOODS.

(a) IN GENERAL.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

‘‘	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation	Free			Free	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of enactment of this Act.

SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women’s World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow	Free	No change	Free	On or before 12/31/2002	’’.

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) NO EXEMPTION FROM CUSTOMS INSPECTIONS.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112–9638417–3	02/21/97
01/10/97	112–9637684–9	03/07/97
01/03/97	112–9636723–6	04/18/97
01/10/97	112–9637686–4	03/07/97
02/21/97	112–9642157–9	09/12/97
02/14/97	112–9641619–9	06/06/97
02/14/97	112–9641693–4	06/06/97
02/21/97	112–9642156–1	09/12/97
02/28/97	112–9643326–9	09/12/97
03/18/97	112–9645336–6	09/19/97
03/21/97	112–9645682–3	09/19/97
03/21/97	112–9645681–5	09/19/97
03/21/97	112–9645698–9	09/19/97
03/14/97	112–9645041–2	09/19/97
03/20/97	112–9646075–9	09/19/97
04/04/97	112–9647309–1	09/19/97
04/04/97	112–9647312–5	09/19/97
04/04/97	112–9647316–6	09/19/97
04/11/97	112–9300151–5	10/31/97
04/11/97	112–9300287–7	09/26/97
04/11/97	112–9300308–1	02/20/98
04/10/97	112–9300356–0	09/26/97
04/16/97	112–9301387–4	09/26/97
04/22/97	112–9301602–6	09/26/97
04/18/97	112–9301627–3	09/26/97
04/25/97	112–9301615–8	09/26/97
04/25/97	112–9302445–9	10/31/97
04/25/97	112–9302298–2	09/26/97

Date of entry	Entry number	Liquidation date
04/04/97	112–9302371–7	09/26/97
05/30/97	112–9306718–5	09/26/97
05/19/97	112–9304958–9	09/26/97
05/16/97	112–9305030–6	09/26/97
05/09/97	112–9303707–1	09/26/97
05/31/97	112–9306470–3	09/26/97
05/02/97	112–9302717–1	09/19/97
06/20/97	112–9308793–6	09/26/97

SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86–126(M) and Customs Service Ruling No. 224697, dated November 17, 1994.

(b) ENTRIES DESCRIBED.—The entries described in this subsection are the following:

Entry number:	Date of entry:
855218319	July 18, 1985
855218429	August 15, 1985
855218649	September 13, 1985
866000134	October 4, 1985
866000257	November 14, 1985
866000299	December 9, 1985
866000451	January 14, 1986
866001052	February 13, 1986
866001133	March 7, 1986
866001269	April 9, 1986
866001366	May 9, 1986
866001463	June 6, 1986
866001573	July 7, 1986
866001586	July 7, 1986
866001599	July 7, 1986
866001913	August 8, 1986
866002255	September 10, 1986
866002297	September 23, 1986
03200000010	October 3, 1986
03200000028	November 13, 1986
03200000036	November 26, 1986.

SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after ''stamping'' and inserting ''(including by means of indelible ink),''.

SEC. 2417. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following new subparagraph:

''(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory.''.

SEC. 2418. CUSTOMS USER FEES.

(a) ADDITIONAL PRECLEARANCE ACTIVITIES.—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

''(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services.''.

(b) COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a), by amending paragraph (5) to read as follows:

''(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), $5.

''(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, $1.75''; and

(2) in subsection (b)(1)(A), by striking ''(A) No fee'' and inserting ''(A) Except as provided in subsection (a)(5)(B) of this section, no fee''.

(c) USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

''(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), $50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended.''.

(d) ADVISORY COMMITTEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

''(k) ADVISORY COMMITTEE.—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties.''.

(e) NATIONAL CUSTOMS AUTOMATION TEST REGARDING RECONCILIATION.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: ''For the period beginning on October 1, 1998, and ending on the date on which the 'Revised National Customs Automation Test Regarding Reconciliation' of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER (''MTBE'').

(a) IN GENERAL.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking ''and 2902'' and inserting ''2902, and 2909.19.14''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply to drawback claims filed on and after such date.

SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) IN GENERAL.—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking ''the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant.'' and inserting ''drawback shall be allowed as described in paragraph (4).''.

(b) REQUIREMENTS.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking ''the qualified article'' each place it appears and inserting ''a qualified article''; and

(B) in clause (iv), by striking ''an imported' and inserting ''a''; and

(2) in subparagraph (G), by inserting ''transferor,'' after ''importer,''.

(c) QUALIFIED ARTICLE DEFINED, ETC.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking ''liquids, pastes, powders, granules, and flakes'' and inserting ''the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States''; and

(B) in clause (ii)—

(i) in subclause (I) by striking ''or'' at the end;

(ii) in subclause (II) by striking the period and inserting '', or''; and

(iii) by adding after subclause (II) the following:

''(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact.'';

(2) in subparagraph (B), by striking ''exported article'' and inserting ''article, including an imported, manufactured, substituted, or exported article,''; and

(3) in the first sentence of subparagraph (C), by striking ''such article.'' and inserting ''either the qualified article or the exported article.''.

(d) LIMITATION ON DRAWBACK.—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: ''had the claim qualified for drawback under subsection (j)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year

requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of the enactment of this Act for which that 3-year period would have expired.

SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified under the special column rate applicable for Canada in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States—

(1) shall be liquidated or reliquidated as if the special column rate applicable for Canada in subheading 1904.10.00 of such Schedule applied at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) AFTER DECEMBER 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of mueslix cereal, which was classified in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of special column rate applicable for Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

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

''(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply either to—

''(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

''(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1997.''.

(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking ''subsection (h)'' and inserting ''subsection (i)''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.

(a) FINDINGS.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliamentary, thereby solidifying the nation's transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.

(a) IN GENERAL.—The Commissioner of the Customs Service is authorized to establish a pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) AIRPORT DESCRIBED.—The international airport described in this subsection is a multi-modal international airport that—

(1) is located near a seaport; and

(2) serviced more than 185,000 tons of air cargo in 1997.

SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriquez attending the Antilles Consolidated School System at Ford Buchanan, Puerto Rico, to complete their primary and secondary education at this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking '', or acquires from the taxpayer property subject to a liability''.

(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking ''or acquired from the taxpayer property subject to a liability''.

(3) SECTION 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking '', or the fact that property acquired is subject to a liability,''.

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking '', and the amount of any liability to which any property acquired from the acquiring corporation is subject,''.

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

''(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

''(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

''(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

''(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

''(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy, or

''(B) the fair market value of such other assets (determined without regard to section 7701(g)).

''(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.''

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

''(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

''(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

''(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

''(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

''(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.''.

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking '', and the fact that any property transferred by the common trust fund is subject to a liability,'' in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

''(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

''(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.''

(2) SECTION 1031.—The last sentence of section 1031(d) of such Code is amended—

(A) by striking ''assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability'' and inserting ''assumed (as determined under section 357(d)) a liability of the taxpayer''; and

(B) by striking ''or acquisition (in the amount of the liability)''.

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking '', or acquires property subject to a liability,''.

(2) Section 357 of such Code is amended by striking ''or acquisition'' each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking ''or acquired''.

(4) Section 357(c)(1) of such Code is amended by striking '', plus the amount of the liabilities to which the property is subject,''.

(5) Section 357(c)(3) of such Code is amended by striking ''or to which the property transferred is subject''.

(6) Section 358(d)(1) of such Code is amended by striking ''or acquisition (in the amount of the liability)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 18, 1998.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 435.

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

There was no objection.

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

Mr. Speaker, today I join my colleagues in reintroducing the Miscellaneous Trade and Technical Corrections Act of 1999.

We introduced this legislation on January 19, 1999, as H.R. 326. This legislation is a package of miscellaneous trade provisions and other technical and clerical corrections to the trade laws. This package introduced today contains a revenue provision which was not contained in H.R. 326.

This bill, including the revenue provision, is essentially identical to H.R. 4856 that the House passed in the 105th Congress on October 20, 1998, and which received broad support in both the House and the Senate in the last Congress. Unfortunately, the Senate failed to act on H.R. 4856 on the last day before Congress adjourned because of issues totally unrelated to the substance of the bill.

This bill contains over 140 provisions temporarily suspending or reducing duties on a wide variety of products. A number of the duty suspensions relate to different chemicals to make anti-HIV, anti-AIDS and anti-cancer drugs.

In each instance, there was either no domestic production of the product involved or the domestic producers supported the measure. By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and function more cost efficiently. This would help create jobs for American workers as well as reduce costs for consumers.

This bill also contains a number of technical trade corrections and miscellaneous trade provisions that receive broad bipartisan support. One technical trade provision would correct outdated references in the trade laws. Other provisions would extend trade benefits to jewelry makers in the insular possessions of the United States, provide duty-free treatment to participants and individuals associated with world athletic events, including the 1999 Women's World Cup Soccer, which, incidentally, will be held in our home State of Illinois, Mr. Speaker.

Other provisions refer to a wide variety of trade issues, including Customs preclearance activities and Customs user fees. This package of trade bills had been thoroughly evaluated and commented on by all concerned parties, including the U.S. Customs Service, the Department of Commerce, the International Trade Commission, the United States Trade Representative, and firms which may be affected by a tariff suspension on a product they produce domestically. The provisions that remain in the bill are completely uncontroversial.

Accordingly, I urge my colleagues to support this package and pass this legislation.

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

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

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

Mr. Speaker, the gentleman from Illinois (Mr. CRANE) has very thoroughly explained the provisions of the bill and we have thoroughly reviewed it on our side of the aisle to ensure that it does not adversely affect U.S. consumers or U.S. industry. We support the bill.

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

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. RAMSTAD).

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

Mr. RAMSTAD. Mr. Speaker, I thank my distinguished chairman, the gentleman from Illinois (Mr. CRANE) for yielding me time.

Mr. Speaker, I rise in strong support of the bill before us today. This critical legislation contains two very important provisions to lower prices for consumers and increase trade to and from Minnesota, as well as the rest of the Nation.

The first provision is based on H.R. 411, which I introduced, to correct an error in the tariff classification code for 13-inch televisions which is driving up costs considerably for consumers. Despite the fact that a reduced tariff rate which was implemented in 1995 was supposed to apply to traditional 13-inch monitors, manufacturers and importers were notified in 1997 that Customs would begin reclassifying them at the higher duty rate for televisions of 19 inches and larger due to a simple error.

As a strong free trader, I thank the gentleman from Illinois (Mr. CRANE) for including this important provision to correct this error and lower prices for consumers by reducing import duties. This means $28 million in savings to consumers, Mr. Speaker.

The second provision, based on legislation the gentleman from Illinois (Mr. CRANE) and I introduced last year, would allow the Customs Service to access funds in the user fee accounts and enhance inspector staffing and equipment at preclearance service locations in foreign countries. This is important because if Customs eliminates these positions, preclearance for passengers to the United States will slow, travel will be disrupted in the tourism industry, and many states will suffer.

Allowing the preclearance services to continue means a great deal to many

employers in my district, the Third District of Minnesota, including the Mall of America. By the way, Mr. Speaker, the Mall of America attracts more visitors each year than Disney World, Graceland, and the Grand Canyon combined. Just a little plug, Mr. Speaker.

The Customs Service has said there are insufficient resources in its salaries and expenses account to fund the enhanced preclearance positions. So this bill gives access to that account without any additional cost to taxpayers.

Commissioner Banks testified before the Committee on Ways and Means in support of the bill, and the airline industry supports it as well. So I appreciate strong support of the body on both sides for this important legislation.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague from our home State of Illinois (Mr. WELLER).

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

Mr. WELLER. Mr. Speaker, I wish to thank the chairman, the gentleman from Illinois (Mr. CRANE), my friend and the chairman of the Subcommittee on Trade, for the opportunity to address this legislation. I also want to thank the chairman and the ranking member for their leadership in bringing this important legislation before the House today.

Mr. Speaker, this trade bill before us I would like to note includes two important provisions from H.R. 4190 and H.R. 4191, legislation I introduced last year, which suspends duties on the importation of pharmaceuticals which inhibit cancer and the spread of HIV and AIDS. This is compassionate legislation, intended to help reduce the cost of treating AIDS and cancer for thousands of American families.

Every year thousands of American men, women and children fall victim to these deadly diseases. 1997, the last year for which we have national statistics, almost 17,000 new cases of HIV and AIDS were added to the epidemic, making the total number of victims almost 600,000 nationwide.

The average cost of treating someone with HIV or AIDS is approximately $17,500 and lifetime costs of almost $100,000. Additionally, this cost suspends the duties on important cancer inhibitors. We have made great strides in identifying new carcinogens and reducing the number of new cancer victims. However, well over four million new cases are identified every year at an astronomical emotional as well as financial cost to our families as well as our Nation.

The average cost of treating breast cancer alone is $37,000, not to mention the lost cost in emotion as well as wages and lost productivity.

This is compassionate legislation. I very much want to commend my friend, the gentleman from Illinois (Mr. CRANE), for his leadership in including this important legislation to help the victims of HIV and AIDS and cancer. Here in this very simple free trade act we can help the victims of HIV and cancer and lay the groundwork that will help this Nation, particularly the Nation's medical community, stem this insipid tide.

I want to thank the chairman for including this compassionate initiative today. This is an important step forward. I ask for bipartisan support for this measure.

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

Mr. MCNULTY. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

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

Mr. Speaker, I want to commend my colleague on the other side of the aisle. As I told him before we started our colloquy here, that we have been blessed by enjoying probably the greatest degree of collegiality on trade issues of anything that comes before this floor. So I salute the gentleman from New York (Mr. MCNULTY).

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), our distinguished colleague on the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman, the gentleman from Illinois (Mr. CRANE), for yielding this time to me.

Mr. Speaker, I want to speak briefly on H.R. 435. While it is a bill that is on the floor under suspension of the rules, which simply means that it is not controversial, that does not mean that it is not vitally important to many workers throughout this country.

While H.R. 435 contains many worthy provisions, I am particularly pleased that two sections, which I drafted, were included in this legislation. These two sections concern renewing the Customs user fee and language that would benefit domestic boat shows, respectively. As my colleagues may recall, in 1997, the Customs user fee expired and thereby caused a possible diminution in Customs inspectors at Florida ports where the fee was being collected.

To avoid disruption of the cruise ship industry, Congress passed a bill I introduced, H.R. 3034, which preserved Customs inspections in Florida for fiscal year 1998, but 1998 only. Now that we are well into a new fiscal year, Customs inspectors serving Florida cruise ships are again in jeopardy. Passage of H.R. 435 today will ensure that Customs inspectors at Florida ports are preserved and it will also allow the cruise ship industry to schedule new cruises without being impeded by a shortage of manpower at Customs.

While this legislation is good news for Florida, I am especially pleased that an agreement has been reached to reduce the price of the Customs user fee to $1.75. As my colleagues may recall, at one time the fee was as high as $6.50. At this new level, few can consider the Customs fee burdensome or unreasonable in any respect.

The cruise ship business is an important component of Florida's tourism industry. If Florida were to lose Customs inspectors, it would cause grievous harm to my State's economy. Enactment of the bill under consideration today will preserve job layoffs, disruptions and financial losses in this vital industry.

I am also pleased that the amended text of H.R. 2770, a bill that I introduced in the last Congress, was included in this bill. This legislation would defer the duty on large yachts imported for sale at boat shows in the United States. Boat shows are important generators of economic activities and this legislation will promote greater commerce in the yachting industry.

Mr. Speaker, I would urge all of my colleagues to support H.R. 435.

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

Mr. MCNULTY. Mr. Speaker, I yield 5 minutes to my dear friend, the gentleman from California (Mr. BECERRA), a fellow member of the Subcommittee on Trade.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the 5 minutes. I do not believe I will need the full amount of time.

Mr. Speaker, let me begin by first congratulating the chairman, the gentleman from Illinois (Mr. CRANE), and also of course the chairman of the full committee, the gentleman from Texas (Mr. ARCHER), along with both the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN), the two ranking members, of course, of the full committee and the subcommittee, for H.R. 325.

I, too, rise in support of this bill and urge all of my colleagues to vote for it. I am in support of this bill most specifically for a particular reason, something that a number of us have been concerned about for a number of years, and that is trying to find the best ways to tackle the problems of AIDS and HIV that we have in this country.

There is a provision, or there are several provisions in this bill, which will temporarily suspend duties and lower tariffs from drug compounds manufactured abroad and imported into the United States that are essential to the treatment of HIV and AIDS and, as well, cancer.

In order for these compounds to have made it onto this bill, it had to be shown to an interagency panel that their importation, the importation of these drugs, with these reduced tariffs, or suspended duties, would not adversely affect American companies that also produce some of these same types of chemicals and compounds.

Particularly in the early stages of development, it is vitally important that certain drug compounds are not thwarted by duties which would drive up the overall costs of development and distribution, without providing any industry protective benefit. It is important to remember, we are talking about these early stages of development. It is important that we allow

some of these companies to produce, test some of these drugs, which ultimately may have beneficial effects as we now find with regard to HIV and AIDS and also with cancer.

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The temporary suspension of these duties on these products will allow for the most cost-effective production of these drugs by keeping testing and development costs low. Remember, it is very expensive to come up with some of these drugs, we often do not know if they will work, and it is difficult to persuade someone to invest time and money in a project like this. If we can help by reducing the tariffs at least temporarily, what we do is provide an incentive to make it possible for some of these drugs to ultimately make it not just past research but into the hands of those who need them most.

In the end, who benefits? It is not just those who are ill with AIDS, or those who are infected with the HIV virus, or those who may actually have cancer. It is all of us. We all get the benefits of lower costs for medical treatment for someone who might otherwise become infected by the HIV virus, we all benefit if we are able to prevent cancer from occurring.

H.R. 326 includes several compounds that are effective in the treatment of AIDS and HIV, of cancer, and we are not even certain that they may not be helpful in other areas as well. So, to allow us to be able to bring these drugs in and to not adversely affect American companies is a benefit for all.

Mr. Speaker, I urge all my colleagues to join me in supporting H.R. 326. We should do everything in our power to assist in the development of new drugs to combat the twin enemies of HIV/AIDS and of cancer and to get those drugs into hands of those who need them the most.

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

Mr. Speaker, I would like to inject just one thought here from a colleagues of ours, the gentleman from Nebraska (Mr. BEREUTER) who was unable to make it over here to make a presentation on behalf of the provision in this bill, and it is the one that extends nondiscriminatory trade treatment, normal trade relations, to Mongolia, and I would simply like to commend him for his position on it.

In addition to that, we have another colleague from Utah (Mr. COOK), who I do not think is here yet. He is trying to run to get here to the floor before we have to yield back our time. But he wanted to come over here and speak very briefly on the provisions in the bill that provide duty free treatment to all participants and individuals associated with the 1999 International Special Olympics. I mentioned earlier the 1999 Women's World Cup Soccer which is going to be held in our home State of Illinois, and also the 2001 International Special Olympics, and the 2002 Salt Lake City Winter Olympics and the 2002 Winter Para-Olympics games.

Mr. Speaker, the gentleman from Utah has arrived.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank my colleague from Illinois (Mr. CRANE) for yielding this time to me.

Mr. Speaker, I rise in support of the Miscellaneous Trade and Technical Corrections Act. I commend the members of the Committee on Ways and Means for their persistence in working to pass this important legislation. I am grateful that it also includes provisions of my bill, H.R. 103.

In the next few years the U.S. will host several international events, including Women's World Cup Soccer and the International Special Olympics. My State of Utah will welcome thousands of athletes for the 2002 Winter Games and the Para-Olympics. The provision waives custom duties on equipment and personal effects so that athletes can more readily attend. This bill is similar to House passed legislation that, although necessary and noncontroversial, got caught in the end of session's rush last year. It is imperative that action be taken today as the Women's World Cup Soccer events will begin this spring.

Mr. Speaker, I urge my colleagues to support this bill.

Mrs. CHRISTIAN-CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 435 and I want to once again thank Ways & Means Committee Chairman BILL ARCHER, Trade Subcommittee Chairman PHIL CRANE and the gentleman from Michigan, Mr. LEVIN, for bringing this bill to the floor today.

I also want to thank my colleague the Ranking Democrat on the Ways and Means Committee, Mr. RANGEL of New York, and Mr. JEFFERSON of Louisiana for their support, as well.

Mr. Speaker my district is one of those areas of this country that still has not experienced the economic boon that is taking place in many of our rural areas and cities. We have one of the lowest average incomes in the United States, and one of the highest unemployment rates. Our local government is straining under the weight of being the employer of first and last resort.

We must build up our private sector, attract investment, create jobs and alleviate the burden of our public sector, or we will be crawling into the 21st century.

Mr. Speaker, the section of the bill before us today, which would extend preferences for watches to include certain fine jewelry may seem small to you and my other colleagues, but it is a bright ray of hope, and an important shot in the arm of our economy and for us.

My constituents were hopeful and expectant when this House passed a similar bill on the final day of the 105th Congress, but we were to late to get it through the other body.

I ask my colleagues here and across the rotunda to support us, and pass this piece of legislation which is so important to my district and to other constituencies across this Nation.

Mr. BEREUTER. Mr. Speaker, as the Chairman of the Subcommittee on Asia and the Pacific, this Member rises in strong support of H.R. 435, which includes authorization of the extension of nondiscriminatory treatment or normal trade relations to the products of Mongolia.

Indeed, this Member introduced the original legislation authorizing this designation on the very first day of the 105th Congress. While this body passed legislation granting permanent Normal Trade Relations status for Mongolia in the waning days of the 105th Congress, unfortunately it was not taken up by the Senate. This Member is very encouraged that authorizing normal trade relations for Mongolia is one of this body's first actions.

Mr. Speaker, in 1952 the United States denied Mongolia and twenty other communist countries and territories under communist rule normal trade relations. Normal trade relations with Mongolia were restored in November 1991, when the President waived the provisions of the Jackson-Vanik trade legislation. In 1996, the President of the United States made the first determination that Mongolia was in full-compliance with the human rights objectives of the Jackson-Vanik trade legislation and the President has renewed that determination each year since, and most recently on July 1, 1998.

Since 1990, there have been five free and fair elections in Mongolia which have coincided with significant reforms of the government and the economy. Approximately one and a half years ago, the *Economist* magazine heralded Mongolia's dramatic economic reforms of the last several years by calling Mongolians ''those free-trading Mongolians.'' Unfortunately, however, these dramatic economic and political reforms in Mongolia have recently begun to suffer from factional fighting in that country and the emergence of the Mongolian People's Revolutionary Party (MPRP). Most recently, the MPRP has begun to attack the ambitious privatization and private sector development plans of the Democratic coalition in Mongolia and a high level Ministry official was assassinated.

The World Bank estimates that Mongolia must have a 5% growth rate to create new jobs for its entrants into the work force. Yet, with the Asian financial crisis to its east and Russia's collapse on its west, Mongolia will find it very difficult to meet its economic goals and stay on its reform path. The United States can play a fundamental helpful role by granting Mongolia normal trade relations and, therefore, reasonable access to our markets. The United States currently provides a modest amount of aid to Mongolia that will be necessary in the short term. However, by granting Mongolia reasonable access to our markets and promoting trade with our two countries, this legislation is building the foundation so we can hopefully graduate Mongolia from U.S. assistance in the future.

This Member only regrets that this legislation was not approved last Congress. In light of the very difficult political and economic challenges facing the people of Mongolia, passage of this legislation comes at a very critical time. Mongolians who favor a continuation of democracy, a market-oriented economy, and trade liberalization deserve a strong statement of congressional support like permanent Normal Trade Relations for Mongolia. That support and this action is in our mutual best interests.

Mr. BOEHNER. Mr. Speaker, I submit the following letter from the International Electronics Manufacturers and Consumers of America.

INTERNATIONAL ELECTRONICS MANUFACTURERS AND CONSUMERS OF AMERICA,

Washington, DC, February 8, 1999.

Hon. JOHN BOEHNER,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the International Electronics Manufacturers and Consumers of America (''IEMCA''), I am writing to support enactment of legislation to correct the tariff classification of 13-inch televisions and television products. This legislation is contained in H.R. 435.

IEMCA is a trade association founded in 1987 and located in Washington, D.C. IEMCA's principal members are leading manufacturers of consumer electronics, optical, telecommunications, and computer products. IEMCA's associate members are leading electronics retailers. The U.S. investment of IEMCA's members and their direct suppliers exceeds $75 billion, their annual U.S. sales exceed $100 billion, and they employ over 300,000 American workers.

IEMCA believes that enactment of legislation is necessary to correct an error that was made in transposing into the Harmonized Tariff Schedule of the United States (''HTSUS'') a tariff concession made by the United States in the Uruguay Round Market Access Trade Negotiations conducted under the auspices of the General Agreement on Tariffs and Trade (''Uruguay Round'').

For more than 15 years, the widely-accepted industry definition of ''13-inch televisions,'' and the ''13-inch cathode ray tubes'' (''CRTs'') they use, has referred to receivers and CRTs with a video display diagonal that is between 13 and 13.75 inches. Such CRTs and television receivers incorporating them have been, and continue to be, uniformly invoiced, advertised, sold, and referred to as ''13-inch CRTs'' and ''13-inch televisions.'' This industry definition of ''13-inch televisions'' was reflected in subheading 8528.10.6020 of the 1994 HTSUS (in effect at the time of the Uruguay Round), which provided for televisions with a video display diagonal exceeding 33 cm (12.99 inches) but not exceeding 35 cm (13.78 inches). The range set forth in subheading 8528.10.6020 of the 1994 HTSUS is slightly larger than the range of 13 inches to 13.75 inches, in order to account for slight manufacturing variances. (See subheading 8528.10.6020 of the 1996 HTSUS.)

The industry standard has been—and still is—necessary in order to ensure compliance with the ''rounding down regulations'' of the Federal Trade Commission (''FTC''). (See 16 C.F.R. Section 410.1 (1998).) These regulations provide that a television with a video display diagonal measuring more than a particular number of whole inches, but less than the next highest number of whole inches, can be advertised in the U.S. as having a screen of the lower, but not the higher, number of whole inches.

The FTC's rounding down regulations clearly make it unlawful to assert that a television is a 13-inch television if the video display diagonal is anything less than 13 inches, and consequently, in order to be safe, 13-inch televisions are designed to have video display diagonals of slightly larger than 13 inches. In fact, nearly all ''13-inch'' televisions produced today have a video display diagonal measuring more than 13 inches (33.02 cm) but less than 13.5 inches (34.29 cm). Accordingly, IEMCA supports H.R. 435, which extends the Uruguay Round tariff concession to televisions and television products which have a video display diagonal within this range.

During the GATT Uruguay Round, the U.S. agreed to phase down duties on all 13-inch television products. By 1999, duties on 13-inch picture tubes were to be cut from 15 to 7.5 percent and on all other 13-inch television products from between 5 and 3.9 to zero percent in response to a request made by members of the Association of the Southeast Asian Nations (''ASEAN''). ASEAN members made this request because as shown in the table below, almost half of U.S. imports of 13-inch televisions come from ASEAN countries:

IMPORT QUANTITIES OF 13-INCH TELEVISION RECEIVERS

[1,000 units]

	1995	1996	Total
Mexico	1,522	1,963	3,485 (48.9%)
ASEAN	1,588	1,473	3,061 (43.0%)
All other	395	182	577 (8.1%)
Total	3,505	3,618	7,123 (100.0%)

Malaysia's Minister of International Trade and Industry (Rafidah Aziz) recently confirmed in a letter to the U.S. Trade Representative, Ambassador Barshefsky, that when they negotiated the tariff concession for 13-inch televisions with the U.S. during the Uruguay Round, Malaysia and the other ASEAN countries used ''the widely accepted industry definition of 13-inch televisions to include sets *with screens measuring 13 to 13.5 inches.*''

The U.S. Uruguay Round offer of a 5-year staged reduction in tariffs also used the accepted industry definition of ''13 inches.'' The U.S. offer was memorialized in its submission to the GATT secretariat dated January 13, 1994, as follows:

Color video recording or reproducing apparatus incorporating a television tuner, *13 inches and below.*

Color television monitors *13 inches and below.*

However, when the staged tariff rate reduction agreement for 13-inch television products was implemented, the widely-accepted industry definition of ''13 inches'' was not used. Instead, the GATT Uruguay Round implementing law converted this range to 33.02 centimeters, or exactly 13 inches. As a result, the use of 33.02 centimeters in the HTSUS is contrary to the intent of the U.S. as reflected in its tariff offer and denies the ASEAN countries the market access tariff concession obtained through the Uruguay Round.

Before enactment of the GATT Uruguay Round implementing law, the Customs Service treated televisions whose video display diagonal was fractionally larger than 13 inches as 13-inch televisions. In early 1997, Customs began to impose pre-Uruguay round duties on the huge volume of 13-inch television products whose diagonal measurement exceeded 33.02 centimeters.

The simplest way to correct the error is to change references to ''33.02 cm'' appearing in the affected HTSUS subheadings to ''34.29 cm,'' the metric equivalent of 13.5 inches. H.R. 435 would achieve this result.

No 13-inch CRTs are produced in North America and no 13-inch televisions have been assembled in the U.S. in this decade. These facts are confirmed by the USITC. (See Industry & Trade Summary—Television Picture Tubes and Other Cathode-Ray Tubes. USITC Pub. No. 2877 at 4 (1995); Industry & Trade Summary—Television Receivers and Video Monitors, USITC Pub. No. 2445 (ET–1) at 2 (1992).)

There is no known opposition to this legislation.

For the foregoing reasons, IEMCA strongly supports prompt enactment of H.R. 435.

Respectfully submitted,

KEITH SMITH,
Executive Director.

Mr. ARCHER. Mr. Speaker, I would like to provide background for and an explanation of the tax provision contained in H.R. 435.

CLARIFY DEFINITION OF ''SUBJECT TO'' LIABILITIES UNDER SECTION 357(C)

PRESENT LAW

Present law provides that the transferor of property recognizes no gain or loss if the property is exchanged solely for qualified stock in a controlled corporation (sec. 351). The assumption by the controlled corporation of a liability of the transferor (or the acquisition of property ''subject to'' a liability) generally will not cause the transferor to recognize gain. However, under section 357(c), the transferor does recognize gain to the extent that the sum of the assumed liabilities, together with the liabilities to which the transferred property is subject, exceeds the transferor's basis in the transferred property. If the transferred property is ''subject to'' a liability, Treasury regulations indicate that the amount of the liability is included in the calculation regardless of whether the underlying liability is assumed by the controlled corporation. Treas. Reg. sec. 1.357–2(a). Similar rules apply to reorganizations described in section 368(a)(1)(D).

The gain recognition rule of section 357(c) is applied separately to each transferor in a section 351 exchange.

The basis of the property in the hands of the controlled corporation equals the transferor's basis in such property, increased by the amount of gain recognized by the transferor, including section 357(c) gain.

REASONS FOR CHANGE

The tax treatment under present law is unclear in situations involving the transfer of certain liabilities. As a result, the Committee is concerned that some taxpayers may be structuring transactions to take advantage of the uncertainty. For example, where more than one asset secures a single liability, some taxpayers might take the position that, on a transfer of the assets to different subsidiaries, each subsidiary counts the entire liability in determining the basis of the asset. This interpretation arguably might result in the duplication of tax basis or in assets having a tax basis in excess of their value, resulting in excessive depreciation deductions and mismeasurement of income. The provision is intended to eliminate the uncertainty, and to better reflect the underlying economics of these corporate transfers.

EXPLANATION OF PROVISION

Under the provision, the distinction between the assumption of a liability and the acquisition of an asset subject to a liability generally is eliminated. First, except as provided in Treasury regulations, a recourse liability (or any portion thereof) is treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to satisfy the liability or portion thereof (whether or not the transferor has been relieved of the liability). Thus, where more than one person agrees to satisfy a liability or portion thereof, only one would be expected to satisfy such liability or portion thereof. Second, except as provided in Treasury regulations, a nonrecourse liability (or any portion thereof) is treated as having been assumed by the transferee of any asset that is subject to the liability. However, this amount is reduced in cases where an owner of other assets subject to the same nonrecourse liability agrees with the transferee to, and is expected to, satisfy the liability (up to the fair market value of the other assets, determined without regard to section 7701(g)).

In determining whether any person has agreed to and is expected to satisfy a

lability, all facts and circumstances are to be considered. In any case where the transferee does agree to satisfy a liability, the transferee also will be expected to satisfy the liability in the absence of facts indicating the contrary.

In determining any increase to the basis of property transferred to the transferee as a result of gain recognized because of the assumption of liabilities under section 357, in no event will the increase cause the basis to exceed the fair market value of the property (determined without regard to sec. 7701(g)).

If gain is recognized to the transferor as the result of an assumption by a corporation of a nonrecourse liability that also is secured by any assets not transferred to the corporation, and if no person is subject to Federal income tax on such gain, then for purposes of determining the basis of assets transferred, the amount of gain treated as recognized as the result of such assumption of liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of the liability, based on the relative fair market values (determined without regard to sec. 7701(g)) of all assets subject to such nonrecourse liability. In no event will the gain cause the resulting basis to exceed the fair market value of the property (determined without regard to sec. 7701(g)).

The Treasury Department has authority to prescribe such regulations as may be necessary to carry out the purposes of the provision. This authority includes the authority to specify adjustments in the treatment of any subsequent transactions involving the liability, including the treatment of payments actually made with respect to any liability as well as appropriate basis and other adjustments with respect to such payments. Where appropriate, the Treasury Department also may prescribe regulations which provide that the manner in which a liability is treated as assumed under the provision is applied elsewhere in the Code.

EFFECTIVE DATE

The provision is effective for transfers on or after October 19, 1998. No inference regarding the tax treatment under present law is intended.

Mr. MCNULTY. Mr. Speaker, I urge support of the bill, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 435.

The question was taken.

Mr. MCNULTY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 440, by the yeas and nays;

H.R. 439, by the yeas and nays;

H.R. 435, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MICROLOAN PROGRAM TECHNICAL CORRECTIONS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 440, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 440, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 4, not voting 18, as follows:

[Roll No. 12]

YEAS—411

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth
Paul
Royce
Sanford

NOT VOTING—18

Ackerman
Barrett (WI)
Carson
DeFazio
Gephardt
Granger
Jenkins
Lofgren
Maloney (NY)
McIntosh
Miller, George
Nadler
Pallone
Rush
Spratt
Thornberry
Weygand
Wise

☐ 1736

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

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PAPERWORK ELIMINATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 439.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 439, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 13]

YEAS—413

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Barrett (WI)
Carson
DeFazio
Deutsch
Gephardt
Granger
Lofgren
Maloney (NY)
McIntosh
Miller, George
Nadler
Nussle
Pallone
Reynolds
Rush
Spratt
Thornberry
Weygand
Wise

☐ 1746

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. REYNOLDS. Mr. Speaker, on rollcall No. 13, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, during rollcall vote Nos. 12 and 13, I was unavoidably detained. Had I been present, I would have voted ''yes'' on both.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and passing the bill, H.R. 435.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 435, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 14]

YEAS—414

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle

Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Barr

NOT VOTING—18

Ackerman
Barrett (WI)
Carson
DeFazio
Gephardt
Granger
Lofgren
Maloney (NY)
McIntosh
Miller, George
Nadler
Neal
Rush
Spratt
Thornberry
Weller
Weygand
Wise

□ 1755

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 7

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) be removed as a cosponsor of H.J. Res. 7. His name was inadvertently added on February 2.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 41

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 41, the Mass Immigration Reduction Act.

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

There was no objection.

AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES, LEGISLATIVE CLERK OF THE UNITED STATES SENATE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 6) authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 6

Resolved by the Senate (the House of Representatives concurring), That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

□ 1800

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

Mr. HOYER. Mr. Speaker, reserving my right to object, obviously I will not object, but under my reservation, I am pleased to yield to the gentleman from California (Mr. THOMAS), chairman of the House Committee on Administration.

Mr. THOMAS. Mr. Speaker, I thank the ranking member, the gentleman from Maryland (Mr. HOYER), for yielding.

Obviously, the purpose of the reservation is to let all Members understand that, at the request of the Senate, and quite properly so, Senate Concurrent Resolution 6 requests that we lower to half mast the flags on the Capitol, and it is to recognize the service of Scott Bates to the Senate and, as a matter of fact, to the United States of America.

Mr. Bates, at the time of his tragic death, was struck by an automobile on February 5th. Incidentally, his wife was also seriously injured, but she is expected to recover.

Scott was 50 at the time that he died, and for 30 years he served the United States Senate. The recognition of the service to the Senate over those 30 years is indeed not nearly enough but entirely appropriate that we lower the flags around the Capitol in memory and in recognition of R. Scott Bates.

Mr. HOYER. Mr. Speaker, reclaiming my time under my reservation, I certainly join the chairman, the gentleman from California (Mr. THOMAS), in his remarks.

It is entirely appropriate that the House join the Senate, expressing its regrets to the Senate, expressing its profound regret to the family of Scott Bates, who, as the chairman indicated, served with distinction for over three decades the United States Senate and this country. It is a loss not only for the Senate, not only for the Congress, but for our country as well.

Mr. Speaker, reserving my right to object, I am pleased to yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, the Bateses were constituents of mine. They were dedicated to this institution and, most importantly, what they knew this institution can do for this country. They were terrific people, fully involved in their community. They gave and they did not take.

This is a true tragedy, and I appreciate the fact that it is being recognized by the Senate and now by the House. I will not delay it any further but to say that there are a great many of us who knew Scott Bates and what he stood for and are very proud that he chose to serve this institution.

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

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA MANAGEMENT RESTORATION ACT OF 1999

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 433) to restore the management and personnel authority of the Mayor of the District of Columbia, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Ms. NORTON. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from Virginia (Mr. DAVIS) for the purpose of explaining the bill.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Let me say, Mr. Speaker, this is a new era in the District of Columbia; and it is my strong belief that the time has come to shift substantial authority from the Control Board back to the city's elected mayor and give the elected mayor the greater flexibility he has sought over top personnel. This bill gives Mayor Williams the tools he needs to do the job.

H.R. 433 does not alter the time period or the conditions for the Control Board to function in an active phase. The bill takes nothing away from the Control Board's ability to intervene if necessary during a control period which still exists, but it does give the mayor direct control over the reporting and the hiring authority of some of his top personnel.

If we want democracy to succeed, we need to allow the elected leadership in the cities to start making decisions, standing behind those decisions, without being second-guessed every step of the way.

My thanks also to the gentlewoman from Maryland (Mrs. MORELLA) for being the original cosponsor in the legislation, along with the gentlewoman from the District of Columbia (Ms. NORTON), and of course to my friend the gentleman from Virginia (Mr. MORAN) and the gentleman from California (Mr. HORN) and the gentleman from Florida (Mr. SCARBOROUGH), who I am requesting be added as sponsors today.

The Congressional Budget Office has certified this bill would not affect the Federal budget. I would urge passage of H.R. 433.

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

Ms. NORTON. Mr. Speaker, reclaiming my time under my reservation, I would like to say a few words in support of this bill.

Mr. Speaker, my special thanks to the gentleman from Indiana (Mr. BURTON), the chairman, the gentleman from California (Mr. WAXMAN), the ranking member, and the gentleman from Virginia (Mr. DAVIS) for the priority they have each given to H.R. 433.

Our bill returns full legal authority over nine agencies to the Mayor and unfettered authority to confirm the mayor's appointees to the City Council. Both Mayor Tony Williams and the council will be able to carry out their responsibilities as elected officials without risk of being overruled.

It is important to note that this House was not responsible for withdrawing this authority. A Senator's attachment to the President's all-important revitalization package that was incorporated into the 1997 Balanced Budget Act was responsible.

It is now appropriate for the House to initiate action to devolve democratic control to locally-elected officials, and all indications are that the Senate is prepared to do the same and empower the new Mayor and the revitalized City Council.

The gentleman from Virginia (Mr. DAVIS) deserves credit for carving H.R. 433 out of my D.C. Democracy 2000 Act. H.R. 433 is the first part of that act. The chairman and I are in agreement that the second part of the act to retire the Control Board a year early must await the building of a track record by the new Mayor and council.

I thank the House leadership and the gentleman from Indiana (Mr. BURTON) and the gentleman from Virginia (Mr. DAVIS) for bringing H.R. 433 to the floor as one of the first bills of the 106th Congress. In doing so, the House has shown, as nothing else could, that this body is prepared to build a new relationship with the District of Columbia.

I want to thank Speaker DENNIS HASTERT, Democratic Leader DICK GEPHARDT, and Chairman TOM DAVIS for their leadership in bringing the ''District of Columbia Management Restoration Act of 1999'' to the House floor today. This bill incorporates key provisions of my bill, H.R. 214, the District of Columbia Democracy 2000 Act (D.C. Democracy 2000), which return to the Office of the Mayor authority over the city's nine largest agencies and the ability to hire and fire senior managers in the government, and return to the City Council full authority to approve mayoral appointees without control board intervention. I am especially grateful to Mr. DAVIS for taking Section 3 of D.C. Democracy 2000, the only section that is ripe for consideration at this time. The bill accomplishes this transfer of power through repeal of the Faircloth attachment to the District of Columbia Revitalization and Self-Government Improvement Act of 1997, which had vested control of the management reform of the city's nine largest agencies with the District of Columbia Financial Responsibility and Management Assistance Authority (Authority).

The purpose of the District of Columbia Management Restoration Act of 1999 is to ensure that the new city administration has sufficient control of the District government to be held accountable in preparation for the expiration of the control period. This bill carries out the purpose of the Authority Act ''to ensure the most efficient and effective delivery of services, by the District government during a period of fiscal emergency.'' P.L. 104–8, Title I § 2(b)(2). On January 2nd, Alice Rivlin, for the Authority, signed a memorandum of agreement (MOA) delegating authority to the Mayor to run the District government to the fullest extent allowed by existing law. Viewed from the front lines of the District government's present progress, the Authority's considered judgment was that a transition to Home Rule through the delegation of power to the new Mayor was necessary in advance of the transfer of ultimate power at the end of the control period; a clean line of reporting authority unmistakably identifying the responsible officials was necessary for efficient and effective government operational reform; and Mayor Williams, in his role as Chief Financial Officer, had already demonstrated his capacity to administer complicated operations.

This section amends existing law to complete a transfer of power that the Authority desired but could not make because of the wording of the statute and, in effect, to place in law the MOA. The Authority transferred to the Mayor its jurisdiction over nine operating agencies, but believed it was unable to return the authority to hire and fire department heads. In returning this power, the bill seeks to enhance and facilitate the Mayor's ability to control managers. It eliminates the possibility of an illusion of an appeal to a higher authority beyond the Mayor to acquire or retain a position.

The advantage of having a government that knows that it and it alone will be fully accountable cannot be overestimated in a democracy. Whatever justification some may have found for the denial of self-government has been stripped away by the growing fiscal health of the District government and its prudence in management of its finances and operations. Beyond securing more revenue, city officials have already shown that they know what to do with it. Their decision to use surplus revenues to pay down the city's accumulated deficit demonstrates they can and will make tough financial choices. In the face of the sacrifices that District residents have made and the unanticipated surpluses that have been produced, there is no justification for delaying a return to coherent and fully accountable self-government.

I urge my colleagues to support this bill crucial to the continued revitalization of the nation's capital.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Virginia (Mr. MORAN) for a brief statement.

Mr. MORAN of Virginia. Mr. Speaker, this is the culmination really of years of determination and dedication on the part of the delegate and gentlewoman from the District of Columbia (Ms. NORTON) and of the chairman of the D.C. authorizing committee, the gentleman from Virginia (Mr. DAVIS).

This is in no way critical of the D.C. Financial Control Board, but it is the culmination of a vision. It had to start with fiscal responsibility. It had to be bolstered by economic opportunity. But it also had to include responsible stewardship.

We have that responsible stewardship, that leadership, in Mayor Williams. This is a reflection of the fact that those who have worked tirelessly for the District of Columbia truly believe in democracy, truly believe that the citizens of the District of Columbia are capable of governing themselves.

This gives them that opportunity, and if in the future we hope to hold the D.C. government responsible for its actions, we can only do that by giving them the authority to make those decisions. You cannot have one without the other. You cannot hold them responsible without giving them the authority to make decisions on their own. This gives them that authority.

This is the least we can do for the District of Columbia, and, again, this is what it was all about. It happened a lot sooner than many people expected, but I know that it is what the gentlewoman from the District of Columbia (Ms. NORTON) had every confidence would occur, as did the gentleman from Virginia (Mr. DAVIS).

I want to particularly thank them. As I started my remarks thanking them, I conclude my remarks by thanking them and I thank those who have worked along with them to ensure that the District of Columbia will one day be the jewel of our democracy, the true capital city of our great Nation.

Ms. NORTON. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 433

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 ''District of Columbia Management Restoration Act of 1999''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Among the major problems of the District of Columbia government has been the failure to clearly delineate accountability.

(2) The statute establishing the District of Columbia Financial Responsibility and Management Assistance Authority proved necessary to enable the District to regain financial stability and management control.

(3) The District has performed significantly better than the Congress had anticipated at the time of the passage of the Authority statute.

(4) The necessity for a financial authority has resulted in a diffusion of responsibility between the Mayor, the Council, and the Authority pending the time when the District government would assume the home rule status quo ante.

(5) This lack of clear lines of reporting authority, in turn, has led to some redundancy and confusion about accountability and authority.

(6) The Authority statute requires the Authority to ''ensure the most efficient and effective delivery of services, including public safety services, by the District government'' and to ''assist the District government in . . . ensuring the appropriate and efficient delivery of services''.

(7) With the coming of a new administration led by Mayor Anthony Williams, the Authority has taken the first step to ensure the accountability that will be necessary at the expiration of the control period by delegating day-to-day operations over city agencies previously under control of the Authority to the Mayor.

(8) The Congress agrees that the best way to ensure clear and unambiguous authority and full accountability is for the Mayor to have full authority over city agencies so that citizens, the Authority, and the Congress can ascertain responsibility.

(9) The transition of authority to the new administration will take nothing from the Authority's power to intervene during a control period.

SEC. 3. RESTORATION OF MANAGEMENT AND PERSONNEL AUTHORITY OF MAYOR OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subtitle B of title XI of the Balanced Budget Act of 1997 (DC Code, sec. 47–395.1 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 1604(f)(2)(B) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 1099) is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PRESIDENTS SHOULD GET AUTHORITY FROM CONGRESS TO SEND TROOPS

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

Mr. PAUL. Mr. Speaker, since World War II, our presidents have been sending troops overseas without Congressional approval. Prior to World War II, it was traditional and constitutional that all presidents came to the Congress for authority to send troops.

Recently, the President has announced that he will most likely be sending thousands of American troops under NATO command to Kosovo. I think this is wrong. I have introduced legislation today that says that the President cannot send these troops without Congressional approval, merely restating what the Constitution says and how we followed the rules up until World War II.

Three years ago, the President sent troops into Bosnia and said they would be there for 6 months. They have been there now 3 years. We have spent over $20 billion. Nobody even asks hardly at all anymore when these troops will be coming home.

We have been bombing and interfering with the security of Iraq for now over 8 years, and that continues, and we do not give Congressional approval of these acts. My legislation is simple. It just denies funding for sending troops into Kosovo without Congressional approval.

This is not complicated. It is very precise and very clear and very important that we as a Congress restate our constitutional obligation to supervise the sending of troops around the world.

It would be much better for us to spend this money that is being wasted in Bosnia and Iraq on our national defense. We spend less and less money every year on national defense but we spend more and more money on policing the world. I think that policy ought to change and it is the responsibility of the Congress, the body that has control of the purse strings, to do something about this.

If the President is permitted to do this, he does it not because he has constitutional authority but because the Congress has reneged on their responsibility to supervise the spending.

It is a bit ironic now that we are sending or planning to send troops to Kosovo. We have all read about and heard the horrible stories about the Serbian leader Slobodan Milosevic, and yet our troops going to Kosovo are going to be sent with the intention that Kosovo cannot be independent; that they will not be able to separate themselves from Serbia; that they cannot decide under what government they want to live.

It is also interesting that one of the jobs of the troops in NATO, if they go into Kosovo, will be to disarm the Kosovo Liberation Army. That is hardly good sense. First, it is not good sense for us to give the permission or renege on our responsibility, but it does not make good sense to get involved in a war that has been going on for many years, but it certainly does not make good sense for us to go in for the sole purpose of supporting Milosevic. He is the one that has been bombing the Kosovars and here we are, we want to disarm the liberation forces and at the same time prevent Kosovo from becoming independent.

The issue here is money, but there is also a bigger issue and that is the responsibility that we have to decide when troops should be sent. Once

troops are sent into a foreign country, it is very difficult for us to bring our troops home.

□ 1815

Troops in Kosovo will not serve the interests of the United States. They will not help our national security. It will drain funds that should be spent on national defense. At the same time it will jeopardize our national security by endangering our troops and raising the possibility of us becoming involved in a war spreading through the Balkans. This should not occur.

So, Mr. Speaker, I am asking my fellow colleagues to join me in cosponsoring this legislation just to say that it is not the prerogative of the President to send troops around the world whenever he pleases. That is the prerogative of the Congress.

I do know that it has not been stated this clearly in the last 40 years, but it is about time we did. And besides, one thing more, the President has admitted, at least it has been in print, that he is likely to place these troops under a foreign commander, under a British general.

Mr. Speaker, we do not need this. We need to restrain the President's ability to send troops.

MAKING THE POSTAL SERVICE A PARTNER IN ASSURING LIVABILITY OF AMERICA'S COMMUNITIES

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

Mr. BLUMENAUER. Mr. Speaker, one of the most exciting issues that has arisen in this new year has been that of livable communities. It received prominence in the President's State of the Union address. Just this last week, on Friday, it was the feature article in the National Journal. The Saturday New York Times front page political memo had again an issue about livable communities. It is in large part an expression of how government can be a partner with citizens, with the business community, to try and really achieve what it is that Americans deeply care about because, at heart, Americans care when their children go out the door in the morning that they are safe, they want that family to be economically secure, they want them to be healthy physically and in terms of their environment.

One example of that partnership that can make a difference for livable communities is the impact that the local post office has on small and medium sized communities particularly around the country. The post office is a symbol of how we connect to one another. The mail collection and distribution is vitally important in terms of community dynamic. Time and time again we find that post office on Main Street is an anchor for that Main Street business activity; it is a source of pride for people in the local communities; often it is a historic structure.

Unfortunately, when it comes to the location of that service, historic post offices around the country are being in some cases removed from those historic downtown locations. In some cases they are being, the post office simply has not been the type of neighbor that our communities deserve, and it is sadly not unknown for the postal service to not play by the same rules that the Federal Government imposes on others.

I have a series of examples in my office where these historic outposts have abandoned historic downtown locations to be located in a strip mall at the edge of town, perhaps without any paved sidewalks. Many communities in, for example, Portland, Oregon, where I am from, there is a lot of work to try and plan for the future to be able to promote a more livable community, and in fact the Oregon planning model is heralded by some as the most advanced in the United States. But despite the notoriety, despite the outreach, the Postal Service, for instance, was completely clueless to the work that we have been doing in our community to plan facilities for the next 50 years. It does not have to be that way.

I am introducing legislation this week that would require the Post Office to obey local land use and planning laws, to have them work with the local communities before they make decisions that can have such a wrenching affect on the fabric of community. I find it ironic that in case after case the Post Office gives the public more input into what version of the Elvis stamp it is going to produce than decisions that really can be life and death for small town America.

We also have a provision in this bill that makes some minor technical adjustments over what we had in the previous session of Congress because we have been listening to people in the Postal Service and we want to give them necessary flexibility. We do not want it to be a straightjacket, but we do want it to be a model of how America can and should work.

I would hope that, as we are promoting livable communities around the country, that the Federal Government will lead by example, by acting the way we want other actors and actresses to behave to promote more livable communities. I would earnestly request that my colleagues join me in sponsoring this legislation to make the Postal Service a full partner in assuring the liveability of America's communities.

MY GOAL AS A REPRESENTATIVE: ENSURING FEDERAL POLICIES ARE CONDUCIVE TO PRESERVING UNIQUE WAY OF LIFE IN RURAL AMERICA

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

Mr. MORAN of Kansas. Mr. Speaker, the Washington Post headlines trumpets good news. The economy outpaces growth forecasts, the stock market is up, unemployment is down and prices from the grocery store to the gas pump are low and stable. The conventional wisdom is that life in America is as good as it gets, and perhaps for some Americans it is. But behind the statistics lies pockets in this country where the economic lives of our citizens are not so good.

I rise today on behalf of the citizens of rural Kansas, the farmers and ranchers, the independent oil producers, senior citizens on fixed income and communities leaders struggling to hold on to essential services. These folks take little comfort in government statistics showing how good the economy is doing. In rural Kansas times are tough. Agriculture, still our economic base, is caught in a vice grip of depressed prices. Even our most diversified operators are struggling as prices for almost everything we produce in Kansas, cattle, corn, wheat, hogs, milo, soybeans, are all at historic lows. The new Census of Agriculture shows Kansas has 1,685 fewer farms this year than just 5 years ago. USDA reports that net farm income will be down for the third year in a row, and exports are reduced as well.

The President's new budget fails to address the difficulties in agriculture. No new money for crop insurance. Farm program spending is reduced, and money for export promotion is cut by 15 percent. Even money for our food donation program such as P.L. 480 is cut by almost a billion dollars from last year's level.

Mr. Speaker, we in Congress must find solutions, and removing agricultural sanctions is a start. The American farmer cannot continue with 52 percent of the world markets threatened by unilateral sanctions. I joined in introducing legislation on the first day of this session to remove agricultural sanctions, and we must continue to press hard on this issue.

The bottom has been knocked out of the domestic oil and gas industry as well. Thirty thousand wells have been shut down in Kansas alone due to declining prices. Employment in Kansas' oil and gas industry is down from a high of 40,000 jobs to under 13,000 today. According to the Kansas Geological Survey, if prices remain at their current levels, oil receipts in Kansas will drop 900 million and our State will lose an additional 5000 jobs.

As a country, we have spent billions, even gone to war to protect foreign petroleum sources. Should we not do something to preserve our domestic industry as well? We now import two-thirds of the oil consumed in this country, and this reliance only continues to grow. Unfortunately, again, the President's budget is little assistance. Energy research and development is cut. No funding is included for additional purchases for the strategic petroleum

reserve. With oil prices at this low level, it is an excellent time to replenish this reserve and fill it to full capacity.

Tax relief for the oil and gas industry must be a priority. I support legislation to lower taxes on marginal well production in the United States and to create incentives for inactive wells to be brought back into production. This industry has been taxed excessively when times are good, and we must now provide relief when it is needed.

Compounding our economic struggles in rural America is the misguided Federal policies that threaten the viability of our communities. The 1997 budget bill made significant cuts on Medicare programs that our seniors and hospitals rely upon. The President has proposed in his budget yet another round of Medicare cuts to hospitals. For rural Kansas, hospitals are already hanging on by a string. Rather than another round of hastily crafted cuts we need a long-term plan to ensure the solvency of this critical program and to ensure that rural health care providers and patients are treated fairly. I, along with other Members of the House Rural Health Care Coalition intend to advance legislation packaged to restore fairness to rural areas under the Medicare program. In addition to improving reimbursements we need greater incentives to encourage doctors and other health care professionals to practice in rural areas.

We have a unique way of life in rural America. The rural way of life with all of its benefits is part of our national heritage, and it is one that is worth fighting to preserve. My goal as a representative in 1999 is to ensure that Federal policies recognize our uniqueness and that they are workable, fair and conducive to carrying on our lives in rural America. I look forward to working with my colleagues to accomplish these goals this session.

PAYING TRIBUTE TO PETER MCCANN, COMPOSER OF ''AMONG THE MISSING''

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

Mr. LAMPSON. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Peter McCann.

It was through my involvement with the National Center For Missing and Exploited Children and as chairman and founder of the Congressional Caucus on Missing and Exploited Children that I had the privilege of being introduced to Mr. McCann. Missing and exploited children is an issue of great concern to me and one that I hold in the absolute highest regard. As a parent of two children, I cannot even begin to imagine the hurt families of missing children feel as they are left to wait and hope for the return of their son or daughter.

Well, after garnering support from the Caucus and from the National Center to record a song inspired by the plight of these families, I was flattered that Peter McCann would offer his time and talent to compose such a song. Peter performed his duty as a songwriter in superb fashion by composing the heartfelt duet: Among The Missing, and because of his passionate commitment to this project Peter used his connections in Nashville to convince George Massenburg of Seventeen Grand Recording Studios to produce the sound track and to donate the studio time to make this CD. In addition, recording artists Michael McDonald and Kathy Mattea recorded the song to the accompaniment of an 18-piece string section and 35-voice chorus.

Well, Peter is a seasoned veteran of the music industry, and this accomplishment represents only one of his many musical achievements. He originally embarked on his career at Motown Records in 1971, and after releasing two albums of his own he began a lengthy and productive relationship with CBS as a songwriter during which time Peter began advocating the rights of music artists with his involvement in the Songwriters Association. Later, Peter lobbied pro bono on behalf of his colleagues here on Capitol Hill using his organizational leadership skills as the co-chair of the legislative committee for the National Songwriters' Association International. His songs have been recorded by Julio Iglesias, Kenny Rogers, Lee Greenwood, Reba McIntyre, Crystal Gayle, the Oak Ridge Boys, Isaac Hayes, Karen Carpenter, Donnie Osmond, and that is just to list a few among the long list of musical entertainers.

Mr. Speaker, I believe that this most recent recording will provide Peter and the others involved a true sense of pride and a memory of one of their most satisfying accomplishments as songwriters and as musicians. Peter has agreed to donate the publishing royalties and the right to use the song for the National Center for Missing and Exploited Children. Wal-Mart, a longtime partner in the Center's mission to locate missing children is also committed to promoting the song, Among The Missing, in its nearly 3,000 stores nationwide. Additionally, RCA Records, the recorder and distributor of the song, will dedicate a portion of the sales to distributing photographs of missing children nationwide.

Mr. Speaker, I offer my heartfelt thanks to Peter whose efforts and time played a very large part in ensuring that this project come to fruition. If this song raises the awareness about missing children and reunites one child with his or her family, Peter McCann can take credit. He can hold his head high and feel as proud of his work on behalf of our nation's children as we are of him.

□ 1830

Thank you, Peter, and God bless you.

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

(Mr. BRADY of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SMITH of Washington addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RULES OF PROCEDURE FOR THE COMMITTEE ON SCIENCE FOR THE 106TH CONGRESS

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

Mr. SENSENBRENNER. Mr. Speaker, in accordance with clause 2, Rule XI of the Rules of the House, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules Governing Procedure for the Committee on Science for the 106th Congress, adopted on February 4, 1999.

RULE 1. GENERAL PROVISIONS

GENERAL STATEMENT

(a) The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees, except that 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 non-debatable privileged motions in the committee and its subcommittees and shall be decided without debate. The rules of the committee, as applicable, shall be the rules of its subcommittees. The rules of germaneness shall be enforced by the Chairman. [XI 1(a)]

MEMBERSHIP

(b) A majority of the majority Members of the committee shall determine an appropriate ratio of majority to minority Members of each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

POWER TO SIT AND ACT; SUBPOENA POWER

(c)(1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority of the committee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, with the concurrence the Ranking Minority

Member of the Full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

(d) Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with the Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

NATIONAL SECURITY INFORMATION

(e) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

OVERSIGHT

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee, or of any subcommittee, shall not undertake any investigation in the name of the committee without formal approval by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

ORDER OF BUSINESS

(h) The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

OTHER PROCEDURES AND REGULATIONS

(i) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

(j) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

USE OF HEARING ROOMS

(k) In consultation with the Ranking Minority Member, the Chairman of the full committee shall establish guidelines for use of committee hearing rooms.

RULE 2. COMMITTEE MEETINGS [AND PROCEDURES]

QUORUM [XI 2(h)(1)]

(a)(1) One-third of the Members of the committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close committee meetings or hearings pursuant to Rules 2(c) and 2(d); and (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two Members of the committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

TIME AND PLACE

(b)(1) Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman. [XI 2(c)]

(3) The Chairman shall make public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form including the committee website. [XI 2(g)(3)]

OPEN MEETINGS [XI 2 (g)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public, including to radio, television, and still photography coverage, except when the committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This rule does not apply to open committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the committee shall be open to the public including radio, television, and still photography coverage except when the committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(p) a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegate and the Resident Commissioner by the same procedures designated in this Rule for closing hearing to the public: Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of the hearing.

AUDIO AND VISUAL COVERAGE

(e)(A) Whenever a hearing or meeting conducted by the committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).[XI 4]

(B)(1) Radio and television tapes, television film, and internet recordings of any committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(2) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(3) The coverage of Committee meetings and hearings by audio and visual means shall

be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Phogographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

SPECIAL MEETINGS

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

(h) Meetings and hearings of the committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by the member designated by the Chairman as the Vice Chairman of the committee, or by the ranking majority member of the committee present as Acting Chairman. [XI 2(d)]

OPENING STATEMENTS; 5-MINUTE RULE [XI 2(j)]

(i) Insofar as is practical, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting.

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed on hour in the aggregate. [XI 2(j)]

PROXIES

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the committee. [XI 2(f)]

WITNESSES

(l)(1) Insofar as is practicable, each witness who is to appear before the committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a five-minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness. [XI 2(g)(4)]

(m) Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon. [XI 2(j)(1)]

INVESTIGATIVE HEARING PROCEDURES

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

SUBJECT MATTER

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g) [XI 2(c)]

(p) No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

(q)(1) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the committee at least 24 hours prior to the consideration of the measure or matter. [XXIII 4(a)]

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

REQUESTS FOR WRITTEN MOTIONS

(r) Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

REQUESTS FOR RECORD VOTES AT FULL COMMITTEE

(s) A record vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

AUTOMATIC RECORD VOTE FOR AMENDMENTS WHICH AFFECT THE USE OF FEDERAL RESOURCES

(t)(1) A record vote shall be automatic on any amendment which specifies the use of federal resources in addition to, or more explicitly (inclusively or exclusively) than that specified in the underlying text of the measure being considered.

(2) No legislative report filed by the committee on any measure or matter reported by the committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

(u)(1) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member

of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the committee shall make its publications available in electronic form, including the committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

(v) The transcripts of those hearings conducted by the committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional committee, and memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the committee and shall be included as part of the legislative report unless waived by the Chairman.

RULE 3. SUBCOMMITTEE

STRUCTURE AND JURISDICTION

(a) The committee shall have the following standing subcommittees with the jurisdiction indicated.

(1) Subcommittee on Basic Research.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure, overhead and partnerships; science scholarships; computer, communications, and information science; earthquake and fire research programs; research and development relating to health, biomedical, and nutritional programs; and to the extent appropriate, agricultural, geological, biological and life sciences research.

(2) Subcommittee on Energy and Environment.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy and environmental research, development, and demonstration including: Department of Energy research, development, and demonstration programs, Department of Energy laboratories; energy supply research and development activities; nuclear and other advanced energy technologies; general science and research activities; uranium supply, enrichment, and waste management activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; measures relating to the commercial application of energy technology; science and risk assessment activities of the Federal Government; Environmental Protection Agency research and development programs; and National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research.

(3) Subcommittee on Space and Aeronautics.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications, space communications and related matters; and earth remote sensing policy.

(4) Subcommittee on Technology.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness including: standards and standardization of measurement; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization; technology transfer; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy.

REFERRAL OF LEGISLATION

(b) The Chairman shall refer all legislation and other matters referred to the committee to the subcommittee or subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

EX-OFFICIO MEMBERS

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the subcommittee.

PROCEDURES

(d) No subcommittee shall meet for markup or approval when any other subcommittee of the committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. For matters within its jurisdiction, each subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

(f) Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 3(c).

(g) During any subcommittee proceeding for markup or approval, a record vote may be had at the request of one or more Members of that subcommittee.

RULE 4. REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

(a) The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XIII, clause 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [Rule XIII, clauses 3(c)(2)];

(3) with respect to reports on a bill or joint resolution of a public character, a ''Constitutional Authority Statement'' citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted;

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, 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;

(5) the estimate and comparison prepared by the committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [Rule XIII, clause 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3]; and

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v).

(b)(1) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget

Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee [Rule XIII, clause 2–4];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under Rule X 2(b) of the Rules of the House of Representatives, separately set out and identified [Rule XIII, clause 2–4]

(2) Notwithstanding paragraph (2) of this Rule, if the committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS [XI 2(1)]

(c) If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (a) of Rule 4(b)(1) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the committee of any supplemental report upon any measure or matter which maybe required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(d) The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views the two subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

(e) Reports and recommendations of a subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full committee membership and printed hearings thereon shall be made available, if feasible, to the Members except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

TIMING AND FILING OF COMMITTEE REPORTS [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the committee on such measures shall be made available to the committee membership for review at least 24 hours in advance of filing.

(g) The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by the majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(h)(1) Any document published by the committee as a House Report, other than a report of the committee on a measure which has been approved by the committee, shall be approved by the committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a committee print which in his discretion he determines to be useful for the information of the committee.

(3) Any document to be published as a committee print which purports to express the views, findings, conclusions, or recommendations of the committee or any of its subcommittees must be approved by the Full Committee or its subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: ''This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;'' and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this committee and one or more other committee(s) may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each member of the committee for at least seven calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the committee. [XI 1(d), XI 1(d)(4)]

OVERSIGHT REPORTS

(l) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

''Rule X. Organization of Committees.

''Committees and their legislative jurisdictions.

''1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

''(n) Committee on Science.

''(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

''(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

''(3) Civil aviation research and development.

''(4) Environmental research and development.

''(5) Marine research.

''(6) Commercial application of energy technology.

''(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

''(8) National Aeronautics and Space Administration.

''(9) National Space Council.

''(10) National Science Foundation.

''(11) National Weather Service.

''(12) Outer space, including exploration and control thereof.

''(13) Science Scholarships.

''(14) Scientific research, development, and demonstration, and projects therefor.

* * * * *

''SPECIAL OVERSIGHT FUNCTIONS

''3.(j) The Committee on Science shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MALONEY of New York (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. THORNBERRY (at the request of Mr. ARMEY) for today, on account of a death in the family.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LAMPSON) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, on February 12.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. tomorrow.

There was no objection.

Accordingly (at 6 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 10, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

417. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP–300790; FRL–6059–8] (RIN: 2070–AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—3,7–Dichloro-8-quinoline carboxylic acid; Pesticide Tolerances for Emergency Exemptions [OPP–300781; FRL–6055–6] (RIN: 2070–AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

419. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerance [OPP–300782; FRL–6056–4] (RIN: 2070–AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

420. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propyzamide; Extension of Tolerance for Emergency Exemptions [OPP–300791; FRL–6060–3] (RIN: 2070–AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

421. A letter from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Voting by Interested Members of Self-Regulatory Organization Governing Boards and Committees—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

422. A letter from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Temporary Licenses for Associated Persons, Floor Brokers, Floor Traders and Guaranteed Introducing Brokers—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

423. A letter from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Technical Assistance Component [No. 982–0154] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

424. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Singapore, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

425. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

426. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program; Removal of Form (RIN: 3067–AC81) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

427. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA–98–4980; Notice 1] (RIN: 2127–AH25) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

428. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Protection In Interior Impact [Docket No. NHTSA–98–5033] [RIN No. 2127–AG07] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

429. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills; Final Rule (RIN: 2050–AG61) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

430. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emegency Planning and Community Right-To-Know Programs; Amdendments to Hazardous Chemical Reporting Thresholds for Gasoline and Diesel Fuel at Retail Gas Stations [FRL–6300–5] (RIN: 2050–AE58) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

431. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—RECORD Keeping and Reporting Burden Reduction [AD-FRL–6–6300] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

432. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 96F–0136] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

433. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0421] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

434. A letter from the Secretary of Health and Human Services, transmitting the Service's annual report on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992; to the Committee on Commerce.

435. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations: Procedure for Requests for Removal from List of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, Specially Designated Narcotics Traffickers, and Blocked Vessels—received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

436. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration; Premium Pay (RIN: 3206–AG47) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

437. A letter from the Deputy Executive Director, U.S. Commodity Future Trading Commission, transmitting the Commission's final rule—Commisssion Records and Information; Open Commission Meetings—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

438. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

439. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 961204340–7087–02; I.D. 012999A] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

440. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; Management of Driftnet Gear [Docket No. 980630163–9010–02; I.D. 011598A] (RIN: 0648–AJ68) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

441. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 981222313–8320–02; I.D. 012599B] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

442. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Debt Collection (RIN: 3067–AC77) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

443. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Coast Guard Child Development Services Programs [USCG–1998–3821] (RIN: 2115–AF48) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

444. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Maritime Course Approval Procedures [USCG–1998–3824] (RIN: 2115–AF58) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

445. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Passaic River, NJ [CGD01–97–134] (RIN: 2115–AE47) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

446. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE; Explosive Loads and Detonations Bath Iron Works, Bath, ME [CGD1–99–006] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

447. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Sunken Fishing Vessel CAPE FEAR, Buzzards Bay Entrance [CGD01 99–002] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

448. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Swift Creek Channel, Freeport, NY [CGD01–98–184] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

449. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONES, SECURITY ZONES, AND SPECIAL LOCAL REGULATIONS [USCG–1998–4895] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

450. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Participation by Disadvantaged Business Enterprises in Department of Transportation Programs [Docket No. OST–97–2550; Notice 97–5] (RIN: 2105–AB92) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

451. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model AE 3007A and AE 3007A1/1 Turbofan Engines [Docket No. 98–ANE–14–AD; Amendment 39–11017; AD 99–03–03] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

452. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98–NM–50–AD; Amendment 39–11018; AD 99–03–04] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

453. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Gate Requirements for High-Lift Device Controls [Docket No. 28930; Amdt. No. 25–98] (RIN: 2120–AF82) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

454. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the San Diego Class B Airspace Area; CA [Airspace Docket No. 97–AWA–6] (RIN: 2120–AA66) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

455. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendments to Restricted Areas 5601D and 5601E; Fort Sill, OK [Airspace Docket No. 96–ASW–40] (RIN: 2120–AA66) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

456. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fremont, OH [Airspace Docket No. 98–AGL–56] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

457. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Buena Vista, CO [Airspace Docket No. 98–ANM–20] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

458. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Anaktuvuk Pass, AK [Airspace Docket No. 98–AAL–24] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

459. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 98–NM–386–AD; Amendment 39–11015; AD 99–01–12] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

460. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1802SO [Docket No. 98–NM–379–AD; Amendement 39–11016; AD 98–26–51] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

461. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Revenue Procedure 99–16] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

462. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Revenue Procedure 99–15] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

463. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations [TD 8817] (RIN: 1545–AV70) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

464. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eisenberg v. Commissioner [T.C. Docket No. 17267–95] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

465. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eisenberg v. Commissioner [T.C. Docket No. 17267–95] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

466. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Larotonda v. Commissioner—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

467. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Larontonda v. Commissioner—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

468. A communication from the Assistant to the President and Director for Legislative Affairs, President of the United States, transmitting the Presidents ''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. REYNOLDS: Committee on Rules. House Resolution 42. Resolution providing for consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes (Rept. 106–13). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 43. Resolution providing for consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes (Rept. 106–14). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 44. Resolution providing

for consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President (Rept. 106–15). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself and Mr. RANGEL):

H.R. 630. A bill to amend the Internal Revenue Code of 1986 to reiterate the denial of the charitable contribution deduction for transfers associated with split-dollar insurance arrangements; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. CARDIN):

H.R. 631. A bill to combat fraud in, and to improve the administration of, the disability programs under titles II and XVI of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. GREEN of Texas, Mr. STEARNS, Mr. BENTSEN, Mr. EHLERS, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. MCCOLLUM, Mr. ROTHman, Mrs. MYRICK, Mr. PALLONE, and Mr. TALENT):

H.R. 632. A bill to require the Secretary of Health and Human Services to conduct a study on mortality and adverse outcome rates of Medicare patients of providers of anesthesia services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 633. A bill to provide for investment in broad-based private equities indices of amounts held in trust for payment of benefits from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, the Department of Defense Military Retirement Fund, the Civil Service Retirement and Disability Fund, and the Railroad Retirement Account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Government Reform, the Budget, Transportation and Infrastructure, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. GILCHREST, and Mr. CUMMINGS):

H.R. 634. A bill to amend title XVIII of the Social Security Act to guarantee that Medicare beneficiaries enrolled in MedicareChoice plans offering prescription drug coverage have access to a Medigap policy that offers similar presciption drug coverage in the event the MedicareChoice plan terminates service in the area in which the beneficiary resides; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 635. A bill to amend part A of title IV of the Social Security Act to permit the use of block grant funds under the Temporary Assistance to Needy Families (TANF) program for classroom construction and hiring of teachers in elementary and secondary public schools; to the Committee on Ways and Means.

By Mr. COOKSEY:

H.R. 636. A bill to amend the Individuals with Disabilities Education Act relating to the placement of children in alternative educational settings under that Act and relating to corrective action against States under part B of that Act; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. BALDACCI, Mr. BARRETT of Nebraska, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. ACKERMAN, Mr. SHOWS, and Mrs. MORELLA):

H.R. 637. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. HORN, Mr. POMEROY, and Mr. PAUL):

H.R. 638. A bill to amend the Internal Revenue Code of 1986 to increase the Lifetime Learning Credit for tuition expenses for continuing education for secondary teachers in their fields of teaching; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. HALL of Texas, Mr. PAUL, Mr. PITTS, Mr. BACHUS, Mr. BURTON of Indiana, Mr. DICKEY, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. HOSTETTLER, Mrs. MYRICK, Mr. HANSEN, Mr. DOOLITTLE, Mr. BARTON of Texas, Mrs. EMERSON, Mr. SHOWS, Mr. LEWIS of Kentucky, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. PICKERING, Mrs. CHENOWETH, Mr. STEARNS, Mr. SPENCE, Mr. PACKARD, Mr. WATTS of Oklahoma, Mr. SOUDER, Mr. TANCREDO, Mr. BARCIA of Michigan, Mr. NEY, Mr. DELAY, Mr. PETRI, Mr. TAYLOR of Mississippi, Mr. WAMP, and Mr. TERRY):

H.R. 639. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person from the moment of fertilization; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Ms. JACKSON-LEE of Texas, Mr. FOLEY, Mr. FROST, Ms. RIVERS, Mr. ROTHman, Mr. SHERMAN, Mr. PETERSON of Minnesota, Mr. GUTKNECHT, and Mr. BENTSEN):

H.R. 640. A bill to authorize appropriations for the United States Customs Cybersmuggling Center; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. GEORGE MILLER of California, Mr. QUINN, Mr. WALSH, Mr. VENTO, Mr. LEACH, Mr. HINCHEY, Mr. KING of New York, Mr. KENNEDY, Mr. BOEHLERT, Mrs. LOWEY, Mr. RANGEL, Mr. FROST, Mr. ACKERMAN, Mr. BISHOP, Mr. NADLER, Mr. LAFALCE, Ms. NORTON, Mrs. MINK of Hawaii, Mr. MCHUGH, Mrs. KELLY, Mr. FILNER, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mr. ENGEL, Mr. TOWNS, Ms. CARSON, Mr. SERRANO, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. SANDERS, Mrs. JONES of Ohio, Mr. GREEN of Texas, and Mr. BRADY of Pennsylvania):

H.R. 641. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD (for herself, Mr. BECERRA, Ms. PELOSI, Ms. LEE, Mr. GEORGE MILLER of California, Mr. SHERMAN, Mr. BERMAN, Mr. WAXMAN, Mr. MATSUI, Mr. CUNNINGHAM, Ms. LOFGREN, Mr. HORN, Mr. ROGAN, Mr. MARTINEZ, Mr. CALVERT, and Mr. FARR of California):

H.R. 642. A bill to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building''; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD (for herself, Mr. BECERRA, Ms. PELOSI, Ms. LEE, Mr. GEORGE MILLER of California, Mr. SHERMAN, Mr. BERMAN, Mr. WAXMAN, Mr. MATSUI, Mr. CUNNINGHAM, Ms. LOFGREN, Mr. HORN, Mr. ROGAN, Mr. MARTINEZ, Mr. CALVERT, and Mr. FARR of California):

H.R. 643. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Government Reform.

By Mrs. MINK of Hawaii:

H.R. 644. A bill to establish requirements for the cancellation of automobile insurance policies; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. HORN, Mr. VENTO, Mr. MCCOLLUM, Mr. SANDERS, Mr. BACHUS, Mrs. KELLY, Mr. GUTIERREZ, Mrs. JOHNSON of Connecticut, Mr. BEREUTER, Mr. LEACH, Ms. BIGGERT, Mr. WOLF, Mr. DAVIS of Virginia, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. PASCRELL, Mr. BERMAN, Mr. BOEHLERT, and Mrs. TAUSCHER):

H.R. 645. A bill to provide for teacher technology training; to the Committee on Education and the Workforce.

By Mr. PASCRELL:

H.R. 646. A bill to amend title 49, United States Code, to provide that motor carriers safety permits for the transportation of hazardous material be subject to annual renewal; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mrs. CHENOWETH, Mr. ROHRABACHER, Mr. HOSTETTLER, Mr. CAMPBELL, Mr. BARTLETT of Maryland, Mr. SCHAFFER, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. SCARBOROUGH, Mr. SALMON, Mrs. CUBIN, and Mr. METCALF):

H.R. 647. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of United States Armed Forces in Kosovo unless that deployment is specifically authorized by law; to the Committee on Armed Services.

By Mr. PICKETT (for himself, Mr. TAYLOR of Mississippi, Mr. WELDON of Pennsylvania, Mr. SISISKY, Mr. KENNEDY, and Mr. ORTIZ):

H.R. 648. A bill to amend title 10, United States Code, to restore military retirement benefits that were reduced by the Military Retirement Reform Act of 1986; to the Committee on Armed Services.

By Ms. RIVERS:

H.R. 649. A bill to amend the Real Estate Settlement Procedures Act of 1974 to prohibit a lender from requiring a borrower in a residential mortgage transaction to provide the lender with unlimited access to the borrower's tax return information; to the Committee on Banking and Financial Services.

By Ms. RIVERS:

H.R. 650. A bill to assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 651. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1999; to the Committee on House Administration, and in addition to the Committee on Government Reform, 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. SANDERS (for himself, Mr. EVANS, Mr. FILNER, Mr. GREEN of Texas, Mr. KLECZKA, Mr. KENNEDY, Mr. ROMERO-BARCELO, Ms. NORTON, Mr. UNDERWOOD, and Mr. NEY):

H.R. 652. A bill to amend title 38, United States Code, to increase the allowance for burial and funural expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 653. A bill to mandate price stability as the primary goal of the monetary policy of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee; to the Committee on Banking and Financial Services.

By Mr. SHAYS (for himself, Mr. PRICE of North Carolina, Mr. BOEHLERT, Mr. SALMON, and Mr. CAMPBELL):

H.R. 654. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on House Administration.

By Mr. STARK (for himself, Mr. LEACH, Mr. TOWNS, Mr. HINCHEY, Mr. BENTSEN, Mr. MEEHAN, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. WEYGAND, Mr. RODRIGUEZ, Mr. FROST, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. DEFAZIO, Ms. KILPATRICK, Ms. RIVERS, Mr. SANDERS, Mr. BONIOR, Mr. THOMPSON of Mississippi, Mr. CAPUANO, Mr. STRICKLAND, and Mr. GEORGE MILLER of California):

H.R. 655. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself and Ms. RIVERS):

H.R. 656. A bill to guarantee honesty in budgeting; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself, Mr. MCHUGH, Mr. WALSH, Mr. TOWNS, Mr. MCNULTY, Mr. LAZIO of New York, Mr. NADLER, Mr. HINCHEY, Mr. LAFALCE, Mr. HOUGHTON, Mr. ACKERMAN, Mrs. LOWEY, and Mrs. MALONEY of New York):

H.R. 657. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Commerce.

By Mr. SWEENEY:

H.R. 658. A bill to establish the THOMAS Cole National Historic Site in the State of New York as an affiliated area of the National Park System; to the Committee on Resources.

By Mr. WELDON of Pennsylvania (for himself, Mr. PITTS, Mr. ENGLISH, Mr. HOEFFEL, Mr. MASCARA, Mr. GEKAS, Mr. GREENWOOD, Mr. HOLDEN, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. SHERWOOD, Mr. COYNE, Mr. PETERSON of Pennsylvania, Mr. FATTAH, Mr. TOOMEY, Mr. KLINK, Mr. ANDREWS, Mr. KANJORSKI, Mr. BORSKI, Mr. MURTHA, Mr. CASTLE, and Mr. GOODLING):

H.R. 659. A bill to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H.J. Res. 25. A joint resolution recognizing the sacrifice and dedication of members of the Armed Forces throughout the Nation's history; to the Committee on Armed Services.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 26. A joint resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the SMITHsonian Instiution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 27. A joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the SMITHsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 28. A joint resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the SMITHsonian Institution; to the Committee on House Administration.

By Mr. METCALF:

H. Con. Res. 26. Concurrent resolution to express the sense of the Congress that any Executive order that infringes on the powers and duties of the Congress under article I, section 8 of the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of the Executive order, is advisory only and has no force or effect unless enacted as law; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Mr. MOAKLEY):

H. Res. 45. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. BLUNT (for himself, Mr. CLAY, and Mr. SKELTON):

H. Res. 46. A resolution honoring Future Business Leaders of America-Phi Beta Lambda; to the Committee on Education and the Workforce.

By Ms. RIVERS:

H. Res. 47. A resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members Representational Allowance of the Members making such speeches; to the Committee on Rules.

By Mr. RYAN of Wisconsin:

H. Res. 48. A resolution expressing the sense of the House of Representatives that the Congress and the President should undertake the Social Security Guarantee Initiative to strengthen and protect the retirement income security of all Americans through the creation of a fair and modern Social Security Program for the 21st century; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H. Res. 49. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Sixth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. MILLENDER-MCDONALD introduced A bill (H.R. 660) for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mrs. MYRICK, Mr. BARR of Georgia, Mrs. JOHNSON of Connecticut, Mr. FOSSELLA, Mr. YOUNG of Alaska, Mr. BLUNT, Mr. EHRLICH, Mr. CHAMBLISS, Mr. STUMP, Mr. PITTS, and Mr. FOLEY.

H.R. 15: Mr. FILNER.

H.R. 17: Mr. WATTS of Oklahoma, Mr. HASTINGS of Washington, Ms. DANNER, Mr. CHAMBLISS, and Mr. LEACH.

H.R. 27: Mr. SHADEGG, Mr. FOLEY, Mrs. EMERSON, Mr. HAYES, and Mr. HASTINGS of Washington.

H.R. 38: Mr. SCARBOROUGH, MR. KOLBE, and Mr. HEFLEY.

H.R. 45: Mr. SNYDER, Mr. HAYES, Mr. COSTELLO, Mr. BOYD, Mr. CRAMER, Mr. SCARBOROUGH, Mr. LINDER, Mr. WELDON of Florida, Mr. DEMINT, Mrs. MYRICK, Mr. EHRLICH, Mr. TURNER, Mr. PICKETT, Mr. HASTINGS of Florida, and Mr. BRYANT.

H.R. 50: Mrs. ROUKEMA.

H.R. 51: Mr. NEY, Mr. CALVERT, and Mr. WHITFIELD.

H.R. 64: Mr. POMEROY.

H.R. 70: Mr. COSTELLO, Mr. HOBSON, Mr. BILBRAY, Mr. LATHAM, and Mr. GOODE.

H.R. 72: Mr. RAHALL and Mr. BILBRAY.

H.R. 89: Mr. LATOURETTE, Mr. CLYBURN, Mr. TURNER, Mr. SESSIONS, Mr. REGULA, Mr. BOEHLERT, Mr. DOOLITTLE, and Ms. ESHOO.

H.R. 116: Mrs. NAPOLITANO and Mrs. JONES of Ohio.

H.R. 130: Mr. NADLER, Mrs. KELLY, Mr. RANGEL, Mr. BOEHLERT, Mr. TOWNS, and Mrs. MALONEY of New York.

H.R. 169: Mr. ETHERIDGE.

H.R. 175: Mr. GUTKNECHT, Mr. THOMPSON of California, Mr. BALDACCI, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. ENGEL, and Mr. SHOWS.

H.R. 194: Mr. ENGLISH.

H.R. 196: Mr. VISCLOSKY.

H.R. 205: Mr. NORWOOD, Ms. WOOLSEY, Mr. SKEEN, and Mr. CONDIT.

H.R. 208: Mr. ENGEL and Mr. WYNN.

H.R. 221: Mr. CASTLE and Mr. BOEHNER.

H.R. 232: Mr. WHITFIELD and Mr. HASTINGS of Washington.

H.R. 235: Mr. SHERMAN, Mr. BALDACCI, Ms. RIVERS, Mr. FRANKS of New Jersey, Mr. GOODE, Mrs. EMERSON, Mr. HOSTETTLER, Mr. SCHAFFER, Mr. DUNCAN, Mr. LARGENT, and Mr. TANCREDO.

H.R. 254: Mr. GOODLING, Mr. MCKEON, Mr. BOUCHER, Mr. SCHAFFER, Mr. GILMAN, Mr. MANZULLO, Mr. TANCREDO, Mr. WATKINS, Mr. MCCOLLUM, Ms. ROS-LEHTINEN, Mr. HOSTETTLER, Mr. PAUL, Mr. PITTS, Mr. HAYES, Mr. SUNUNU, Mr. MICA, Mr. CANADY of Florida, Mr. SHOWS, Ms. GRANGER, Mrs. JONES of Ohio, Mr. FOLEY, Mr. POMBO, Mr. RADANOVICH, and Mr. SOUDER.

H.R. 268: Mr. GREENWOOD.

H.R. 274: Mr. FROST, Mr. KING of New York, Ms. KILPATRICK, Mr. TOWNS, Mr. RAHALL, Mr.

FOLEY, Mr. SAXTON, Ms. ROS-LEHTINEN, and Mr. SHAYS.

H.R. 275: Mr. COBURN, and Mr. KUYKENDALL.

H.R. 289: Mr. DIAZ-BALART.

H.R. 315: Mrs. MEEK of Florida, Mr. FARR of California, Mr. JACKSON of Illinois, Mr. OLVER, Mr. THOMPSON of Mississippi, and Ms. CHRISTIAN-CHRISTENSEN.

H.R. 351: Mr. PICKERING, Mr. RODRIGUEZ, and Mr. OBERSTAR.

H.R. 352: Mr. WHITFIELD, Mr. CHAMBLISS, Mr. RADANOVICH, Mr. DOOLITTLE, and Ms. PRYCE of Ohio.

H.R. 357: Mr. ESHOO.

H.R. 371: Mr. DOOLEY of California.

H.R. 372: Mr. HINCHEY, and Mr. KUCINICH.

H.R. 374: Mr. FRANKS of New Jersey, and Mrs. KELLY.

H.R. 380: Mr. GILCHREST, Mr. MEEKS of New York, and Mr. PRYCE of Ohio.

H.R. 396: Mr. BOEHLERT, Mr. KUCINICH, Mr. SABO, Mr. MCKEON, Mr. GARY MILLER of California, Mrs. THURMAN, Mr. STUMP, Mr. HORN, Mr. THOMPSON of Mississippi, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. HOLDEN, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. OSE, and Mr. TALENT.

H.R. 412: Mr. BOUCHER, Mr. SHUSTER, Mr. EHLERS, Mr. WALSH, Mr. NEY, Mr. NORWOOD, Mr. LEACH, Mr. KUCINICH, Mr. MOLLOHAN, Mr. COSTELLO, and Mr. TRAFICANT.

H.R. 415: Mr. BERMAN.

H.R. 417: Mss SLAUGHTER and Mr. WEINER.

H.R. 430: Ms. RIVERS, Mr. RANGEL, Mr. GIBBONS, Ms. SLAUGHTER, Mr. ROMERO-BARCELO, Mr. LAMPSON, and Mr. SHOWS.

H.R. 433: Mr. EHRLICH and Mr. SWEENEY.

H.R. 434: Mr. SHAW, Mr. DIXON, Mr. RUSH, and Mr. WEXLER.

H.R. 443: Mr. FOLEY, Mrs. MORELLA, and Mr. BLAGOJEVICH.

H.R. 452: Mr. LEWIS of Georgia, Mr. ACKERMAN, and Mrs. MALONEY of New York.

H.R. 472: Mr. GOSS, Mr. CRANE, Mr. SOUDER, and Mr. LATHAM.

H.R. 483: Mr. WOLF.

H.R. 491: Mr. BALDACCI, Mr. PALLONE, Mr. RANGEL, and Mr. BARRETT of Wisconsin.

H.R. 492: Mr. STUMP, Mr. SHADEGG, Mr. ENGLISH, Mr. NEY, Mr. PICKERING, Mr. GOODE, Mr. BARTLETT of Maryland, and Mr. TALENT.

H.R. 506: Mr. HOEFFEL, Mr. UNDERWOOD, Mr. PASTOR, Mr. WALSH, Mr. BENTSEN, Mr. RANGEL, Mr. HALL of Ohio, Mr. BLUMENAUER, Mr. SANDLIN, and Mr. LANTOS.

H.R. 516: Mr. THUNE, Mr. CLEMENT, Mr. MCINNIS, Mr. SANFORD, Mr. JONES of North Carolina, and Mr. HEFLEY.

H.R. 518: Mr. THUNE.

H.R. 537: Mr. SHADEGG.

H.R. 541: Mr. BROWN of Ohio, Mr. MEEHAN, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Mr. BONIOR, Mr. SHOWS, Mrs. JONES of Ohio, Mrs. CLAYTON, Mr. KENNEDY, Mr. MCDERMOTT, Mr. BROWN of California, and Ms. MCKINNEY.

H.R. 547: Mrs. MCCARTHY of New York, Mr. LOBIONDO, Mr. SANDERS, and Mrs. KELLY.

H.R. 557: Mr. BARRETT of Wisconsin.

H.R. 566: Mr. BERMAN, Mr. LUTHER, and Mr. GUTKNECHT.

H.R. 568: Mr. GEJDENSON, Mr. PETERSON of Minnesota, and Mr. PALLONE.

H.R. 573: Mr. HOEKSTRA, Mr. RANGEL, Mr. CLEMENT, Mr. COSTELLO, Mrs. KELLY, Mr. TANCREDO, Mr. BOYD, Mr. HOLDEN, and Mr. GUTIERREZ.

H.R. 606: Ms. BROWN of Florida.

H.R. 625: Mr. HOBSON.

H.J. Res. 14: Ms. GRANGER, Mr. COX of California, Mr. BURTON of Indiana, and Mr. GUTKNECHT.

H. Con. Res. 10: Mr. HILL of Montana, Mr. FOLEY, Mr. METCALF, and Mr. CALVERT.

H. Con. Res. 24: Mrs. NORTHUP, Mr. FOLEY, Ms. WOOLSEY, Mr. CLYBURN, Mr. FILNER, Mr. BERMAN, Mr. WEINER, Mr. POMBO, Mr. SMITH of New Jersey, Mr. TAUZIN, Mr. GONZALEZ, Mr. HOLT, Mr. THOMPSON of California, Mr. WAXMAN, Mr. NORWOOD, Mr. GORDON, and Mr. BENTSEN.

H. Res. 15: Ms. KAPTUR, Mr. UNDERWOOD, Mr. ENGLISH, and Mr. MCHUGH.

H. Res. 16: Mr. LUTHER and Mr. CALVERT.

H. Res. 32: Mr. GREENWOOD.

H. Res. 41: Mr. BILBRAY, Mr. COOKSEY, and Mr. SHOWS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 41: Mr. ROGERS.

H.J. Res. 7: Mr. DIAZ-BALART.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 350

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 1: Page 5, lines 16 and 17, strike ''425(a)(1)'' each place it appears and insert ''425(a)(1)(B)''.

Page 5, after line 20, insert the following new subparagraphs:

(A) inserting in paragraph (1) ''intergovernmental'' after ''Federal'';

(B) inserting in paragraph (1) ''(A)'' before ''any'' and by adding at the end the following new subparagraphs:

''(B) any bill or joint resolution that is reported by a committee, unless—

''(i) the committee has published a statement of the Director on the direct costs of Federal private sector mandates in accordance with section 423(f) before such consideration, except that this clause shall not apply to any supplemental statement prepared by the Director under section 424(d); or

''(ii) all debate has been completed under section 427(b)(4); and

''(C) any amendment, motion, or conference report, unless—

''(i) the Director has estimated, in writing, the direct costs of Federal private sector mandates before such consideration; or

''(ii) all debate has been completed under section 427(b)(4); and''.

Page 5, line 21, strike ''(A)'' and insert ''(C)'' and on line 24, strike ''(B)'' and insert ''(D)''.

Page 6, line 2, insert '', according to the estimate prepared by the Director under section 424(b)(1),'' before ''would''.

Page 6, line 10, insert ''unless all debate has been completed under section 427(b)(4),'' after ''exceeded''.

Page 7, line 1, strike ''(A)'' and strike lines 5 through 8.

Page 7, strike lines 9 through 18.

Page 7, line 19, strike ''(7)'' and insert ''(8)'' and after line 18, insert the following new paragraphs:

(6) TECHNICAL CHANGES.—(A) The centerheading of section 426 of the Congressional Budget Act of 1974 is amended by adding before the period the following: ''**REGARDING FEDERAL INTERGOVERNMENTAL MANDATES**''.

(B) Section 426 of the Congressional Budget Act of 1974 is amended by inserting ''regarding Federal intergovernmental mandates'' after ''section 425'' each place it appears.

(C) The item relating to section 426 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting ''regarding Federal intergovernmental mandates'' before the period.

(7) FEDERAL PRIVATE SECTOR MANDATES.—(A) Part B of title IV of the Congressional Budget Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after section 426 the following new section:

''SEC. 427. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES REGARDING FEDERAL PRIVATE SECTOR MANDATES.

''(a) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425 regarding Federal private sector mandates. A point of order under this subsection shall be disposed of as if it were a point of order under section 426(a).

''(b) DISPOSITION OF POINTS OF ORDER.—

''(1) APPLICATION TO THE HOUSE OF REPRESENTATIVES.—This subsection shall apply only to the House of Representatives.

''(2) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425 regarding Federal private sector mandates or subsection (a) of this section must specify the precise legislative language on which it is premised.

''(3) RULING OF THE CHAIR.—The Chair shall rule on points of order under section 425 regarding Federal private sector mandates or subsection (a) of this section. The Chair shall sustain the point of order only if the Chair determines that the criteria in section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) have been met. Not more than one point of order with respect to the proposition that is the subject of the point of order shall be recognized by the Chair under section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) regarding Federal private sector mandates.

''(4) DEBATE AND INTERVENING MOTIONS.—If the point of order is sustained, the costs and benefits of the measure that is subject to the point of order shall be debatable (in addition to any other debate time provided by the rule providing for consideration of the measure) for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order. Debate shall commence without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

''(5) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the point of order under this subsection with respect to a bill or joint resolution shall be considered also to determine the disposition of the point of order under this subsection with respect to an amendment made in order as original text.''.

(B) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after the item relating to section 426 the following new item:

''Sec. 427. Provisions relating to the house of representatives regarding federal private sector mandates.''.

Page 7, line 20, strike ''Section 427'' and insert ''Section 428 (as redesignated)''.

Page 9, after line 5, add the following new section:

SEC. 6. CONFORMING AMENDMENT.

Section 425(b) of the Congressional Budget Act of 1974 is amended by striking ''subsection(a)(2)(B)(iii)'' and inserting ''subsection (a)(3)(B)(iii)''.

H.R. 391

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 1: Page 3, line 13, strike ''SUSPENSION'' and insert ''REDUCTION''.

Page 4, strike line 1 and all that follows through page 6, line 24, and insert the following:

''(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

''(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

''(I) the health and safety of the public;

''(II) consumer, investor, worker, or pension protections; or

''(III) the environment;

''(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

''(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

''(iv) whether the small entity has obtained a significant economic benefit from the violation; and

''(v) any other factors considered relevant by the head of the agency;

''(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999, revise the policies of the agency to implement subparagraph (B); and

''(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

''(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.''.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, FEBRUARY 9, 1999 *No. 23*

Senate

The Senate met at 1:05 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we renew our trust in You when we realize how much You have entrusted to us. We are stunned by the psalmist's reminder that You have crowned us with glory and honor and given us responsibility over the work of Your hands. We renew our dependence on You as we assume this breathtaking call to courageous leadership.

Help the Senators to claim Your promised glory and honor. Imbue them with Your own attributes and strengthen their desire to do what is right and just. As they humbly cast before You any crowns of position or pride, crown them with Your presence and power. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This afternoon, the Senate will begin final deliberations on the articles of impeachment. However, pursuant to S. Res. 30, a Senator may at this time offer a motion to suspend the rules to allow the final deliberations to remain open. That motion is not amendable and no motions to that motion may be offered. Therefore, I expect at least one vote to occur shortly. Following that vote, if the motion is defeated, I will move to close deliberations. If that motion should be adopted, the Senate will begin full deliberations, with each Senator allocated 15 minutes to speak. And I note that that will be true whether it is in open or closed session, although Senator DASCHLE and I may have some further comments to make about that later on.

I note that if each Senator uses his or her entire debate time, the proceedings will take 25 hours, not including breaks and recesses. Therefore, I remind all Senators that Lincoln gave his Gettysburg Address in less than 3 minutes and Kennedy's inaugural address was slightly over 7 minutes. But certainly every Senator will have his or her opportunity to speak for up to 15 minutes, if that is their desire, and, of course, we would also need to communicate with the Chief Justice about the time of the proceedings.

I expect that we will try to go until about 6 or 6:30 this afternoon. I want to confer with Senator DASCHLE, but I think maybe we will try to begin earlier tomorrow and go throughout the day into the early evening. Again, we do have to take into consideration the fact that about 7 or 8 hours will be the absolute maximum we will probably be able to do in a single day. We will talk further about that and make an announcement before we conclude today.

I now yield the floor to the Senator from Pennsylvania, Senator SPECTER, for the purpose of propounding a unanimous consent request.

The CHIEF JUSTICE. The Chair recognizes Senator SPECTER.

UNANIMOUS-CONSENT REQUEST

Mr. SPECTER. Mr. Chief Justice, on behalf of the leader, and in my capacity as a copresider for the Senate at the deposition of Mr. Sidney Blumenthal, I ask unanimous consent that the parties be allowed to take additional discovery, including testimony on oral deposition of Mr. Christopher Hitchens, Ms. Carol Blue, Mr. R. Scott Armstrong and Mr. Sidney Blumenthal with regard to possible fraud on the Senate by alleged perjury in the deposition testimony of Mr. Sidney Blumenthal with respect to allegations that he, Mr. Sidney Blumenthal, was involved with the dissemination beyond the White House of information detrimental to the credibility of Ms. Monica Lewinsky, and that pursuant to the authority of title II of Senate Resolution 30, the Chief Justice of the United States, through the Secretary of the Senate, shall issue subpoenas for the taking of such testimony at a time and place to be determined by the majority leader after consultation with the Democratic leader, and, further, that these depositions be conducted pursuant to the procedures set forth in title II of Senate Resolution 30, except that the last four sentences of section 204 shall not apply to these depositions, provided, further, however, that the final sentence of section 204 shall apply to the deposition of Mr. Sidney Blumenthal.

The CHIEF JUSTICE. Is there objection?

Mr. DASCHLE. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

MOTION TO SUSPEND THE RULES

Mr. LOTT. On behalf of myself and Senator DASCHLE, I move to suspend the rules on behalf of Senators HUTCHISON, HARKIN, and others in order to conduct open deliberations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that there be a 40-minute debate, equally divided, between the leaders or their designees in open session on the motion to suspend the rules.

The CHIEF JUSTICE. Is there objection?

Mr. GREGG. I object.

The CHIEF JUSTICE. Objection is heard.

The question is on the motion to suspend the rules. The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 15]

[Subject: Lott motion to suspend the rules]

YEAS—59

Abraham	Feinstein	Lincoln
Akaka	Gorton	Lugar
Baucus	Graham	McCain
Bayh	Hagel	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Hutchison	Reed
Breaux	Inouye	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Cleland	Kennedy	Sarbanes
Collins	Kerrey	Schumer
Conrad	Kerry	Smith (OR)
Daschle	Kohl	Snowe
DeWine	Kyl	Specter
Dodd	Landrieu	Stevens
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NAYS—41

Allard	Enzi	Murkowski
Ashcroft	Fitzgerald	Nickles
Bennett	Frist	Roberts
Bond	Gramm	Roth
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Thomas
Cochran	Hutchinson	Thompson
Coverdell	Inhofe	Thurmond
Craig	Lott	Voinovich
Crapo	Mack	Warner
Domenici	McConnell	

The CHIEF JUSTICE. On this vote the yeas are 59, the nays are 41. Two-thirds of those Senators voting—a quorum being present—not having voted in the affirmative, the motion is not agreed to.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. In the absence of objection, so ordered.

Mr. LOTT. Mr. Chief Justice, I want to make this reminder: Only those people who are properly authorized to be on the floor of the Senate should be here. The Sergeant at Arms will act accordingly.

Now, Mr. Chief Justice, there is a desire by a number of Senators that it be possible for their statements, even in closed session, to be made a part of the RECORD. Senator DASCHLE and I have talked a great deal about this. We think this is an appropriate way to proceed.

MOTION RELATING TO RECORD OF PROCEEDINGS HELD IN CLOSED SESSION

Mr. LOTT. Therefore, I send this motion to the desk: That the record of the proceedings held in closed session for any Senator to insert their final deliberations on the articles of impeachment shall be published in the CONGRESSIONAL RECORD at the conclusion of the trial.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for himself and Mr. DASCHLE, moves as follows:

That the record of the proceedings held in closed session for any Senator to insert their final deliberations on the Articles of Impeachment shall be published in the Congressional Record at the conclusion of the trial.

Mr. LOTT. Mr. Chief Justice, so everybody can understand this, may I be recognized?

The CHIEF JUSTICE. The majority leader is recognized.

Mr. LOTT. It is the desire of one and all to have the opportunity for this record to be made. After the trial is concluded, Senators can have their statements in the closed session put into the CONGRESSIONAL RECORD—in the record of the trial. There may be Senators that choose, for whatever reason, not to do it in that way at that time. Senator DASCHLE and I have talked a great deal about this. We think this is the fair way to make that record. We urge that it be adopted.

Mrs. FEINSTEIN. Mr. Chief Justice, point of clarification.

The CHIEF JUSTICE. The Senator from California, Mrs. FEINSTEIN, is recognized.

Mrs. FEINSTEIN. Mr. Leader, can I ask a point of clarification? Does this mean that repartee between Members will not be recorded, but just the statement as the Member submits it?

Mr. LOTT. Mr. Chief Justice, if I could respond to that, I think that would be up to the Senators. That has been one of my points. I hope we won't just have speeches and that, in fact, we will have deliberations. As we have found ourselves in previous closed sessions, almost uncontrollably we wound up discussing and talking with each other. I hope that if we come to that, the Senators involved in the exchange would make that a part of the record and part of history. I believe they would have that right under this proposal.

Mr. DASCHLE. If the leader will yield for the purpose of clarification, I may have misunderstood what the majority leader described here. But our intent would be to allow statements to be inserted into the CONGRESSIONAL RECORD, not into the hearing record.

Mr. LOTT. That is correct. I misstated that.

Mr. DASCHLE. So that people understand, this would actually allow you the opportunity to insert your statement into the CONGRESSIONAL RECORD, succeeding the votes on the two articles.

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Mr. Chief Justice, I have a question for the majority leader. I might not have heard this the right way. This would allow any Senator who so wishes to have his or her statements made in all of our—not just the final deliberations, but this would cover all of our sessions that have been in closed session; is that correct or not?

Mr. LOTT. Mr. Chief Justice, I believe this would be applicable only to the final deliberations.

Mr. WELLSTONE. Mr. Chief Justice, if I could ask the majority leader whether he might be willing—it seems to me that if this is the principle, I wonder if he would amend his request to any Senator who wants to—and it is up to the Senator—this is far different than having our final deliberations a matter of public record, which is what I think we should do, but what you are saying is any Senator who so wishes can do so. Might that not apply to all of the closed sessions we had? It seems to me that the same principle applies.

Mr. LOTT. That is not what is in this proposal. I would like to think about that and discuss it with the Senator from Minnesota and others. I remember making a passionate speech, but I had no prepared notes; and so I could not put it into the RECORD if I wanted to when we were in one of those closed sessions.

I honestly had not considered that. This was aimed at the closing deliberations. I think we need to give some thought to reaching back now to the other closed sessions before we move in that direction.

Mr. CRAIG addressed the Chair.

The CHIEF JUSTICE. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. Chief Justice, will the majority leader yield for a question?

Mr. LOTT. I would be glad to yield, Mr. Chief Justice.

Mr. CRAIG. Is my understanding correct that your motion would keep this session of deliberations closed, except for those Senators who would choose to have their statements become a part of the CONGRESSIONAL RECORD, and that it would be the choice of the individual Senators, and that the deliberations of the closed session would remain closed unless otherwise specified by each individual Senator, specific to their statements; is that a fair understanding?

Mr. LOTT. Mr. Chief Justice, that is an accurate understanding, and that is with the presumption that we will go into closed session, and such a motion will be made in short order.

I want to also clarify that this is made on behalf of Senator DASCHLE and myself. We have consulted a great deal on this and we have both been thinking about doing something like this, but we never put it on paper until a moment ago.

Mr. CRAIG. I thank the leader.

Mr. COVERDELL addressed the Chair.

The CHIEF JUSTICE. The Senator from Georgia, Senator COVERDELL, is recognized.

Mr. COVERDELL. I want to make an inquiry to the leader in response to the question by the Senator from California, who alluded to actual deliberations and statements among Senators. I assume that in order to go into the CONGRESSIONAL RECORD, it would require all of the participants of the colloquy——

The CHIEF JUSTICE. The Parliamentarian tells me that this is all out of order.

Mr. LOTT. Mr. Chief Justice, if I may, in a moment I will make a motion to close the doors for deliberations. However, we have to dispose of this.

The CHIEF JUSTICE. The question is on the motion——

Mr. LEAHY. Mr. Chief Justice, I ask consent to ask the majority leader one follow-up question on his motion.

The CHIEF JUSTICE. Without objection.

Mr. LEAHY. Mr. Chief Justice, I want to make sure I fully understand the distinguished majority leader. Our vote on what we do on the record does not include a vote on closing the session itself, it simply assumes that vote carries?

Mr. LOTT. That is correct. That is my understanding.

Mr. HARKIN addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. Chief Justice, again, I ask consent that I be able to ask the majority leader a question regarding the ethics.

The CHIEF JUSTICE. Without objection.

Mr. HARKIN. I have a question regarding the ethics rules. Under this proposed motion, could a Senator give his or her statement in public and then give the same statement in closed session and still not violate the ethics rules? I am concerned about how we might want to follow that.

I yield to the head of the Ethics Committee for clarification.

Mr. SMITH of New Hampshire. If the motion carries, as has been outlined by the majority leader, you have every right to release your statement. That would not violate rule 29.5.

Mr. HARKIN. I could do whatever——

Mr. SMITH of New Hampshire. Your statement, yours, not anybody else's.

Mrs. MURRAY addressed the Chair.

The CHIEF JUSTICE. The Senator from Washington, Mrs. MURRAY, is recognized.

Mr. MURKOWSKI. Mr. Chief Justice, I ask consent to ask the majority leader a point of clarification.

The CHIEF JUSTICE. Without objection.

Mr. MURKOWSKI. If we reference another Senator's remarks in our statements, would we have to get that other Senator's consent in order to submit our statement, then, for the RECORD?

Mr. LOTT. I am not chairman of the Ethics Committee, but I am assured by those on the committee that you would have to do so. Are we ready to move forward?

Mr. KERRY addressed the Chair.

The CHIEF JUSTICE. The Senator from Massachusetts, Mr. KERRY, is recognized,

Mr. KERRY. Mr. Chief Justice, I ask consent that I be permitted to ask a point of clarification.

The CHIEF JUSTICE. Without objection.

Mr. KERRY. I ask the majority leader this: He mentioned that he hoped during the deliberations that there would be more than just speeches, that there would be a process of colloquy. I was wondering if he was contemplating how that would work because I think under the rules we are limited to one intervention of a specific time period. Does the majority leader contemplate approaching that difficulty?

Mr. LOTT. Mr. Chief Justice, I have discussed this with the Democratic leader, and there is no ironclad rule. You know, in our other closed session when we sort of got on a roll, we yielded additional time to each other, and then at some point we started to have a round robin. The Chief Justice probably thought it was all completely out of order, but he allowed us to go forward. I think we will have to deal with that when we get there. I think, as has been the case all the way along, we will be understanding of each other and try to make these deliberations genuine deliberations. I think it would benefit us all in the final result.

Before I make a motion to close the doors, I yield to the Senator from Texas, Mrs. HUTCHISON, for a parliamentary inquiry.

The CHIEF JUSTICE. We have a motion, do we not?

Mr. LOTT. I beg your pardon.

The CHIEF JUSTICE. However amorphous it may be. (Laughter.)

The question is on agreeing to the motion.

The motion was agreed to.

Mr. LOTT. Thank you, Mr. Chief Justice, for that amorphous ruling. (Laughter.)

I yield to the Senator from Texas for a parliamentary inquiry.

The CHIEF JUSTICE. The Chair recognizes the Senator from Texas, Senator HUTCHISON.

Mrs. HUTCHISON. Mr. Chief Justice, rule XX says that while the Senate is in session the doors shall remain open unless the Senate directs that the doors be closed.

My inquiry is this: If the Senate, by a majority, voted not to direct the doors to be closed, would it be in order to proceed to deliberations with the doors open?

The CHIEF JUSTICE. The Chair is of the view that it would not be in order for this reason: On the initial reading of rules XX and XXIV of the Senate impeachment rules, it would not appear to mandate that the deliberations and debate occur in closed session, but only to permit it. But it is clear from a review of the history of the rules that the committee that was established in 1868 to create the rules specifically intended to require closed sessions for debate and deliberation. Senator Howard reported the rules for the committee and clearly understated his intention, and Chief Justice Chase, in the Andrew Johnson trial, stated in response to an inquiry, ''There can be no deliberation unless the doors are closed. There can be no debate under the rules unless the doors be closed.''

I understand from the Parliamentarian that it has been the consistent practice of the Senate for the last 130 years in impeachment trials to require deliberations and debate by the Senate to be held in closed session. Therefore—though there may be some ambiguity between the two rules—my ruling is based partly on deference of the Senate's longstanding practice.

In the opinion of the Chair, there can be no deliberation on any question before the Senate in open session unless the Senate suspends its rules, or consent is granted.

Mrs. HUTCHISON. Thank you.

MOTION TO CLOSE THE DOORS FOR FINAL DELIBERATION

Mr. LOTT. Mr. Chief Justice, with that record now having been made, I now move that the doors for final deliberations be closed, and I ask unanimous consent that the yeas and nays be vitiated.

The CHIEF JUSTICE. Is there objection?

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. Chief Justice, the majority leader is trying to get the floor, but I wonder whether I could not move that any Senator be allowed, if he or she makes it their choice, to have our statements that have been made and passed in closed session left entirely up to us to also be a part of the CONGRESSIONAL RECORD.

Mr. LOTT. Mr. Chief Justice, if I could respond, give us an opportunity to discuss this with you. We will have another opportunity to do that. I think maybe we can work something out. I would like to make sure we thought it through, if that is appropriate, Mr. Chief Justice.

The CHIEF JUSTICE. Is there objection?

Mr. HARKIN. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

The yeas and nays are automatic. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 16]

[Subject: Motion to close the doors]

YEAS—53

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	

NAYS—47

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Hutchison	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

The motion was agreed to.

CLOSED SESSION

(At 1:52 p.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 6:27 p.m., at which time, the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate resume open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate stand adjourned until 10 a.m. tomorrow. I further ask unanimous consent that immediately following the prayer on Wednesday, the Senate resume closed session for further deliberations of the pending articles of impeachment.

The CHIEF JUSTICE. Is there objection? There being no objection, it is so ordered.

Mr. LOTT. All Senators please remain standing at your desk.

Thereupon, at 6:27 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Wednesday, February 10, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following was submitted at the desk during today's session:)

REPORT CONCERNING THE AGREEMENT FOR COOPERATION WITH THE GOVERNMENT OF ROMANIA ON THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT–PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b) and (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Romania Concerning Peaceful uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Romania has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Romania under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals. Cooperation until now has taken place under a series of supply agreements dating back to 1966 pursuant to the agreement for peaceful nuclear cooperation between the United States and the International Atomic Energy Agency (IAEA).

The Government of Romania supports international efforts to prevent the spread of nuclear weapons to additional countries. Romania is a party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Romania also subscribes to the Nuclear Suppliers Group guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the guidelines of the NPT Exporters Committee (Zangger Committee), which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. In addition, Romania is a party to the Convention on the Physical Protection of Nuclear Material, whereby it agrees to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control. Finally, Romania was one of the first countries to sign the Comprehensive Test Ban Treaty.

I believe that peaceful nuclear cooperation with Romania under the proposed new agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Central Europe. Cooperation under the agreement also will provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Passaic River, NJ'' Docket 01–97–134) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Explosive Loads and Detonations Bath Iron

Works, Bath, ME'' (Docket 01–99–006) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sunken Fishing Vessel Cape Fear, Buzzards Bay Entrance'' (Docket 01–99–002) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Coast Guard Child Development Services Programs'' (USCG–1998–3821) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Swift Creek Channel, Freeport, NY'' (Docket 01–98–184) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Fremont, OH'' (Docket 98–AGL–56) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection'' (Docket NHTSA–98–4980) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Participation of Disadvantaged Business Enterprises in Department of Transportation Programs'' (RIN2105–AB92) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Allison Engine Company Model AE 3007A and AE 3007A1/1 Turbofan Engines'' (Docket 98–ane–14–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes'' (Docket 98–NM–50–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Gate Requirements for High-Lift Device Controls'' (Docket 28930) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of San Diego Class B Airspace Area; CA'' (Docket 97–AWA–6) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Restricted Areas 5601D and 5601E; Fort Sill, OK'' (Docket 96–ASW–40) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Buena Vista, CO'' (Docket 98–ANM–20) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Anaktuvuk Pass, AK'' (Docket 98–AAL–24) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Emprsa Brasilier de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes'' (Docket 98–NM–386–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglass Model DC–8 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1802SO'' (Docket 98–NM–379–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Protection In Interior Impact'' (Docket NHTSA–98–5033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones, Security Zones, and Special Local Regulations'' (USCG–1998–4895) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Waters Inside Apra Outer Harbor, Guam'' (RIN2115–AA97) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Vicinity of Naval Anchorage B, Apra Harbor, Guam'' (COTP Guam 98–001) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Clear Lake, Houston, TX'' (COTP Houston-Galveston 98–008) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Kanawha River, mile 83 to 90, West Virginia'' (COTP Huntington 98–004) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Atlantic Ocean, Mayport, FL'' (COTP Jacksonville 98–061) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Lake Pontchartrain, New Orleans, La.'' (COTP New Orleans, LA Reg. 98–012) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Lake Pontchartrain, Kenner, La.'' (COTP New Orleans, LA Reg. 98–013) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–014) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–016) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes'' (COTP New Orleans, LA Reg. 98–020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; 29–21.36N 89–47.28W, Lake Washington'' (COTP New Orleans, LA Reg. 98–022) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Ohio River Mile 970–974'' (COTP Paducah, KY Regulation 98–002) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Ohio River Mile 901 to 904'' (COTP Paducah, KY Regulation 98–003) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations; Mississippi River Mile 929 to 931'' (COTP Paducah, KY Regulation 98–004) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fourth of July Celebration, Neches River, Beaumont, TX'' (COTP Port Arthur, TX Regulation 98–009) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Coast Guard Cutter Sweetbrier (WLB–405) Deployment Exercise of Vessel of Opportunity Skimming System (Voss) in Prince William Sound'' (COTP Prince William Sound 98–001) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone; San Diego Bay, North Pacific Ocean, San Diego, CA'' (COTP San Diego Bay 98–017) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, San Francisco, CA'' (COTP San Francisco Bay; 98–020) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, CA'' (COTP San Francisco Bay; 97–007) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone; San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA'' (COTP SF Bay; 98–017) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Francisco Bay, San Francisco, CA'' (COTP SF Bay; 98–022) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: San Juan, Puerto Rico'' (COTP San Juan 98–052) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1661. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: San Juan, Puerto Rico'' (COTP San Juan 98–057) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1662. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Ports in Puerto Rico and the U.S. Virgin Islands'' (COTP San Juan 98–060) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1663. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Calibogue Sound, Hilton Head Island, SC'' (COTP Savannah 98–040) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1664. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Mississippi River, Mile 179.2 to Mile 182.5'' (COTP St. Louis 98–001) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1665. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations: Tampa Bay, Florida'' (COTP Tampa 98–063) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1666. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; New York Super Boat Race, New York'' (Docket 01–98–002) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1667. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; America's Sail 98 Parade of Tall Ships, Mock Sea Battle, and Fireworks Displays, Western Long Island Sound and Hempstead Harbor, New York'' (Docket 01–98–049) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1668. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 1998 Goodwill Games Fireworks and Triathlon, Hudson River, New York'' (Docket 01–98–059) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1669. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Playland Park Fireworks, Western Long Island Sound, Rye, New York'' (Docket 01–98–068) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1670. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; North Haven Festival, North Haven, ME'' (Docket 01–98–075) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1671. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Briggs Red Carpet Associates Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–077) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1672. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; International Salute to the USS Constitution, Boston Harbor, Boston, MA'' (Docket 01–98–081) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1673. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fleet's Albany Riverfest, Hudson River, New York'' (Docket 01–98–086) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1674. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Swans Island 4th of July Fireworks, Swans Island, ME'' (Docket 01–98–094) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1675. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rensselaer Fest '98, Hudson River, New York'' (Docket 01–98–088) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1676. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Castine Harbor 4th of July Fireworks Display, Castine, ME'' (Docket 01–98–095) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1677. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Eastport 4th of July Fireworks Display, Eastport, ME'' (Docket 01–98–096) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1678. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Boston Pops Concert Cannon Salute, Boston Harbor, Boston, MA'' (Docket 01–98–098) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1679. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Staten Island Fireworks, New York Harbor, Lower Bay'' (Docket 01–98–099) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1680. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Booz Allen and Hamilton Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–100) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1681. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Tow of the Decommissioned Aircraft Carrier, Saratoga (CV–60), Newport, RI'' (Docket 01–98–106) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1682. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fireworks, Hammersmith Farm, Newport RI'' (Docket 01–98–109) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1683. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: USCGC

Eagle Arrival/Departure, Force River, Portland, ME'' (Docket 01–98–110) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1684. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Empire Force Events Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–111) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1685. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Beverly Lobster Boat Race, Beverly harbor, Beverly, MA'' (Docket 01–98–118) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1686. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: New York Yacht Club Fireworks, Bar Harbor, ME'' (Docket 01–98–120) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1687. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fort Knox Power Boat Races, Bucksport, ME'' (Docket 01–98–119) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1688. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Zenith Photo Shoot Fireworks, Hudson River, Manhattan, New York'' (Docket 01–98–121) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1689. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Opsail Maine Fireworks, Portland, ME'' (Docket 01–98–126) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1690. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Emergency Dive Operations, Rockport, ME'' (Docket 01–98–132) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1691. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Staten Island Fireworks, New York Harbor, Lower Bay'' (Docket 01–98–099) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1692. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: William Morris Agency Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–136) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1693. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fireworks, Falmouth, MA'' (Docket 01–98–137) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1694. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Tow of the Decommissioned Aircraft Carrier, Forrestal (CV–59), Newport, RI'' (Docket 01–98–142) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1695. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: HM Endeavour Arrival/Departure, Piscataqua River, Portsmouth, NH'' (Docket 01–98–143) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1696. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Princess Cruise Lines Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–145) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1697. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Tow of the Decommissioned Battleship Iowa, (BB–61), Newport, RI'' (Docket 01–98–149) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1698. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: SARCADIA 98 Exercise, Bar Harbor, ME'' (Docket 01–98–150) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1699. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Presidential Visit and United Nations General Assembly, East River, New York'' (Docket 01–98–153) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1700. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; convergence of the Atlantic Intracoastal Waterway and Cape Fear River Near Southport, North Carolina'' (Docket 05–98–052) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, Mr. ABRAHAM, Mr. ROBB, and Mr. ENZI):

S. 393. A bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 394. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. SARBANES, Mr. BYRD, and Mr. HOLLINGS):

S. 395. 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 Finance.

By Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL):

S. 396. A bill to provide dollars to the classroom; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. BINGAMAN, Mr. INHOFE, Mr. CLELAND, Ms. LANDRIEU, and Mr. ALLARD):

S. Res. 33. A resolution designating May 1999 as ''National Military Appreciation Month''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. LOTT, Mr. ABRAHAM, Mr. ROBB, and Mr. ENZI):

S. 393. A bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

CONGRESSIONAL OPENESS ACT

● Mr. MCCAIN. Mr. President, I would like to introduce the Congressional Openess Act, a bill to make selected Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure forms available over the Internet for the American people. This bipartisan legislation is sponsored by Senators LEAHY, LOTT, ABRAHAM, ROBB, and ENZI.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and issue briefs that are concise, factual, and unbiased—a rarity for Washington. Many of us have used these CRS products to make decisions on a wide variety of legislative proposals and issues, including Amtrak reform, the Endangered Species Act, the Line-Item veto, and U.S. policy in Zambia. Also, we routinely send these products to our constituents in order to help them understand the important issues of our time.

My colleagues and I believe that it is important that the public be able to use this CRS information. The American public will pay $67.1 million to fund CRS' operations for fiscal year 1999. They should be allowed to see that their money is being well-spent on material that is neither confidential nor classified.

Congress can also serve two important functions by allowing public access to this information. When we give the public access to these CRS products, it will mark an important milestone in opening up the federal government. Our constituents will be able to see the research documents which influence our decisions and understand the factors that we consider before a vote. This will give the public a more accurate view of the Congressional decision-making process to counter the current prevailing cynical view.

Also, CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues that concern them. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here.

It is important to realize that these products are already out on the Internet. ''Black market'' private vendors can charge $49 for a single report. Other web sites have outdated CRS products on them. It is not fair for the American people to have to pay a third party for out-of-date products for which they have already footed the bill.

Last year my colleagues on the Senate Committee on Rules and Administration proposed that Senators and Committee chairmen be allowed to post CRS products as they see fit on the Internet. I appreciate this gesture, and believe that it was a first step. Today we are proposing the commonsense next step—a centralized web site.

A centralized web site will make it much easier for the public to find CRS information. The public can just go to a web site and look up those products that interest them. That would be much easier than having them go through all of our web sites to find CRS reports.

One concern about the legislation we introduced last year was that it would not protect CRS from more public scrutiny. We would like to ensure you that we do not want to put CRS in a position that would in any way alter its current mission or open it up to liability suits.

Therefore, the bill provides that this centralized web site will be accessible only through Members' and Committees' web sites. This process will preserve CRS' mission by reducing its public visibility. More importantly, it will continue to allow us to inform our constituents about how we are helping them here in Washington.

This bill also includes other safeguards to ensure that CRS will remain protected from public interference. The Director of CRS is empowered to remove any information from these reports that he believes is confidential. He also can remove the names and phone numbers of CRS employees from these products to keep the public from distracting them from doing their jobs. We have also been informed that CRS may not have permission to release copyrighted information over the Internet. While we hope that this situation can be quickly resolved, we have included a provision in this bill to allow the Director to remove unprotected copyrighted information from these reports before they are posted. Finally, we have allowed a 30-day delay between the release of these CRS products to Members of Congress and the public. This delay allows CRS to review their products, consult with us, and revise their products to ensure that only accurate, up-to-date information is available to the public.

It should be pointed out that CRS has been granted none of these protections as part of the current decentralized approach.

This bill also requires the Senate Office of Public Records to place lobbyist disclosure forms and Senate gift disclosure forms on the Internet. We have already voted to make this information available to the public. Unfortunately, the public can only get access to this information through an office in the Hart building. These provisions will give our constituents throughout the country timely access to this information.

This legislation has been endorsed by many groups including the American Association of Engineering Societies, the Congressional Accountability Project, the League of Women Voters of the U.S., and the National Association of Manufacturers.

In conclusion, we would like to urge my colleagues to join us in supporting this legislation. The Internet offers us a unique opportunity to allow the American people to have everyday access to important information about their government. We are sure you agree that a well-informed electorate can best govern our great country.

Mr. President, I ask unanimous consent that there letters of support be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF ENGINEERING SOCIETIES,
Washington, DC, February 4, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Engineers Public Policy Council (EPPC) of the American Association of Engineering Societies, I want to thank you for your leadership on providing public access to Congressional Research Service (CRS) materials. EPPC believes that all citizens of the United States will benefit from being able read these materials and will enable them to better engage in the policy debates of our times.

The EPPC has had the opportunity to review a number of CRS reports that were provided via our member's congressional offices. We believe that they are of the highest quality and deserve to be made widely available.

The members of EPPC and AAES will continue to advocate that their own Senators and Representatives support this important legislation.

Again, thank you for your leadership. If we can ever be of assistance please feel free to contact me or Pete Leon, Director of Public Policy, at (202) 296–2237 x 214.

Sincerely,

DR. THEODORE T. SAITO,
1999 EPPC Chair.

CONGRESSIONAL ACCOUNTABILITY PROJECT,
Washington, DC, February 9, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND LEAHY: We strongly endorse the Congressional Openness Act to place important congressional documents on the Internet, including Congressional Research Service (CRS) Reports and Issue Briefs, CRS Authorization and Appropriations products, lobbyist disclosure reports, and Senate gift disclosure reports.

The Congressional Openness Act recognizes that ''it is so often burdensome, difficult and time-consuming for citizens to obtain timely access to public records of the United States Congress,'' and would help provide taxpayers with easy access to the congressional research and documents that we pay for.

CRS products are some of the finest research prepared by the federal government, on a vast range of topics. But citizens cannot obtain most CRS products directly. At present, many CRS products are available on an internal congressional intranet only for use by Members of Congress and their staffs—not the public. Barriers to obtaining CRS products serve no useful purpose, and damage citizens' ability to participate in the congressional legislative process. Citizens, scholars, journalists, librarians, businesses, and many others have long wanted access to CRS reports via the Internet.

In 1995, Congress passed the Lobbying Disclosure Act to require Washington lobbyists to disclose key information about their activities. Placing lobbyist disclosure reports on the Internet would help citizens to track patterns of influence in Congress, and to discover who is paying whom how much to lobby on what issues.

The Congressional Openness Act contains a sense of the Senate resolution that Senate and Joint Committees ''should provide access via the Internet to publicly-available committee information, documents, and proceedings, including bills, reports, and transcripts of committee meetings that are open to the public.'' Congress owns this to the American people.

In 1822, James Madison aptly described why the public must have reliable information about Congress: ''A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.''

Your bill falls squarely within the spirit of Madison's honorable words. Thank you for your efforts in making congressional documents available on the Internet.

Sincerely,

American Association of Law Libraries, American Conservative Union, American Society of Newspaper Editors, Common Cause, Computer & Communications Industry Association, Computer Professionals for Social Responsibility, Consumer Project on Technology, Congressional Accountability Project, Electronic Frontier Foundation, Fairness and Accuracy in Reporting (FAIR), Forest Service Employees

for Environmental Ethics, League of Women Voters of the U.S., National Association of Manufacturers, National Citizens Communications Lobby, National Newspaper Association, National Taxpayers Union, NetAction, OMB Watch, Project on Government Oversight, Public Citizen, Radio-Television News Directors Association, Reform Party of the United States, Taxpayers for Common Sense, U.S. Public Interest Research Group (USPIRG).●

● Mr. LEAHY. Mr. President, I am pleased to join today with Senator MCCAIN to introduce the Congressional Openness Act of 1999. I want to thank Senators ABRAHAM, ENZI, LOTT and ROBB for joining us as original cosponsors.

Our bipartisan legislation makes certain Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure forms available over the Internet to the American people.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and information briefs that are unbiased, concise, and accurate. The taxpayers of this country, who pay $65 million a year to fund the CRS, deserve speedy access to these public resources and have a right to see that their money is being spent well.

The goal of our legislation to allow every citizen the same access to the wealth of information at the Congressional Research Service (CRS) as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. American taxpayers have every right to direct access to these wonderful resources.

Online CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues before the Congress. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here in Congress.

Our legislation also ensures that private CRS products will remain protected by giving the CRS Director the authority to hold back any products that are deemed confidential. Moreover, the Director may protect the identity of CRS researchers and any copyrighted material. We can do both—protect confidential material and empower our citizens through electronic access to invaluable CRS products.

In addition, the Congressional Openness Act would provide public online access to lobbyist reports and gift disclosure forms. At present, these public records are available in the Senate Office of Public Records in Room 232 of the Hart Building. As a practical matter, these public records are accessible only to those inside the Beltway.

The Internet offers us a unique opportunity to allow the American people to have everyday access to this public information. Our bipartisan legislation would harness the power of the Information Age to allow average citizens to see these public records of the Senate in their official form, in context and without editorial comment. All Americans would have timely access to the information that we already have voted to give them.

And all of these reports are indeed ''public'' for those who can afford to hire a lawyer or lobbyist or who can afford to travel to Washington to come to the Office of Public Records in the Hart Building and read them. That is not very public. That does not do very much for the average voter in Vermont or the rest of this country outside of easy reach of Washington. That does not meet the spirit in which we voted to make these materials public, when we voted ''disclosure'' laws.

We can do better, and this bill does better. Any citizen in any corner of this country with access to a computer at home or the office or at the public library will be able to get on the Internet and for the first time read these public documents and learn the information which we have said must be disclosed.

It also is important that citizens will be able to get the information in its original, official form. At present, the information may be selected by an interested party who can afford to send a lawyer or lobbyist to the Hart Building to cull through the information. Selected information then may—or may not—be given to the press and public with commentary. Our bipartisan legislation allows citizens to get accurate information themselves, the full information in context and without editorial comment. It allows individual citizens to check the facts, to make comparisons, and to make up their own minds.

I want to commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to come on harnessing the power of the information age to open up the halls of Congress to all our citizens.

This is not a partisan issue; it is a good government issue. That is why the Congressional Openness Act is endorsed by such a diverse group of organizations as the Congressional Accountability Project, American Association of Law Libraries, American Conservation Union, American Society of Newspaper Editors, Common Cause, Computer & Communications Industry Association, Computer Professionals for Social Responsibility, Consumer Project on Technology, Electronic Frontier Foundation, Fairness and Accuracy in Reporting, Forest Service Employees for Environmental Ethics, League of Women Voters of the U.S., National Association of Manufacturers, National Citizens Communications Lobby, National Newspaper Association, National Taxpayers Union, NetAction, OMB Watch, Project of Government Oversight, Public Citizen, Radio-Television News Directors Association, Reform Party of the United States, Taxpayers for Common Sense and U.S. Public Interest Research Group. I want to thank each of these organizations for their support.

As Thomas Jefferson wrote, ''Information is the currency of democracy.'' Our democracy is stronger if all citizens have equal access to at least that type of currency, and that is something which Members on both sides of the aisle can celebrate and join in.

The Congressional Openness Act is an important step in informing and empowering American citizens. I urge my colleagues to join us in supporting this legislation to make available useful Congressional information to the American people.●

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 394. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE HARMONIZATION WITH CANADA

Mr. DORGAN. Mr. President. When the U.S.-Canada Free Trade Agreement came into effect ten years ago, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. It is now a decade later and relatively little actual progress has been in harmonization that is meaningful to our agricultural producers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and unlevel playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. They believe that it is not in the interests of consumers or producers to allow such imports. However, it is not just a

difference of availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

In recent times as the cost-price squeeze has escalated, our farmers have also been deeply concerned about pricing discrepancies for agricultural pesticides between our two countries. This past summer a survey of prices by the North Dakota Agricultural Statistics Services verified that there were significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, among the half-dozen pesticides surveyed, farmers in the United States were paying between 117 percent and 193 percent higher prices than Canadian farmers. This was after adjusting for differences in currency exchange rates at that time.

As a result of the pricing concerns raised by our producers, the recent agricultural agreement between the United States and Canada included a provision for a study by the U.S. Department of Agriculture and Ag Canada into the pricing differentials in agricultural chemicals between our two countries. While such a study is a welcome step forward, our farmers deserve more concrete steps. Harmonization cannot continue to be an illusive goal for the future. We must provide meaningful tools by which we can bring some fairness to our farmers.

Today, I am reintroducing legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical of substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from farmers, and create unlevel pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed to specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can start creating a bit more fair competition and level playing fields between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which pricing is the only real difference.

Together with this legislation, I will be working on other fronts to move forward as rapidly as possible toward full harmonization of pesticides. The U.S. Trade Representative, the Environmental Protection Agency, and the U.S. Department of Agriculture have the responsibility to make harmonization a reality. Farmers have been waiting for a decade for such harmonization. We should not make them wait any longer.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

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

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

''(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to any pesticide registered under section 3; and

''(iii) is registered by the registrant of a comparable domestic pesticide or an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide that—

''(i) is registered under section 3;

''(ii) is not subject to a notice of intent to cancel or suspend or an enforcement action under section 12, based on the labeling or composition of the pesticide;

''(iii) is used as the basis for comparison for the determinations required under paragraph (3); and

''(iv) is labeled for use on the site or crop for which registration is sought under this subsection on the basis of a use that is not the subject of a pending interim administrative review under section 3(c)(8).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration is consistent with this subsection and other provisions of this Act and is approved by the Administrator.

''(B) EFFECT OF REGISTRATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), on approval by the Administrator, the registration of a Canadian pesticide by a State shall be considered a registration of the pesticide under section 3.

''(ii) DISTRIBUTION TO OTHER STATES.—A Canadian pesticide that is registered by a State under this subsection and distributed to a person in that State shall not be transported to, or used by, a person in another State unless the distribution and use is consistent with the registration by the original State.

''(C) REGISTRANT.—A State that registers a Canadian pesticide under this subsection shall be considered the registrant of the Canadian pesticide under this Act.

''(3) STATE REQUIREMENTS FOR REGISTRATION.—To register a Canadian pesticide under this subsection, a State shall—

''(A)(i) determine whether the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(ii) submit the proposed registration to the Administrator only if the State determines that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide;

''(B) for each food or feed use authorized by the registration—

''(i) determine whether there exists a tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identify the tolerances or exemptions in the submission made under subparagraph (D);

''(C) require that the pesticide bear a label that—

''(i) specifies the information that is required to comply with section 3(c)(5);

''(ii) identifies itself as the only valid label;

''(iii) identifies the State in which the product may be used;

''(iv) identifies the approved use and includes directions for use, use restrictions, and precautions that are identical or substantial similar to the directions for use, use restrictions, and precautions that are on the approved label of the comparable domestic pesticide; and

''(v) includes a statement indicating that it is unlawful to distribute or use the Canadian pesticide in the State in a manner that is inconsistent with the registration of the pesticide by the State; and

''(D) submit to the Administrator a description of the proposed registration of the Canadian pesticide that includes a statement of the determinations made under this paragraph, the proposed labeling for the Canadian pesticide, and related supporting documentation.

''(4) APPROVAL OF REGISTRATION BY ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator shall approve the proposed registration of a Canadian pesticide by a State submitted under paragraph (3)(D) if the Administrator determines that the proposed registration of the Canadian pesticide by the State is consistent with this subsection and other provisions of this Act.

''(B) NOTICE OF APPROVAL.—No registration of a Canadian pesticide by a State under this subsection shall be considered approved, or be effective, until the Administrator provides notice of approval of the registration in writing to the State.

''(5) LABELING OF CANADIAN PESTICIDES.—

''(A) DISTRIBUTION.—After a notice of the approval of a Canadian pesticide by a State is received by the State, the State shall make labels approved by the State and the Administrator available to persons seeking to distribute the Canadian pesticide in the State.

''(B) USE.—A Canadian pesticide that is registered by a State under this subsection may be used within the State only if the Canadian pesticide bears the approved label for use in the State.

''(C) CONTAINERS.—Each container containing a Canadian pesticide registered by a State shall, before the transportation of the Canadian pesticide into the State and at all times the Canadian pesticide is distributed or used in the State, bear a label that is approved by the State and the Administrator.

''(D) REPORT.—A person seeking to distribute a Canadian pesticide registered by a State shall provide to the State a report that—

''(i) identifies the person that will receive and use the Canadian pesticide in the State; and

''(ii) states the quantity of the Canadian pesticide that will be transported into the State.

''(E) AFFIXING LABELS.—The act of affixing a label to a Canadian pesticide under this subsection shall not be considered production for the purposes of this Act.

''(6) ANNUAL REPORTS.—

''(A) PREPARATION.—A State registering 1 or more Canadian pesticides under this subsection shall prepare an annual report that—

''(i) identifies the Canadian pesticides that are registered by the State;

''(ii) identifies the users of Canadian pesticides used in the State; and

''(iii) states the quantity of Canadian pesticides used in the State.

''(B) AVAILABILITY.—On the request of the Administrator, the State shall provide a copy of the annual report to the Administrator.

''(7) RECALLS.—If the Administrator determines that it is necessary under this Act to terminate the distribution or use of a Canadian pesticide in a State, on the request of the Administrator, the State shall recall the Canadian pesticide.

''(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection and other provisions of this Act or has failed to exercise adequate control of 1 or more Canadian pesticides, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

''(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

''(i) advise the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

''(ii) provide the State with an opportunity time to respond to the proposal to suspend.

''(9) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (3) if the State certifies to the Administrator that the State can and will maintain the confidentiality of any trade secrets or commercial or financial information that was marked under section 10(a) provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

''(10) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—If a State registers a Canadian pesticide, and a registrant of a comparable domestic pesticide that is (directly or through an affiliate) a foreign registrant fails to provide to the State the information possessed by the registrant that is necessary to make the determinations required by paragraph (3), the Administrator may suspend without a hearing all pesticide registrations issued to the registrant under this Act.

''(11) PATENTS.—Title 35, United States Code, shall not apply to a Canadian pesticide registered by a State under this subsection that is transported into the United States or to any person that takes an action with respect to the Canadian pesticide in accordance with this subsection.

''(12) SUBMISSIONS.—A submission by a State under this section shall not be considered an application under section 3(c)(1)(F).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by adding at the end of the items relating to section 24 the following:

''(d) Registration of Canadian pesticides by States.

''(1) Definitions.

''(2) Authority to register Canadian pesticides.

''(3) State requirements for registration.

''(4) Approval of registration by Administrator.

''(5) Labeling of Canadian pesticides.

''(6) Annual reports.

''(7) Recalls.

''(8) Suspension of State authority to register Canadian pesticides.

''(9) Disclosure of information by Administrator to the State.

''(10) Provision of information by registrants of comparable domestic pesticides.

''(11) Patents.

''(12) Submissions.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.●

By Mr. ROCKEFELLER (for himself, Mr. SARBANES, Mr. BYRD, and Mr. HOLLINGS):

S. 395. 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 Finance.

STOP ILLEGAL STEEL TRADE ACT OF 1999

● Mr. ROCKEFELLER. Mr. President, I am taking a major step to force action to help the American steel industry through the current import crisis. Today, I propose that Congress legislate a solution to the problem of illegal steel dumping. I believe that without swift action, the United States' steelworkers will continue to be laid off in near record numbers, and our steelworkers will—not unlike the late 70s and early 80s—permanently lose jobs and that the industry's long term viability will be threatened. The difference between 1998 and what happened a decade or two ago is that this time our steel industry has invested in itself and become the most efficient steel producer in the world. We can take on all comers if we are given a level playing field. Sadly, the strength of our steel industry is now jeopardized, despite its own successful efforts to retool for the next century, because of unfair trade practices and unprecedented levels of imports. I firmly believe the ongoing devastation of our steel industry is unnecessary and a direct result of massive import surges from countries who are seeking to make America the world's importer of last resort. We cannot continue to let our nation's steelworkers bear the brunt of the financial shocks caused by financial mismanagement in Asia or elsewhere in the world.

I am joined in introducing this legislation today by my colleagues, Senators SARBANES, BYRD and HOLLINGS. The bill is the ''Stop Illegal Steel Trade Act of 1999.'' This legislation would place restrictions on steel imports for a period of three years in order to return steel imports to a fairer, 20% share of the United States' market. The bill provides the President with the authority to take the necessary steps to ensure that we return to this pre-crisis level—he can impose quotas, tariff surcharges, negotiate enforceable voluntary export restraint agreements, or choose other means to ensure that steel imports in any given month do not exceed the average of steel imports in the United States for the three years prior to July 1997. The bill would be effective within 60 days of enactment. The Secretary of the Treasury, as the head of the United States' Customs Service, and the Secretary of Commerce are charged with implementing, administering, and enforcing the restraints on steel imports. The Customs Service is explicitly authorized to deny entry into the United States any steel products that exceed the allowable level of imports. Volume will be determined on the basis of tonnage. This bill would apply to the following categories of steel products—semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore and coke. The bill's provisions will expire after 3 years (beginning 60 days from enactment).

Right now, imports comprise roughly 30–35% of all steel sold in the United States. Imports of steel mill products in 1998 are expected to exceed 41 million net tons. Over the last year and a half, steel imports have increased by 47%. That high percentage of imports is unsustainable and without quick action I think they will effectively undermine our steel industry's ability to survive. The industry and its workers have responded to this import surge by filing international trade cases against Japan, Russia, and Brazil. The Department of Commerce found critical circumstances exist with respect to those cases and has expedited their consideration. I commend them for doing so, but the trade case only deals with hot-rolled steel. Import surges have occurred in a wide variety of steel imports and if the hot-rolled problem was adequately addressed I think we would just see a new problem with cold-rolled, or plate.

I think Congress must act to deal comprehensively with this problem. It should make sure that one category of imports isn't controlled only to find we have a new problem with a new category of steel products. Under the legislation we are introducing today, Japan would be forced to reduce its imports to 2.2 million tons per year down

from the approximately 6.6 million tons of steel they sent to the United States in 1998. Russia, which sent about 5.2 million tons of steel to the United States in 1998, under this bill would be forced to dramatically reduce the amount of steel it ships to the United States. Stemming the import flood from Russia is especially important because the numbers show that the Russians have steadily and significantly increased their exports to the United States over the last several years. Russia exported 1.4 million tons to the United States in 1995, 1.6 million tons in 1996, and 3.3 million tons in 1997. Japan and Russia are two countries which provide a clear illustration of why we need to limit steel imports. Job losses and unfilled order books of steel companies across the country tell us we need to act to stop the flood of imports. But these numbers, which give you an idea as to how much tonnage has increased, make it clear why the United States must guard against the continued import surges in our market from foreign countries seeking to sell to the United States market. Currently, there is no cost for foreign countries to violate our trade laws other than the threat of suit, but our steelworkers, their families and communities are paying a steep price every day for our failure to step in and effectively address the problem.

I should note to my colleagues that legislation restricting the level of steel imports was introduced last week in the House of Representatives and it has already garnered over a quarter of its membership as cosponsors. Congressman VISCLOSKY is leading this effort in the House of Representatives and I look forward to working with him and all the House cosponsors who are eager to stand up for steel.

Frankly, I have watched and waited for months as this crisis has continued, and as more and more workers have been laid off or placed on short weeks. The number of workers who have been directly affected by this crisis stands at over 10,000 today, but I believe that number could escalate to as many as ten times that figure if we all we continue to do is hope that the crisis will abate on its own. I think it is time to take a leadership role in this crisis and move aggressively to stop the dumping. Under current U.S. law, only the President has the full authority to act immediately to begin the process of an International Trade Commission investigation into this problem of import surges and steel dumping. The ITC's work takes time—anywhere from 120 to 150 days depending on the complexity of the case. I believe what my steelworkers have told me, our industry doesn't have the luxury of time to wait. That's why I have taken this extraordinary step of suggesting that Congress substitute its judgement for Executive action. Effective Executive action could eliminate the need for this Congressional action, but I cannot sit idly by and watch our steel industry take a beating because of unfair foreign competition.

For the record, you all should know that West Virginia has a proud history as one of our nation's foremost steel manufacturers. We are the home of Weirton, Wheeling Pittsburgh, Wheeling Nisshin, and Follansbee Steel. West Virginia and its neighboring states are the birthplace of our modern steel industry—an industry that built an industrialized America and launched our nation's prosperity in the beginning of this great century. They forged the metal that brought us through two world wars, built the American economy's manufacturing base and allowed us to lead the world in the transition to the new economy.

That is why, when Weirton Steel has laid off 20% of its workforce and is facing losses that it cannot sustain over time, I cannot just hope that trade cases will take care of part of the problem caused by some of the worst offenders. Wheeling Pittsburgh, Wheeling Nisshin, and Follansbee, are making it through these hard times, but they would be that much more prosperous if they weren't dealing with unfair competition.

Today I want to share a quote with my colleagues that I believe will provide my colleagues with some important context for this matter and which underscores why I believe that Congress should act:

So, Mr. President, it is an extremely timely occasion that my colleagues and I rise to address the Senate on this issue. It is also timely, Mr. President, because the American steel industry is in the midst of its most serious crisis in the postwar era.

Yet, at the same time, the steel industry is fundamental to the American economy. It supplies virtually every sector, from automobiles, construction, railroads, shipbuilding, aerospace, defense, oil and gas, agriculture, industrial machinery and equipment, the appliances, utensils and beverage containers. The fortunes of this industry—good or ill—will have a major impact on the rest of the economy.

But the purpose a number of us have in speaking today, Mr. President, is to discuss trade; for it is the major component of the current crisis and may prove to be the factor most difficult to control, inasmuch as it is not totally a domestic issue.

Trade is also not a new problem. Steel import restraints have been proposed in one form or another since the 1960's. The trigger price mechanism was in effect from 1978 to 1980 and then again in 1981. Although these programs achieved some short-term results, mostly in terms of improving price levels, none of them provided long-term solutions to the growing problems of global overcapacity and the failure of noncompetitive steel industries to adjust.

The latter problem has become more and more a factor in the difficulties of the past several years. While we have continued to practice the ethic of the free market system, the Europeans, quite plainly, have not. Subsidies and dumping have increased as European governments attempt to stay in power and forestall social unrest and unemployment by maintaining steel jobs and production at any cost. Hence the tremendous Government subsidies.

In the beginning those were social policy decisions any government is entitled to make for itself. However, it has become apparent in the past few years that maintaining steel production through subsidies require substantial exporting in order to unload the excess supply. The chief victim of that export has been the United States, meaning that the European steel process has been at our expense. And that, Mr. President, is unacceptable.

It is all well and good for European Community governments to say their steel industry is in bad shape—which it is; or to argue they need time for adjustment—which they do. But their adjustment plans have consistently been behind schedule thanks to footdragging by member nation governments, while exports here have increased. I have no intention of explaining to the steelworker in Pittsburgh or Youngstown or Gary or East Chicago that has to give up his job in order to help his Belgian, French, or Italian colleague to keep his. My responsibility, the responsibility of the Senate, the responsibility of the administration, is to our own people—to take those actions which will be good for them both in the long term and in the short term.

That responsibility does not preclude compromise, and it does not preclude a recognition that steel is a global industry where multilateral solutions may be necessary and appropriate. In fact, I think there is much to be said for an international steel agreement which would include limits on financing new capacity in third countries, guidelines on adjustment, and, if necessary, global import restraints. But progress in that direction must begin with a recognition of where the problems are and whose responsibility it is to begin fixing them. And, as I said in this Chamber last Thursday, the responsibility in this case—both legal and economic—is clear.

European steel subsidies violate both U.S. law and international agreements which the European Community member nations have signed. We went through five years of negotiations to produce those agreements. On our part we made significant, substantive, concessions, like the abolition of the American selling price, the wine-gallon-proof-gallon system, and the acceptance of an injury test in subsidy cases. What we seem to have received in return was a lot of promises. Promises to adhere to the discipline of the codes that had been negotiated. Promises to reduce or eliminate subsidies, dumping, and other unfair trade practices. Promises to open up Government procurement.

We accepted all those promises. Mr. President, because they contained the hope of greater discipline over unfair trade practices and the hope of more markets for American products. And we accepted them because we believe in a free market system that functions according to the prescribed rules that all parties adhere to. Promoting those rules has been the essence of our trade policy ever since, and I for one believe that should continue to be our policy.

But I must say, Mr. President, that in the intervening years since 1979 when we finished negotiating the Tokyo round and enacted the Trade Agreements Act of that year, I have heard a lot from the people in this country injured by the concessions we made in the Tokyo round and very little from anyone who has gained by those agreements. And now, the system we sought to establish at that time faces its most serious test. Simply put, the European Community and its member states do not want to accept the responsibilities they agreed to undertake in 1979. They do not want the rules enforced. They do not want to make the hard economic decisions about their own steel industry that the market requires them to make.

They would rather export their unemployment to the United States. They are screaming very loud about our efforts to hold them

not only to their word, but to the letter and spirit of international law. Mr. President, despite the screams, despite the alleged serious consequences to trade relations, this is a test we must meet, because both our own industry and the international trading system, one based on the concept of free and fair trade, are at stake.

I need say no more about the desperate situation in our steel industry. Those of us with steel facilities in our State see it every time we return home. Not to defend our own industry, particularly when it is consistent with our own law and with our international obligations to do so, is to turn an already serious situation into a major disaster. It is also to abandon the people who elected us.

There is an issue here beyond the survival of the American steel industry, Mr. President. That is the survival of a fair and equitable trading system based on mutually acceptable rules of the game. Some people in this country bemoan the revival of the days of the Smoot-Hawley tariff or a return to the ''begger-thy-neighbor'' policies of years ago every time anyone in Congress starts to talk about imports being a problem.

Mr. President, no one, including me—most specifically me—wants to return to that era of depression, but to avoid it, we must understand the reason for it. That reason, in my judgement, was the failure at that time to develop an international trading system based on free market principles, based on the theory of comparative advantage, based on universally accepted rules for participation in that system.

Mr. President, this country was a great leader in during and after World War II. In 1943, our leaders of the free world went to Bretton Woods, N.H., and at Bretton Woods, we developed a system with exactly those goals in mind that I just mentioned. At Bretton Woods, we developed that system and we have maintained it ever since, at least up to now. Now we face problems more intractable, a world more complex, and power more diffused than ever before. The old solutions seem to be losing their attractiveness in favor of even older solutions, a return to the mercantilist policies of the past.

Mr. President, that is what is at stake in this controversy. Not just our steel industry, and not just the European steel industry, important though they both are. It is the survival of a free world trading system that is the issue, because it cannot survive unless nations are willing to accept their responsibilities and their subsidies.

Mr. President, I state this not only to send a message to the European Community, but also to make it clear to others in our own Government that we in Congress hold very strong views on this matter. We in Congress wrote this law. We in Congress made it tough on purpose—precisely to prevent the kind of devastating unfair trade practices and actions that we are experiencing right now in steel.

Today it is steel, tomorrow, it may be some other product, it may be some other set of States, it may be some other industries.

I say, Mr. President, that it is terribly important that the law continue to work now against those kinds of unfair trade actions.

So far the law is working to stop that action. It is absolutely essential that we let it continue to work and not seek some expedient end to the matter that might make for short-term peace at the bargaining table but will produce long-term chaos in the international trading system.

It is not ''protectionist'' to take action against such patently unfair practices. In fact, to fail to do so would compromise the principles of free trade which are central to the international trade agreement both we and the Europeans signed.

We must send a strong message to our trading partners that the United States expects fair trade in our markets and the vigorous enforcement of our trade laws, and I urge the Secretary of Commerce to hold to that course.

That quote is from a statement delivered on the Senate floor on July 26, 1982 by the late Senator John Heinz from the great steel state of Pennsylvania. He made it when he introduced legislation to deal with the problems facing the steel industry during the early 1980s. We've heard a lot about Yogi Beara lately, but I think this statement says ''the more things change, the more they remain the same.'' Our trade dilemma remains the same today.

We survived the crises in the late 70s and 80s because our industry, its workers, and their elected representatives acted. The industry needed to streamline and heavily invest in capital improvements. It needed to become leaner, and more efficient. The hard transitions we made as a direct result of action and sacrifice by our steelworkers and their families. Steel technology dramatically improved because the industry invested $50 billion of its own money. Cost of production decreased. The United States' steel industry has the lowest number of man hours per ton of any steel producer in the world. Today, we can make steel better, cheaper, and cleaner than any of our competitors, bar none. But it cost 300,000 steelworkers their jobs. After all that, the one thing we cannot compromise is that we have to have a level playing field on which we can compete. No one can compete when the competition sells below the cost of production and dumps steel in massive amounts onto our market—not even the American steel industry.

Short of a handful of trade cases, and tough talk to trading partners who have shown little intention of caring what our stance will be, little has been done to stop the illegal dumping. If after all that agony of transforming itself into the most efficient steel producer in the world we are still trying to tell our industry that they have to take it on the chin against illegal imports—that our unfair trade laws can't protect their ability to compete on the world market—then many who hope to continue to grow our economy through expanded trade will be sorely surprised by the reaction of an American public that does not see the benefits of trade.

I want the United States to push to continue to open new markets for our exports. I think that only makes good economic sense. I very much want a fair and free international trading system. But I think we have to insist that everyone has to play by the rules. This bill says that if our trading partners won't play by the rules, then Congress will see to it that our industry isn't unduly disadvantaged—to me, that only seems fair.

I urge all my colleagues to join on as cosponsors. We can do this, together.

Mr. President—I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 395

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 ''Stop Illegal Steel Trade Act of 1999''.

SEC. 2. REDUCTION IN VOLUME OF STEEL IMPORTS.

Notwithstanding any other provision of law, within 60 days after the date of enactment of this Act, the President shall take the necessary steps, by imposing quotas, tariff surcharges, negotiated enforceable voluntary export restraint agreements, or otherwise, to ensure that the volume of steel products imported into the United States during any month does not exceed the average volume of steel products that was imported monthly into the United States during the 36-month period preceding July 1997.

SEC. 3. ENFORCEMENT AUTHORITY.

Within 60 days after the date of enactment of this Act, the Secretary of the Treasury, through the United States Customs Service, and the Secretary of Commerce shall implement a program for administering and enforcing the restraints on imports under section 2. The Customs Service is authorized to refuse entry into the customs territory of the United States of any steel products that exceed the allowable levels of imports of such products.

SEC. 4. APPLICABILITY.

(a) CATEGORIES.—This Act shall apply to the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(b) VOLUME.—Volume of steel products for purposes of this Act shall be determined on the basis of tonnage of such products.

SEC. 5. EXPIRATION.

This Act shall expire at the end of the 3-year period beginning 60 days after the date of the enactment of this Act.●

By Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL):

S. 396. A bill to provide dollars to the classroom; to the Committee on Health, Education, Labor, and Pensions.

THE DOLLARS TO THE CLASSROOM ACT

● Mr. HUTCHINSON. Mr. President, I am honored to have the opportunity to introduce legislation addressing one of the most important issues Americans are concerned about today—education. The Dollars to the Classroom Act will redirect approximately 3.5 billion dollars in funding for elementary and secondary education back to the states and into our classrooms.

This year Congress will be focusing its efforts on the reauthorization of the Elementary and Secondary Education Act. It is time for us to take a good look at the status of education in America and to recognize the lack of improvement we have seen in our elementary and secondary schools. The percentage of 12th grade students who meet standards in reading has actually decreased during this decade. When limited Federal funding is spread so thinly over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

I am committed to improving educational opportunities for our children,

and this can happen best at the local level. Those who best know our children—parents and teachers—should be responsible for deciding what programs are most important, not bureaucrats in Washington. It is time to stop the one-size-fits-all approach, and start letting those at the local level decide what is best for them.

Right now, state and local educational agencies are implementing reforms to better prepare their students for the future. Even the president recently stated in his budget proposal that ''we have long known the ingredients for successful schools; the challenge is to give parents and teachers and superintendents the tools to put them in place and stimulate real change right now.'' Many states have already implemented class-size reduction programs, and nineteen states currently have programs to turn around their poorest-performing school. The problem is not that states and local school districts do not have ideas about how to improve their schools, it is that Washington is telling them how to do it through competitive grants.

Many schools never see these grants, either. Schools in rural areas and that have low funding levels often cannot afford to hire grant writers to apply for the numerous federal programs. These schools should not have to spend money on administration just to receive funding, when they could receive the funding directly and decide what their needs are.

Currently, states have to bear the burden of abiding by federal regulations to receive education dollars. The system we have in place now is inefficient and does not allow the best use of each taxpayer dollar that is spent. According to the Crossroads Project—the Congressional fact-finding education initiative—only 65 percent of Department of Education elementary and secondary dollars reach classrooms. Instead of paying for administration and paperwork, we must give control back to parents and teachers, who can decide what is best for our children. Who do you trust to spend our taxpayer dollars best—bureaucrats, or those involved in our local schools?

That is why I am introducing the Dollars to the Classroom Act. This legislation has been included in S. 277, the Republican education package, and similar legislation will be introduced soon in the House of Representatives. In fact, the House of Representatives passed its version of the Dollars to the Classroom Act last fall. This legislation redirects $3.5 billion of K–12 education dollars to the States, requiring only that 95% of that money actually reach our children's classrooms. This money can be used for whatever the local education officials deem necessary and important to our children's education. School districts may buy new books, hire more teachers, build new schools, or buy new computers.

We must begin to prioritize the way we spend our education dollars, and we must put children first, not bureaucracy. Let those on the State and local levels decide if more books are needed to help our children read, or more teachers are needed to reduce class size. We cannot afford to allow a stagnant system to continue. We owe it to our children to allow schools to address the real needs they are facing today.●

● Mr. ASHCROFT. Mr. President, on two separate occasions this year I have made statements about the importance of education to our Nation and to this Congress. I've talked about what our parents want for their children, how to provide a good education, and how many of our current federal policies have failed to achieve what we want for our children.

Today, as the Senator from Arkansas introduces his ''Dollars to the Classroom Act,'' which incorporates ingredients for educational success into our federal policy, I want to join in cosponsoring his bill as it will empower states and local school districts to spend federal resources in the best way they see fit. I also want to take this opportunity to emphasize the importance of education.

A Pew Research Center poll conducted last fall found that 88% of those surveyed think that improving the quality of public school education is ''very important.'' Now, I am not one to put a lot of emphasis on polls, but I think that this poll indicates what we already know: that making sure kids get a world-class education is a real priority for our nation. Moms and dads want their children to be in settings where they will be challenged to reach high levels of academic achievement, taught by qualified and caring teachers, and provided a safe learning environment.

Obviously, parents want to be sure that schools are using the ingredients of success in education: parental involvement, local control, an emphasis on basic academics, and dollars spent in the classroom, not on distant bureaucracy and ineffective programs. These are the ingredients we must have to elevate educational performance. It is interesting to note that a recent report of the House Committee on Education and the Workforce Subcommittee on Oversight and Investigations found that successful schools and school systems were not the product of federal funding and directives.

Unfortunately, we are continuing to find that many of our current federal education programs, while well-intended, simply do not contain the ingredients of a successful education. Rather than promoting parental involvement, local control, and dollars going to the classroom, many federal programs promote a ''Washington-knows-best'' policy, in which federal bureaucrats decide exactly what education programs should be developed and exactly how every dollar should be spent. Not only are states, schools, teachers, and parents left without much say in how to educate their children, but they are also drained of time and energy complying with all the federal mandates handed down to them.

Our current federal education laws bog states down in mountains of paperwork every year. Even though the U.S. Department of Education recently attempted to reduce paperwork burdens, the Department still requires over 48.6 million hours worth of paperwork per year—or the equivalent of 25,000 employees working full-time. There are more than 20,000 pages of applications states must fill out to receive federal education funds each year.

While the Department of Education brags that its staff is one of the smallest federal agencies with 4,637 people, state education agencies have to employ nearly 13,400 FTEs (full-time equivalents) with federal dollars to administer the myriad federal programs. Hence, there are nearly three times as many federally funded employees of state education agencies administering federal education programs as there are U.S. Department of Education employees.

It is no wonder that up to 35% of our federal education dollar gets eaten up by bureaucratic and administrative costs. And we should remember this in the context of the fact that only about 7% of all education funding comes from the federal government. As we can see, this small amount of the entire education pie consumes a disproportionate share of the time states and local school districts must spend to administer education programs.

I have also spoken in the past about the Ohio study finding that 52% of the paperwork required of an Ohio school district was related to participation in federal programs, while federal dollars provided less than 5% of its total education funding. And I've also noted that in Florida it takes six times as many state employees to administer federal funds as it does to administer state dollars.

Clearly, federal rules and regulations eat up precious dollars and teacher time. We must find a way to change this.

I have also highlighted that the problem that many of our children and school districts never get to see the federal tax dollars paid by their parents for education because a great deal of federal educational funding is awarded on a competitive basis. Local schools must come to Washington and plead their case to get back the money the parents of their communities sent to the federal treasury. Who suffers the most from this system? Smaller and poorer schools, who don't have the time and money to wade through thick grant applications or hire a grant writer to get their fair share of the federal dollar.

It is also interesting to note that, according to the Department of Education's own estimates, it takes 216 steps and 20 weeks to complete the review process for a federal discretionary education grant. The Department

boasts that this is actually a streamlined process, since it used to take 26 weeks and took 487 steps from start to finish!

I have talked about a third problem with many current federal education programs: dollars are earmarked for one and only one purpose, to the exclusion of all other uses. And many times, the distant Washington bureaucrats are designating funds for something that a school district doesn't even need at the time.

I like to use an analogy to explain this problem. If you feel a headache coming on, would you rather be treated by a doctor one mile away from where you live, or a thousand miles away? And if you have to use the doctor a thousand miles away, how good is he or she going to be at prescribing what you need for your headache? It sure would be nicer to see someone close by who could take a look at you in person and make a proper diagnosis.

And what if, when you tell the doctor a thousand miles away that you have a headache, she says to you, ''Oh, that's too bad. But today we're running a special on crutches. We are prescribing crutches for people like you all over the country, because we've heard that you may need them.'' You say, ''That's fine, but how is a crutch going to help my headache? Can't I get the money to buy some aspirin?'' And the doctor says, ''Sorry, but you can only use this money for crutches, not for aspirin, or anything else.''

This is exactly what happens with so many of these categorical programs mandated from the federal level. Your local school district has determined that it needs funding for one thing, but the federal government will only release it for another. As a result, schools don't have the flexibility to use their funding for what they know they need to provide the best education possible for their students.

For all the federal programs and dollars committed to education, are we seeing success? I'm afraid not.

I have heard of a recent report from the Organization for Economic Cooperation and Development, which noted that even though the United States dedicates one of the largest shares of gross domestic product to education, it has fallen behind other economic powers in high school graduation rates. Only 72 percent of 18-year-old Americans graduated in 1996, trailing all other developed countries.

Our Congressional Research Service has explained why current federal aid programs may not lead to educational improvement. They note that these programs have generally been focused on specific student population groups with special needs, priority subject areas, or specific educational concepts or techniques. CRS reports:

> While such ''categorical'' program structures assure that aid is directed to the priority population or purpose, they may not always be effective—instruction may become fragmented and poorly coordinated; the proliferation of programs may be duplicative; each federally assisted program may affect only a marginal portion of each pupil's instructional time that is poorly coordinated with the remainder of her or his instruction; regulations intended to target aid on particular areas of need may unintentionally limit local ability to engage in comprehensive reforms; or the partial segregation of special needs students, while it helps to guarantee that funds can be clearly associated with each program's intended beneficiaries, may also reinforce tendencies toward tracking pupils by achievement level, and unintentionally contribute to a perpetuation of lower expectations for their performance.

I think the Congressional Research Service makes some valid observations about why our current federal education policy is not generally boosting student achievement and making our children competitive with other nations. CRS says that current federal policy hinders an important element of educational success: local control.

Based upon what we know about the state of our current federal education policy, we must explore how to direct our resources in ways that will stimulate academic success and high achievement. States, school districts, school boards, teachers, and of course, parents, are asking for local control and flexibility to spend federal education dollars in ways they know will work. They know how to incorporate the ingredients of success into the education of their children.

Senator HUTCHINSON's ''Dollars to the Classroom Act'' will give states and local schools the flexibility that they desperately need. His legislation takes nearly $3.5 billion from a number of federal education programs, directs the money to the states based upon student population, and requires that at least 95% of it is spent in our children's classrooms. Local school districts may use the funds in ways they believe will be most effective in elevating student achievement.

Under the ''Dollars to Classroom Act,'' parents, teachers, school boards and administrators will have the freedom to use federal dollars for what they need: whether it be to hire more teachers, raise teacher salaries, strengthen reading programs, buy new computers, or provide more one-on-one tutoring.

The bill ensures that federal bureaucracy will be held at bay by forbidding the Secretary of Education from issuing any regulations regarding the type of classroom activities or services that school districts may choose to provide with the federal dollars. Finally, the ''Dollars to Classroom Act'' calls for ways to streamline regulations and eliminate bureaucracy within major federal education laws.

Mr. President, we need to ensure that more federal education money is sent to the classroom, and that states, schools, and parents have more flexibility in using those funds in the way that will best help students achieve their fullest potential. We must find ways to encourage states and local schools to be innovative and creative in finding the most successful ways to challenge our students to the highest levels and achievement. Senator HUTCHINSON's ''Dollars to the Classroom Act'' will help accomplish these goals, and that is why I am pleased to co-sponsor his legislation.

During the coming months, Congress should continue to evaluate our current federal elementary and secondary education programs and make the necessary changes to incorporate the ingredients we know have proven successful in providing the best education possible for our children. We cannot afford to maintain the status quo if it is not working. We owe it to our next generation to provide them what they need to be successful in the 21st Century.●

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 136

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 136, a bill to provide for teacher excellence and classroom help.

S. 170

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. MCCAIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 323

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 323, a bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 33—DESIGNATING MAY 1999 AS NATIONAL MILITARY APPRECIATION MONTH

Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. BINGAMAN, Mr. INHOFE, Mr. CLELAND, Ms. LANDRIEU, and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 33

Whereas the freedom and security that United States citizens enjoy today are results of the vigilant commitment of the United States Armed Forces in preserving the freedom and security;

Whereas it is appropriate to promote national awareness of the sacrifices that members of the United States Armed Forces have made in the past and continue to make every day in order to support the Constitution and to preserve the freedoms and liberties that enrich the Nation;

Whereas it is important to preserve and foster the honor and respect that the United States Armed Forces deserve for vital service on behalf of the United States;

Whereas it is appropriate to emphasize the importance of the United States Armed Forces to all persons in the United States;

Whereas it is important to instill in the youth in the United States the significance of the contributions that members of the United States Armed Forces have made in securing and protecting the freedoms that United States citizens enjoy today;

Whereas it is appropriate to underscore the vital support and encouragement that families of members of the United States Armed Forces lend to the strength and commitment of those members;

Whereas it is important to inspire greater love for the United States and encourage greater support for the role of the United States Armed Forces in maintaining the superiority of the United States as a nation and in contributing to world peace;

Whereas it is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world;

Whereas it is important to give greater recognition for the dedication and sacrifices that individuals who serve in the United States Armed Forces have made and continue to make on behalf of the United States;

Whereas it is appropriate to display the proper honor and pride United States citizens feel towards members of the United States Armed Forces for their service;

Whereas it is important to reflect upon the sacrifices made by members of the United States Armed Forces and to show appreciation for such service;

Whereas it is appropriate to recognize, honor, and encourage the dedication and commitment of members of the United States Armed Forces in serving the United States; and

Whereas it is important to acknowledge the contributions of the many individuals who have served in the United States Armed Forces since inception of the Armed Forces: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1999 as ''National Military Appreciation Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to recognize and honor the dedication and commitment of the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities.

● Mr. MCCAIN. Mr. President, I rise today to submit legislation, cosponsored by Senators WARNER and LEVIN and other members of the Armed Services Committee, to designate May 1999 as National Military Appreciation Month. I would like to emphasize at the outset the role of the United Services Organization, the USO, in approaching me to ask that I submit this resolution. I am honored that an organization so central to the quality of the lives of our service personnel for so many decades chose me as the one to carry this legislation forward.

Last week, I joined with a number of my colleagues on the Armed Services Committee to report to the Senate S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights of 1999. That legislation addresses areas identified by the Joint Chiefs of Staff as their highest priorities in resolving the growing readiness problems afflicting the Armed Forces. By restoring the retirement system that existed prior to 1986 and taking concrete measures to close the pay gap and remove military families from the rolls of those eligible for food stamps, I am confident that S. 4 will go a long way toward alleviating the retention and recruitment problems that have contributed so much to the recent decline in military readiness.

It is out of concern for the welfare of the men and women who wear the uniform of our nation's armed forces that S. 4 was passed so early in the legislative year by the Armed Services Committee. It is out of a sense of pride in those same men and women that I offer this resolution designating May as National Military Appreciation Month.

During May 1999, we will observe Victory in Europe Day, Military Spouse Day, Armed Forces Day, and, most importantly, Memorial Day. It is appropriate that, with our armed forces currently operating in Bosnia, Macedonia, Haiti, and the Persian Gulf, and conducting routine peacetime activities too numerous to list in support of U.S. foreign policy in virtually every part of the globe, that the nation dedicate that month to remind itself of the contribution these individuals make to the preservation of a way of life increasingly taken for granted.

It has become almost platitudinous to point out the increased burden placed on a smaller military since the dissolution of the Soviet Union and the end of the Cold War. Our military forces are being sent into harm's way more often than during any period since the Vietnam War, with additional deployments contemplated as I speak. Strong economic growth and low unemployment have reduced the incentive on the part of many young people to enlist in the Armed Forces, thereby further diminishing the percentage of Americans exposed to military Service. By designating May 1999 as National Military Appreciation Month, it is my hope that the country will be more inclined to reflect on the sacrifices of so many throughout our history and today, and to better understand why we in Congress are acting so hastily to address quality of life issues affecting our service personnel and their families. My good friend, DUNCAN HUNTER, has offered companion legislation in the House of Representatives, and I look forward to speedy passage of this bill in the weeks ahead.●

● Mr. LEVIN. Mr. President, I am pleased to join my friend Senator MCCAIN in submitting this resolution designating May 1999 as ''National Military Appreciation Month.'' Senator MCCAIN is one of the great champions in the Senate of the men and women who serve in our armed forces. It is a privilege to join him in sponsoring this resolution.

Day after day, our Soldiers, Sailors, Airmen and Marines continue to demonstrate a high degree of excellence and commitment. No matter what we ask of them, they always respond in the most professional manner imaginable. We have asked them to serve in combat operations, in peacekeeping missions, and in humanitarian relief efforts. We have deployed them around the world to stand in the face of aggression. They make tremendous personal sacrifices to serve their nation.

The most recent example of the excellence and professionalism of our forces was Operation Desert Fox. Over 40,000 troops deployed from bases around the world in response to Sadam Hussain's flagrant defiance of UN authorized inspections. Without a single U.S. or British casualty, our troops flew more than 600 aircraft sorties, 300 of them a night. Soldiers, Sailors, Airmen and Marines all participated in this flawless operation. This same excellence has been demonstrated in Bosnia, Korea, Central America, and every other place where our members serve.

Our troops are, quite simply, the best. They are the best trained, best equipped, best disciplined and most highly skilled and motivated military force in the world. They deserve the recognition of a grateful Nation. This resolution calls on all Americans to recognize and honor their dedication and service. It is the least we can do.●

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

CLELAND AMENDMENT NO. 6

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 33, line 16, strike ''for a period of more than 30 days'' and insert ''and a member of the Ready Reserve in any pay status''.

On page 34, beginning on line 10, strike ''**on active duty**'' and insert ''**: members on active duty; members of the Ready Reserve**''.

On page 35, strike lines 3 through 6 and insert the following:

''(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

''(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

''(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

On page 35, line 9, insert '', or out of compensation under section 206 of title 37,'' after ''out of basic pay''.

On page 35, line 12, strike ''308a, 308f,'' and insert ''308a through 308h,''.

On page 36, in the matter following line 15, strike ''on active duty'' and insert '': members on active duty; members of the Ready Reserve''.

● Mr. CLELAND. Mr. President, when S. 4 is debated in the Senate, I intend to offer an amendment to expand the Thrift Savings Plan to allow the participation of members of the Ready Reserve. The 1.5 million members of the Reserve Components make up half of our military forces. They are contributing to our military efforts at home and around the world every day of the year, side-by-side with their active duty counterparts. We are using our Reserve component personnel more often and for a broader range of missions and operations then ever before.

Since the end of the Cold War, members of the Reserve Components have participated at record levels. In fact, over 17,000 Reservists and Guardsmen have answered the Nation's call to bring peace to Bosnia. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Numerous Guard and Reserve units from all corners of the United States responded immediately to requests for assistance in the wake of Hurricane Mitch, delivering over 10 million pounds of humanitarian aid to devastated areas in Central America. Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in North and South Dakota, Minnesota and Iowa. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies and disaster workers to the affected areas. And the Air Force Reserve's ''Hurricane Hunters'' are the only Department of Defense organization that routinely flies into tropical storms and hurricanes to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms. These are but a few examples of what members of the Guard and Reserve do on a daily basis. What amazes me most is that many take part in these important military operations on a volunteer basis, and have to balance these demands with those of their full-time civilian careers and their families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the Services to remove all remaining barriers to achieving a ''seamless Total Force.'' He has also said that without Reservists, ''we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere.'' The Reserve Components will, without a doubt, play an integral role in our national military strategy of the 21st century.

Allowing members who serve in the Reserve Components to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy at virtually no additional cost. But, most importantly, doing so sends a message to our citizen soldiers, sailors, marines, and airmen that we recognize and appreciate their sacrifices.●

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 10, 1999, at 9:30 a.m., to hold a confirmation hearing on the nomination of Montie Deer to be the Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

ADDITIONAL STATEMENTS

SENATE LEGISLATIVE CLERK SCOTT BATES

● Ms. MIKULSKI. Mr. President, the United States Senate experienced a great and sudden loss on Friday night with the untimely death of our legislative clerk, Scott Bates. Mr. Bates was, in many ways, a symbol of the endurance and integrity of our institution, and his passing is a time of sadness for our Senate family.

For thirty years, Scott Bates was a faithful, dedicated and passionate servant of the United States Senate. He devoted his life to ensuring that our legislative body operated with efficiency, precision and dignity. Neither I nor my colleagues, nor any of our predecessors here will ever forget the clear, powerful voice of Scott Bates—calling the roll, announcing our votes, or just saying ''hello.''

Scott Bates was a man of honor and humility. He was a mainstay of our sacred institution for three decades. I join my colleagues in mourning his passing and celebrating his life. To his wife, Ricki, who is still recovering in the hospital, we wish you a speedy recovery—please know that you and your three children, Lori, Lisa and Paul, are in our thoughts and prayers. You will remain a cherished part of the Senate family.●

KING HUSSEIN OF JORDAN

● Mr. BROWNBACK. Mr. President, I rise to honor the memory of a great man, King Hussein of Jordan.

Today the world said goodbye to King Hussein and the great outpouring of grief by his people and the presence today in Amman of almost all of the world's leaders, is testament to his greatness and to the real honor and affection in which he was held; it was a testament to the enormous contribution he made to world peace and stability.

King Hussein was very young when he became king 47 years ago, in a tough neighborhood where wits and courage and character are quickly tested—and tested often. During his reign, he dodged at least 12 assassination attempts and 7 plots to overthrow him.

Though he took over a shaky throne, his perseverance, his vision and his great faith carried him through and resulted in a much stronger nation of Jordan and a more stable Middle East. He took his country far down the path of democratic reforms—reforms which he had hoped to continue to improve upon and to broaden.

His rule saw his country acquire stability and make peace with Israel. He modernized Jordan and created a situation in which Jordanians enjoy a degree of political freedom not found in most other Arab nations.

He did all this by living his faith and his ideals: he practiced political tolerance and even reached a peace and pardoned those who had tried to kill him.

He was a true friend and ally of the United States but his true devotion was to his people and to the cause of peace. He took great risks to achieve this peace.

He was a lynchpin in Middle East Peace Process. Only a few months ago, he left his sickbed and came to Wye to

help broker the Wye River accord that revived the failing peace process between Israel and the Palestinians. It was his presence and his commitment that brought a successful resolution to this agreement.

He did this at great personal sacrifice when he was near death. He fought illness with grace, courage and faith in the same way he had lived his life.

A stronger Kingdom of Jordan and a more stable Middle East, capable of eventually sustaining a lasting peace will be one of his great legacies.

Mr. President it is vitally important for the United States and Jordan to continue our close ties and to deepen our mutual commitment.

I join my colleagues in expressing my support and best wishes to King Hussein's son and successor, King Abdullah.

I met with King Abdullah this past November. He is very capable, knowledgeable and his is a strong leader. He is now a key to peace in the world and he is up to the task. We all wish him God's speed and great blessings.●

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

● Mr. LOTT. Mr. President, I want to talk about America's used car buyers. They are looking to this Congress to take prompt action on legislation that will curtail the fraudulent practice of ''title washing.'' A deceptive scheme that costs consumers and the automobile industry over $4 billion annually and places millions of structurally unsafe vehicles back on America's roads and highways.

Last week I brought to your attention a January 8, 1999, Washington Post article entitled ''Wrecked Cars, On the Road Again.'' This is scary—government crash test cars—deliberately destroyed cars—are being rebuilt and sold to unsuspecting consumers as undamaged vehicles. One of these crash cars could have been next to any one of us on the way to work today.

I ask my colleagues to think about how they would feel if their son or daughter unknowingly purchased a NHSTA crash test car. Aside from the significant monetary loss, buyers of these previously totaled cars or trucks are also unwittingly risking life and limb. As well as everyone with whom they share the road.

As my colleagues are well aware, Senator Ford and I coauthored legislation in the 105th Congress with the intent of putting dishonest rebuilders out of business. Our bill would have provided greater disclosure to potential used car buyers by establishing national uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles. As everyone knows, especially the crooks and charlatans who prey on unsuspecting victims, that it is the lack of uniformity and the inconsistencies in state automobile titling procedures that allows title laundering to flourish unabated.

Mr. President, the provisions of the National Salvage Motor Vehicle Consumer Protection Act mirrored the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated committee, overseen by the U.S. Department of Transportation, included State motor vehicle officials, motor vehicle manufactures, dealers, recyclers, insurers, salvage yard operators, scrap processors, federal and state law enforcement representatives, and others. While I would like to claim credit for authoring the definitions in the title branding legislation, they were in fact based on the knowledge and experience of the Salvage Committee and the recommendations offered in their final report. So these are not my definitions, they are the expert advisory committee's definitions.

Mr. President, too often Congress lets recommendations from commissions we mandate sit on a shelf gathering dust.

Mr. President, I do not want this to happen here. Title washing is a pervasive problem. The salvage advisory group provided a wealth of information and recommendations to address this national problem. Congress needs to act.

Aside from promoting the use of uniform definitions, the bill requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. These vehicles would also have a decal permanently affixed to its window and the driver's doorjamb to provide even greater disclosure. Equally important, the vehicle's brand would be carried forward to each state where the vehicle is retitled. And, the Vehicle Identification Numbers (VIN) of irreparably damaged vehicles would be tracked to prevent automobile theft.

Contrary to the misrepresentations about this bill, it allowed states to adopt disclosure standards beyond those provided for in the bill. In fact, states would have had broad latitude to provide almost unlimited disclosure to their citizens. This important legislation merely created a basic minimum national standard while allowing states the flexibility to adopt more stringent regulations. It also did not create a federal mandate on the states as some had proposed. As my colleagues will recall, the Supreme Court held in *New York* v. *United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government.

Mr. President, Congress came very close to enacting title branding legislation last year. The original measure received the formal support of 57 of our colleagues in this chamber and a similar bill passed the House of Representatives with a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state attorneys general. In a good faith effort, the following changes were included in the modified version of the bill.

The percentage threshold for defining a ''salvage vehicle'' was lowered from 80 percent to 75 percent.

The final bill included a provision allowing states broad latitude in determining which vehicles would be designated as ''salvage.'' The compromise permitted a state to maintain or establish a lower percentage threshold for defining a ''salvage vehicle.'' So if a state set its percentage threshold below the 75 percent level, it would still have been in compliance with the bill. Some consumer groups and state attorneys general advocated that states be able to set their thresholds as low as they desired. This bill would have allowed any state to do just that.

A new provision was added that allowed states to cover any vehicle, regardless of age. This is referred to as ''older model salvage vehicle.''

Another new provision in the legislation granted state attorneys general the ability to sue on behalf of consumers who are victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

The bill's section on ''prohibited acts,'' replaced the House's ''knowingly and willfully'' standard with a ''knowingly'' standard.

Two new prohibited acts were included—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

In the original bill, conforming states were prohibited from using synonyms of terms defined in the legislation (i.e. reconstructed, unrebuildable, junk) in connection with a vehicle. The modified bill deleted this restrictive language, giving states increased flexibility to provide additional disclosures to their citizens regarding the damage history of vehicles.

The compromise bill added a provision making it clear that nothing in the legislation would affect any private right of action under existing state laws. Let me say again that a citizen's ability to pursue private rights of action would have continued under the legislation.

At the request of Senator SLADE GORTON, the proposed federal criminal penalty provision was removed from the bill. As a former state attorney general, Senator GORTON was concerned that creating new federal penalties would unnecessarily increase the burden on an already stressed federal court system, especially in instances where existing state civil and criminal remedies would adequately address violations of the bill's titling requirements. Senator GORTON's concerns were recently buttressed by Chief Justice Rehnquist who recently complained about Congress' ''trend to federalize crimes that traditionally have been handled in state courts.'' While

the proposed criminal penalty was dropped, a provision authorizing civil penalties was retained.

At the request of Sen. ERNEST HOLLINGS, a new provision was added concerning the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Again, these were significant changes aimed at achieving consensus and balancing the need for uniformity with the desire to provide states with reasonable and appropriate flexibility.

It is also important to point out that the final title branding bill that passed the House with a bipartisan majority last October was strongly supported by state motor vehicle administrators. These are the very people responsible for implementing titling rules and procedures. If there is anyone that Congress should listen to on this topic, it is the state DMV directors. They have the most commitment to and significant knowledge and experience dealing with titling matters. Since they are on the front lines, these administrators know what works and what will not. Their only vested interest is to ensure that the people they serve in their states have an effective titling system. To that end, they have been working with the Department of Transportation and the Department of Justice to develop a National Motor Vehicle Title Information System that would provide titling offices around the country with accurate, reliable, and timely registration information.

As I have said repeatedly, title branding legislation would significantly improve disclosure for used car buyers. It would close the many loopholes that exist by establishing uniform definitions. It would create national standards that would protect the safety and well-being of consumers and motorists across America. Enacting this legislation would allow our sons and daughters to buy a used car without fear that they may be purchasing a totaled and subsequently rebuilt vehicle.

For these reasons, I intend on introducing the National Salvage Motor Vehicle Consumer Protection Act as it passed the House last October. I have also solicited technical corrections from a number of interested and affected sources including the U.S. Department of Transportation.

Mr. President, I ask my colleagues from both sides of the aisle to safeguard our friends and families from title fraud by formally supporting this legislation.

With your help, Congress can put thousands of chop-shop owners and con-artists out of business and keep millions of structurally unsafe vehicles off our nation's roads and highways. Let us take quick action to keep our constituents from buying wrecks on wheels.●

TRIBUTE TO REAR ADMIRAL WILLIAM L. STUBBLEFIELD ON THE OCCASION OF HIS RETIREMENT

● Mr. KERRY. Mr. President, I rise today to pay tribute to Rear Admiral Bill Stubblefield on the occasion of his retirement as the Director of the Office of NOAA Corps Operations and the Director of the NOAA Corps, in the Department of Commerce's National Oceanic and Atmospheric Administration. Rear Admiral Stubblefield has given 33 years of dedicated service to the nation.

Bill Stubblefield served as a commissioned officer in the U.S. Navy from 1962 to 1968 aboard a minesweeper and an icebreaker, and then with the U.S. Navy's SOSUS network. In 1968, he resigned his commission from the Navy to further his education and received his Master's degree in Geology from the University of Iowa in 1971.

In July 1971 Admiral Stubblefield joined the NOAA Commissioned Corps as a Lieutenant in his home town of Medina, Tennessee, and attended the 38th NOAA Corps Basic Officer Training Class which was held at the United States Merchant Marine Academy in Kings Point, New York. After his commissioning, he was assigned to serve as a Junior Officer aboard the NOAA Ships *Pathfinder* and *Rainier,* conducting hydrographic surveys in California, Washington, and Alaska. His next assignment was ashore with the Environmental Research Laboratory, Office of Oceanic and Atmospheric Research, in Miami, Florida, as Deputy Director of the Marine Geology and Geophysics Division. For this work, he received a NOAA Corps Special Achievement Award.

Admiral Stubblefield returned to sea duty in December of 1975 as Operations Officer aboard the NOAA Ship *Researcher,* which conducted oceanographic and atmospheric research in the waters of the Atlantic Ocean.

From January 1978 to May 1979, Admiral Stubblefield attended full-time university training at Texas A&M University receiving his Ph.D. in geological oceanography. He returned to the Environmental Research Laboratory as a research oceanographer until 1981, when he was summoned back to sea as the Executive Officer of the NOAA Ship *Researcher.*

Following his sea assignment Admiral Stubblefield had tours of duty as the Scientific Support Coordinator of the southeastern Atlantic and Gulf coastal areas for the NOAA Office of Marine Pollution Assessment Hazardous Material Program and Technical Specialist for the NOAA Office of Sea Grant in Washington, D.C. Admiral Stubblefield was then assigned to the position of Chief Scientist for the NOAA Undersea Research Program.

He returned to sea in 1988 as Commanding Officer of the NOAA Ship *Surveyor* which conducted oceanic research from the Arctic to the Antarctic, including the north and south Pacific Ocean, Gulf of Alaska, and the Bering Sea. At the time, the *Surveyor* had attained the award of traveling the farthest north and south of any NOAA vessel at its time.

In 1990 he was assigned the position of Coordinator for the Fleet Modernization Study to assess the life expectancy of NOAA's ships and determine how to modernize NOAA's fleet to operate into the 21st century. For this work, he received the Department of Commerce Silver Medal, DOC's second highest award. In late 1990, Admiral Stubblefield became the Executive Director for the Office of Oceanic and Atmospheric Research, where he was responsible for the management and budget functions, international affairs, and administrative duties of this NOAA program office.

In August 1992, he was promoted to the rank of Rear Admiral, Lower Half and assigned as Deputy Director, Office of NOAA Corps Operations where he was responsible for the day-to-day operations of this staff office. In 1995, Admiral Stubblefield was selected for the position of Director, Office of NOAA Corps Operations and Director of the NOAA Commissioned Corps, and promoted to Rear Admiral, Upper Half, the highest position in the NOAA Corps.

Since Admiral Stubblefield became Director, the Office of NOAA Corps Operations has undergone many changes. He re-engineered the office to become more cost-efficient and customer oriented. He decommissioned five older ships, downsized the headquarters office by over 40 percent, both civilian and commissioned personnel, and reduced ship operating costs, while increasing the level of ship support.

Under his command, a new oceanographic ship, the *Ronald H. Brown,* was built and commissioned, and two former Navy ships were converted to conduct fisheries, oceanic, and atmospheric research. He also saw the new Gulfstream IV jet built and brought into operation to study the effects of El Niño last winter off the California coast and conduct hurricane reconnaissance this past hurricane season.

Also under his command, Admiral Stubblefield faced the most challenging task of his career, one that no head of a uniformed service would ever want to face—the decision to disestablish the NOAA Commissioned Corps. The Corps was under a hiring freeze that lasted for 4 years. Yet, Admiral Stubblefield still was able to maintain morale and fill the assignments required to operate the ships and aircraft.

This past October, when it became apparent the NOAA Corps plays a vital role for the country, the decision was made to retain the NOAA Corps. In January 1999, 17 new officers began their basic training at the Merchant Marine Academy in Kings Point, New York.

Admiral Stubblefield is an officer, a scientist, and a gentleman. I commend Bill for his tremendous accomplishments during his career and service to

the Nation, especially those over the past three years. Thanks to his efforts, NOAA is stronger, more efficient and will carry out its invaluable mission into the next century.●

TRIBUTE TO CAPTAIN ROBBIE BISHOP

● Mr. COVERDELL. Mr. President, I rise today to pay tribute to Captain Robbie Bishop of the Villa Rica Police Department in Villa Rica, Georgia, who was tragically slain in the line of duty on Wednesday, January 20, 1999, bringing his service which spanned a decade to the people of Georgia to an end. In addition, I would like to honor Captain Bishop's family for the sacrifice that they have made in the name of Freedom. He was a husband and father of two.

Captain Bishop, I understand, was known to have an extraordinary ability to detect drugs during the most routine traffic stops and was considered by some to be the best in the Southeast at highway drug interdiction. He was known to have seized thousands of pounds of illegal drugs and millions of dollars in cash. Police departments around the country solicited Captain Bishop's help to train their officers. In fact, it is believed that it was a routine traffic stop where he had, once again, detected illegal drugs that resulted in the sudden end to his remarkable career.

Once again, Mr. President, the work of law enforcement is an elegant and lofty endeavor but one that is fraught with terrible dangers. Captain Bishop knew of these threats, but still chose to serve on the front line, protecting Georgia citizens. As we discuss ways to continue our fight with the war on drugs, let us remember the lives of those like Captain Robbie Bishop who have fallen fighting this war.●

TRIBUTE TO PAUL MELLON—GIANT OF THE ARTS

● Mr. KENNEDY. Mr. President, America lost one of its greatest citizens and greatest patrons of the arts last week with the death of Paul Mellon. All of us who knew him admired his passion for the arts, his extraordinary taste and insights, and his lifelong dedication to our country and to improving the lives of others.

He was widely known and loved for many different aspects of his philanthropy in many states, including Massachusetts. Perhaps his greatest gift of all to the nation is here in the nation's capital—the National Gallery of Art. The skill and care and support which he devoted to the Gallery for over half a century brilliantly fulfilled his father's gift to the nation. He made the Gallery what it is today—a world-renowned museum containing many of the greatest masterpieces of our time and all time, a fitting and inspiring monument to the special place of the arts in America's history and heritage.

I believe that all Americans and peoples throughout the world who care about the arts are mourning the loss of Paul Mellon. We are proud of his achievements and his enduring legacy to the nation. We will miss him very much.

An appreciation of Paul Mellon by Paul Richard in the Washington Post last week eloquently captured his philosophy of life and his lifelong contributions to our society and culture, and I ask that it be printed in the RECORD.

The material follows:

[From the Washington Post, Feb. 3, 1999]

APPRECIATION—PAUL MELLON'S GREATEST GIFT: THE PHILANTHROPIST LEFT BEHIND A FINE EXAMPLE OF THE ART OF LIVING

(By Paul Richard)

Though it never came to anything, Paul Mellon once considered fitting every windowsill in Harlem with a box for growing flowers.

Mellon understood that Titians were important, that magic was important, that thoroughbreds and long hot baths and kindness were important, that thinking of the stars, and pondering the waves, and looking at the light on the geraniums were all important, too.

In a nation enamored of the lowest common denominators, what intrigued him were the highest. He spent most of his long life, and a vast amount of money, about $1 billion all in all, buying for the rest of us the sorts of private mental pleasures that he had come to value most—not just the big ones of great art, great buildings and great books, but the little ones of quietude, of just sitting in the sand amid the waving dune grass, looking out to sea.

He died Monday night at home at Oak Spring, his house near Upperville, Va. Cancer had weakened him. Mellon was 91.

Twenty-five years ago, while speaking at his daughter's high school graduation, that cheerful, thoughtful, courtly and unusual philanthropist delivered an assertion that could stand for his epitaph:

''What this country needs is a good five-cent reverie.

Mellon's money helped buy us the 28,625-acre Cape Hatteras National Seashore. He gave Virginia its Sky Meadows State Park. In refurbishing Lafayette Square, he put in chess tables, so that there's something to do there other than just stare at the White House. He gave $500,000 for restoring Monticello. He gave Yale University his collection of ancient, arcane volumes of alchemy and magic. He published the I Ching, the Chinese ''book of changes,'' a volume of oracles. And then there is the art.

I am deeply in his debt. You probably are, too.

If you've ever visited the National Gallery of Art, you have felt his hospitality. Its scholarship, its graciousness, its range and installations—all these are Mellonian.

It was Mellon, in the 1930s, who supervised the construction of its West Building, with its fountains and marble stairs and greenhouse for growing the most beautiful fresh flowers. After hiring I.M. Pei to design the East Building, Mellon supervised its construction, and then filled both buildings with art. Mellon gave the gallery 900 works, among them 40 by Degas, 15 by Cezanne, many Winslow Homers and five van Goghs—and this is just a part of his donations. His sporting pictures went to the Virginia Museum of Fine Arts in Richmond, and his British ones to Yale University, where Louis I. Kahn designed the fine museum that holds them.

At home, he hung the art himself. He never used a measuring tape; he didn't need to. He had the most observant eye.

''I have a very strong feeling about seeing things,'' he said once. ''I have, for example, a special feeling about how French pictures ought to be shown, and how English pictures ought to be shown. I think my interest in pictures is a bit the same as my interest in landscape or architecture, in looking at horses or enjoying the country. They all have to do with being pleased with what you see.''

He would not have called himself an artist, but I would. It was not just his collecting, or the scholarship he paid for, or the museums that he built, all of which were remarkable. Nobody did more to broadcast to the rest of us the profound rewards of art.

He was fortunate, and knew it. He had comfortable homes in Paris, Antigua, Manhattan and Nantucket, and more money than he needed. His Choate-and-Yale-and-Cambridge education was distinguished. So were his friends. Queen Elizabeth II used to come for lunch. His horses were distinguished. He bred Quadrangle and Arts and Letters and a colt named Sea Hero, who won the Kentucky Derby. ''A hundred years from now,'' said Mellon, ''the only place my name will turn up anywhere will be in the studbook, for I was the breeder of Mill Reef.'' His insistence on high quality might have marked him as elitist, but he was far too sound a character to seem any sort of snob.

His manners were impeccable. Just ask the gallery's older guards, or the guys who groomed his horses. When you met him, his eyes twinkled. He joked impishly and easily. Once, during an interview, he opened his wallet to show me a headline he had clipped from the Daily Telegraph: ''Farmer, 84, Dies in Mole Vendetta.'' He liked the sound of it.

There was an if-it-ain't-broke-don't-fix-it spirit to his luxuries. They were well patinaed. His Mercedes was a '68. His jet wasn't new, and neither were his English suits or his handmade shoes. The martinis he served—half gin, half vodka—were 1920s killers. There was a butler, but he shook them himself. He said he'd always liked the sound of ice cubes against silver.

Nothing in his presence told you that Paul Mellon had been miserable when young.

His childhood might easily have crushed him. His father, Andrew W. Mellon—one of the nation's richest men and the secretary of the Treasury—had been grim and ice-cube cold.

Paul Mellon loved him. It could not have been easy. ''I do not know, and I doubt anyone will ever know,'' he wrote, ''why Father was so seemingly devoid of feeling and so tightly contained in his lifeless, hard shell.''

His parents had warred quietly. Paul was still a boy when their marriage ended coldly, in a flurry of detectives. His sister, Ailsa, never quite recovered. Paul never quite forgot his own nervousness and nausea and feelings of inadequacy. It seems a stretch to use this term for someone born so wealthy, but Paul Mellon was a self-made man.

Most rich Americans, then as now, saw it as their duty to grow richer. Mellon didn't. When he found his inner compass, and abandoned thoughts of making more money, and said so to his father, he was 29 years old.

First he wrote himself a letter. ''The years of habit have encased me in a lump of ice, like the people in my dreams,'' he wrote. ''When I get into any personal conversation with Father, I become congealed and afraid to speak. . . . Business. What does he really expect me to do, or to be? Does he want me to be a great financier . . .? The mass of accumulations, the responsibilities of great financial institutions, appall me. My mind is not attuned to it. . . . I have some very important things to do still in my life, although I am not sure what they are. . . . I

want to do in the end things that I enjoy. . . . What does he think life is for? Why is business . . . more important than the acceptance and digestion of ideas? Than the academic life, say, or the artistic? What does it really matter in the end what you do, as long as you are being true to yourself?''

So Mellon changed his life. He gave up banking. He moved to Virginia. He started breeding horses. And then, in 1940, after having spent so many years at Cambridge and at Yale, Mellon went back to school. To St. John's College in Annapolis. To study the Great Books.

(Mellon later gave more than $13 million to St. John's.)

His path had been determined. Though deflected by World War II—he joined the cavalry, then the OSS—Mellon would continue on it for the rest of his long life. As his friend the mythologist Joseph Campbell might have put it (it was Mellon who published Campbell's ''The Hero With a Thousand Faces''), Paul Mellon had determined to follow his own bliss.

He was curious about mysticism, so he studied with Carl Jung. He liked deep, expansive books, so he began to publish the best he could discover. Bollingen Series, his book venture, eventually put out 275 well-made volumes, among them the I Ching, Andre Malraux's ''Museum Without Walls,'' Ibn Khaldun's ''The Muqadimah,'' Vladimir Nabokov's translations from Pushkin, and Kenneth Clark's ''The Nude.''

Because Mellon liked high scholarship, he started giving scholars money. Elias Caetti, who received his Nobel prize for literature in 1981, got his first Bollingen grant in 1985. Others—there were more than 300 in all—went to such thinkers as the sculptor Isamu Noguchi (who was paid to study leisure), the poet Marianne Moore, and the art historian Meyer Schapiro.

Because Mellon liked poetry, he established the Bollingen Prize for poetry. The first went to Ezra Pound, the second to Wallace Stevens.

Mellon loved horses. So he started buying horse pictures. He had had a great time at Cambridge—''I loved,'' he wrote, ''its gray walls, its grassy quadrangles, its busy, narrow streets full of men in black gowns . . . the candlelight, the coal-fire smell, and walking across the Quadrangle in a dressing gown in the rain to take a bath.''

Though America's libraries were full of English books, America's museums were not full of English art. It didn't really count. What mattered was French painting and Italian painting. Mellon didn't care. He thought that if you were reading Chaucer or Dickens or Jane Austen, you ought to have a chance to see what England really looked like. Mellon knew. He remembered. He remembered ''huge dark trees in rolling parks, herds of small friendly deer . . . soldiers in scarlet and bright metal, drums and bugles, troops of gray horses, laughing ladies in white, and always behind them and behind everything the grass was green, green, green.'' So Mellon formed (surprisingly inexpensively) and then gave away (characteristically generously) the world's best private collection of depictive English art.

He knew what he was doing. As he knew what he was doing when he took up fox hunting, competitive trail riding and the 20th-century abstract paintings of Mark Rothko and Richard Diebenkorn.

He was following his bliss.

He didn't really plan it that way. He just went for it. ''Most of my decisions,'' he said, ''in every department of my life, whether philanthropy, business or human relations, and perhaps even racing and breeding, are the results of intuition. . . . My father once described himself as a 'slow thinker.' It applies to me as well. The hunches or impulses that I act upon, whether good or bad, just seem to rise out of my head like one of those thought balloons in the comic strips.''

That wasn't bragging. Mellon wasn't a braggart. He wasn't being falsely modest, either. Mellon knew the value of what it was he'd done.

Mellon was a patriot, a good guy and a gentleman. He had a healthy soul. What he did was this:

With wit and taste and gentleness, with the highest self-indulgence and the highest generosity, he made the lives of all of us a little bit like his.●

NUCLEAR WASTE STORAGE

● Mr. LOTT. Mr. President, I rise today to express my commitment to make the Nuclear Waste Storage Bill an early priority during the 106th Congress. More than 15 years ago, Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs.

Today there are more than 100,000 tons of spent nuclear fuel that must be dealt with. One year has now passed since the DOE was absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites, and DOE is no closer today in coming up with a solution. This is unacceptable. The law is clear, and DOE must meet its obligation. If the Department of Energy does not live up to its responsibility, Congress will act.

I am encouraged that the House of Representatives has begun to address this issue. A bill introduced by Representative FRED UPTON and ED TOWNS of the House's Commerce Committee would set up a temporary storage site at Yucca Mountain, Nevada, for this waste until a permanent repository is approved and built. It is good to see bipartisan cosponsors for a safe, practical and workable solution for America's spent fuel storage needs. This solution is certainly more responsible than leaving waste at 105 separate power plants in 34 states across the nation. There are 29 sites which will reach capacity by the end of 1999. All of America's experience in waste management over the last twenty-five years of improving environmental protection has taught Congress that safe, effective waste handling practices entail centralized, permitted, and controlled facilities to gather and manage accumulated waste.

Mr. President, the management of used nuclear fuel should capitalize on this knowledge and experience. Nearly 100 communities have spent fuel sitting in their ''backyard,'' and it needs to be moved. This lack of storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20% of the United States' electricity. Closing these plants just does not make sense.

Nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity at the same time the nation addresses increasingly stringent air quality requirements. Nuclear power is one of the best ways America can address those who say global warming is a problem—a subject I'll leave for another day.

Both the House and the Senate passed a bill in the 105th Congress to require the DOE to build this interim storage site in Nevada, but unfortunately this bill never completed the legislative process. I challenge my colleagues in both chambers of the 106th Congress to get this environmental bill done. The citizens, in some 100 communities where fuel is stored today, challenge the Congress to act and get this bill done. This nuclear industry has already committed to the federal government about $15 billion toward building the facility. In fact, the nuclear industry continues to pay about $650 million a year in fees for storage of spent fuel. It is time for the federal government to live up to its commitment. It is time for the federal government to protect those 100 communities.

To ensure that the federal government meets its commitment to states and electricity consumers, the 106th Congress must mandate completion of this program—a program that includes temporary storage, a site for permanent disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, this federal foot dragging is unfortunate and unacceptable, so clearly the only remedy to stopping these continued delays is timely action in the 106th Congress on this legislation.●

RECOGNITION OF NATHAN SCHACHT

● Mr. GORTON. Mr. President, I rise today to commend and congratulate Nathan Schacht of Walla Walla, Washington, who was awarded the rank of Eagle Scout rank, the Boy Scout of America's highest honor, on January 19, 1999.

Nathan is the son of Don and Margaret Schacht and a sophomore at DeSales Catholic High School. He began scouting five years ago with the Eastgate Lions Troop 305 and moved onto the Cub Scout program with Pack 309.

Nathan and I share a common love for the outdoors. During his tenure with the Boy Scouts he logged over 70 miles of hiking and 70 miles of canoeing; earned the 50 Miler Afloat award; camped 63 nights and earned 31 merit badges. He recently completed his term as Senior Patrol Leader for Troop 305. He has been a member of the Order of the Arrow since 1996 and was awarded his Eagle Cap Credentials in 1997.

His Eagle project involved building a recycling center for Assumption Elementary School. He spent over 115 hours planning and carrying out this

project which included contacting donors for the materials and working with the volunteers in all phases of the project. He secured over $700 in donated materials and 261 hours of volunteer time.

Nathan also participates in other activities in his school and community. He participates in the football, basketball, and golf programs at DeSales High School, as well as band, drama and National Honor Society. He has served as a page in the Washington State House of Representatives and as an altar server for the past seven years at Assumption Catholic Church.

I am confident that Nathan will continue to be a positive role model among his peers, a leader in his community and a friend to those in need. I extend my sincerest congratulations and best wishes to him. His achievement of Eagle Scout and significant contributions to the Walla Walla community are truly outstanding.●

ON THE MOTIONS TO OPEN TO THE PUBLIC THE FINAL DELIBERATIONS ON THE ARTICLES OF IMPEACHMENT

● Mr. LEAHY. In relation to the earlier vote, I have these thoughts. Accustomed as we and the American people are to having our proceedings in the Senate open to the public and subject to press coverage, the most striking prescription in the ''Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials'' has been the closed deliberations required on any question, motion and now on the final vote on the Articles of Impeachment.

The requirement of closed deliberation more than any other rule reflects the age in which the rules were originally adopted in 1868. Even in 1868, however, not everyone favored secrecy. During the trial of President Johnson, the senior Senator from Vermont, George F. Edmunds, moved to have the closed deliberations on the Articles transcribed and officially reported ''in order that the world might know, without diminution or exaggeration, the reasons and views upon which we proceed to our judgment.'' [Cong. Globe Supp'l, Impeachment Trial of President Andrew Johnson, 40th Cong., 2d Sess., vol. 4, p. 424.] The motion was tabled.

In the 130 years that have passed since that time, the Senate has seen the advent of television in the Senate Chamber, instant communication and rapid news cycles, distribution of Senate documents over the Internet, the addition of 46 Senators representing 23 additional States, and the direct election of Senators by the people in our States.

Opening deliberations would help further the dual purposes of our rules to promote fairness and political accountability in the impeachment process. I supported the motion by Senators HARKIN, WELLSTONE and others to suspend this rule requiring closed deliberations and to open our deliberations on Senator BYRD's motion to dismiss and at other points earlier in this trial. We were unsuccessful. Now that we are approaching our final deliberations on the Articles of Impeachment, themselves, I hope that this secrecy rule will be suspended so that the Senate's deliberations are open and the American people can see them. In a matter of this historic importance, the American people should be able to witness their Senators' deliberations.

Some have indicated objection to opening our final deliberations because petit juries in courts of law conduct their deliberations in secret. Analogies to juries in courts of law are misplaced. I was privileged to serve as a prosecutor for eight years before I was elected to the Senate. As a prosecutor, I represented the people of Vermont in court and before juries on numerous occasions. I fully appreciate the traditions and importance of allowing jurors to deliberate and make their decisions privately, without intrusion or pressure from the parties, the judge or the public. The sanctity of the jury deliberation room ensures the integrity and fairness of our judicial system.

The Senate sitting as an impeachment court is unlike any jury in any civil or criminal case. A jury in a court of law is chosen specifically because the jurors have no connection or relation to the parties or their lawyers and no familiarity with the allegations. Keeping the deliberations of regular juries secret ensures that as they reach their final decision, they are free from outside influences or pressure.

As the Chief Justice made clear on the third day of the impeachment trial, the Senate is more than a jury; it is a court. Courts are called upon to explain the reasons for decisions.

Furthermore, to the extent the Senate is called upon to evaluate the evidence as is a jury, we stand in different shoes than any juror in a court of law. We all know many of the people who have been witnesses in this matter; we all know the Republican Managers—indeed, one Senator is a brother of one of the Managers; and we were familiar with the underlying allegations in this case before the Republican Managers ever began their presentation.

Because we are a different sort of jury, we shoulder a heavier burden in explaining the reasons for the decisions we make here. I appreciate why Senators would want to have certain of our deliberations in closed session: to avoid embarrassment to and protect the privacy of persons who may be discussed. Yet, on the critical decisions we are now being called upon to make our votes on the Articles themselves, allowing our deliberations to be open to the public helps assure the American people that the decisions we make are for the right reasons.

In 1974, when the Senate was preparing itself for the anticipated impeachment trial of former President Richard Nixon, the Committee on Rules and Administration discussed the issue of allowing television coverage of the Senate trial. Such coverage did not become routine in the Senate until later in 1986. In urging such coverage of the possible impeachment trial of President Nixon, Senator Metcalf (D-MT), explained:

> Given the fact that the party not in control of the White House is the majority party in the Senate, the need for broadcast media access is even more compelling. Charges of a 'kangaroo court,' or a 'lynch mob proceeding' must not be given an opportunity to gain any credence whatsoever. Americans must be able to see for themselves what is occurring. An impeachment trial must not be perceived by the public as a mysterious process, filtered through the perceptions of third parties. The procedure whereby the individual elected to the most powerful office in the world can be lawfully removed must command the highest possible level of acceptance from the electorate.'' (Hrg. August 5 and 6, 1974, p. 37).

Opening deliberation will ensure complete and accurate public understanding of the proceedings and the reasons for the decisions we make here. Opening our deliberations on our votes on the Articles would tell the American people why each of us voted the way we did.

The last time this issue was actually taken up and voted on by the Senate was more than a century ago in 1876, during the impeachment trial of Secretary of War William Belknap. Without debate or deliberation, the Senate refused then to open the deliberations of the Senate to the public. That was before Senators were elected directly by the people of their State, that was before the Freedom of Information Act confirmed the right of the people to see how government decisions are made. Keeping closed our deliberations is wholly inconsistent with the progress we have made over the last century to make our government more accountable to the people.

Constitutional scholar Michael Gerhardt noted in his important book, ''The Federal Impeachment Process,'' that ''the Senate is ideally suited for balancing the tasks of making policy and finding facts (as required in impeachment trials) with political accountability.'' Public access to the reasons each Senator gives for his vote on the Articles is vital for the political accountability that is the hallmark of our role.

I likewise urge the Senate to adjust these 130-year-old rules to allow the Senate's votes on the Articles of Impeachment to be recorded for history by news photographers. This is an momentous official and public event in the annals of the Senate and in the history of the nation. This is a moment of history that should be documented for both its contemporary and its lasting significance.

Open deliberation ensures complete accountability to the American people. Charles Black wrote that presidential impeachment ''unseats the person the

people have deliberately chosen for the office.'' ''Impeachment: A Handbook,'' at 17. The American people must be able to judge if their elected representatives have chosen for or against conviction for reasons they understand, even if they disagree. To bar the American people from observing the deliberations that result in these important decisions is unfair and undemocratic.

The Senate should have suspended the rules so that our deliberations on the final question of whether to convict the President of these Articles of Impeachment were held in open session.

I ask that following my remarks a copy of the Application of Cable News Network, submitted by Floyd Abrams and others, be printed in the RECORD.

The material follows:

IN THE U.S. SENATE SITTING AS A COURT OF IMPEACHMENT

In re

IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

APPLICATION OF CABLE NEWS NETWORK FOR A DETERMINATION THAT THE CLOSURE OF THESE PROCEEDINGS VIOLATES THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

To: The Honorable William H. Rehnquist and The Honorable Members of the U.S. Senate

Cable News Network (''CNN'') respectfully submits this application for a determination that the First Amendment to the United States Constitution requires that the public be permitted to attend and view the debates, deliberations and proceedings of the United States Senate as to the issue of whether President William Jefferson Clinton shall be convicted and as to other related matters.

INTRODUCTION

Under Rules VII, XX and XXIV of the ''Rules of Procedure and Practice in the Senate When Sitting On Impeachment Trials,'' the Senate has determined to sit in closed session during its consideration of various issues that have arisen during these impeachment proceedings. Motions to suspend the rules have failed and the debates among members of the Senate as to a number of significant matters have been closed. As the final debates and deliberations approach at which each member of the Senate will voice his or her views on the issue of whether President Clinton should be convicted or acquitted of the charges made, the need for the closest, most intense public scrutiny of the proceedings in this body increases. By this application, CNN seeks access for the public to observe those debates, as well as other proceedings that bear upon the resolution of the impeachment trial. The basis of this application is the First Amendment to the Constitution of the United States.

We make this application mindful that deliberations upon impeachment were conducted behind ''closed doors'' at the last impeachment trial of a President, in 1868. We are, as well, mindful of the power of the Senate—consistent with the power conferred upon it in Article I, Section 3 of the Constitution—to exercise full control over the conduct of impeachment proceedings held before it. In so doing, however, the Senate must itself be mindful of its unavoidable responsibility to adopt rules and procedures consistent with the entirety of the Constitution as it is now understood and as the Supreme Court has interpreted it.

The commands of the First Amendment, we urge, are at war with closed-door impeachment deliberations. If there is one principle at the core of the First Amendment it is that, as Madison wrote, ''the censorial power is in the people over the Government, and not in the Government over the people.'' 4 Annals of Congress, p. 934 (1794). That proposition in turn is rooted in the expectation that citizens—the people—will have the information that enables them to judge government and those in government. The right and ability of citizens to obtain the information necessary for self-government is indeed at the heart of the Republic itself: ''a people who mean to be their own Governors,'' Madison also wrote, ''must arm themselves with the power which knowledge gives.'' James Madison, Letter to W.T. Barry, in 9 Writings of James Madison 103 (G. Hunt ed., 1910). As Chief Justice Warren Burger observed, writing for the Supreme Court in 1980 in one of its many recent rulings vindicating the principle of open government: ''People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.'' *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555, 572 (1980). Those very words could well have been written about the proceedings before the Senate today.

All agree that the impeachment of a President presents the most solemn question of self-government that a free society can ever confront. All should also agree that the public ought to have the most complete information about each decision made by the body responsible for ruling upon that impeachment. Should the Senate vote to convict, a President duly elected twice by the public will be removed from office. Does not a self-governing public have the most powerful interest in being informed about every aspect of that decision and why it was taken? Should the Senate vote to acquit, the President will not be removed in the face of impeachment proceedings in which the majority in the House branded him a criminal. Can it seriously be doubted that the public possesses just as profound a right to know why?

Only recently—and only during this century (and well after the trial of Andrew Johnson)—has our commitment to the principle that debate on public issues should be open become not merely a nationally shared philosophy but an element embedded in constitutional law as well. But deeply-rooted in the law it has become. It is thus no answer to observe that impeachment deliberations in the Senate were closed in the nineteenth century. The Senate has a duty to consider the transformation of First Amendment principles since that time in determining whether it is now constitutionally permissible to close impeachment deliberations on the eve of the twenty-first century. If, as is also true, the Senate, rather than the Supreme Court, was chosen to try impeachments precisely because its members are ''the representatives of the nation,'' Federalist No. 65, and as such possess a greater ''degree of credit and authority'' than the Supreme Court to carry out the task of determining the fate of a President,[1] that ''credit and authority'' can only be brought to bear if the process by which judgment is reached is open to the public.

THE OBLIGATION OF CONGRESS TO ACCOUNT FOR AND ABIDE BY THE FIRST AMENDMENT

As we have said, we are mindful of the language of Article I, Section 3, according the Senate the ''sole Power to try all Impeachments.'' *See Nixon* v. *United States*, 506 U.S. 224 (1993) (according the Senate broad discretion to choose impeachment procedures). But this very delegation of authority to the Senate, a delegation that makes most issues concerning impeachment rules ''non-justiciable'', *see Nixon, supra*, also imposes on this body a very special responsibility to ensure that those rules comply with constitutional mandates.[2] Congress itself—the very entity against which the First Amendment affords the most explicit protection[3]—is bound to abide by the First Amendment. The Constitution is ''the supreme Law of the Land,'' U.S. Const., art. VI, para. 2, and all ''Senators and Representatives . . . shall be bound by Oath or Affirmation, to support'' it. *Id.* para. 3. The Supreme Court has repeatedly recognized that Congress is itself obligated to interpret the Constitution in exercising its authority. *See, e.g., Rostker* v. *Goldberg*, 453 U.S. 57, 64 (1981) (''Congress is a coequal branch of government whose Members take the same oath we do to uphold the Constitution of the United States.''). And in promulgating its rules the Congress must, of course, abide by the Constitution: ''The constitution empowers each house to determine its rules and proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights. . . .'' *United States* v. *Ballin*, 144 U.S. 1, 5 (1892), quoted in *Consumers Union of United States, Inc.* v. *Periodical Correspondents' Assoc.*, 515 F.2d 1341, 1347 (D.C. Cir. 1975), *cert. denied*, 423 U.S. 1051 (1976); *see Watkins* v. *United States*, 354 U.S. 178, 188 (1957).

THE COMMAND OF THE FIRST AMENDMENT

The architecture of free speech law—and, in particular, that law placed in the context of access to information as to how and why government power is being exercised—could not more strongly favor the broadest dissemination of information about, and comment on, government. The foundation of the First Amendment is, in fact, our republican form of government itself. As the Supreme Court recognized in the landmark free speech decision, *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964): ''. . . the Constitution created a form of government under which '[t]he people, not the government possess the absolute sovereignty.' The structure of the government dispersed power in reflection of the people's distrust of concentrated power, and of power itself at all levels. This form of government was 'altogether different' from the British form, under which the Crown was sovereign and the people were subjects.'' *Id.* at 274 (quoting Reporting of the General Assembly of Virginia, 4 Elliot's Debates). In *Sullivan*, a unanimous Court determined that the ''altogether different'' form of government ratified by the Founders necessitated an altogether ''different degree of freedom'' as to political debate than had existed in England. *Id.* at 275 (citation omitted). It was in the First Amendment that this unique freedom was enshrined and protected.

For the Court, the ''central meaning of the First Amendment,'' 376 U.S. at 273, was the ''right of free public discussion of the stewardship of public officials. . . .'' *Id.* at 275. Thus, the First Amendment ''was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.'' *Roth* v. *United States*, 354 U.S. 476, 484. ''The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system.'' *Stromberg* v. *California*, 283 U.S. 359, 369. *Id.* at 269.[4]

The decision in *Sullivan* related specifically to libel law. But what made *Sullivan* so

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transformative—what made it, as the eminent First Amendment scholar Alexander Meiklejohn remarked, cause for ''dancing in the streets''[5]—was this: it recognized (in Madison's words) that ''[t]he people, not the government, possess the absolute sovereignty.'' *Sullivan,* 376 U.S. at 274. It emphasized that the First Amendment protected the ''citizen-critic'' of government. *Id.* at 282. It barred government itself from seeking damages from insults directed at it by its citizens. And it declared that ''public discussion is a political duty.'' *Id.* at 270.

In the decades following *Sullivan,* these notions became embedded in the First Amendment—and thus the rule of law—through dozens of rulings of the Supreme Court. In particular, and following from, the First Amendment protection of public discussion is the right of the public to receive information about government. The First Amendment is not merely a bar on the affirmative suppression of speech; as Chief Justice Rehnquist has observed, ''censorship . . . as often as not is exercised not merely by forbidding the printing of information in the possession of a correspondent, but in denying him access to places where he might obtain such information.'' William H. Rehnquist, ''The First Amendment: Freedom, Philosophy, and the Law,'' 12 Gonz. L. Rev. 1, 17 (1976).

And, indeed, the Supreme Court has repeatedly affirmed Chief Justice Rehnquist's insight. ''[T]he First Amendment goes beyond protection of the press and the self-expression of individuals to prohibit government from limiting the stock of information from which members of the public may draw.'' *First National Bank of Boston* v. *Bellotti,* 435 U.S. 765, 783 (1978); *Accord Kleindienst* v. *Mandel,* 408 U.S. 753, 762 (1972) (''In a variety of contexts this Court has referred to a First Amendment right to 'receive information and ideas.' '').

The Supreme Court has thus ruled on four occasions that the First Amendment creates a right for the public to attend and observe criminal trials and related judicial proceedings, absent the most extraordinary of circumstances. *Richmond Newspapers, Inc.* v. *Virginia,* 448 U.S. 555 (1980); *Globe Newspaper Co.* v. *Superior Court,* 457 U.S. 596 (1982); *Press-Enterprise Co.* v. *Superior Court,* 464 U.S. 501 (1984); *Press-Enterprise Co.* v. *Superior Court,* 478 U.S. 1 (1986). The cases are particularly relevant to this application because they—perhaps more clearly than any others—illustrate the core constitutional principle that government may not arbitrarily foreclose the opportunity for citizens to obtain information central to the decisions they make—and the judgments they render—about government itself.

The teaching of this quartet of cases was aptly articulated by another Chief Justice, Warren Burger, writing for the Court in *Richmond Newspapers,* the first of the four decisions. The First Amendment, he wrote, ''assur[es] freedom of communication on matters relating to the functioning of government.'' 448 U.S. at 575. Noting the centrality of the openness in which trials were conducted to that end, *id.* at 575, the Court stated that openness was an ''indispensable attribute of an Anglo-American trial.'' *Id.* at 569. It had assured that proceedings were conducted fairly, and it had ''discouraged perjury, the misconduct of participants, and decisions based on secret bias''. *Id.* Most significantly, open trials had provided public acceptance of and support for the entire judicial process. It was with respect to this benefit of openness—the legitimacy it provides to the actions of government itself—that Chief Justice Burger (in the passage quoted above), observed that ''[p]eople in an open society do not demand infallibility from their institutions, but it is difficult for them at accept what they are prohibited from observing.'' *Id.* at 562.[6]

To be sure, the Chief Justice in *Richmond Newspapers* rested heavily on the tradition of openness of criminal trials themselves—a difference of potential relevance because impeachment debates and deliberation have historically been conducted in secret. But, taken together, *Richmond Newspapers* and its progeny stand for propositions far broader than the constitutional value of any specific historical practice. The sheer range of proceedings endorsed as open by the Supreme Court suggests the importance under the First Amendment of public observation of the *act* of doing justice. Moreover, Supreme Court precedent itself suggests that the crucial right to see justice done prevails even where the specific kind of proceeding at issue had a history of being closed to the public. In *Globe Newspaper Co.,* the Court ruled that the First Amendment barred government from closing of trials of sexual offenses involving minor victims. It did so despite the ''long history of exclusion of the public from trials involving sexual assaults, particularly those against minors.'' 457 U.S. at 614 (Burger, C.J., dissenting).

New York Times Co. v. *Sullivan* and *Richmond Newspapers* have significance which sweep far beyond their holdings that debate about public figures must be open and robust and that trials must be accessible to the public. Both cases—and all the later cases they have spawned—are about the centrality of openness to the process of self-governance. ''[T]he right of access to criminal trials plays a particularly significant role in the functioning of the judicial process and the government as a whole. Public scrutiny of a criminal trial enhances the quality and safeguards the integrity of the fact-finding process, with benefits to both the defendant and to society as a whole. . . . And in the broadest terms, public access to criminal trials permits the public to participate in and serve as a check upon the judicial process—an essential component in our structure of self government.'' *Globe Newspaper Co.,* 457 U.S. at 606.

The First Amendment principles set forth above lead inexorably to a straightforward conclusion: the Senate should determine as a matter of First Amendment law that the public may attend and observe its debates and deliberations about the impeachment of President Clinton. No issue relates more to self-government. No determinations will have more impact on the public. No judgment of the Senate should be subject to more—and more informed—public scrutiny.

We are well aware that it is sometimes easier to be subjected to less public scrutiny and that some have the perception (which has sometimes proved accurate) that more can be accomplished more quickly in secret than in public. But this is, at its core, an argument against democracy itself, against the notion that it is the public itself which should sit in judgment on the performance of this body. It is nothing less than a rejection of the First Amendment itself. What Justice Brennan said two decades ago in the context of judicial proceedings is just as applicable here: ''Secrecy of judicial action can only breed ignorance and distrust of courts and suspicion concerning the competence and impartiality of judges; free and robust reporting, criticism, and debate can contribute to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system, as well as improve the quality of that system by subjecting it to the cleansing effects of exposure and public accountability.'' *Nebraska Press Ass'n* v. *Stuart,* 427 U.S. 539, 587 (1976) (Brennan, J., concurring).

That it is the tradition of this body to conduct impeachment deliberations in closed session is not irrelevant. But neither should it be governing. The Senate has, after all, conducted only one presidential impeachment trial before this one. Our society in 1868—and, more significantly still, our law in 1868—was far different than it is today. As we have demonstrated, First Amendment jurisprudence as we know it—as it governs us and binds the Senate—is essentially a creature of the twentieth century. That jurisprudence assures public scrutiny, not public ignorance.

There are, to be sure, certain limited instances when closure of Senate deliberations may serve useful purposes, such as when they involve disclosure of matters of national security. But no such concerns are present here. And however proper it may be to analogize the Senate in some ways to a jury, none of the considerations that permits juries to deliberate out of the public eye are present here. The identities of the ''jurors'' her are well known, as, under the Senate rules, will be how each one voted. The Constitution does not offer protection to the ''jurors'' here from the force of public opinion for their votes for or against the conviction of President Clinton. They will face the full weight of public approval or rejection the next time they seek re-election. The Constitution does require that the reasons they give for their votes and other statements made in the course of debate be made in public so that both the debate and the votes themselves can be assessed by the people—the ultimate ''Governors'' in this republic.

CONCLUSION

From the time these proceedings commenced in the House of Representatives through the submission of this application, members of the Congress have repeatedly—and undoubtedly correctly—referred to the weighty constitutional obligations imposed upon them by this process. This application focuses on yet another constitutional obligation of the members of the Senate, an obligation reflected in the oath of office itself. it is that of adhering to the First Amendment. We urge the Senate to do so by permitting the public to observe its deliberations.

Dated: New York, NY, January 29, 1999.

Respectfully submitted,

DAVID HOKLER,
Senior Vice President and General Counsel, Cable News Network;
FLOYD ABRAMS,
DEAN RINGEL,
SUSAN BUCKLEY,
JONATHAN SHERMAN,
Cahill Gordon & Reindel; Counsel for Applicant Cable News Network.

FOOTNOTES

[1] Federalist No. 65; *see Nixon* v. *United States,* 506 U.S. 224, 233–34 (1993).

[2] It is precisely because the Senate possesses this power over its own rules that this application is made to the Senate rather than to any court.

[3] ''Congress shall make no law . . . abridging the freedom of speech, or of the press . . . .''

[4] *See* Thomas Emerson, The System of Freedom of Expression 7 (1970); John Hart Ely, Democracy and Distrust 93–94 (1980); Robert Bork, Neutral Principles and Some First Amendment Problems, 47 Ind. L.J. 1, 23 (1971); *see generally* Alexander Meiklejohn, Free Speech and Its Relation to Self-Government (1948).

[5] Harry Kalven, *The New York Times Case: A Note on ''The Central Meaning of the First Amendment,''* 1964 Supp. Ct. Rev. 191 ,211 n. 125.

[6] The right of the public and the press to have access ''to news or information concerning the operations and activities of government,'' a right predicated in part on the principles set forth in cases

such as *Richmond Newspapers* and its progeny, has been recognized in a variety of contexts outside the courtroom. *Cable News Network, Inc.* v. *American Broadcasting Companies, Inc.*, 518 F. Supp. 1238, 1243 (N.D. Ga. 1981) (court enjoins Executive's expulsion of television networks from press travel pool covering the President); *see also Sherrill* v. *Knight*, 569 F.2d 124 (D.C. Cir. 1977) (court requires White House to publish standards for denying press accreditation on security grounds).●

IMPEACHMENT TRIAL—FINDINGS OF FACT PROPOSALS

● Mr. FEINGOLD. Mr. President, on January 28, I was the only Democratic senator to cross party lines and oppose the motion to dismiss. I felt it would be unwise to end this trial prior to a more complete presentation of evidence and a final vote on the Articles of Impeachment themselves. Nonetheless, I had no doubt that a motion to dismiss was a constitutional way to end the trial, if a majority of senators had supported the motion.

The Senate must keep in mind at every step in this process that our actions will be scrutinized not just by our constituents today and for the rest of the trial, but also by history. If another impeachment trial should occur 130 years from now, the record of this trial will serve as an important precedent for the Senate as it determines how to proceed. It is our responsibility to abide by the Constitution as closely as possible throughout the remainder of this trial. My votes on House Managers' motions on February 4 were based on the same concerns about prudence and precedent that motivated my earlier votes on the motion to dismiss and calling witnesses.

With the judgment of history awaiting us, I did have serious concerns about the constitutionality of proposals that the Senate should adopt so-called ''Findings of Fact'' before the Senate votes on the Articles of Impeachment themselves. It now appears that support for such proposals has waned, and the Senate will not be called upon to vote on them. Nonetheless, I want to explain my opposition to such proposals for the record.

Findings of Fact would allow a simple 51 vote majority of the Senate to state the judgment of the Senate on the facts of this case and, in effect, to determine the President's ''guilt'' of the crimes alleged in the Articles. But the Constitution specifically requires that two-thirds of the Senate must convict the President on the Articles in order to impose any sanction on him. The specific punishment set out by the Constitution if the Senate convicts is removal from office, and possibly disqualification from holding future office.

The supermajority requirement makes the impeachment process difficult, and the Framers intended that it be difficult. They were very careful to avoid making conviction and removal of the President something that could be accomplished for purely partisan purposes. In only 23 out of 105 Congresses and in only six Congresses in this century has one party held more than a 2/3 majority in the Senate. Never in our history has a President faced a Senate controlled by the other party by more than a 2/3 majority. (The Republican party had nearly 80 percent of the seats in the Senate that in 1868 tried Andrew Johnson. Johnson was at that time also a Republican, although he had been a Democrat before being chosen by Abraham Lincoln to be his Vice-President in 1864.) The great difficulty of obtaining a conviction in the Senate on charges that are seen as motivated by partisan politics has discouraged impeachment efforts in the past. Adding Findings of Fact to the process would undercut this salutary effect of the supermajority requirement for conviction.

The Senate must fulfill its constitutional obligation and determine whether the President's acts require conviction and removal. The critical constitutional tool of impeachment should not be available simply to attack or criticize the President. Impeachment is a unique. It is the sole constitutionally sanctioned encroachment on the principle of separation of powers, and it must be used sparingly. If Findings of Fact had been adopted in this trial, it would have set a dangerous precedent that might have led to more frequent efforts to impeach.

The ability of a simple majority of the Senate to determine the President's guilt of the crimes alleged would distort the impeachment process and increase the specter of partisanship. When the Senate is sitting as a court of impeachment, its job is simply to acquit or convict. And that is the only judgment that the Senate should make during an impeachment trial.●

MOTIONS PERTAINING TO WITNESS DEPOSITIONS AND TESTIMONY

● Mr. DODD. Mr. President, on Thursday, February 4th, the Senate, sitting as a court of impeachment, considered several motions pertaining to the depositions and live testimony of witnesses Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal. I wish to speak briefly on the important issues raised by several of these motions.

First, let me say that I am pleased that the Senate, by a bipartisan vote of 30–70, voted not to compel the live testimony of Ms. Lewinsky. In my view, this was a sound decision to support the expeditious conduct of this trial, preserve the decorum of the Senate, and respect the privacy of this particular witness.

Unfortunately, the Senate retreated from these same worthy aims in deciding to permit the videotaped depositions of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal to be entered into evidence and broadcast to the public. I believe that this decision was erroneous for three basic reasons:

First, it needlessly prolonged the trial. Prior to February 4th, Senators had an opportunity to view the depositions of each of these witnesses—not once, but repeatedly. Numerous times we could have viewed the content of their testimony, the tone of their answers, and their demeanor while under oath. By requiring that Senators view portions of these depositions again on the Floor, in whole or in part, the Managers' motion unnecessarily required the Senate to convene for an entire day. We learned nothing by viewing excerpts of the depositions on the Floor that we had not already had an opportunity to learn by viewing those depositions previously, either on videotape or, in the case of myself and five other Senators, in person.

Second, allowing the depositions to be publicly aired on the Senate Floor exaggerated their importance. Even Manager HYDE has acknowledged that these depositions broke no material new ground in this case. Allowing their broadcast thus was not only an injudicious use of the Senate's time. It also elevated the significance of this particular testimony over all other sworn testimony taken in this matter—solely by virtue of the fact that it was recently videotaped. Broadcasting these minuscule and marginal portions of the record—while not broadcasting other depositions—does not illuminate the record so much as distort it. The distortion is only compounded by broadcasting selected portions of those depositions rather than the depositions in their entirety. The President's counsel obviously had an opportunity to rebut the Managers' presentation and characterization of those portions. However, that rebuttal only underscores the fact that the Managers' motion to use these videotapes gave the videotapes a prominence and gravity that they do not merit.

Thirdly, under the circumstances, publicly airing portions of these depositions constituted a needless invasion of the privacy of the witnesses whose testimony was videotaped. Let us remember that these individuals are not public figures who have willingly surrendered a portion of their privacy as a consequence of their freely chosen status. They are private citizens, reluctantly drawn into legal proceedings. They have attempted to discharge their obligations in those proceedings. But that obligation does not extend to the public broadcast of their videotaped depositions—particularly given that they have testified repeatedly before, and that their videotaped testimony contains no new material information. The privacy rights of these individuals deserved greater consideration by the Managers and by the Senate. The Managers did not need to force the images of these witnesses into the living rooms and family rooms of America in order to present their case. And the Senate did not need to allow that to happen in order to meet its constitutional responsibility in this matter.

For these reasons, Mr. President, I opposed the Managers' motion to

broadcast the deposition videotapes. In my view, the time has come to bring this matter to an end. The record is voluminous, the arguments have been made. We know enough to decide the questions before us. That is why I supported Senator DASCHLE's motion to proceed to final arguments and a vote on each of the Articles of Impeachment. I regret that his motion was not adopted, and that instead the Senate decided to needlessly prolong this matter without sufficient regard for the privacy of the witnesses deposed last week. However, that said, I am pleased that, barring any unforseen developments, this trial will at last conclude later this week. It is time for the Senate to move on to the other important business of the country that we were elected to address.●

EXTENSIONS OF REMARKS

A BILL TO HALT CHARITABLE SPLIT-DOLLAR LIFE INSURANCE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. ARCHER. Mr. Speaker, today Congressman RANGEL and I are introducing H.R. 630, legislation designed to stop the spread of an abusive scheme referred to as charitable split-dollar life insurance. Under this scheme, taxpayers transfer money to a charity, which the charity then uses to pay premiums for life insurance on the transferor or another person. The beneficiaries under the life insurance contract typically include members of the transferor's family (either directly or through a family trust or family partnership). Having passed the money through a charity, the transferor claims a charitable contribution deduction for money that is actually being used to benefit the transferor and his or her family. If the transferor or the transferor's family paid the premium directly, the payment would not be deductible. Although the charity eventually may get some of the benefit under the life insurance contract, it does not have unfettered use of the transferred funds.

We are concerned that this type of transaction represents an abuse of the charitable contribution deduction. We are also concerned that the charity often gets relatively little benefit from this type of scheme, and serves merely as a conduit or accommodation party, which we do not view as appropriate for an organization with tax-exempt status. While there is no basis under present law for allowing a charitable contribution deduction in these circumstances, we intend that the introduction of this bill stop the marketing of these transactions immediately.

Therefore, our bill clarifies present law by specifically denying a charitable contribution deduction for a transfer to a charity if the charity directly or indirectly pays or paid any premium on a life insurance, annuity or endowment contract in connection with the transfer, and any direct or indirect beneficiary under the contract is the transferor, any member of the transferor's family, or any other noncharitable person chosen by the transferor. In addition, the bill clarifies present law by specifically denying the deduction for a charitable contribution if, in connection with a transfer to the charity, there is an understanding or exception that any person will directly or indirectly pay any premium on any such contract. Further, the bill imposes an excise tax on the charity, equal to the amount of the premiums paid by the charity. Finally, the bill requires a charity to report annually to the Internal Revenue Service the amount of premiums subject to this excise tax and information about the beneficiaries under the contract.

TECHNICAL EXPLANATION

DEDUCTION DENIAL

Specifically, the bill provides that no charitable contribution deduction is allowed for purposes of Federal tax, for a transfer to or for the use of an organization described in section 170(c) of the Internal Revenue Code, if in connection with the transfer (1) the organization directly or indirectly pays, or has previously paid, any premium on any ''personal benefit contract'' with respect to the transferor, or (2) there is an understanding or expectation that any person will directly or indirectly pay any premium on any ''personal benefit contract'' with respect to the transferor. It is intended that an organization be considered as indirectly paying premiums if, for example, another person pays premiums on its behalf.

A personal benefit contract with respect to the transferor is any life insurance, annuity, or endowment contract, if any direct or indirect beneficiary under the contract is the transferor, any member of the transferor's family, or any other person (other than a section 170(c) organization) designated by the transferor. For example, such a beneficiary would include a trust having a direct or indirect beneficiary who is the transferor or any member of the transferor's family, and would include an entity that is controlled by the transferor or any member of the transferor's family. It is intended that a beneficiary under the contract include any beneficiary under any side agreement relating to the contract. If a transferor contributes a life insurance contract to a section 170(c) organization and designates one or more section 170(c) organizations as the sole beneficiaries under the contract, generally, it is not intended that the deduction denial rule under the bill apply. If, however, there is an outstanding loan under the contract upon the transfer of the contract, then the transferor is considered as a beneficiary. The fact that a contract also has other direct or indirect beneficiaries (persons who are not the transferor or a family member, or designated by the transferor) does not prevent it from being a personal benefit contract. The bill is not intended to affect situations in which an organization pays premiums under a legitimate fringe benefit plan for employees.

It is intended that a person be considered as an indirect beneficiary under a contract if, for example, the person receives or will receive any economic benefit as a result of amounts paid under or with respect to the contract. For this purpose, an indirect beneficiary is not intended to include a person that benefits exclusively under a bona fide charitable gift annuity (within the meaning of sec. 501(m) (or a bona fide reinsurance arrangement with respect to such a charitable gift annuity)). Because we understand that a charitable gift annuity ordinarily does not involve a contract issued by an insurance company, the bill does not provide for special treatment of charitable gift annuities.

EXCISE TAX

The bill imposes on any organization described in section 170(c) of the Code an excise tax, in the amount of the premiums paid by the organization on any life insurance, annuity, or endowment contract, if the payment of premiums on the contract is in connection with a transfer for which a deduction is not allowable under the deduction denial rule of the provision. The excise tax does not apply if all of the direct and indirect beneficiaries under the contract (including any related side agreement) are organizations described in section 170(c). Under the bill, payments are treated as made by the organization, if they are made by any other person pursuant to an understanding or expectation of payment.

REPORTING

The bill requires that the organization annually report the amount of premiums that is paid during the year and that is subject to the excise tax imposed under the provision, and the name and taxpayer identification number of each beneficiary under the contract to which the premiums relate, as well as other information required by the Secretary of the Treasury. For this purpose, it is intended that a beneficiary include the beneficiary under any side agreement to which the section 170(c) organization is a party (or of which it is otherwise aware). Penalties applicable to returns required under Code section 6033 apply to returns under this reporting requirement. Returns required under this provision are to be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

REGULATIONS

The bill provides for the promulgation of regulations necessary to carry out the purposes of the provisions.

EFFECTIVE DATE

The deduction denial provision of the bill applies to transfers after February 8, 1999. The excise tax provision of the bill applies to premiums paid after the date of enactment. The reporting provision applies to premiums (that would be subject to the excise tax were it then effective) paid after February 8, 1999.

No inference is intended that a charitable contribution deduction is allowed under present law in the circumstances to which this bill applies. The bill does not change the rules with respect to fraud or criminal or civil penalties under present law; thus, actions constituting fraud or that are subject to penalties under present law would still constitute fraud or be subject to the penalties after enactment of the bill.

CONGRATULATING DERAN KOLIGIAN AND JUDITH CASE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Deran Koligian and Judith Case on their election to the Fresno County Board of Supervisors. Supervisor Koligian and Supervisor Case were sworn in on January 11, 1999.

Supervisor Deran Koligian represents the First Supervisorial District on the Fresno County Board of Supervisors. He represents a portion of the urban area of Fresno and a large agricultural region in western Fresno County. Deran Koligian was elected to serve as the 1996 Chairman of the Fresno County Board of Supervisors.

Supervisor Koligian has been an outspoken advocate for agriculture as a member of the Board of Supervisors of Fresno County—the

nation's number one producer of agricultural products. In connection with his duties as Supervisor of District One, Koligian has served the community on numerous committees.

Supervisor Judith Case is the Vice-Chairman on the Fresno County Board of Supervisors and represents District Four. Supervisor Case has been mayor of Sanger for the past two years and was recently elected to the Board.

Judy Case has spent the majority of her life serving the community in the health field. She was the Administrative Director and Director for St. Agnes Medical Center, Assistant Vice President of Valley Childrens Hospital, Director of the Selma District Hospital, Senior Health Planner for Central California Health Systems Agency in Visalia, Control Management Intern for Texas Instruments in Dallas, and a Registered Nurse at Fresno Community Hospital and Medical Center.

Mr. Speaker, it is with great pleasure that I congratulate Deran Koligian and Judy Case for their accomplishments and service to the community. They exemplify public service and dedication to their community and jobs. I urge my colleagues to join me in wishing Deran Koligian and Judy Case many more years of continued success.

CRISIS IN THE HORN OF AFRICA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SAXTON. Mr. Speaker, if permitted to escalate, the mounting crisis in the Horn of Africa will have dire ramifications on the strategic posture of the United States. Presently, there is no end in sight, other than war, in this Ethiopia-Eritrea conflict. The mediation of Assistant Secretary of State Susan Rice and former National Security Advisor Anthony Lake have so far failed to reverse the slide toward war. Vital interests of the United States, Israel and the West are jeopardized, particularly if the Islamist-supported further break-up of Ethiopia is permitted to occur.

A unified Ethiopia is vital to the regional security and economic structure. If Ethiopia were to become fragmented, as Sudanese leaders seek, then Israel's economic and military security, as well as its access to the Red Sea would be jeopardized. Instability in Ethiopia would destabilize Egypt and Saudi Arabia and the vital Red Sea-Suez trade link.

The key to the reversal of the Ethiopia-Eritrea conflict and the ensuing fragmentation of Ethiopia lies in the rejuvenation of Ethiopia's national identity. Toward this end, the US needs to help Ethiopia find the unifying symbols to strengthen the country and ensure its commitment to moderation. Until 1974, Ethiopia, the region and the US benefitted greatly from the statesmanship and friendship of Emperor Haile Selassie. Ethiopia has since declined into ethnic enclaves and divisiveness, and lays open to Eritrean, Sudanese and irridentist attacks.

The Ethiopian Crown today is a Constitutional Monarchy, ready to return home to provide the inspirational symbolism under which elected day-to-day government can emerge and flourish. Moreover, the stature of the Crown throughout the Horn of Africa makes the Crown uniquely capable of mediating an indigenous solution to the building crisis and slide toward a regional and fratricidal war. The President of the Ethiopian Crown Council and grandson of Emperor Haile Selassie is Prince Ermias Sahle-Selassie, who has repeatedly exemplified the capable, unifying symbolism which Ethiopia desperately needs. By encouraging Prince Ermias's use of the prestige of the Crown and Ethiopia's traditional elders and institutions to resolve conflict, we can help heal the rifts which are a legacy of decades of civil strife.

Mr. Speaker, I therefore urge Ethiopia's civil government to allow the Crown's return to help unify and stabilize the State, and thereby help preserve Ethiopian, regional and Western security and economic interests.

TRIBUTE TO MERRILL P. RICHARDSON, JR.

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding service and dedication Mr. Merrill P. Richardson, Jr. has made to his family, community and country. Merrill has recently retired and I would like to take a moment to commend all his hard work and achievements.

A native of Brewer, Maine, Merrill committed himself to serving our country early on by joining the National Guard at the age of sixteen. One year later, Merrill enlisted in the U.S. Army and began a career that took him all over the U.S. and the world, including South Korea, West Germany, Turkey, Vietnam and England. It was here that Merrill met and married his wife of 40 years, Elizabeth. Merrill served our country faithfully and honorably and upon retirement had earned, among several honors and decorations, the Good Conduct Medal, the Meritorious Service Medal, the RNV Civil Action Medal, the Vietnam Service Medal, the National Defense Service Medal and the Bronze Star.

After being honorably discharged from the service, Merrill began a second career at Kansas State University where he worked for 20 years before retiring. Currently, Merrill is living in St. George, Kansas with Elizabeth and enjoying life with his five children Linda, Merrill III, Jeffrey, Christina and Steven, nine grandchildren and one great-grandchild.

In a time where the concepts of family and dedication are becoming more and more trivialized, people like Merrill offer hope and assurance to us all. Merrill has shown that the ideals of hard work and patriotism are not old-fashioned, but qualities of strength and character. I would like to join with many others in honoring Merrill for all his remarkable achievements and wishing him great happiness and success in all his future endeavors.

TRIBUTE TO THE 1998 RICHMOND SENIOR HIGH SCHOOL FOOTBALL TEAM ON WINNING THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS AAAA FOOTBALL CHAMPIONSHIP

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student-athletes from North Carolina's Eighth Congressional District. This past fall, the Richmond Senior High School Football Team completed a truly memorable season by winning the North Carolina High School Athletic Association Class AAAA Football Championship.

The 1998 Richmond Senior High School Raider Footfall Team demonstrated that, with a great deal of hard work, dedication to the task at hand and to each other, and a strong sense of commitment, you can realize your dreams and make them come true.

The Richmond Raider Footfall Team successfully defended their 1997 class 4–A title with an impressive 16–0 undefeated season. The Raider football team capped off this perfect season with a win over Garner High School this past December at the championship game held at Kenan Stadium in Chapel Hill, North Carolina.

Led by four Associated Press All-State Players, the Raiders realized their dram through a great deal of hard-fought success. Their willingness to dig deep within themselves to find the extra energy needed to produce a championship is a true testament to the unwavering loyalty that each player has for the team. The unselfish attitude of the Richmond Raiders is certainly a good example of what can be accomplished when people work together for a common goal.

Senor and All-State team member Michael Waddell, deserves special congratulations for his state and national records last season by returning seven punts or kickoffs for touchdowns. Waddell is joint on the All-State team by Brian Nelson, Jeremy Barnes and Marcus Ellerbe. The senior members of this team have the distinction of never having lost a high school football game.

Mr. Speaker, I would like to congratulate head coach Daryl Barnes, his assistant coaches and the 1998 North Carolina State 4–A Champions, the Richmond Senior High School Raiders. I would urge all of my colleagues to join me in paying special tribute to an outstanding team.

TRIBUTE TO HENRY B. DAWSON

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Henry B. Dawson, a proud native of Battle Creek, Michigan.

Henry will be retiring from the Defense Information Systems Agency after sixteen years of government service, the last four of which he spent away from his home and family. Henry

moved to the Washington metro area as a result of workforce reductions at the Defense Logistics Agency in Battle Creek and plans to return to Michigan as soon as possible.

Henry has been described by his colleagues as, ''an outstanding employee with the highest moral and ethical standards who represents his agency with a focus always riveted on what is best for the taxpayer.'' He will be missed.

Henry Dawson, ''Hank'' to his friends, graduated in June of 1960 from Western Michigan University with a Bachelor of Business Administration. He then began work on his Masters. Henry is a past President of the Battle Creek Big Brothers and Big Sisters and has held officer positions in both the Battle Creek Goodwill industries and the Exchange Club. His civic involvement includes working in an advisory capacity for Collage Community College and the Calhoun Area Vocational Center. I understand he plans on continuing his civi involvement upon returning to Michigan.

I personally admire Henry Dawson for his years of dedicated federal service and his involvement in many civic activities. I am grateful he plans on returning to Battle Creek. This dedication to his hometown is an element of strength and character to be appreciated.

PRICE STABILITY AND INFLATION TARGETING REFORM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SAXTON. Mr. Speaker, I rise today to introduce the Price Stability Act of 1999 and to outline the reasons it is needed. More detailed information on inflation targeting is available in several studies I released on this topic as JEC Chairman in the 105th Congress.

This legislation would institutionalize the successful informal inflation targeting policy used by the Federal Reserve in the last several years. This bill establishes that the primary and overriding goal of monetary policy is price stability. Price stability means that Federal Reserve policy is geared to preclude significant inflation or deflation.

In the last several years the Federal Reserve has squeezed inflation out of the economic system, reducing inflation, interest rates, and unemployment together. By fostering and sustaining the economic expansion, this policy has led to a strong economy that has flooded the Treasury with tax revenue, erasing the deficit and creating large and growing budget surpluses.

This policy has been an outstanding success, but its basis has not yet been fully explained. Fed Chairman Alan Greenspan confirmed to me in a JEC hearing last year that the Federal Reserve has carried out an informal inflation targeting approach to price stability. Chairman Greenspan also endorsed the idea of institutionalizing this inflation targeting approach in law. However, although inflation targeting is the norm in many countries, its significance in recent Federal Reserve policy often is not completely appreciated. The discussion of this legislation may serve to improve understanding of monetary policy and lock in the hard-won economic gains of the last several years.

This legislation mandates that the Federal Reserve establish an explicit numerical definition of price stability using a broad measure or index of general inflation in the form of inflation targets that is available and accessible to the public. It also mandates that the Federal Reserve disclose any adjustment to inflation targets and specify the time frame for achieving price stability. The Federal Reserve would be required to specify in advance what actions it will take if its goals are not met within the specified time frame.

Chairman Alan Greenspan's monetary policy has successfully reduced inflation and unemployment together, a feat that many economists regarded as unattainable. These successes of inflation targeting should be locked-in so that they are not dependent on the presence of one particular individual as Chairman of the Federal Reserve. This enactment of inflation targeting legislation would be a fitting tribute to Chairman Greenspan and his successful conduct of monetary policy.

TRIBUTE TO JOHN NEWMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to place into the record a eulogy for my friend John Newman, who's life will be celebrated today in my home town of Mariposa, California.

I cannot be there today to celebrate the life, nor mourn the passing, of my friend John Newman. John was a husband and father, a grape grower, a hard worker, a citizen of the community, and a friend. He was a leader with the Boy Scouts—Troop 94—and in his veterans organizations.

I will never forget the time several years ago when John showed me how to build a Christmas Bon-fire—to stack the wood just so, to build a pyramid, to make it loose enough in the center so that it would burn, but with enough fuel; and how to light it so it burnt evenly. Even more important than the wonderful fire he built was the family spirit as he gathered his family together to lead us in Christmas song.

John was a good man from this community, and those lucky enough to have known him are better off for it. That, Mr. Speaker, is the highest praise one can give.

THE OMAHA WORLD-HERALD ON THE INVESTMENT OF SOCIAL SECURITY FUNDS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial questioning the President's proposal to invest Social Security funds in the stock market which appeared in the Omaha World-Herald, on January 29, 1999.

I'll go further than the World-Herald. Even without detailed study of the issue, it should be clear to most thoughtful Americans that this proposal by President Clinton should be considered ''dead on arrival.'' Chairman Alan Greenspan's opposition is highly appropriate.

[From the Omaha World-Herald, Jan. 29, 1999]

THE GOVERNMENT AS AN INVESTOR: QUESTIONS NEED TO BE ADDRESSED

President Clinton's proposal to invest billions of dollars in Social Security funds in the stock market is the target of a barrage of criticism. Clinton and others who support the idea may have a fight ahead if they are to prove its worth.

The president would allocate 62 percent of the government's budget surpluses over the next 15 years to Social Security to ensure that it can pay promised benefits until 2055. That amounts to about $2.7 trillion.

He has suggested investing more than $40 billion of those Social Security funds a year—nearly $700 billion over 15 years—in the stock market. Another $500 billion would be used to set up individual universal savings accounts for many Americans to bolster the retirement nest-eggs of lower-income people.

The surplus not put into the stock market or individual retirement accounts would be invested just as money collected for Social Security has always been: It would be used to buy Treasury bonds, which are interest-paying federal IOUs.

In the past, Congress and the president have taken the money from Social Security, replaced it with bonds and used the cash like other borrowed income, spending it on programs and services. Clinton, to his credit, has proposed that lawmakers be barred from using future proceeds from those bonds for any purpose other than reducing the national debt.

Alan Greenspan, chairman of the Federal Reserve, has said he highly approves of the national debt provision. Congressional Republicans, on the other hand, criticized the president for failing to earmark any of the surplus for tax cuts.

In addition, many people have specific concerns that will need to be addressed in detail if the plan is to warrant serious bipartisan consideration. Greenspan, in particular, has raised thoughtful questions, most recently on Thursday in front of the Senate Budget Committee.

''I do not believe it is politically feasible to insulate such huge funds,'' he said. With so much money on the table, he said, Congress or the president might be tempted to influence the selection of companies and industries to benefit from government investments.

There is reason for his concern. Congress routinely passes bills that benefit businesses. Members try to direct spending to their districts. Often they try to take care of specific individuals or companies. How much more could they do if the government became a much larger investor in private securities?

Another issue is the matter of political correctness and the pressure that would materialize to use the money for a social statement. Should the government own stock in companies that make cigarettes? That distribute liquor? That offer abortions? That have operations in repressive nations? That have a bad environmental record? Some members of Congress might try to influence investments on the basis of social conscience instead of market savvy.

Clinton supporters have argued that the problem is solvable, perhaps with an independent board of long-term appointees, similar to the Federal Reserve Board. The board would direct investments, perhaps from a limited list of broad, mutual-fund type stocks.

Other opponents have wondered at the propriety of government ownership of shares in

private sector companies. Stockholders have a say in company management, voting for board members and approving mergers and acquisitions. the government could have an effect on the company either way, if it voted the shares it owned and if it didn't.

There are precedents, however. States, cities and some independent federal agencies such as the Federal Reserve System have pension plans invested in stocks. Managers of those funds say they have not created any of the problems that critics are bringing up. On the other hand, those funds are not as large as the potential Social Security investment.

Removing the stock-market investment portion of Clinton's plan would not kill it. Experts suggests that it would mean the proposal would extend the solvency of Social Security only 50 years rather than 55 years.

The plan is a radical departure from current practices. It has some intriguing aspects, but comes with troubling questions such as those raised by Greenspan. The questions need to be answered before the plan can be assessed.

INTRODUCTION OF THE RIGHT TO LIFE ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. HUNTER. Mr. Speaker, I rise today to speak on an issue that is of great concern to many Americans, abortion. Every year, approximately 1.5 million innocent babies are intentionally killed because of abortion. This represents 4,000 times a day that an unborn child is taken from its mother's womb and denied the opportunity to live. In some instances, these babies are killed moments before taking their first breath. Section I of the Fourteenth Amendment to our Constitution clearly states that no State shall ''deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'' I wholeheartedly believe that these constitutional rights should include our nation's unborn children.

Mr. Speaker, in the landmark case of Roe v. Wade, the Supreme Court refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, ''If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment.'' Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

It is for this reason that today I am introducing the Right to Life Act. This legislation does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. I of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provisions of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the federal government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

The Right to Life Act will protect millions of future children by prohibiting any state or federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I urge my colleagues to join me in this very important endeavor.

TRIBUTE TO SHEILA BROCKMAN AND THE STUDENTS OF ST. ANTHONY'S SCHOOL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. WELLER. Mr. Speaker, I rise today to recognize Ms. Sheila Brockman and her junior high school science class of St. Anthony's School in Streator, Illinois for their remarkable and successful efforts to save Pluto from demotion as a planet.

Earlier this year, the Minor Planet Center, a division of the International Astronomical Union, responsible for monitoring the comets, asteroids and other bodies orbiting the sun, proposed that Pluto be given a number and considered only a minor planet.

Pluto was discovered on February 16, 1930 by Clyde Tombaugh, a native of Streator, Illinois while working at the Lowell Observatory in Flagstaff, Arizona. Mr. Tombaugh was the only American and one of just five people in history to discover a planet orbiting the sun.

Expressing their pride in Mr. Tombaugh's significant achievement, the St. Anthony students, led by Ms. Brockman, quickly began a letter writing campaign to the International Astronomical Union. The protest movement launched by the St. Anthony students drew support from schools around the State of Illinois and national media attention.

As a result of the growing public outrage raised by the leadership of Ms. Brockman and the St. Anthony students, the International Astronomical Union announced from its headquarters in Paris, France that it would be making no proposal to change the status of Pluto as the ninth planet in the solar system.

I wholeheartedly commend Ms. Brockman and the St. Anthony students both for their pride in the City of Streator and its history and also for their realization that in America a small group of citizens taking a strong stand for something in which they believe can make a difference.

TRIBUTE TO ANNE SPEAKE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Anne Speake for her service as president of the Fresno Chamber of Commerce. Anne Speake's leadership and community involvement has had a profound impact on the advancement and quality of life on commerce in the Central San Joaquin Valley.

Anne Speake is the owner and operator of the International English Institute. Anne started this business over 15 years ago, and is a successful business woman not only in the Valley but globally through the International English Institute. Most recently, she was selected to receive the Central California Women in Business Award by the U.S. Small Business Administration.

Anne Speake is a role model for all women owning businesses. Mrs. Speake is deeply committed to our community and actively serves on several state and local organizations. She currently serves on the Executive Committee of the Fresno Business Council, as Vice Chair of the Fresno Revitalization Corporation, and as a member in the Economic Development Corporation.

As Fresno Chamber of Commerce President, Anne Speake is viewed as a consensus builder and a leader. During her term as Chamber President, she sought to improve service to its 2,300 members and increase the internal efficiency within the Chamber. Under her leadership the Fresno Chamber of Commerce has played a central role in the revitalization of downtown Fresno and initiated several community and cultural improvement projects. In addition, she was an advocate of greater community involvement through Leadership Fresno, which graduated 31 students, and the Employment Competency Committee certified 500 students who worked with business people throughout the year.

Mr. Speaker, it is with great honor that I pay tribute to Anne Speake for her service as President of the Fresno Chamber of Commerce. Mrs. Speake is a faithful public servant, who has shown care for small business and dedication to her community. I ask my colleagues to join me in wishing Anne Speake many more years of success.

A TRIBUTE TO DENNIS S. DiMATTEO AND LILLIAN M. ELMORE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for just under a quarter century, Dennis S. DiMatteo has worked for the General Division of the Court of Common Pleas, where he now serves as a Supervisor in the Probation Department. Nominated by Administrative and Presiding Judge Richard McMonagle, Dennis oversees other probation officers and is involved specifically in such programs as those involving electronic home detention work release, mentally retarded offenders and intensive special probation.

He was a pioneer probation officer in community service and work release programs and has, with others, created rules and policies for the court in many of these areas.

Married to Patricia and the father of Michael and Carla, Dennis Lives in Lyndhurst. Following his graduation from Ohio State University, he served as an officer in the United States Army prior to entering service with the Court.

An avid Ohio State alumnus and, especially, a fan of its football program, Dennis also enjoys reading science fiction and watching Cleveland Indians baseball.

LILLIAN M. ELMORE

As Deputy Administrator of the Eighth Appellate District of the Court of Appeals of Ohio, Lillian M. Elmore has many duties. She greets the public and answers their questions about the Court's processes, administers the motion docket, supplements files, updates the Court's data base and even acts as a Bailiff in some oral arguments.

Nominated by Chief Judge Patricia Ann Blackmon, Lillian has risen from being a clerk-typist to secretary to administrator in the more than two decades she has worked at the Court of Appeals.

Mother of Ricardo, she volunteers at Bedford High School, where Rico is a student, is a member of Mt. Olive Missionary Baptist Church and is also active in fund raising for many charities, including the United Negro College Fund.

Lil, as her friends know her, prides herself on being willing to go ''the extra mile'' to help others, and, for herself enjoys walking, aerobics and dancing, among other activities.

POPE RIGHT ON IRAQ—CLINTON POLICY HOLDS LITTLE HOPE FOR PEACE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, His Holiness Pope John Paul II was right to use the occasion of his St. Louis visit to chastise Bill Clinton's handling of Iraq. A full month having passed since Operation Desert Fox, it remains unclear who stands the victor.

The coincident timing of impeachment-eve air strikes sparked rampant speculation about President Bill Clinton's motives and drew indignant insistence by the White House that U.S. national security was the singular interest. Today the pope finds himself among an ever-growing crowd of Americans unconvinced last month's missile attack was an absolute necessity and with the settling dust comes clarification of the uneasy truth: Saddam Hussein remains in power.

This fact controverts a December 17, 1998 call by Congress to finish the job. On a near unanimous vote, 221 Republicans, 195 Democrats, and one Independent adopted a resolution in support of our troops engaged in Desert Fox.

Congress also included in the measure a bold policy statement, ''to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.'' In earnest, federal lawmakers had authorized $110 million for the political liberation of Iraq. The Clinton administration has so far used only $58,000 to host a conference on the topic.

Clinton's own signature on a separate Iraq Liberation Act earlier in 1998 also called for Saddam's removal giving every indication the administration concurred with Congressional intent to finally address the underlying cause of Iraq's belligence—Saddam's ruthless regime.

However, one day into Operation Desert Fox, Defense Secretary Cohen confessed before a closed assembly of the U.S. House our plans did not include undermining Saddam's dictatorship. ''The objective of the attack,'' he admitted, ''is to go after those chemical, biological or weapons of mass destruction sites to the extent that we can.'' A Congressman followed up, ''Why not go after his regime if that's what the problem is?''

Cohen replied, ''We have set forth our specific targets, and that's what we intend to carry out.'' Across the Atlantic, British Defense Minister Robertson delivered the consonant line to Members of Parliament, ''It's not our objective to remove Saddam Hussein from power.''

Coupled with the historic record of Clinton's Iraq policy, his eagerness to launch missiles while neglecting chief U.S. objectives adds plausibility to the pontiff's skepticism. The president's stubbon devotion to the failing policy of ''containment'' has yielded little more than prolonged hardship for Iraq's 22 million civilians and unneeded strain on precarious international relationships.

The broad international coalition forged and maintained by President Bush during Desert Storm is now badly eroded. The indecision of the United Nations has effectively become the basis for U.S. policy by default.

Last week's proposal by France and Russia, for example, to completely lift sanctions was immediately answered by a counterproposal from the U.S. allowing Baghdad to sell unlimited amounts of oil. This exchange is another strong indication the economic embargo is rapidly disintegrating. Moreover, Iraq's weapons program is continuing to expand in the face of sporadic U.S. military reaction, the timing of which seems controlled as much by Clinton as by Saddam himself.

Periodic air and missile strikes have at best achieved only temporary obstacles for Saddam, but have proven ineffective in dampening the dictator's zeal to develop nuclear, chemical and biological weapons. The pope's statement in St. Louis ''military measures don't resolve problems in themselves; rather they aggravate them'' hits the mark in Clinton's case.

The president's indecisiveness to maintain a competent inspection regimen, and his abandonment of Iraqi opposition forces have effectively confined U.S. options to cat-and-mouse air strikes as far as the eye can see. For all of his stern lectern-pounding pronouncements about the importance of unimpeded weapons inspections, Clinton's support for the U.N. Special Commission (UNSCOM) mission turned out to be nothing more than rhetorical.

A recently released report by the House Republican Policy Committee details the inexplicable record of the Clinton administration. The report shows beginning in November of 1997, the White House secretly intervened to stop UNSCOM inspectors, directing UNSCOM to rescind orders for surprise searches of Iraqi weapons sites and attempting to fire Scott Ritter, a senior UNSCOM inspector, for carrying out inspectors Saddam found inconvenient. The administration intervened again in December of 1997 and in January of 1998 culminating in the removal of Ritter from Iraq in the middle of a new round of surprise inspections.

In March of 1998, U.S. and Britain withheld essential intelligence support for UNSCOM. In July, the two countries intervened again to call off a new schedule of inspections. Finally in August, Secretary Albright personally intervened once more to cancel one of the most critical and promising rounds of surprise inspections. These actions ultimately resulted in Ritter's resignation citing the Clinton administration's refusal to let UNSCOM do its job.

Clearly the president's precipitous policy in Iraq must be replaced by a serious one designed to legitimately achieve genuine U.S. objectives. We must adopt a proactive strategy to end Saddam's dangerous rule.

Mr. Speaker, America must reach out to a unified Iraqi opposition, expand its leadership among Iraqi citizens, strangle Saddam's economic lifeline, and systematically cripple his tyrannical rule. Absent a tactical plan to remove Saddam, he will succeed in breaking out of the Gulf War peace agreement, acquiring weapons of mass destruction, and assembling the means to deliver them.

Only when Saddam's regime is replaced with one respectful of its neighbors and of its own people will liberty have a chance in the Middle East. Until then, peace doesn't have a prayer, no matter how many times John Paul II comes to America.

SOCIAL SECURITY GUARANTEE INITIATIVE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, today I have introduced the Social Security Guarantee Initiative. This legislation would express Congress' commitment to protecting all Social Security benefits to current and soon-to-be retirees.

Last week, Congress received the President's budget request for next year. A major priority for this Congress and for this President is the need to save Social Security for present and future generations. Several proposals have been brought forward and will be debated extensively this session of Congress. The President has proposed investing some of the payroll tax revenues in the stock market. The problem is, the President wants a Washington-based government board to decide which stocks to buy and in which companies the government might take a share.

A better idea would be to allow individuals and families to make those decisions. A government board will inevitably be influenced by politics. Mixing politics with Americans' retirement could have disastrous consequences.

In all of this discussion, however, to reform Social Security, many seniors in Wisconsin and throughout the country have expressed their concerns that any reforms would ultimately end up costing them something. While we must improve the system for working Americans, the benefits today's senior have come to count on cannot and will not be changed in any way. As we move forward to reform Social Security, I believe we must send a bipartisan message to our nation's seniors that, while we must fix Social Security for future generations, current and imminent retirees will be held harmless.

The Social Security Guarantee Initiative would protect all guaranteed benefits for current retirees and those nearing retirement. We have a historic opportunity to preserve the nation's Social Security program. I look forward

to working with the senior community in my District and my colleagues in Congress on this important issue.

GIFTED AND TALENTED STUDENTS EDUCATION ACT OF 1999

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GALLEGLY. Mr. Speaker, all Children deserve to be educated to their fullest potential. It is for this reason I am reintroducing my measure today from last Congress, the Gifted and Talented Students Education Act, along with my colleagues, Representatives BALDACCI, BARRETT (NE), ETHERIDGE, DAVIS (FL), ACKERMAN, SHOWS, and MORELLA.

Currently, the educational needs of our most talented students are not being met. Secretary of Education Richard Riley has even referred to this situation as a ''quiet crisis.'' As a result, these students are not reaching their full potential and not performing at world-class levels. This was clearly demonstrated by the disappointing results of Third International Math and Science Study (TIMSS) where our brightest students scored poorly and were not able to compete with their international counterparts. Our nation must foster excellence in these students who will become leaders in areas such as business, the arts, the sciences, and the legal and medical professions.

The Gifted and Talented Students Education Act would provide incentives, through block grants, to states to identify gifted and talented students from all economic, ethnic and racial backgrounds—including students of limited English proficiency and students with disabilities—and to provide the necessary programs and services to ensure these students receive the challenging education they need. Funding would be based on each state's student population, with each state receiving a minimum of $1 million per year.

I know you are as committed as I am to ensuring our nation's youth have all the tools they need for their future. I encourage all of my colleagues to join me in pursuing this legislation which will ensure our nation's gifted and talented students reach their fullest potential and to ensure we have a new generation of Americans ready to meet the demands of the 21st Century.

HONG KONG TRANSITION—REPORT OF THE SPEAKER'S TASK FORCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. BEREUTER. Mr. Speaker, this Member rises today to submit the Fifth Quarterly Report of the Speaker's Task Force on the Hong Kong Transition. It has been more than eighteen months since Hong Kong reverted to Chinese sovereignty on July 1, 1997. Prior to that historic event, and at the request of former Speaker Newt Gingrich, this Member formed the House Task Force on Hong Kong's Transition. In addition to myself as Chairman, the Task Force was bipartisanly balanced in its membership during the 105th Congress, including Representative HOWARD BERMAN (D–CA), Representative SHERROD BROWN (D–OH), Representative ENI FALEOMAVAEGA (D–AS), Representative ALCEE HASTINGS (D–FL), Representative Jay Kim (R–CA), Representative DONALD MANZULLO (R–IL), and Representative MATT SALMON (R–AZ).

The Task Force now has completed its Fifth Quarterly Report which assesses how the reversion has affected Hong Kong. The Fifth Report, which I submit today, covers the period of July through September 1998, during which there was no actual visit to Hong Kong by the Task Force. In the next several weeks the Sixth Quarterly Report will be completed and presented to Speaker DENNIS HASTERT and the House.

Mr. Speaker, this Member submits the Task Force Fifth Quarterly Report and asks that it be printed in full in the CONGRESSIONAL RECORD.

THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION, FIFTH REPORT, FEBRUARY 2, 1999

(Presented by the Honorable Doug Bereuter, Chairman)

The following is the fifth quarterly report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, the second report dated February 25, 1998, the third report dated May 22, 1998, and the fourth report dated July 23, 1998. This report focuses on events and development relevant to United States interests in Hong Kong between July 1, 1998, and September 30, 1998—the fifth quarter following Hong Kong's reversion to China.

The fifth quarter following Hong Kong's reversion to Chinese sovereignty on July 1, 1997, has been dominated by increasing concern about Hong Kong's economic situation. The good news is that Hong Kong has continued to enjoy substantial political economic autonomy following its reversion to Chinese sovereignty. Hong Kong continues to voice its own views in international economic fora, including the World Trade Organization (WTO) and APEC. On the bad news side, however, Hong Kong's economy has been dragged down by external factors and its strong currency. The driving forces of the slowdown are largely beyond the Hong Kong government's control and are not related to Hong Kong's reversion to Chinese sovereignty.

ECONOMIC DEVELOPMENTS

Hong Kong continued to suffer the negative effects of the Asian Financial Crisis, posting its third consecutive quarter of negative growth, as its first recession in thirteen years showed no sign of coming to a quick end. An early turnaround continues to appear unlikely. Hong Kong's GDP is now projected to shrink by four percent in 1998. (Official figures for the second quarter of 1998 show a GDP drop of 5.2 percent, following the first quarter's decline of 2.8 percent.) This would be the first annual economic contraction on record. Some Hong Kong companies have cut wages by 10 percent. Compared to the same period in 1997, total retail sales from January 1998 to July 1998 decreased by 15 percent in value, reflecting shrinking local consumer demand, reduced tourism, and the fall in asset markets. Hong Kong's stock market has dropped by roughly 50 percent since its peak in august 1997, property prices have fallen by as much as 60 percent, and unemployment has soared to a fifteen year high of five percent.

The budget deficit for fiscal 1998–99 may substantially exceed the current estimate of HK $20 billion (US $2.56 billion), which the government announced in June. (The original government forecast for the fiscal year projected 3.5 percent growth and a budget surplus of about HK $10 billion.) The budget deficit can be expected to retard growth in government expenditures over the next few years. Although the government had been promising a revised medium-range economic forecast since mid-August, it failed to produce one by the end of the quarter, indicating to some an unwillingness on the part of the government to face up to the full consequences of the recession on public spending. The government continues to insist that the currency peg to the U.S. dollar is here to stay, despite serious attacks by speculators. Defending the peg has required the government to keep interest rates high, further depressing economic growth, and was a major motivation for the government's decision to intervene in the stock market in August (see below).

The stock market's Hang Seng Index at one point fell to 6660, 44 percent below its highwater mark for 1998 on March 25. The market remained concerned about Japan's economy, China's commitment to maintaining the value of the *renminbi,* and regional economic woes. On August 14, the government intervened massively in the stock market, spending an estimated US $15 billion (representing over 15 percent of Hong Kong's US $96 billion reserves) to buy stocks, futures, and currency in an effort to keep share prices at levels that would punish speculators betting on a decline. The government later imposed more stringent trading regulations to make illegal trading and speculation more difficult. Even with the government's massive intervention, the market ended September at 7,883 points, down 48 percent since September 1997. Trading volume also plummeted, with the average daily turnover for the first nine months of 1998 standing at just 40 percent of the corresponding figure for 1997. In terms of value, average daily turnover fell 56 percent.

In defending their decision to intervene, senior Hong Kong officials cited fears that unnamed ''foreign traders'' were improperly manipulating Hong Kong's markets. They maintained it was not their intention to interfere with market forces, only to improve Hong Kong's ability to manage its monetary affairs. The government said the measures were necessary to counter harmful speculative activities and to stabilize interest rates. Some observers have expressed concern that the intervention could mark the beginning of a turn away from the global market. While this seems unlikely given Hong Kong's overwhelming dependence on foreign trade, the August market intervention does pose some worrisome questions. The Hong Kong government's unprecedented ownership of significant amounts of equity, both in Hong Kong-based companies and in PRC-related ''Red Chips,'' has the potential to begin to affect official decision making in ways contrary to Hong Kong's traditions of free markets and transparency.

There is some positive economic news. Inflation is low and falling, with the year-on-year rate of increase in the composite consumer price index standing at 2.7 percent in August, down appreciably from 3.2 percent in July. The August figure was also the lowest monthly figure recorded since Hong Kong began tracking the year-on-year inflation rate in 1981. For the first time in a year, the unemployment rate did not increase in September, holding at the same five percent it reached in August. The tourism market recovered slightly in September, with tourist arrivals and hotel occupancy rates showing small increases over August figures. Hong Kong also still possesses substantial foreign currency reserves, even after the costly market intervention in August. The slump has

exposed inherent flaws in Hong Kong's economic fabric, however, particularly its heavy dependence on entrepot trade and the relative lack of growth in sectors with high value-added, such as the high-tech industry. With hope of a swift recovery fading, further pay cuts and layoffs appear certain. Land sales remain suspended until next March—a step intended to reduce downward pressure on the real estate market. Hong Kong's recovery would appear to hinge on a combination of external and internal factors, including improved international financial conditions, a steadying of interest rates, restored stability in the property market and a return of public confidence.

POLITICAL DEVELOPMENTS—ECONOMIC PROBLEMS AFFECT GOVERNMENT'S POPULARITY

One casualty of Hong Kong's continued economic malaise has been Chief Executive Tung Chee-hwa's popularity with significant portions of the public. As Beijing's choice to preside over the Hong Kong government, Tung lacks the popular mandate that can help government leaders push through unpopular measures in difficult economic times. As Hong Kong's economic problems have deepened, Tung has been criticized for timidity and failure to enunciate major initiatives to address the crisis.

The newly elected Legislative Council (LegCo) took its seat on July 2, replacing the provisional legislature that had been appointed upon reversion. Under the executive-led system of governance prescribed by the Basic Law, however, the new LegCo has relatively narrow powers and does not form a government. Rather, like past legislatures, the new LegCo is essentially a monitoring body that can block or amend government legislation and can call on the administration to defend government policy. Legislators have the power to introduce private member bills, but not ones that involve public expenditure, the political structure, or government operations. Troubled relations between the Government and the LegCo is widely seen as a serious problem.

Pro-democracy candidates elected in the May LegCo elections have been pushing for a faster transition to full democracy. On July 15, Democratic Party (DP) legislator Andrew Cheng Kar-foo introduced a motion for the LegCo to endorse direct elections of all members in the year 2000 and direct elections for the office of chief executive in the year 2002. (Note: Although the Basic Law does not guarantee a date when the entire LegCo or the Chief Executive will be directly elected, it sets forth an ''ultimate aim'' of electing a legislature and a Chief Executive after a transition period of about ten years.) Tung opposed this proposal, however, arguing that the addressing the economic crisis requires stability, and until now has declined to advance the timetable for subjecting the Chief Executive post and the full legislature to direct election. The measure was defeated in both divisions of the LegCo, by a vote of 15–14 among geographical constituency and election committee representatives, and by a 20–5 margin among functional constituency representatives. Voting was split along strict party lines, with members of the DP, the Frontier Party, and the Citizens Party supporting it and legislators from the Democratic Alliance for the Betterment of Hong Kong (DAB), the Hong Kong Progressive Alliance (HKPA) and the Liberal Party opposed.

A government-led effort to reassess the current local government structure is now underway. Scrapping the elected Urban and Regional Councils—the option the government is believed to favor—comes in for strong opposition from many LegCo members. While these councils have been criticized for their incompetence in handling public hygiene and other matters under their purview, abolishing them outright could send a disturbing message about the government's attitude toward democracy and also deprive Hong Kong of a vital training ground for future LegCo members. The ultimate impact of scrapping the councils will depend on the degree to which responsibility and funding for managing issues now handled by those bodies devolve to the elected district boards.

RULE OF LAW—FREEDOM OF EXPRESSION

As we have noted in earlier reports, international confidence in Hong Kong is based on the commitment of Hong Kong's authorities to the rule of law inherited from the British. An integral part of this is the ''check'' on abuse of authority provided by the free expression of opinion. During this quarter, we find again that the people of Hong Kong largely continue to express themselves without restraint. The Hong Kong government has not denied any application for a demonstration permit since reversion. Beijing authorities continue to bend over backward to avoid the appearance of interference in Hong Kong affairs.

Hong Kong's media also continue to practice their traditional vibrant style of journalism without overt interference from authorities in Hong Kong or Beijing. Nonetheless, concerns regarding self-censorship continue. Chief Executive Tung has stated publicly on a number of occasions that he believes Hong Kong people should not be freely expressing their support for independence for places like Taiwan, Tibet, and Xinjiang. The question of freedom of expression and how it applies to expressions about certain sovereignty issues in China is especially important because under the Basic Law, Hong Kong is required to enact laws on treason, secession, sedition, and subversion. Through the end of the quarter, however, the Hong Kong government had not introduced bills addressing these matters, and the Secretary for Justice stated that there was no rush to pass sedition laws. When they finally are introduced, such bills will be a crucial test of Hong Kong's adherence to freedom of expression, depending on whether they seek to criminalize mere expressions of support for independence for those areas or other expressions of opinion concerning the Chinese government.

A fair and independent judiciary is another critical element of international confidence in Hong Kong. In general, the Hong Kong judiciary continues to operate independently and without taint of political influence. During the past quarter, we noted no instances that would call into question the judiciary's independence or its vulnerability to Chinese influence.

TRADE ISSUES

While the Asian Financial Crisis has seriously jolted and hurt Hong Kong's economy, it has also highlighted Hong Kong's serious and unhealthy dependent on entrepot trade between China and other nations, particularly the U.S. During the quarter, entrepot trade figures turned negative for the first time since the onset of the crisis, with July 1998 re-exports decreasing by 11 percent over the same month in 1997. With exports from domestic manufacturing in Hong Kong dropping by eight percent in the same period, overall exports showed a decrease of 10 percent in July from one year ago.

As noted in our previous quarterly report, Hong Kong's reliance on entrepot trade leaves it vulnerable in the event that continued large trade deficits between the U.S. and China prove politically or economically unsustainable. If the China trade deficit issue is not addressed by increased market access for U.S. firms to China, then Hong Kong could get hit with collateral damage from a frustrated America and U.S. Government—even if it does everything right.

While the Hong Kong Government has taken significant steps to improve its intellectual property rights regime and enhance enforcement efforts, the production and retail sale of pirated movie, audio and software compact discs continues to be the most serious bilateral trade issue between the United States and Hong Kong. Representatives of the recording, film, and software industries generally agree that Hong Kong has made some progress in curbing intellectual property rights violations at the retail level since the Customs service began a campaign of sustained raids in April. Using enforcement tools from the June 1997 Prevention of Copyright Piracy ordinance, Customs officers have been able to substantially increase seizures of pirated goods. In August and September, authorities raided several illicit factories and distribution centers, seizing more than 1.8 million pirated discs. The intensified enforcement generally pushed retail shops selling pirated goods further out of the city core and away from areas frequented by tourists. Despite these improvements, more remains to be done, and an estimated 100 to 150 shops are still selling pirated U.S. products.

On the production side, 60 factories with some 200 production lines have applied or registration under a provision of the Prevention of Copyright Piracy ordinance. On-site inspections by Customs officials determined that another 19 known factories that failed to register and close during the registration period. A twentieth was closed following a raid on September 3. Trade and Customs officials have said they will inspect the registered factories regularly, including after normal working hours. In early August, the Hong Kong Government also successfully prosecuted the first illicit factory case to go to court. Although the penalties imposed by the court were relatively minor, the failure of the defendant's ''no knowledge'' plea set an important precedent. While there is some evidence that illicit compact disc production has been dropping, it is still too early to judge the ultimate effectiveness of the new copyright ordinance. To date, the drop in illicit production appears attributable to copyright pirates' decision to ''wait and see'' how strictly the ordinance will be enforced and to stepped up anti-smuggling efforts in the People's Republic of China. All sources agree that the mainland has been the primary market for Hong Kong's producers of illicit discs.

One area in which enforcement has yet to increase is in the illegal use of business software. Responding to requests from the Business Software Alliance, Trade and Industry Bureau officials say they have asked Customs to pursue cases of corporate end-users of unlicensed software and unauthorized hard-disc loading by dealers. To date, however, Customs has failed to act.

Money laundering also remains a very serious concern in U.S. bilateral relations with Hong Kong. As noted in earlier reports, the same favorable factors that make Hong Kong one of Asia's most important financial centers also make it attractive to criminals wishing to conceal the source of their funds through money laundering. It is important that Hong Kong continue to work with the international community to improve its laws and enforcement in this vital area. Hong Kong and the United States continue to make progress toward negotiation of a bilateral investment agreement based on the model text approved by China through the Sino-British Joint Liaison Group.

Another event with implications for trade was the opening of Hong Kong's new airport

at Chek Lap Kok in early July. Unfortunately, the government found its self subjected to widespread criticism over the chaotic way in which he opening was handled. Cargo operations, in particular, were seriously disrupted. The problem was so severe that it could shave up to a full point off of GDP in 1998. Chief Executive Tung appointed a commission of inquiry to look into what went wrong. The commission is expected to finish its work in early 1999. The LegCo also has launched its own inquiry into the matter.

SECURITY AND RELATED ISSUES

Regarding the three primary security related issues with Hong Kong—ship visits, People's Liberation Army (PLA) activities, and export controls—the U.S. Navy continues to enjoy an excellent relationship with Hong Kong in terms of ships visit. The relationship with Hong Kong Port authorities since the reversion has been outstanding.

The second security concern is related to the influence of the PLA and the Chinese defense industries in Hong Kong business and the possible surreptitious acquisition by the PLA of militarily sensitive technologies. The PLA garrison includes an estimated 4,700 personnel physically stationed in Hong Kong, and has a total strength of 8,000 (The remainder are based at a headquarters element on PRC territory.) The PLA has continued to keep a low profile during the quarter, raising no concerns about activities with respect to the Hong Kong population. We continue to have no evidence of direct involvement by the estimated 200 PLA-related companies in Hong Kong in acquisition of sensitive technology. Should PLA entities operating in Hong Kong be found to be engaged in arms trading or acquisition of Western technology, however, Hong Kong's relations with the U.S. would be put at risk. Such activity, or the lack thereof, will be an important determinant of congressional attitudes in the future.

Export controls are a third area of security-related concern. Once again, we are pleased to note no new incidents of export control violations to report this quarter. Hong Kong continues to exercise autonomy as a separate customs territory within China and to demonstrate vigorous enforcement of its strict export control regime. United States officials continue to conduct prelicense and post-shipment inspections. In a sign of their continued close cooperation, in July U.S. and Hong Kong customs officials held the second in a series of consultations on licensing, enforcement, and the exchange of information.

MACAO

The Portuguese colony of Macao will revert to Chinese rule on December 20, 1999, after 442 years. Like Hong Kong, this territory of 414,000 people, 95 percent of whom are ethnic Chinese, will become a Special Administrative Region with a ''one country, two systems'' formula for the next 50 years. As we noted in our previous quarterly report, however, a number of transition issues for Macao are very different from those faced by Hong Kong. Unlike Hong Kong, for instance, the legislature elected under colonial rule will remain in place.

While U.S. interests in Macao are not nearly as large as those in Hong Kong, they nonetheless require our continued attention. These continue to be credible reports of transshipment of textiles through Macao. Primary among our economic concerns, however, is Macao's role as a manufacturing center for pirated goods, particularly pirated compact discs. To date, Macao has yet to develop adequate legislation and enforcement mechanisms and has not dedicated sufficient manpower to tackle this problem. Macao also lacks legislation on money laundering. It is in U.S. interests to press Macao's authorities to move forward expeditiously to correct these shortcomings.

In September, China announced that it would station troops in Macao following its reversion Macao's Portuguese administrators still have not made adequate arrangements to replace themselves with local Macanese officials and remain well behind where the British were 15 months before the reversion of Hong Kong. They have also been deficient in maintaining law and order. Incidents of gangland killings and attacks on public officials remain all too frequent, negatively affecting Macao's tourism. China and Portugal have at times engaged in mutual recrimination about responsibility for the upsurge in criminal activity. It will be difficult for the territory to complete a smooth transition unless it brings this situation under control.

CONCLUSION

The Hong Kong Transition Task Force has ended our previous four quarterly reports with the assessment ''so far, so good.'' Our fundamental assessment remains the same, although we have a few new concerns, particularly with respect to the economy. While we recognize that the economic crisis now affecting Hong Kong is largely beyond its ability to control, the government's response to that crisis has the potential to alter the current situation, both for good and for ill. In particular, the Hong Kong government's decision to intervene in the stock market in August, while arguably a defensible response in the face of these external economic pressures, poses some worrisome questions about how Hong Kong's economic policy may evolve in the future. We remain encouraged by the demonstration of support for democratic institutions shown in the May election, as described in our previous quarterly report. Looking ahead, we hope to see continued progress toward universal suffrage and the expansion of the number of officials chosen by direct election. Finally, we continue to be satisfied with the restraint shown by the Chinese government in its handling of Hong Kong, at least to the extent visible to outside observers. Undoubtedly, the coming months will pose additional challenges for Hong Kong and the region. It is important that the international community and Congress continue their practice of closely monitoring developments.

A TRIBUTE TO KATHRYN ANN MARIE GEORGE, COURT OF COMMON PLEAS, JUVENILE COURT DIVISION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Kathryn Ann Marie George has spent almost 27 years as a probation officer for the Juvenile Court, most recently as a senior probation officer at the Court's Near West Field Office. She has worked with juvenile offenders and their families while they are on probation and helps the offenders comply with specific court orders in the hope that these troubled children become productive adults.

She remembers fondly the calls she has received from some families offering their thanks for her help in dealing with the child's problems. And she also numbers her co-workers among her closest friends and believes that they, like she, are ''caring, good-hearted, dedicated people''.

She stresses the benefit she has had of a warm and loving family, including her parents, Sam and Ann, her brothers, Sam and Mike, and her nephews, Michael and Steven, all of whom have stood by her in both good and bad times, and she hopes that her efforts can help those assigned to her in her profession with the same support she received from her family and friends.

In her spare time, she enjoys time with her family and friends, traveling to Magic Conventions and to Las Vegas, attending craft shows, making crafts, and watching movies, especially old movies, and plays. She also volunteers at her church, has been a volunteer camp counselor during her vacations and has helped other organizations at the May Dugan Center, where her field office is located.

END OUR VULNERABILITY TO LONG-RANGE BALLISTIC MISSILE ATTACK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, long-range ballistic missiles are the only weapons against which the U.S. government has decided, as a matter of policy, not to field a defense. Few Americans are aware the U.S. military—the most powerful, most technologically-advanced, and most lethal military force ever assembled—could not stop even a single ballistic missile from impacting American soil today.

Just last year, the bipartisan Commission to Assess the Ballistic Missile Threat to the United States, led by former Secretary of Defense Donald Rumsfeld, asserted the United States may have little or no warning before the emergence of specific new ballistic missile threats to our nation. This, coupled with the fact some 20 Third World countries already have or may be developing both weapons of mass destruction, including nuclear, chemical, and biological weapons, and ballistic missile delivery systems, is cause for serious alarm.

Yet President Clinton and many in Congress have chosen to adopt a posture of purposeful vulnerability to these weapons. Mr. Speaker, the topic of America's national security is regularly and thoughtfully debated before Congress. However, whether our country chooses to field a national ballistic missile defense could very well determine the survival of the United States of America.

Therefore, Mr. Speaker, I hereby submit for the RECORD, the full text of the letter I recently sent to U.S. Defense Secretary Bill Cohen, urging him to join me and other Members of Congress in ending our vulnerability to long range ballistic missiles.

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
January 25, 1999

Hon. BILL COHEN,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR SENATOR COHEN: Our lack of ballistic missile defense is a serious and growing vulnerability extending an unwelcome invitation to ballistic missile attack from rogue nations such as North Korea. We must build a defense against long range ballistic missiles.

A majority of Americans want a ballistic missile defense, and would want to quickly build a strong defense if they understood our vulnerability. General Charles A. Horner, Air Commander in the 1991 Persian Gulf War and former commander of the U.S. Space Command, noted a majority of Americans, even after finishing a tour of NORAD's warning complex in Colorado Springs, do not know we have no defense against long range ballistic missiles, believing instead we already have such defenses. I have found that to be the case with my constituents.

Our vulnerability to long range ballistic missiles is widely misunderstood even in Washington. A week after General Shelton claimed the Intelligence Community could provide the necessary warning of a rogue nation ICBM threat to the United States, North Korea surprised the Intelligence Community by launching on August 31, 1998 a three-stage ballistic missile with the potential of striking the western United States.

I believe we should end our vulnerability to long range ballistic missiles by vigorously building an effective ballistic missile defense employing space-based defense and accelerating Navy Upper Tier (Navy Theater Wide). Furthermore, the just purpose of saving lives requires us to end our reliance on a treaty against our defense—the ABM Treaty.

The administration's proposal to spend $7 billion for ballistic missile defense over six years period should instead spend $2-3 billion over three years in an accelerated Navy Upper Tier (Navy Theater Wide) program, and $4-5 billion over three years in an accelerated program for space-based defenses, including Space Based Interceptors like *Brilliant Pebbles.*

Other proposals can build other elements of an effective, multiple layer defense. We should pursue the Space Based Laser Readiness Demonstrator, recognizing the Space Based Laser program has successfully completed ground testing of its major components. We are ready to proceed and test the Space Based Laser in space.

Clearly, our best defense against long range ballistic missiles will be in deploying space-based defenses and accelerating Navy Upper Tier (Navy Theater Wide). I urge you to build those defenses. An extensive reliance on ground-based interceptors will neither be effective nor provide the best solution for our defense.

Ground-based interceptors inherently lack the boost phase defense capability we will need to counter bomblets or submunitions carried by long range ballistic missiles. In contrast, space-based defenses offer the potential for a boost phase defense, and will complement theater missile defense programs.

It is well known China is engaged in an aggressive military modernization program including the development of the road-mobile DF–31 and DF–41 long range ballistic missiles. The United States is the likely target of these missiles. Moreover, Russia still has approximately 756 ICBM and 424 SLBMs it can launch against us.

Will you join me and the other members of Congress in the noble endeavor to end our vulnerability to long range ballistic missiles by quickly building an effective defense against long range ballistic missiles? We must defend our freedom.

Very truly yours,

BOB SCHAFFER,
Member of Congress.

Mr. Speaker, there are several other points I ask our colleagues to consider. Congress must be knowledgeable regarding the history of Spaced-Based Ballistic Missile Defenses.

Beginning with Project Defender in the late 1950s and including the Strategic Defense Initiative (SDI) begun by President Reagan and continued by President Bush as GPALS (Global Protection Against Limited Strikes), defense planners have long understood the advantages of deploying ballistic missile defenses in space, using interceptors or directed energy weapons such as high energy lasers.

The advantages from deploying ballistic missile defenses in space accrue from inherent characteristics of orbital platforms in space. These advantages include:

Global Coverage. Constellations of orbital platforms can cover all parts of the earth, providing a defense against ballistic missiles launched by any country.

Continuous Operation. Constellations of orbital platforms provide constant coverage, every day, without the need for additional or special deployments.

Boost Phase Defense Capability. By being higher than a boosting missile rising through the atmosphere, orbital platforms have the opportunity for a boost phase defense.

A boost phase defense capability is critical for an effective ballistic missile defense. The boost phase is the most vulnerable moment of a ballistic missile. A boost phase defense can intercept a missile before it releases any warheads, decoys, or submunitions.

Space-based defenses also offer the opportunity for post boost phase defense and midcourse phase defense. Ground-based interceptors, in contrast, tend to be for terminal defense, or late midcourse phase defense. Navy Upper Tier (Navy Theater Wide) offers an early midcourse phase defense with flexible basing.

Advances in computers and sensors since the 1960s have brought us to the point of deploying space-based ballistic missile defenses. Instead of nuclear weapons, we can rely on precision guided interceptors, and rapidly retargetable high energy lasers. In addition, we can protect space-based ballistic missile defenses against electromagnetic disturbances from nuclear explosions through hardening, the use of infrared sensors, and battle management plans able to function without centralized nodes.

GPALS is the most comprehensive ballistic missile defense architecture recently developed. It featured global protection. GPALS based its capability for global protection on the deployment of Space Based Interceptors (SBIs), and Space Based Lasers (SBLs). A program for deploying an effective ballistic missile defense must include space-based defenses as a critical component.

Long range ballistic missiles are a global problem requiring a global solution.

Mr. Speaker, if we are serious about defending our country we must insist upon Streamlined Acquisition Procedures.

Critical national defense programs have long used streamlined acquisition procedures. The Manhattan Project, combining the scientific talent and person of J. Robert Oppenheimer with the drive of General Leslie Groves, produced the atomic bomb in a few years. Air Force General Bernard Schriever successfully developed the Thor, Atlas, Titan, and Minuteman missile systems in under eight years.

Streamlined acquisition procedures are useful for both programs developing new technology, and for accelerating programs where we already have the technology in hand, but need to apply, test, and produce it. Streamlined acquisition will be important for deploying a ballistic missile defense quickly.

In using streamlined acquisition procedures for ballistic missile defense, we need to remember that we already have the basic technology for deploying effective defenses against long range ballistic missiles. We do not need to be paralyzed by the goal of developing the best technology possible—we already have the technology we need.

We have already tested interceptors, kinetic energy weapons, and high energy lasers. While there is the need for practical field engineering, testing, and production of ballistic missile defense technologies, we have no need to continue basic research before reaching a decision to acquire a ballistic missile defense.

This is not to say, however, that we should not continue basic research. Rather, we can and should continue basic research without delaying other programs to acquire a ballistic missile defense based on research already done.

Accelerated funding and streamlined acquisition procedures are in order for Navy Upper Tier (Navy Theater Wide), and Space Based Interceptors such as Brilliant Pebbles (The Pentagon approved Brilliant Pebbles for acquisition in 1992). These are programs for which funding, not technology, is the primary constraint.

In addition, while the acquisition of Space Based Lasers for ballistic missiles defense will require substantial engineering and design work, we have already developed and tested the primary components for the Space Based Laser. We are ready to proceed with its development and acquisition.

We may expect accelerated funding and streamlined acquisition procedures to shorten timeframes for developing and deploying a ballistic missile defense. Timeframes for initial deployment may be as short as three to five years.

Accelerated funding for programs such as Navy Upper Tier, Space Based Interceptors like Brilliant Pebbles, and Space Based Lasers can bring us closer to quickly deploying a ballistic missile defense.

Finally, Mr. Speaker, we must consider Proposals for an ''ABM Treaty Compliant'' Ballistic Missile Defense.

Proposals for an ''ABM Treaty Compliant'' Ballistic Missile Defense constrain themselves to a defense using ground-based radar, and ground-based interceptors deployed at a single site with a maximum of 100 interceptors.

It is time we view proposals for deploying an ''ABM Treaty Compliant'' Ballistic Missile Defense from the context of providing the best defense possible for the American people.

Thus, we need to compare an ''ABM Treaty Compliant'' defense with the effectiveness and availability of other ballistic missile defense programs such as Navy Upper Tier (Navy Theater Wide) and Space Based Interceptors.

While an ''ABM Treaty Compliant'' defense may seem attractive from the viewpoint of being able to recycle Minuteman missiles by equipping them with a Kinetic Kill Vehicle rather than nuclear warheads, such proposals must be kept in their proper context.

First, the most effective defense possible against long range ballistic missiles will be a boost phase defense. A boost phase defense, whether using interceptors or high energy lasers, will intercept a ballistic missile when it

presents itself as a large, visible target, and is susceptible to destruction.

In addition, a boost phase defense, will prevent a missile from releasing its warheads, decoys, or submunitions. Yet, an ''ABM Treaty Compliant'' defense will never be able to offer us a boost phase defense capability, in contrast to programs such as Navy Upper Tier (Navy Theater Wide), Space Based Interceptors, or Space Based Lasers.

Furthermore, an ''ABM Treaty Compliant'' defense, limited to a single site, will be unable to protect the entire United States. It will put at risk Alaska, Hawaii, and many of our Pacific Island Territories such as Guam.

Moreover, an ''ABM Treaty Compliant'' defense, by relying solely on ground-based interceptors, leaves itself open to its defeat through the use of decoys, multiple warheads or submunitions.

Our best defenses will be found in putting themselves as close to the point of attack—as close or at the boost phase—rather than waiting for the last moment. Intuitively, this gives the defense the most room for maneuver, and restricts the offense.

Our best defenses against long range ballistic missiles will thus be found in programs such as Navy Upper Tier, Space Based Interceptors, and Space Based Lasers, not in an ''ABM Treaty Compliant'' defense.

CONGRATULATIONS TO NED MALONE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. CARDIN. Mr. Speaker, I rise today to honor my good friend Ned Malone who has dedicated his life to improving our community and who has had a distinguished career in public service as a member of the Maryland House of Delegates and as Baltimore County Sheriff.

Those who know Ned well, know one thing about him: that he is a fireman at heart. That is why I am so pleased that on Feb. 13 he will be honored for his 45 years of dedicated service to the Arbutus Volunteer Fire Department. During that time, Ned has served as the Fire Department's president, captain, and a member of the Board of Directors.

Ned also has had a distinguished career in Annapolis. From 1967–1978, he was a member of the House of Delegates, serving as Chairman of the Baltimore County delegation and as Vice Chairman of the powerful Economic Matters Committee.

In 1984, Ned was appointed Sheriff of Baltimore County by Gov. Harry Hughes. Serving as Sheriff from 1984–1990, Ned worked hard to ensure the safety and well-being of all Baltimore County residents. Ned is currently with the state's Mass Transit Administration.

Ned was born in Elkridge, MD, in 1927 and has spent much of his life in Arbutus, MD. He was Manager of Personnel Services for the Western Maryland Railway Co., and served with distinction in the U.S. Army from 1950–1952. Ned has been married to the lovely Margaret June Malone for 43 years and together they raised four wonderful children.

I urge my colleagues to join me in congratulating Ned Malone on his 45 years as a dedicated member of the Arbutus Volunteer Fire Department, and on his distinguished career in public service. Ned's passion for helping others and his dedication to improving our community is hard to match. I am honored to call him a friend.

THE MEDICARE SOCIAL WORK EQUITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. STARK. Mr. Speaker, I join with Representative LEACH (R–Iowa) and 22 of our colleagues to introduce the Medicare Social Work Equity Act of 1999 to ensure that clinical social workers can continue to receive reimbursement under Part B of Medicare.

Due to changes in the Balanced Budget Act of 1997, clinical social workers can no longer bill Medicare under Part B for counseling and other professional mental health services. Under current law, clinical social workers must now seek reimbursement under the consolidated payment system. Unfortunately, the prospective payment system was not designed to cover ancillary services such as psychotherapy.

If Congress does not amend the laws to allow separate billing for psychotherapy service, clinical social workers will not be able to provide much-needed mental health services to long-term care facility residents. Doing so will needlessly harm seniors because clinical social workers have the professional training and expertise to work with seniors as do psychologists and psychiatrists.

If we fail to fix this problem, Medicate will pay more. The services of psychologists and psychiatrists cost more than the services of a clinical social worker. Currently, clinical social workers receive from Medicare only 75% of what would be paid to a psychologist or psychiatrist. In addition, many skilled nursing facilities operate in communities where psychologists and psychiatrists are not available to treat seniors in skilled nursing facilities.

Our legislation excludes clinical social workers from the prospective payment system. This small fix corrects what we believe to be a serious error created by the Balanced Budget Act. It is time to act quickly and decisively to preserve access to needed counseling services for residents in thousands of our nation's long-term care facilities.

H.R.—

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 ''Medicare Social Work Equity Act of 1999''.

SEC. 2 EXCLUDING CLINICAL SOCIAL WORKER SERVICES FROM COVERAGE UNDER THE MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED PAYMENT.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting ''clinical social worker services,'' after ''qualified psychologist services,''.

(b) CONFORMING AMENDMENTS.—Section 1861(hh)(2) of such Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation''.

(c) EFFECTIVE DATE.—The amendments made by this section apply as if included in the enactment of section 4432(a) of the Balanced Budget Act of 1997.

THE RETIREMENT OF MARGE HOSKIN AS CHAIRMAN OF THE BOARD OF DIRECTORS OF QUINEBAUG-SHETUCKET HERITAGE CORRIDOR, INC.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute of Marge Hoskin of Plainfield, Connecticut upon her retirement as Chairman of the Board of Directors of Quinebaug-Shetucket Heritage Corridor, Inc. Marge is an extraordinary American who has worked for more than two decades to preserve and promote the historic, natural and cultural resources of eastern Connecticut.

I first began working with Marge in the late 1980s. She was one of the leaders of a grassroots group in eastern Connecticut exploring how communities could preserve and promote the history of the region. Marge and the other members of this group had vision of the future. A vision built on the region's rich heritage as a world-wide center for textile production and incredible network of rivers anchored by the Quinebaug in the east and the Shetucket in the west. By the time Marge and her colleagues began developing this vision, the mills which line the rivers from Thompson through Willimantic to Norwich, some of them the largest and most productive in the world in the late Nineteenth and early Twentieth centuries, were silent, ghostly shells deteriorating with each passing day. Many feared these magnificent structures—monuments to the industrial prowess of the United States and the ingenuity and hard work of generations of people from eastern Connecticut—would be lost forever, relegated to the history books and old snapshots.

Marge, and others in this small, but committed group, believed that the mills could be preserved, could be redeveloped and could be transformed into engines of economic growth once again. They envisioned linking communities and citizens across the region using a natural resource which had always brought them together—the rivers. They developed this vision with the knowledge that economic development, historic preservation and environmental protection can go hand-in-hand.

Between 1989 and 1994, Marge Hoskin devoted countless hours to making this vision, embodied in the Quinebaug and Shetucket Rivers National Heritage Corridor, a reality. She traveled from one corner of eastern Connecticut to the other explaining the concept and the goals it was designed to achieve. She came to Washington to testify in support of legislation I introduced to establish the Corridor. Marge also originated an event which has become synonymous with the Quinebaug and Shetucket Heritage Corridor—the Walking Weekend. Walking Weekend, held every year since 1990 during Columbus Day weekend,

has educated tens of thousands of people from across eastern Connecticut and New England about the region through a series of walks highlighting our history, natural resources and culture. Marge celebrated with countless other residents of my district when President Clinton signed legislation formally establishing the Corridor in November 1994.

Following enactment of this law, Marge played an active role in creating a non-profit entity—Quinebaug-Shetucket Heritage Corridor, Inc.—designed to coordinate efforts to achieve the goals of the act. Marge has served as Chairman, Vice Chairman and Director of the corporation. In these leadership positions, she has continuously demonstrated an ability to forge consensus from very diverse views. She has led by quiet example constantly striving to do what is best for the region. She has given of herself in so many ways and is unquestionably one of the reasons the Quinebaug and Shetucket National Heritage Corridor is a success today.

Marge has been widely recognized for her service to the community. She was named ''Woman of the Year'' in 1997 by the Northeastern Connecticut Professional and Business Women's Association. She received the ''Civic Achievement Award'' in January 1999 from the Northeastern Connecticut Chamber of Commerce. In addition, she has been honored with several awards from the Association of Northeast Connecticut Historical Societies. These awards are a testament to Marge's dedicated service, commitment to the region and penchant for delivering results.

Mr. Speaker, all of us involved with Quinebaug and Shetucket Rivers National Heritage Corridor look forward to working with Marge for many years to come. We remain secure in the knowledge that she will continue to play an important role in an endeavor she has done so much to make successful. I know I speak for many people across eastern Connecticut when I say—thank you Marge.

IN HONOR OF MARY ANN KOSTER CLEVELAND MUNICIPAL COURT

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Mary Ann Koster is the Director of Scheduling at Cleveland Municipal Court, whose Administrative Judge Larry Jones nominated her in recognition of 25 years' service. Under her supervision, the office schedules all civil and criminal cases on the personal dockets of the Court's judges and collates and reports case statistics for use by the Court internally and for reports by the Court to the Ohio Supreme Court.

Mary Ann takes pride in the title ''Public Servant'' and strives to do her best for the Court and its personnel, and, especially, for the public served by the Court.

Married to Don Koster for almost 20 years, Mary Ann lives in Columbia Station. She has raised and exhibited roses at all levels of competition. She looks forward to bring the national fall convention of the American Rose Society to Cleveland in the year 2001 and will, in 1999, stand for examination for Consulting Rosarian and Judge.

IN MEMORY OF VICTOR M. GRAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Victor M. Gray of California, Missouri.

Victor Gray was born July 15, 1912, in Hendrick, IL, a son of Homer F. and Anna Burrus Gray. He was a graduate of the University of Missouri, where he earned a bachelor's degree in agriculture in 1937.

Gray's career in public service and agriculture began immediately after his graduation from the University of Missouri. From 1937 to 1948 he worked for the Agricultural Extension Service. After his initial service to the state of Missouri, Gray worked in the private sector, owning and operating a farm machinery company for two years. Victor Gray was a livestock marketing specialist with the Producer's Livestock Marketing Association-National Stockyard, Illinois, and manager of the Farm Bureau Service Co. from 1953 to 1957. He served as director of the Missouri Department of Agriculture's Feed and Seed Division in 1957 and, in 1959, became the Assistant Commissioner of Agriculture's Feed and Seed Division in 1957 and, in 1959, became the Assistant Commissioner of Agriculture until 1963. He was the director of legislative programs for Missouri Farm Bureau from November 1963 until he retired in August 1977.

Victor Gray served as the executive secretary of the Missouri Association of Fairs and was a member of the Board of Governors of the American Royal Livestock Show in Kansas City, Mo. He was the past President of American Lung Association-Western Division; past chairman of the County Soil and Water Conservation Districts; former vice president of the County Farm Bureau; and former chairman of the Missouri Hazardous Waste Committee. He served as district representative of the Missouri Farm Bureau Rural Health and Safety Committee.

Victor Gray was an active member in the community. A member of the Gamma Sigma Delta agricultural fraternity, he received the Award of Merit from the society's Missouri chapter and the State Star Farmer Award from the Missouri FFA. He was a 50-year member of the California Lodge 183, A.F. & A.M., and the Royal Arch Masons Chapter in California. He was a member of the United Methodist Church of California.

Gray was preceded in death by his wife, Anna in 1991. He is survived by his niece, Sandra Gray Dietzel; three great-nieces, two great-great nieces and three great-great nephews. I know that this body joins me in expressing sympathy to the family of this great Missourian.

TEACHER INVESTMENT AND ENHANCEMENT ACT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GALLEGLY. Mr. Speaker, providing a high quality education to our children is my highest priority. The key to achieving this goal is having high quality teachers. It is for this reason I am reintroducing my measure today from last Congress, the Teacher Investment and Enhancement (TIE) Act, along with my colleagues, Representatives HORN, POMEROY and PAUL.

While it is important to know how to teach, it is equally if not more important to know what you are teaching. However, many teachers are teaching ''out-of-field'' and, therefore, are not sufficiently knowledgeable in their subject area. The TIE Act addresses this problem by providing secondary teachers the incentives to return to college to take courses in the classes they teach. This will be accomplished by doubling the current Lifetime Learning Tax Credit for tuition expenses for the continuing education of secondary teachers in their fields of teaching. This increase would allow such teachers to receive up to a $4,000 tax break for college tuition costs.

It is pivotal to ensure teachers are well-educated. Offering more education opportunities for our teachers is an investment in our children and one we cannot afford not to take. I strongly encourage my colleagues to cosponsor this important piece of legislation and work for its passage.

WHY I INTRODUCED THE BALANCED BUDGET AMENDMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, when I ran for the United States Congress, I campaigned on virtually one single issue—balancing the budget.

Whenever I speak on the matter, I think of my friend Delmar Burhenn. His family works hard to make ends meet on their Baca County farm located in the extreme southeast corner of Colorado.

I savor every chance I get to speak with Delmar. He has opinions about everything—retirement, the reliability of farm equipment, saving for a vacation, and so on.

During my first term in Congress, we balanced the budget, reduced taxes and improved education. During the 106th Congress, we want to build on these achievements by preserving Social Security, giving families like Delmar's more tax relief, and permanently balancing the budget.

Of these, the most pressing issue is balancing the federal budget permanently. That's why I introduced HJR 1, the Balanced Budget Amendment Reduction of 1998, on the first day of session. Even while the Republican-led Congress exercises fiscal discipline in Washington, I believe the only way to protect families like Delmar's is by making it a requirement federal books remain balanced forever.

Some are unaware Congress balanced the federal budget last year. We did. In fact, we delivered the first balanced budget since 1969, a big step in the right direction. But that was simply a temporary victory that can be lost with the political winds. The Balanced Budget Amendment I propose guarantees the federal budget will be balanced each year to come.

Under my proposal, the only time the budget could be broken is by affirmative vote of a

three-fifths super majority in both the House and the Senate. This super majority would be too high a hurdle for frivolous, spur-of-the-moment impulse spending. Congress would only be able to spend more than income warrants during times of real need like national emergencies and war.

The Balanced Budget Amendment would also help us accomplish one of my top priorities for the 106th Congress, preserving and protecting Social Security for future generations. Right now the federal government ''borrows'' from the Social Security surplus in order to pay for other numerous federal programs such as education, Medicare, and transportation. Even by conservative estimates, without an end to this ''borrowing,'' we can count on Social Security running deficits by 2012, and headed toward bankruptcy in the early 2020's.

With a permanently balanced budget, the federal government will be forced to prioritize money for these programs and others important to Coloradans. By reducing the amount we borrow to meet today's federal debt obligation, we pay less interest on the national debt each year.

Even with all of these incentives to pass the Balanced Budget Amendment, it won't be easy. There are still too many big spenders in Washington who are adept at creating new expensive programs for every problem. Under the Balanced Budget Amendment, liberals won't be able to continue their free spending ways without considering the long-term consequences to Colorado families like Delmar's.

It's time to stop runaway government spending. Coloradans balanced their checkbooks every day, knowing they can't spend money they don't have. I don't think there's any reason to expect less of the federal government.

By passing the Balanced Budget Amendment, Delmar will be assured bureaucrats in Washington will have to worry about making ends meet just like he does.

THE THIRD ANNIVERSARY OF THE TELECOMMUNICATIONS ACT

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, three years ago, the President signed into law the Telecommunications Act of 1996. I was not a member of Congress then. But I had been, I would have supported the goals of the act to create an environment where new technologies, consumer choices and jobs would flourish.

Today, I am frankly disappointed that those goals have largely not been met. There is local phone competition because local phone companies have opened their markets. However, due to the manner in which the FCC has implemented the act, new local competitors are ''cream skimming'' and are providing service to predominantly businesses, not residential customers. Due to the FCC's implementation of the act, local phone companies are still tangled in a thicket of FCC regulations and are unable to provide consumers with more choices in long distance service. And advanced telecommunications services, which provide American households benefits including fast internet access, are not reaching millions of consumers. In fact, in one region of the country (which has sadly become known as the 'No High Speed Internet Access Zone''), not a single citizen has high-speed internet access.

Mr. Speaker, the act is not the problem, the FCC's implementation is. The Federal Communications Commission has disregarded the intent of Congress, and in my view, consumers are suffering. It's time to designate, and let the marketplace do its job.

INTRODUCTION OF THE MEDIGAP ACCESS PROTECTION FOR SENIORS ACT OF 1999

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. CARDIN. Mr. Speaker, I rise today to introduce legislation that will restore to thousands of our nation's seniors access to an essential element of comprehensive medical care—prescription drugs.

Prescription drugs are the single largest out-of-pocket medical expense for the elderly, and for many the greatest cause for worry. To secure prescription drug coverage, as well as other benefits not part of the basic Medicare package, many seniors have chosen to join HMOs during the past few years.

But October 2, 1998 signaled a turning point for them. You may recall that was the deadline for HMOs to notify the Health Care Financing Administration whether they would continue to participate in Medicare+Choice in 1999. Well, more than 100 plans nationwide decided to either end their participation with Medicare entirely, or to cut back their service areas. As a result, 440,000 Medicare HMO enrollees in 22 states were abandoned by their Medicare HMO.

More than 300,000 Medicare beneficiaries had a prescription drug benefit and lost it on December 31st. More than 70,000 beneficiaries were left with no Medicare HMO option whatsoever. Not only has the number of plans offering the drug benefit shrunk considerably from last year, it is expected to be even lower when HMOs submit their proposals to HCFA for next year.

Although Congress' stated goal in the Balanced Budget Act was to provide more choices to seniors, it seems that the reverse has happened. BBA did provide some security for seniors whose Medicare HMOs abandon them—they are guaranteed the ability to enroll in four of the ten standardized Medigap plans: A, B, C, or F. But none of those plans offers any prescription drug coverage. They can apply for one of the plans that offers it: H, I, or J, but insurance companies can refuse to enroll them, place pre-existing conditions on those policies, or discriminate in pricing because of the patient's health status, effectively denying them access.

In the closing days of the 105th Congress, I introduced the Medigap Access Protection for Seniors Act. This bill helps beneficiaries maintain their outpatient drug coverage when they are dropped from a Medicare HMO that provided that benefit, by guaranteeing them enrollment in plans supplemental plan H. I, or J.

Today, I am reintroducing this legislation. Seniors across the nation placed their trust in Congress when they selected a Medicare HMO. They did so because of the promise of additional benefits, little or no additional premium costs, and with the belief that these plans would remain accessible to them. In doing so, many gave up their supplemental policies. Now, they can only return to the most limited of Medigap plans, ones with no coverage for prescription drugs.

Mr. Speaker, I am calling upon my colleagues to join me in taking this important step to restore prescription drug benefits for thousands of beneficiaries and I am calling upon this Congress to pass this bill early in the first session and renew seniors' faith in the promise of Medicare.

TRIBUTE TO PATRICIA GRIFFITH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. KLINK. Mr. Speaker, I rise today to recognize an extraordinary journalist, Patricia Griffith, Washington Bureau Chief for the Toledo Blade and the Pittsburgh Post Gazette for the past 10 years. On Friday, February 12, 1999, Pat will retire after more than 35 years of covering national politics. A native of San Francisco, Pat first came to Washington to serve as press secretary to Mrs. Hubert Humphrey in the Johnson-Humphrey presidential campaign of 1964.

In addition to the Toledo Blade and the Post Gazette, Pat has also worked for the Herald of Monterey, CA, Washington Post and the San Francisco Examiner. Her reporting has given millions of readers insight into the policy and politics that affect their daily lives. Indeed, Pittsburgh has been honored to have a journalist as reliable and distinguished as Pat. I have always admired her as a reporter and respected her as a person for her commitment to impartial news writing and her pleasant demeanor sometimes in the face of seemingly impossible deadlines.

On behalf of the readership of the Toledo Blade and the Pittsburgh Post Gazette, I thank you for your service. You are a journalist of the highest caliber and integrity. Your reporting has always been fair, unbiased and informative and I join your friends and colleagues in wishing you continued success. I wish you good health and best of luck in your retirement and extend to you my heartfelt thanks and congratulations. And so it is with great pleasure that I ask my colleagues to join me in paying tribute to this most dedicated individual.

ON THE ANNIVERSARY OF THE SUPREME COURT DECISION, ROE V. WADE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. STARK. Mr. Speaker, Friday January 22nd 1999 marked the twenty-sixth anniversary of the Supreme Court decision in Roe v.

Wade, which ensured the right of all women to make decision concerning their reproductive health. For millions of women, Roe v. Wade has secured the constitutional right to seek access to safe and legal family planning and abortion services. Its impact on the health and safety of the lives of women cannot be overstated.

It is an outrage that despite the Supreme Court's ruling, women still face barriers to seeking abortion without danger. States continue to find ways to restrict access by law, and even more troubling is the recent trend of clinic violence and the harassment of doctors and workers by anti-choice activists. I would like to highlight some cases from this past year of violence and threatening behavior in my home state of California:

In February, a bombing attempt was made on a family planning clinic in Vallejo. The briefcase that contained the alleged bomb was later discovered to be empty.

In April a firebomb was thrown at a Planned Parenthood family planning clinic in San Diego, causing $5,000 in damages.

A door was broken in El Monte when a rock was thrown at the Family Planning Medical Center.

In July, a San Mateo family planning clinic worker was accused of physical assault by three anti-choice protesters. The protestor's injuries were not found by the police to warrant charges.

In San Diego, a clinic was vandalized, the buildings covered with the words ''baby killer.''

In September the new Planned Parenthood headquarters in Orange County face over thirty chanting anti-choice protesters.

In Fairfield, a physician was harassed by anti-choice protesters as he arrived for work one morning.

These events are mirrored by others across the country, and show that the fight for productive choice did not end with the Roe v. Wade decision. Twenty-six years ago the Supreme Court held up the right to reproductive choice for women, yet it is still debated on the floor of the House of Representatives on a near daily basis. We must keep up the fight for a women's right to choose. I remain committed to do all I can to preserve that choice.

MEMORIAL TO OFFICER JAMES WILLIAMS, JR.

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great sadness that I rise today and ask my colleagues to join me in mourning the passing of Officer James Williams, Jr. Officer Williams, a member of the Oakland Police Department and resident of Pinole, California, died in the line of duty on Sunday, January 10, 1999. Like all of his colleagues throughout law enforcement, Officer Williams put himself at risk for the sake of us all, and for his sacrifice we are forever indebted. He has earned our sincerest respect and gratitude, I know that I speak for every Member of this Chamber when I express our deepest sympathy and appreciation to his wife, Sabrina, and children, Alexander, Aaron and Arriana.

IN HONOR OF NANCY EMSHOFF MEANY COURT OF COMMON PLEAS, DOMESTIC RELATIONS DIVISION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for the past 22 years, Nancy Emshoff Meany has been an Investigator for the Domestic Relations Division. Nominated by Administrative Judge Timothy M. Flanagan, Nancy takes pride in having the same job for that period and still enjoying it. She visits the homes of parties in custody disputes to see that the parents provide a decent home, contacts neighbors, references and other agencies having knowledge of the family and does other background research prior to writing a report of her findings for use by the Court's judges and magistrates.

She recalls a number of humorous incidents, but relates that many of them may not be appropriate for a family audience. However, at the beginning of her employment, she recalls one man's getting so upset that his toupee flew off his head; Nancy maintained her composure and did not laugh.

After graduating from American University in Washington, D.C., in three years, she returned to Cleveland prior to beginning employment with the Court. She credits her parents with helping her and her five brothers and sisters to learn to help others, a skill she feels led her to her current position.

She lives in Solon, with her husband Thomas and her 3½ year old son Michael, with whom she spends time walking in the Metro Parks (when she's not chasing Michael). She golfs, swims, reads and enjoys travel.

AGRICULTURE KEY TO OPEN SPACE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, given Colorado's population boom, it is no surprise ours is among America's most sprawling regions. Ten acres are developed each hour in Colorado. During the next twenty years, the state's population could easily grow by another 1.5 million.

Often, irrigated farmland is consumed to fuel the demands associated with growth. While farmers and ranchers make up only three percent of the state's population, they hold most of the rights to Colorado's most valuable resource—water. This vital link between water, farmland and the nation's food supply cannot be overlooked in our search for solutions to regional growth problems.

Lawsuits and petitions filed by various extremist environmental groups over such rodents as the Preble's meadow jumping mouse and black-tailed prairie dog threaten farmers and ranchers with federal intervention and excessive regulation. However, Washington bureaucrats have proven themselves ill-suited to balance the many competing factors relative to growth in Colorado.

When I asked the U.S. Fish and Wildlife Service about the decision to list the Preble's mouse under the Endangered Species Act, I was told farmers and ranchers could continue to work their land so long as they do it while the mouse hibernates. Farmers and ranchers need not fear the Endangered Species Act, say the agency, if they put up their crops between October and April!

When a member of my staff called the Fish and Wildlife Service for information on the black-tailed prairie dog, he was asked, ''is that some kind of hunting dog or something?'' These fundamental misunderstandings permeate Washington-based initiatives designed to control the growth and destiny of the West.

Sound policy to offset the effects of Colorado's population boom should focus instead on Colorado's best stewards of the land—its farmers and ranchers. Besides supplying safe and inexpensive food for our tables, farmers and ranchers provide valuable open space and wildlife habitat.

In fact, most of this nation's wildlife survives and thrives on private lands. To preserve these valuable assets we need to protect water and property rights and make it easier for farmers and ranchers to pass their land on to succeeding generations.

We must continue to fight ill-conceived Washington-based programs that threaten Colorado water, like Executive Order 13061 recently initiated by the White House. My fight against this invasive order was victorious for Colorado. Consequently, no Colorado waterways will be subject to subsequent federal control this year, but we must keep a wary eye on the future. Federal reserve water rights and bypass flows continue to threaten Colorado farmers and ranchers. As a state, Colorado must continue to stand committed to protecting our water from further federal usurpations.

Colorado's farmers and ranchers are growing older. Factor in inflated property values, rising costs and low commodity prices and its clear Colorado's farmers and ranchers are fighting for their very survival. That is why I introduced legislation designed to keep family farms and ranches in the family.

The Family Farm Preservation Act blocks the death tax from family farms when they are passed along to the next generation. While the death tax has devastating effects on families (up to 55 percent of the farm's value may have to be paid to the I.R.S.), the amount raised by the tax accounts for less than one percent of federal tax revenues, two-thirds of which are wasted on administration and overhead.

Furthermore, Congress needs to further reduce capital gains taxes so retiring farmers can pass farming operations and equipment on to younger agricultural producers.

While certain anti-property rights groups fight for more regulation and government intervention, Colorado must become an aggressive advocate for agriculture. Preserving farms and ranches is one effective way to mitigate Colorado's booming urbanization.

Let us not look to more litigation or to Washington bureaucrats for the solution to Colorado's problems. Instead, let us pursue sound pro-agriculture and pro-environmental policies that help our neighbors and help ourselves.

CONGRATULATIONS TO TRACK COACH DELBERT BEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Delbert Best, track coach for the last 24 years at Wellington-Napoleon High School, and athletic director for the past 18 years, was inducted into the Missouri Track and Cross Country Coaches Association Hall of Fame.

During his career at Wellington-Napoleon High School, Best's track teams won nine boys and one girls 1–70 Conference championships and six boys District championships. His boys teams placed first at the Missouri state finals in 1985, 1987, and 1991; second at state in 1986 and 1983 and third at state in 1992, and 1996. The girls team were second at the state championships in 1993 and third 1992.

Best was selected 1A boys Coach of the Year once by his coaching peers. In 1994 he was selected as Region 5 National Coach of the Year.

I wish to extend my congratulations to Coach Best for his most deserved induction into the Missouri Track and Cross Country Coaches Association Hall of Fame.

THE 100TH ANNIVERSARY OF ELECTRIC BOAT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to offer congratulations to Electric Boat of Groton, Connecticut, on the occasion of its 100th anniversary. On February 7, 1899, the Electric Boat Company was incorporated, heralding the beginning of an enterprise that has performed an invaluable service to our nation. As Electric Boat celebrates its centennial, I would like to pay tribute to this national treasure and thank the men and women who have done so much to ensure our national security.

Beginning with the development of the Holland (S–1), the world's first practical submarine, Electric Boat has led the way in submarine innovation. The working men and women of Electric Boat have created an impressive historical record. They delivered the USS Cuttlefish—the first all-welded submarine—to the Navy in 1933. They produced submarines at an incredible pace paving the way to America's victory in the Pacific in World War II. The company's craftsmen and designers ushered in a new era of Naval technology in the mid-1950s with the USS Nautilus (SSN571)—the world's first nuclear-powered submarine. The list of accomplishments goes on and on: development of the first fleet ballistic missile submarine in 1959; design and modular construction of the Trident ballistic missile submarines that provide the undetectable leg of America's strategic nuclear triad; delivery of Seawolf class of submarines, the most capable attack submarine ever built; and continuing innovation with the New Attack Submarine. Simply put, Electric Boat has played the defining role in every innovation in submarine design and construction over the past century.

More impressive than the company's list of accomplishments, however, are the people who work there. I have an incredible sense of pride in these patriots. I wish more of my colleagues had the opportunity to visit them, to talk to them, and to get to know what great Americans they are. That's truly why I rise today. To make sure that the entire House, the collective representatives of his nation, know about the unique contributions of the men and women of Electric Boat. Our submarine force is often referred to as the ''Silent Service.'' Nevertheless, if ever there was a time to set silence and modesty aside, it's to pay tribute to this great group of people on the occasion of the centennial of the company they have built.

Happy 100th Anniversary, Electric Boat!

IN HONOR OF CHARLENE STARR (CUYAHOGA COUNTY PROSECUTOR'S OFFICE)

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Charlene Starr has, for over 30 years, been an employee of the Cuyahoga County Prosecutor's Office where she now supervises 12 staff personnel in the Tax Foreclosure Department who process between 3,000 and 4,000 tax foreclosure cases each year to ensure either that the appropriate taxes are paid or that the properties proceed to foreclosure sale, an often complex process.

From an early age, Charlene listened to her parents' teachings to develop a good work ethic and to appreciate her good fortune in what she had and to care for those who were less fortunate. She has sought to combine those in performing her job, while retaining a compassionate attitude towards others.

Charlene is also proud of her role in her office's receiving grants from the Ford Foundation and the John F. Kennedy School of Government of Harvard University and in a national award as one of 4 models for ''Re-inventing Government''.

A Brooklyn resident, Charlene was active for many years with members of the Cleveland Police Department in the ''Cops, Kids & Christmas'' program providing toys for unfortunate children in orphanages, hospitals and other locations and in gathering toys and contributions throughout the year at public events. She enjoys camping and fishing, cooking, reading and computers, among other activities and is an active member of St. Colman's Church.

RE: AUTOMOBILE INSURANCE, MARCH 11, 1997

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing a bill to require notice to automobile insurance policy holders before a paid up policy can be either canceled or renewal refused.

Many of my constituents without warning or for insignificant reasons are being cut off of automobile insurance coverage and with little time allowed to find another company.

My bill will require at least 180 days notice before a cancellation or decision not to renew can take effect provided the premiums are fully paid up and there is no court order cancelling the holder's driver's license.

In many places in my district the only means of transportation is one's automobile. To have to drive without insurance coverage is a public hazard. People need to be told well in advance if a company is refusing to renew or plans to discontinue coverage.

This is not interference with the company's right to decide who to cover or not cover. It is only a requirement of due notice. I urge my colleagues to support this bill.

H.R.—

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

SECTION 1. SALES OF AUTOMOBILE INSURANCE POLICIES.

No State shall authorize the sale of automobile insurance policies unless such policies are subject to cancellation in accordance with section 2.

SEC. 2. CANCELLATION OF AUTOMOBILE INSURANCE POLICIES.

A paid-up policy of automobile insurance may be canceled only if—

(1) a written notice of cancellation is mailed or delivered to the last known mailing address of the named insured as shown in the records of the insurer at least 180 days before the effective date of the cancellation;

(2) the insurer shows that the named insured had the insured's driver's license suspended or revoked; or

(3) the insurer shows that the name insured has been convicted of, or forfeited bail for, any action arising out of or in connection with the operation of a motor vehicle that is grounds for suspension or revocation of a driver's license.

SEC. 3. RENEWAL OF AUTOMOBILE INSURANCE POLICIES.

An insurer shall mail or deliver to an insured a written notice of non-renewal of an automobile insurance policy at the last known mailing address of the named insured as shown in the records of the insurer at least 180 days before the expiration of the policy.

SEC. 4. ENFORCEMENT.

(a) INSURER.—An insurer which violates section 1, 2, or 3 shall with respect to the insured involved in such violation—

(1) accept an application or written request for automobile insurance coverage at a rate and on the same terms and conditions as are available to its insureds under the insurer's automobile insurance coverage;

(2) reinstate the automobile insurance coverage for such insured to the end of the applicable policy period.

(b) OTHERS.—Any person who violates section 1, 2, or 3 shall be subject to—

(1) a cease and desist order issued in accordance with section 5 of the Federal Trade Commission Act (15 U.S.C. 45); or

(2) a civil penalty not to exceed $1,000.

RECOGNIZING THE NORWIN AREA CELEBRATION 2000

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. KLINK. Mr. Speaker, as the turn of the century approaches, Americans will become more and more excited about the time in which we are living. A new millennium is an event which we are indeed honored to witness, and such an event is worthy of celebration.

To this end, an organization in my Congressional District, the Fourth District of Pennsylvania, has been hard at work to ensure that the closing years of this century and the first year of the next century are welcomed with enthusiasm. The Norwin Chamber of Commerce, in conjunction with local schools and businesses, has arranged an impressive calendar of events for Celebration 2000, including parades, a business EXPO, and, of course, a First Night 2000.

These events will certainly unite the people, businesses, governments, churches, and other organizations of not only the Norwin Area, but all of Westmoreland County, by providing the community with three years of high visibility events and activities.

Clearly, the time and effort it takes to organize such a gala event is worthy of our recognition here today. I ask that the Members of the United States House of Representatives join me in recognizing these efforts. Through their hard work and dedication, Celebration 2000 will be a project worthy of taking place once in a 1,000 years.

RICHMOND HIGH SCHOOL RESPONDS TO HURRICANE MITCH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to share with my colleagues the tremendous energy and compassion displayed by a group of students from Richmond High School in Richmond, California. Seeing the devastation of Hurricane Mitch on the nightly news, these students took action and responded. As reported in the following article, their efforts brought together the entire Richmond High community in the spirit of giving, and the people of both Central America and Richmond, California, are better for it.

[From the WC Times, Jan. 13, 1999]

RICHMOND HIGH GIVES LOADS AFTER STORM

(By Mary Reiley)

They collected boxes and boxes of food, clothing and over-the-counter medicines for adults and children who survived Hurricane Mitch, which devastated Honduras and Nicaragua in October.

Students in Richmond High's Alma Latina Club and leadership class collected so many boxes that their large truck could not carry all the donated items to the American Red Cross.

And it wasn't just the club and class members who contributed items and money.

Students attending dances, sports and the annual Harvest Festival got in by bringing canned foods.

Parents brought items on report card night, and staff members loaned their faces so students could pay to throw pies at them.

Students and staff from Helms Middle School and West Contra Costa Adult Education also gave.

''It speaks well of the community that we can come together when there's a need,'' said Isidora Martinez-McAfee.

She sponsors the Alma Latina Club and is the bilingual U.S. history and government teacher.

Most of the students in her classes and the club are from Mexico or Central America, Martinez-McAfee said, so they felt a connection to the hurricane victims.

When the club decided to send items from its annual canned food drive to Hurricane Mitch survivors, the leadership class rallied the student body to participate, said senior Maria Miranda, 18.

She is a member of the leadership class and the student body's school board representative.

Everyone enrolled in social science classes at the school, grades nine through 12, is required to complete at least 15 hours of community service.

Membership in the leadership class and Alma Latina is not required.

Kia Yancy, 17, and a senior said she would still have become involved if there were no service rule.

''Richmond High did a good deed,'' Kia said.

''We were looking out for the people in Central America.''

The leadership class member said it and the club worked together, collecting, bagging and boxing the goods and loading them on the truck at 7:30 a.m. Friday.

They gathered enough to fill more than half a classroom with items, she said. Everything was delivered to the Red Cross for eventual shipment to Central America.

Martinez-McAfee said the students are happy with the donations, but some are disappointed about reported delays in delivery.

''We hope it gets to where it's supposed to be going,'' Maria said. ''We wanted to help.''

The effort was worthwhile for students because it unified and helped show what is outside of school, Maria said.

''It gave them a sense of what's going on in the world, and it's healthy for the mind, too.'' she said.

Nancy Ivey teaches the leadership class, plus social science and wood shop.

She sees the students' efforts as a demonstration of one more way they set goals and achieve them.

''The students feel the school has a negative and false reputation,'' Ivey said.

Farm Saephan, 16, junior class treasurer and member of the leadership class said, ''We're doing whatever we can to help people in need. It made us feel good about ourselves. The people (in Central America) and in need more than we are here.''

IN HONOR AND FAITH: RECOGNIZING THE HEROISM OF THE IMMORTAL FOUR CHAPLAINS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. VENTO. Mr. Speaker, I rise today to honor and commend the Immortal Four Chaplains' heroism and legacy that serve as an example to the lives of individuals who have stood up courageously in the face of hatred and prejudice to protect others.

On February 3, 1943, the U.S.A.T. Dorchester was struck by a torpedo from a German U-boat off the shores of Greenland. Nearly 700 people perished in the icy waters of the North Atlantic. Four Army Chaplains showed extraordinary faith and personal sacrifice by calming fears, handing out life jackets, and guiding men to safety. Many of the 230 men who survived owed their lives to these Four Chaplains.

This historic event and circumstances has received recognition in the past with Congressional Resolutions and a postage stamp issuance commemorating the heralded event. At this point, however, memories have understandably faded. This heroic act and example could serve as a focal point today drawing together Americans of varied faiths and ethnic backgrounds positively reflecting upon challenging America's cultural pluralism and diversity. The lesson of mutual respect, tolerance, and sacrifice need to be learned anew by each generation of Americans. The Four Chaplains stand out as an extraordinary human experience, relevant yesterday and today.

Set against the example of the Immortal Four Chaplains, the Immortal Four Chaplains Foundation was formed to provide a platform to tell the stories of those who have risked their lives to save others of a different race or faith. The Minnesota based foundation was founded in 1997 by the nephew and daughter of two of the Chaplains and has drawn the support and participation of former Vice President Walter Mondale, former Senator Bob Dole, Archbishop Desmond Tutu and many other prominent leaders, including survivors of the German U-boat 223 which sank the Dorchester.

On Sunday, February 7th, 1999, in Minnesota, I had the honor of jointly awarding Archbishop Desmond Tutu with the first Immortal Chaplains prize for Humanity. On his first trip to Minnesota, the Archbishop, whose rise to worldwide leadership in defending the rights of the oppressed, first drew attention from his driving voice against Apartheid while Nelson Mandela was imprisoned in South Africa. As the Angelican Archbishop of that country, Tutu received the Nobel Peace Prize in 1984 for his courageous stand against great odds. On his retirement as Archbishop of Cape Town, he was appointed by President Nelson Mandela to chair the Truth and Reconciliation Commission. This commission has performed an historic role and precedent in revealing the truth about atrocities committed in the past and providing the means of peaceful resolutions for the pain and humiliation suffered by that nation. Today, he continues to champion the plight of social justice.

I would like to acknowledge other recipients of the Immortal Chaplains Prize for Humanity that were awarded posthumously, U.S. Coast Guard Stewardsmate Charles W. David, an African-American who lost his life as a result of rescuing survivors of the Dorchester on which the Chaplains and some 700 individuals perished and Amy Biehl, an outstanding young American Fulbright Scholar who was stoned to death in South Africa in 1993, where she had gone to help struggle against Apartheid. A crew member and buddy of Stewardsmate David accepted the award on his behalf and

Linda and Peter Biehl accepted this humanitarian award in her spirit and name. Amy's parents have made a point of returning to South Africa to participate in the ''Peace and Reconciliation Process'' and are incredibly forgiving of their daughter's assailants.

I would like to share with all Members an article in the Pioneer Press on Sunday, February 7, 1999 of relevant importance.

AWARD RECALLS CHAPLAINS' HEROISM AT SEA—ARCHBISHOP TUTU WILL BESTOW TWO HONORS IN SUNDAY CEREMONY

(By Maja Beckstrom)

David Fox knows only the barest details of his uncle's martyrdom at sea.

In the middle of the night on Feb. 3, 1943, a German torpedo blasted a hole in the side of the U.S. Army troopship Dorchester just off Greenland. As the ship sank, the Rev. George Fox stood on the oil-slick deck passing out life jackets to panicked men. After giving away his own preserver, the Methodist minister clasped the arms of the ship's other three chaplains—a rabbi, Catholic priest and Dutch Reformed minister. Survivors saw them standing in prayer as the Dorchester rolled to starboard and slipped under the waves.

They were among the 672 men who died that night in what was one of the United States' greatest maritime losses during World War II.

Now a half century later, their sacrifice on the icy North Atlantic is bringing a modern day hero to Minnesota. Archbishop Desmond Tutu, a leader of South Africa's anti-apartheid movement, will present the first annual award given in the four chaplains' memory at a ceremony Sunday in Minnetonka.

The Immortal Chaplains Prize for Humanity honors someone who has risked his or her life to protect others of a different race or faith. It was created by David Fox of Hopkins, the Rev. George Fox's nephew.

After the war, the chaplains became legends. Their faces graced a 1948 stamp. Memorials were built around the country, including at the Fort Snelling Chapel and the chapel at the V.A. Medical Center in Minneapolis.

''I had grown up with the story and perhaps taken it for granted,'' said Fox. ''Suddenly it occurred to me that it was fast disappearing. Most people I met had never heard of it.''

In an effort to save the chaplains' example as an inspiration to future generations, Fox interviewed the ship's survivors, established the Immortal Chaplains Foundation and created curriculum for school children. He even enlisted the support of crew members from the German U-boat that sunk his uncle's ship.

''It's too important a story to let go, because of what it says about the potential for human compassion to cross all boundaries,'' he said. ''Being a hero is about protecting fellow humans, putting your life on the line if necessary to protect them.''

THE TRAGEDY

Everyone on board the Dorchester knew they were heading into dangerous waters. U-boats constantly prowled the sea lanes of the North Atlantic, and several ships had already been sunk. The ship sailed from Staten Island on Jan. 22, 1943. After stopping in Newfoundland, it continued with an escort of three U.S. Coast Guard cutters. On board were 902 men, mostly soldiers on their way to work on U.S. Army bases in Greenland.

On Feb. 2, one of the cutters relayed a warning. Sonar had picked up five U-boats.

''The captain said if we made it through the night, we'd have air protection the next morning from Greenland,'' recalled survivor Ben Epstein of Del Ray Beach, Fla. ''He said sleep with everything you have—your clothes, your gloves, your life preserver.''

They didn't make it. At 1 a.m., a torpedo ripped a hole in the Dorchester's starboard side, from the deck to below the water line. Survivor James Eardley of Westerlo, N.Y., said the thud sounded ''like someone hit their fist against a wall.'' Men near the explosion died instantly. Panicked survivors scrambled for the upper decks in pitch blackness. The torpedo had taken out power. Eardley pushed his way from the hold up the only unblocked exit, holding a handkerchief over his mouth to avoid ammonia fumes from a refrigeration explosion.

Epstein, who was staying in a stateroom on an upper deck, felt his way along a railing until he came to a hanging rope that marked a lifeboat. He shouted to his best friend Vincent Frucelli to follow him down.

''He said he would,'' Epstein said. ''But that was the last time I saw him. I don't know how he died. In blackness, jumping toward the water, it was a terrible thing.''

Epstein was thrown into the sea when his lifeboat capsized. He swam until he was pulled onto another lifeboat. Only two of 14 lifeboats successfully pulled away from the ship. Men bobbed in the icy water, dying or dead from exposure. The red light attached to each life preserver made the ship look like it was ''lit up like a Christmas tree,'' said Epstein.

Eardley also was pulled into a boat, after he climbed down the side of the ship on a cargo net. Both men were rescued hours later by a Coast Guard cutter. Near death, they were stripped and laid out on tables in the galley where men massaged their frozen limbs back to life. The ship sank in 20 minutes, and only 230 men survived.

To this day, Eardley remembers his last glimpse of the Dorchester.

''The keel was up,'' Eardley said, ''And I could see the four chaplains standing on top of the boat, arm in arm.''

According to survivors' testimony, the chaplains spent their last minutes calming disoriented and terrified men and urging them to jump into the sea. Each chaplain gave his life preserver away. They were Lt. George Fox, Methodist, Lt. Alexander Goode, Jewish; Lt. John Washington, Roman Catholic; and Lt. Clark Poling, Dutch Reformed.

''To take off your life preserver, it meant you gave up your life,'' said Epstein, who plans to attend the ceremony. ''You would have no chance of surviving. They knew they were finished. But they gave it away. Consider that. Over the years I've asked myself this question a thousand times. Could I do it? No I don't think I could do it. Just consider what an act of heroism they performed.''

THE QUEST FOR SURVIVORS

David Fox had always taken his uncle's heroism for granted. Then in the mid-1990s, while he was working to raise money for a veterans hospice, he suddenly realized that when the Dorchester's survivors died, the story would be lost for good. He decided to track down as many as he could and record their memories. His quest soon gained urgency.

''I heard about a survivor in Iowa, by the time I called, he had been dead for six months,'' Fox said. ''I heard about a friend of Rabbi Goode here, in Mendota Heights. I called up and he had died a month ago. I thought, this is crazy. These people are dying, and no one has recorded their stories.'' Armed with $1,100 in grants from several veterans organizations, Fox rented a video camera and hit the road in 1996 with his young son.

They interviewed 20 of the 28 known Dorchester survivors, traveling to upstate New York, Florida, Massachusetts, California and Illinois. He also contacted the chaplains' family members, including his cousin Wyatt, the son of George Fox, and the widow and daughter of Rabbi Goode. Rosalie Goode Fried, who was three when her father died, enthusiastically supported Fox's idea of starting a foundation that would perpetuate her father's memory.

''If kids could realize that here were four men of different religions who could get along and minister to each other. It sends a message, why can't we just get along?'' said Fried, who is flying from New Jersey for the ceremony.

Fox also decided the story would be incomplete without the German perspective. With the help of German relatives, he traced the chief munitions engineer, the chief of operations and a ship's officer from U-boat 223. None had any idea what they had hit that dark night in 1943.

''Imagine having somebody knock on your door 55 years later and say, 'Hi, you killed my uncle.' Well I didn't say it exactly like that. But they couldn't escape it,'' said Fox. ''They had to face what happened and they had really no idea.''

The new submarine had been sent out from Kiel, Germany, on Jan. 12, 1943, to hunt Allied vessels in the North Sea. In the wee hours of Feb. 3, the captain spotted the dark hulk of the Dorchester from the tower and ordered a fan of three torpedoes. To avoid detection after the hit, the sub submerged 130 feet, where it stayed for the next six hours. The crew was later captured near Sicily and sent as prisoners to Mississippi.

''When I interviewed the Germans they said, 'You must understand, we were doing our duty,''' said Fox. ''They were 18 years old. I almost cried when I saw their photos. They were just kids in hats.''

The Germans were touched by the story of the chaplains and quickly offered to support the fledgling Immortal Chaplains Foundation. The effort to establish the foundation hasn't been without some controversy. The Chapel of the Four Chaplains in Philadelphia, which is raising money to build a permanent memorial to the chaplains, has sued Fox's group to block its use of the clerics' image from the stamp and the phrase, the Four Chaplains.

Fox also enlisted the support of Walter Mondale, who serves as the foundation's honorary co-chair. Fox also contacted Archbishop Desmond Tutu in South Africa, who agreed to become the foundation's patron.

''He was immediately taken with it,'' said Fox.

Tutu will bestow the foundation's first awards on Sunday at Adath Jeshurun Congregation, in what Fox hopes will become an annual event, similar to the awarding of the Nobel Peace Prize. The ceremony itself will be interfaith. The U.S. Army's Muslim chaplain will say a prayer. American Indians from Minnesota will offer Tutu a welcome, and the ceremony will close with prayers from Tibetan Buddhist monks.

One award will be bestowed posthumously on an African-American Coast Guardsman named Charles W. David, who died as a result of rescuing men from the Dorchester. The other award will be accepted by Linda and Peter Biehl of southern California on behalf of their daughter Amy, who was stabbed to death in South Africa. Biehl was a Stanford University student and Fulbright scholar helping to set up a legal education center.

''I want this to become something like the Nobel Peace Prize, except for ordinary people,'' said Fox. ''Every year, I want to reach

down and find someone who is making a difference. Maybe it's a Bosnian Serb who saves a Muslim, or vice versa. Or a Palestinian who reaches out to an Israeli. We need to honor these people who have risked everything to help someone different from themselves.''

A TRIBUTE TO JULIANNE M. DIULUS, BEREA MUNICIPAL COURT

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for 21 years, Julianne M. Diulus has worked at the Berea Municipal court, whose Judge, William C. Todia nominated her for this reward. She works as Judge Todia's secretary and also assists the Court's Probation Officer, Josette Lebron. Her duties include typing correspondence, journal entries and court documents, compiling files for each probationer prior to sentencing and all other secretarial duties for these officers.

Coming from a family of caretakers, Julie believes that it is essential to help others and to do the best at whatever she attempts. She has tried to instill these same values in her children and is proud to have watched her three children, Nicole, Mary and Lewis, grow into adults and achieve their goals.

A resident of Brook Park, Julie is active at St. Nicholas Byzantine Catholic Church, attends Cuyahoga Community College and loves to read and collect books, fiction, nonfiction and biographies.

She has no human enemies at the Court, but Julie fights constantly with the copier and other machines. As part of her care-taking, she tries to maintain order in the office, but she notes that once, when Ms. Lebron was on vacation, she cleaned and straightened the Probation Officer's desk, only to be told that the effort was appreciated, but that Ms. Lebron could not find anything for days.

TRIBUTE TO CITIZEN REGENTS ON THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

HON. SAM JOHNSON

OF TEXAS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, as Congressional members appointed to the Smithsonian Board of Regents, Chairman RALPH REGULA and I are pleased to submit Dr. Hanna H. Gray, Mr. Wesley S. Williams, and the Honorable Barber B. Conable to successive terms as citizen regents on the Board of Regents of the Smithsonian Institution.

Their personal commitment and dedication to the Smithsonian Institution has been an invaluable asset in our drive to keep the Smithsonian a national treasure for all to enjoy. We thank them for all their hard work and look forward to working with them during the 106th Congress.

HANNA HOLBORN GRAY

THE HARRY PRATT JUDSON DISTINGUISHED SERVICE PROFESSOR OF HISTORY, THE UNIVERSITY OF CHICAGO

Hanna H. Gray was President of the University of Chicago from July 1, 1978 through June 30, 1993, and is now President Emeritus.

Mrs. Gray is a historian with special interests in the history of humanism, political and historical thought, and politics in the Renaissance and the Reformation. She taught history at the University of Chicago from 1961 to 1972 and is now the Harry Pratt Judson Distinguished Service Professor of History in the University of Chicago's Department of History.

She was born on October 25, 1930, in Heidelberg, Germany. She received her B.A. degree from Bryn Mawr in 1950 and her Ph.D. in history from Harvard University in 1957. From 1950 to 1951, she was a Fulbright Scholar at Oxford University.

She was an instructor at Bryn Mawr College in 1953–54 and taught at Harvard from 1955 to 1960, returning as a Visiting Lecturer in 1963–64. In 1961, she became a member of the University of Chicago's faculty as Assistant Professor of History, becoming Associate Professor in 1964.

Mrs. Gray was appointed Dean of the College of Arts and Sciences and Professor of History at Northwestern University in 1972. In 1974, she was elected Provost of Yale University with an appointment as Professor of History. From 1977 to 1978, she also served as Acting President of Yale.

She has been a Fellow of the Newberry Library, a Fellow of the Center of Behavioral Sciences, a Visiting Scholar at that center, a Visiting Professor at the University of California at Berkeley, and a Visiting Scholar for Phi Beta Kappa. She is also an Honorary Fellow of St. Anne's College, Oxford.

Mrs. Gray is a member of the Renaissance Society of America. She is a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society, the National Academy of Education, and the Council on Foreign Relations of New York. She holds honorary degrees from a number of colleges and universities, including Oxford, Yale, Brown, Columbia, Princeton, Duke, Harvard, and the Universities of Michigan and Toronto, and The University of Chicago.

She is chairman of the boards of the Andrew W. Mellon Foundation and the Howard Hughes Medical Institute, serves on the boards of Harvard University and the Marlboro School of Music, and is a Regent of the Smithsonian Institution.

In addition, Mrs. Gray is a member of the boards of directors of J.P. Morgan & Company, the Cummins Engine Company, and Ameritech.

Mrs. Gray was one of twelve distinguished foreign-born Americans to receive a Medal of Liberty award from President Reagan at ceremonies marking the rekindling of the Statue of Liberty's lamp in 1986. In 1991, she received the Presidential Medal of Freedom, the nation's highest civilian award, from President Bush. She received the Charles Frankel Prize from the National Endowment of the Humanities and the Jefferson Medal from the American Philosophical Society in 1993. In 1996, Mrs. Gray received the University of Chicago's Quantrell Award for Excellence in Undergraduate Teaching. In 1997, she received the M. Carey Thomas Award from Bryn Mawr College.

Her husband, Charles M. Gray, is Professor Emeritus in the Department of History at the University of Chicago.

BIOGRAPHY

Born: October 25, 1930, Heidelberg, Germany.

Married: Charles M. Gray, 1954, A.B. Harvard University 1949, Ph.D. Harvard University 1956.

Education

B.A. Bryn Mawr College 1950
Fulbright Scholar, Oxford University 1950–51
Ph.D. (History) Harvard University 1957

1953–54—Instructor, Bryn Mawr College
1955–57—Teaching Fellow, Harvard University
1957–59—Instructor, Harvard University
1959–60—Assistant Professor, Harvard University; Head Tutor, Committee on Degrees in History and Literature
1961–64—Assistant Professor, University of Chicago
1963–64—Visiting Lecturer, Harvard University
1964–72—Associate Professor, University of Chicago
1970–71—Visiting Professor, University of California at Berkeley
1972–74—Dean of the College of Arts and Sciences and Professor, Northwestern University
1974–78—Provost, Yale University; Professor of History
1977–78—Acting President, Yale University
1978–93—President of the University of Chicago; Professor of History
1993– —Harry Pratt Judson Distinguished Service Professor of History, Department of History, University of Chicago

Fellowships, etc.

1960–61—Fellow, Newberry Library
1966–67—Fellow, Center for Advanced Study in the Behavioral Sciences
1970–71—Visiting Scholar, Center for Advanced Study in the Behavioral Sciences
1971–72—Visiting Scholar, Phi Beta Kappa
1978– —Honorary Fellow, St. Anne's College, Oxford University

Corporate Board Directorships

Ameritech
Cummins Engine Company
J.P. Morgan and Company/Morgan Guaranty Trust Co.

Current Trusteeships/Not-for-Profit Boards

Harvard University Corporation
Chair, Howard Hughes Medical Institute
Chair, Andrew W. Mellon Foundation
Marlboro School of Music
Board of Regents, The Smithsonian Institution

Government

Secretary's Energy Advisory Board, U.S. Department of Energy

Former Boards (Selected)

Atlantic Richfield Corporation
Bryan Mawr College
Center for Advanced Study in the Behavioral Sciences
The University of Chicago
Council on Foreign Relations
Harvard University Board of Overseers
Mayo Foundation
National Council on the Humanities
Pulitzer Prize Board
Yale University Corporation

Selected Honors, Awards, etc.

Fellow, American Academy of Arts and Sciences
Member, American Philosophical Society
Member, National Academy of Education
Phi Beta Kappa
Radcliffe Graduate Medal (1976)
Yale Medal (1978)
Medal of Liberty (1986)
Laureate, Lincoln Academy of Illinois (1989)
Grosse Verdienstkreuz, Republic of Germany (1990)
Sara Lee Frontrunner Award (1991)
Presidential Medal of Freedom (1991)
Jefferson Medal, American Philosophical Society (1993)

Charles Frankel Prize, National Endowment for the Humanities (1993)
Centennial Medal, Harvard Graduate School of Arts and Sciences (1994)
Distinguished Service Award in Education, Inst. of International Education (1994)
Quantrell Award for Excellence in Undergraduate Teaching, The University of Chicago (1996)
M.Carey Thomas Award, Bryn Mawr College (1997)

Selected Honorary Degrees

L.L.D., Darmouth College, 1978
L.L.D., Yale University, 1978
L.L.D., Brown University, 1979
D.Litt. Hum., Oxford University, 1979
L.H.D., Rikkyo University, 1979
L.L.D., University of Notre Dame, 1980
L.L.D., University of Southern California, 1980
L.L.D., University of Michigan, 1981
L.H.D., Duke University, 1982
L.L.D., Princeton University, 1982
L.H.D., Brandeis University, 1983
L.L.D., Georgetown University, 1983
D.Litt., Washington University, 1985
L.H.D., City University of New York, 1985
L.H.D., American College of Greece, 1986
L.L.D., Columbia University, 1987
L.H.D., New York University, 1988
L.L.D., University of Toronto, 1991
L.H.D., McGill University, 1993
L.H.D., Indiana University, 1994
L.L.D., Harvard University, 1995
L.H.D., The University of Chicago, 1996

Selected Publications

''Renaissance Humanism: The Pursuit of Rhetoric,'' *Journal of the History of Ideas,* Vol. XXIV (1963), pp. 497–514.
''Valla's *Encomium of St. Thomas Aquinas* and the Humanist Conception of Christian Antiquity,'' in *Essays in History and Literature,* ed. H. Bluhm, Chicago, 1965, pp. 37–52.
''Machiavelli: The Art of Politics and the Paradox of Power,'' in *The Responsibility of Power,* ed., L. Krieger and F. Stern, New York, 1967, pp. 34–53.
''Some Reflections on the Commonwealth of Learning,'' in *AAAS Science and Technology Yearbook 1992,* American Association for the Advancement of Science, Washington, D.C., 1963.
''The Research University: Public Roles and Public Perceptions,'' in *Legacies of Woodrow Wilson,* ed. J. M. Morris, Washington, D.C., 1995, pp. 23–44.
''The Leaning Tower of Academe,'' *Bulletin of the American Academy of Arts and Sciences,* Vol. XLIX (1996), pp. 34–54.
''Aims of Education,'' in *The Aims of Education,* ed. J. W. Boyer, Chicago, 1997.
''Prospect for the Humanities,'' in *The American University; National Treasure or Endangered Species*?, ed. R. G. Ehrenberg, Ithaca & London, 1997, pp. 115–127.
''On the History of Giants,'' in *Universities and their Leadership,* ed. W. G. Bowen and H. T. Shapiro, Princeton, 1998, pp. 101–115.

WESLEY S. WILLIAMS, JR.

Wesley S. Williams, Jr., of Washington, D.C., has been associated with the law firm of Covington & Burling since 1970 and a partner since 1975. He was previously legal counsel to the Senate Committee on the District of Columbia, a teaching fellow at Columbia University Law School, and Special Counsel to the District of Columbia Council. He is currently active on many corporate and nonprofit boards and has participated in the Smithsonian Luncheon Group. He was appointed to the Board of Regents in April 1993, chairs its Investment Policy Committee, and serves on the Regents' Executive Committee, Nominating Committee, Committee on Policy, Programs, and Planning, and ad hoc Committee on Business. He is also served on the Regents' Search Committee for a New Secretary, and he is a member of the Commission of the National Museum of American Art.

BARBER B. CONABLE, JR.

Barber Conable retired on August 31, 1991, from a five-year term as President of The World Bank Group, headquartered in Washington, D.C. The World Bank promotes economic growth and an equitable distribution of the benefits of that growth to improve the quality of life for people in developing countries.

Mr. Conable was a member of the House of Representatives from 1965–1985. In Congress, he served 18 years on the House Ways and Means Committee, the last eight years as its Ranking Minority Member. He served in various capacities for 14 years in the House Republican Leadership, including Chairman of the Republican Policy Committee and the Republican Research Committee. During his congressional service, he also was a member of the Joint Economic Committee and The House Budget and Ethics Committees.

Following Mr. Conable's retirement from Congress, he served on the Boards of four multinational corporations and the Board of the New York Stock Exchange. He also was active in foundation, museum, and nonprofit work, and was a Distinguished Professor at the University of Rochester.

Currently Mr. Conable serves on the Board of Directors of Corning, Inc., Pfizer, Inc., the American International Group, Inc., and the First Empire State Corporation. In addition, he is a Trustee of Cornell University and of the National Museum of the American Indian of the Smithsonian Institution. He has chaired the Museum's development committee since October, 1990 and is a member of its International Founders Council, the volunteer committee for the National Campaign to raise funds for construction of the Museum on the Mall.

Mr. Conable is a native of Warsaw, New York and graduated from Cornell University and Cornell Law School. He was a Marine in World War II and the Korean War.

Mr. and Mrs. Conable are parents of three daughters and a son. They reside in Alexander, New York.

INTRODUCTION OF LEGISLATION TO RESTRICT FLIGHTS OVER CERTAIN AREAS OF HAWAII'S NATIONAL PARK SYSTEM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced legislation limiting adverse impacts of commercial air tour operations on National Park units in the State of Hawaii. I believe certain parks must be declared flight-free, spared from the intrusive noise, and maintained as calm refuges for the enjoyment of all Americans. My legislation does just that.

Special consideration must be given to the detrimental impacts on parks by commercial air tours, several of which have in the past demonstrated a lack of concern for the needs of park occupants and visitors, even to go so far as to jeopardize the safety of their passengers. These minimum altitudes and stand-off distances are equally important to preserve natural habitat for endangered and threatened birds and other species that make their homes in the parks.

Even with the progress recently made between the air tour operators, the environmentalists and the federal government, I continue to receive complaints from hikers and visitors to Hawaii's parks, as well as residents living next to the parks. My bill is necessary to enforce noise controls on these operations.

Main provisions of my bill include prohibitions of flights over Kaloko Honokohau, Pu'u honua o Honaunau, Pu'u kohola Heiau, and Kalaupapa National Historic Parks, as well as sections of Haleakala and Hawaii Volcanoes National Parks. A minimum 1,500 foot altitude restriction is enforced for all other parts of Haleakala and Hawaii Volcanoes National Parks.

Our National Parks are our environmental legacy to our children. Not only must they be allowed to enjoy the beauty of the National Parks, they must also be able to enjoy the serenity and peacefulness that accompanies these important sites. By establishing these flight-free zones, we can ensure that the whole experience of visiting a National Park is maintained.

I strongly urge my colleagues' support of my legislation.

WESTERN MICHIGAN UNIVERSITY AND THE TRIO PROGRAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. UPTON. Mr. Speaker, I rise today to remind the House that Saturday, February 27, 1999 is National TRIO Day. That day has been set aside to focus the nation's attention on the needs of disadvantaged young people and adults aspiring to improve their lives through education. We recognize as a nation the importance of supporting our talented but needy citizens today if we are to benefit from their contributions tomorrow. I am sure the House shares my commitment to providing this support.

Title IV of the Higher Education Act of 1965 generated a series of programs to help low-income, first generation, disabled Americans enter college and graduate. Initially, there were just three programs—hence the TRIO title. Today there are five. These include the Educational Opportunity Centers Program, the Ronald E. McNair Post-Baccalaureate Achievement Program, the Student Support Program, the Talent Search Program, and the Upward Bound Program.

TRIO Programs help students overcome class, social, academic, and cultural barriers to higher education and provide a variety of services critical to academic success, such as advising, career exploration, mentoring, and tutoring.

TRIO Programs make a difference. For instance, students in the Upward Bound Program are four times more likely to earn an undergraduate degree than students from similar backgrounds who did not participate in TRIO. Participants in the TRIO Students Support Program are more than twice as likely to remain in college as students from similar backgrounds who did not participate in the program.

Mr. Speaker, an excellent model of a TRIO Program can be found at an institution in my home district. At Western Michigan University in Kalamazoo, participants in the Student Support Program have a remarkable track record of success. Their achievements include the following:

95% of all students who receive program services for two consecutive semesters return to school for a third semester.

More than 75% of undergraduates in the Student Support Program had grade point averages at or above 2.5 during the 1997–98 school year.

More than 98% of Student Support Program students who apply for graduation during their junior year graduate.

Statistics are a useful measure of the Student Support Program's success at Western Michigan University. However, stories of students' personal accomplishments in the face of adversity also testify to the program's impact on individuals lives. Consider, for example one shy and uncertain young woman who entered the Student Support Program three years ago as a freshman.

Unfamiliar with the academic world and undecided about her direction, she gradually gained confidence in her own potential and ability. Eventually she was inspired to help other students adjust to the demands of college life by becoming a Peer Mentor in the program. She is now knowledgeable and secure enough to offer others the support she once needed herself. Next year she will graduate with a bachelor's degree in Social Work.

Another bright and promising student in the program struggled with a learning disability that affected the way he processed information. In spite of this, he was determined to earn a degree in business. As he battled on through math and accounting, often repeating courses, his Peer Mentor provided unwavering support and encouragement. This young man overcame countless challenges and, in December 1998, realized his dream when he was awarded a bachelor's degree in business.

Mr. Speaker, thanks to the Student Support Program at Western Michigan University, these two students are examples of the thousands of students in a position to make their best contributions to our society.

HONORING THE UNITED STATES NAVAL RESERVE ON ITS 84TH BIRTHDAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to congratulate the United States Naval Reserve on their 84 years of dedicated service. Comprised of 94,000 men and women, the Naval Reserve is an integral part of the United States military force.

Authorized on March 3, 1915 by the Naval Appropriations Act, the U.S. Naval Reserve is one of the world's largest and most well trained forces. Originally intended to be comprised of former active duty sailors, the Naval Reserve now consists of former officers, former enlisted men and women and volunteers. This gives them their reputation of being the military force that brings the best ''Bang for the Buck.''

Mr. Speaker, our Naval Reserve brings tremendous contributions to our Armed Services and our Nation. As a former Naval Reserve Officer, it is with great pride that I extend my most heartfelt thanks for their 84 years of dedication and service.

THE CONGRESSIONAL RESEARCH ACCESSIBILITY ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SHAYS. Mr. Speaker, today, Congressman DAVID PRICE and I are introducing the Congressional Research Accessibility Act to make Congressional Research Service (CRS) products available to the public on the Internet. Senators MCCAIN, LEAHY, LOTT, ABRAHAM, ENZI and ROBB are introducing similar legislation in the Senate.

Under this bill, CRS will post Issue Briefs, Reports, and Authorization and Appropriation products to a centralized web site no earlier than 30 days and no later than 40 days after the information is made available to Members of Congress through the CRS web site. Through a link on their own web pages, Members of Congress and Committees may provide the public with access to the information stored on this centralized site. The 30-day delay will ensure that CRS has carried out its primary statutory duty of informing Congress before making the information available for public release. Also, it will allow CRS to verify that its products are accurate and ready for public release.

The bill requires the Director of CRS to make the information available in a practical and reasonable manner that does not permit the submission of comments to CRS from the public. The Director of CRS is responsible for maintaining and updating the information made available on the centralized site and shall have sole discretion to edit that information for the purposes of removing references to employees of CRS, removing information which may cause copyright infringement and ensuring the information is accurate and current. Members of Congress will still be able to make confidential requests which will not be released to the public.

Congress has worked to make itself more open and accessible to the public. The Congressional Research Accessibility Act will enable us to further engage the public in the legislative process and fulfill one of our missions as legislators to better educate our constituents.

A TRIBUTE TO DENNIS BYDASH, CUYAHOGA COUNTY CLERK OF COURTS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Dennis Bydash is proud to note that he has risen from the very bottom of the office of Gerald E. Fuerst, Clerk of Courts, who nominated him for this award, to the very top. Starting in 1972 as a filing clerk, hired for a 90 day period, he has, in almost 27 years, been given 6 promotions and now serves in a key leadership position as the Office Manager of the Civil Division, where he supervises over 100 employees and acts as the liaison between the Clerk's office and the 57 judges who depend on the Clerk's office and the offices of the County Prosecutor, the County Sheriff and the County Auditor.

To Dennis, the most rewarding aspects of his service in the Clerk's office is to see a smile on the face of an individual or to receive a thank you directly or through a letter to Mr. Fuerst. He recognizes that the Justice Center can be cold and intimidating to the average citizen and works hard to see that the Clerk's office helps that average citizen when it can or that it directs the individual to the appropriate office in the justice system.

Dennis is also active in his local community. He has participated in insuring that the Broadway neighborhood received a new fire station. He has served as President of his Ward's Democratic club for 16 of the last 18 years. He has volunteered in many political campaigns from the Congressional to the local level.

Beyond that, Dennis is an avid photographer and student of railroading, with a large collection of memorabilia, including thousands of his own pictures of railroads, some of which have been published. He is happy also to grow vegetables in his garden and can them.

Dennis recalls fondly a 1977 inquiry on the filing of a divorce from a young lawyer during the midst of accusations by some lawyers that the Clerk's office's employees, in helping the public, was practicing law without a license. Despite his fear that the question might be part of that effort, he helped the lawyer, in his own words ''in a somewhat hard way.'' Just over two years later, he and that lawyer, Michaele Tyner married, and they recently celebrated their 18th anniversary.

COMMEMORATE THE ACHIEVEMENTS OF MARCIA YUGEND

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. VENTO. Mr. Speaker, it is with great sadness that I rise today. Marcia Yugend, a well respected leader in the Twin Cities Jewish community, lost her life February 3, 1999. A native of Little Falls, Minnesota, Yugend was a remarkable community leader who will be missed dearly by many in the Twin Cities' religious communities with whom she worked tirelessly to promote interfaith harmony across the globe.

Yugend founded Feminists in Faith, a group of Jewish, Catholic, Protestant and Muslim women who worked together to promote women's religious issues and interfaith understanding. In 1985, Yugend created the Jewish Women-Palestinian Women Dialogue and later created the Black-Jewish Women's Dialogue. A lifelong student and scholar, Yugend recently received a master's degree in liberal studies from St. Paul's Hamline University. She earned her bachelor's degree from Metropolitan State University.

Yugend was also the first female president of the Jewish Community Relations Council of

Minnesota and the Dakotas. It was during her tenure at the Jewish Community Relations Council that I had the good fortune to work with Marcia. At that time, the Soviet government was actively oppressing people of Jewish faith. Marcia and I worked together to secure the emigration of Soviet Jews and the reunification of families in the Twin Cities. Her spirit and dedication to the cause was truly remarkable.

Shortly after Yugend's passing, the Nobel Peace Prize Laureate Archbishop Desmond Tutu made his first trip to the Twin Cities to inaugurate the first Immortal Chaplains Prize for Humanity. The Humanity prize is given as a living memorial to the Immortal Four Chaplains—a Jewish Rabbi, a Catholic Priest and two Protestant Ministers—who courageously rescued an estimated 230 men from drowning in the sinking of the U.S. Army Transport *Dorchester* during World War II. The Archbishop's historic visit to Twin Cities in celebration of those who have fought to protect others of a different race or religion underlined exactly the type of service and dedication Yugend put forth and could be a fitting tribute to her life and her tireless commitment to promoting interfaith understanding. Although her boundless energy cannot be replaced, her spirit will live on through those she inspired.

Yugend is survived by her husband, Jerome Yugend, daughters Dana Yugend-Pepper of Minneapolis and Julie Yugend-Green of Oak Park, Illinois and five grandchildren.

CELEBRATING THE 81ST ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 81st anniversary of the declaration of Lithuanian independence.

For nearly 55 years, Lithuania was occupied by Soviet military forces. But in the past six years, the people of Lithuania have been able to finally enjoy and celebrate the freedoms and privileges of an independent nation.

The United States and Lithuania have now formed a significant partnership between our leaders, our governments, and our people. We have close trade relations with Lithuania. We are mutually committed to the security of the Baltic region.

I believe we can say with great confidence that Lithuania has become a full partner in the effort to build democracy and promote freedom around the world. I am proud to say that Lithuania has ''graduated'' from the U.S. program to build democracy in Eastern Europe.

I commend the Lithuanian-American community for their perseverance and hope through the many challenging decades. The 81st anniversary of Lithuanian independence was celebrated by the Lithuanian-American community in Southeast Michigan on Sunday, February 7th, at the Lithuanian Cultural Center in Southfield.

I urge my colleagues to join me in honoring Lithuanian's independence.

TRIBUTE TO GABRIELLA QUIRINO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. MEEK of Florida. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Florida's 17th Congressional District, Gabriella Quirino, who has helped hundreds of breast cancer victims in Dade County.

Gabriella Quirino was born in Tunisia, North Africa, in 1941. Miami, Florida, became her home during the mid-1950's. In 1960, she graduated from North Miami High School and furthered her education at Miami Dade Community College.

In 1981, Gabriella was diagnosed with breast cancer and underwent successful surgery. A year later, she became a ''reach to recover'' volunteer for the American Cancer Society. From that time on, she has devoted her life to helping women cope with the trauma of mastectomies or other breast cancer surgeries. She is a true humanitarian.

Through hard work and dedication, Gabriella Quirino became the coordinator of the county service group, ''Volunteers''. In this position she helped women in the Miami-North Dade area deal with their mastectomies and other breast surgeries. She has also been the coordinator of another community service group called ''Getting Mothers To Volunteer,'' which is based at St. Rose Lima School, and now serves as president of the parent's council at Archbishop Curley High School.

Gabriella has demonstrated a strong character and has devoted countless hours to the American Cancer Society. She has provided comfort to countless women faced with one of the most traumatic experiences of their lives—breast cancer.

I ask that my colleagues please join with me in acknowledging this outstanding individual.

IN HONOR OF BRENDA SESSIONS COURT OF COMMON PLEAS, PROBATE COURT DIVISION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for over 28 years, couples seeking a license to marry in Cuyahoga County have likely encountered Brenda Sessions, Judge John Donnelly's nominee. Starting as a deputy clerk, Brenda now supervises this important office which, in addition, to issuing marriage licenses, corrects birth records and assists genealogists seeking family documents.

A Cleveland Heights resident and the mother of Myah, she prides herself in following her mother's advice to work hard, be self-sufficient and to help others. She only regrets that her mother failed to teach her how to cook.

Brenda is a life-long member of Morning Star Baptist Church and has been active in many of that church's programs. During her daughter's attendance at Christ the King School, she served on the Parent Executive Board. She enjoys her collection of porcelain elephants (a symbol of good luck), reads, listens to gospel and jazz music, attends movies and theatrical events, plays racquetball and rides.

Among the many, many marriage license applications Brenda has prepared, with both bride and groom present, she remembers, with amusement, two particular instances. In one, a woman admitted to four prior marriages and denied the Court's apparent record of an additional three marriages. Her groom left, and that couple was never seen again. In another, a rather aged groom, accompanied by a young intended bride, denied the existence of a much earlier marriage which the Court's records revealed, but mysteriously knew the last name of the bride in the earlier marriage, when Brenda had only mentioned the first name.

TO PERMANENTLY EXTEND THE EXCEPTION FROM SUBPART F FOR ACTIVE FINANCING INCOME

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. NEAL. Mr. Speaker, I would like to associate myself with the remarks of my colleague, Mr. MCCRERY. Today, Mr. MCCRERY and I are introducing legislation to permanently extend the exception from subpart F for active financing income earned from overseas business. The growing interdependence of world financial markets has highlighted the need to rationalize U.S. tax rules that undermine the ability of our financial services industry—such as banks, insurance companies, insurance brokers, and securities firms—to compete in the international arena.

The provision permits financial services to act like other U.S. industries doing business abroad and defer tax on the earnings from the active operation of their foreign subsidiaries until such earnings are returned to the United States. The permanent extension of this provision takes an important step towards making the U.S. financial services industry more competitive in international markets.

I urge my colleagues to support this legislation and to address this issue prior to the expiration of the temporary provision.

TRIBUTE TO LOS ANGELES SUPERIOR COURT JUDGE ROBERT ROBERSON, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Los Angeles Superior Court Judge Robert Roberson, Jr. On January 3, 1999, Judge Roberson officially retired from the bench capping an illustrious career spanning more than forty years. On Saturday, February 27, 1999, Robby's family, many friends and colleagues will gather to honor this distinguished Los Angelean at a Retirement Reception and Dinner at the Regal Biltmore Hotel in downtown Los Angeles. As a long-time friend of Judge Roberson's, it is a particular pleasure to have this opportunity to publicly acknowledge his exemplary contributions to Los Angeles and the judiciary.

A Cum Laude graduate of Pepperdine University, Judge Roberson received his Juris Doctorate degree from the University of Southern California (USC) Law School in June 1958.

Prior to his February 1979 appointment to the Los Angeles Superior Court, Judge Roberson was a founding member of the law firm of Scarlett & Roberson. During his 20 year tenure on the bench, he served in many different assignments, including appointment to the Court of Appeal and to the Appellate Department of the Los Angeles Superior Court. He sat in both the Criminal and Civil Trial Courts. Judge Roberson authored numerous opinions, five of which were published, including the frequently cited opinion of Younan v. Equifax, Inc.

From 1991 to 1996 Judge Roberson served as Presiding Judge of the Appellate Department of the Los Angeles Superior Court. In recognition of his exemplary contributions to jurisprudence, in 1997 Judge Roberson received the ''Justice Bernard S. Jefferson Jurist of the Year Award'' presented by the Langston Bar Association, which earlier in his career had honored him with the organization's award for ''Outstanding Legal Ability.'' He is also the recipient of the ''Outstanding Alumni Award,'' presented by the University of Southern California Eubonics Support Group.

During his remarkable career, Judge Roberson also devoted considerable time as President of the John M. Langston Bar Association, Trustee of the Los Angeles County Bar Association, President of the Los Angeles Criminal Courts Bar Association, and as President of USC's Law School Alumni Association. An individual of tremendous character and integrity, and an erudite and seasoned legal scholar, Judge Roberson has lectured on civil procedure at California State University, Los Angeles, and appeared before numerous Bar Associations as a professional panelist and moderator.

Mr. Speaker, it is indeed an honor to pay tribute to Judge Roberson today. I commend him for his outstanding service to the citizens of Los Angeles, and wish him a long, healthy, and prosperous retirement.

INTRODUCTION OF LEGISLATION TO INCREASE VETERANS' BURIAL BENEFITS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SANDERS. Mr. Speaker, today I will introduce legislation to increase the burial benefits for certain veterans from the current allowance of $300 to $600. This will represent the first increase in the burial benefit in 20 years.

Current law allows a funeral benefit of $300 for veterans who were receiving disability pay or pensions, or those who were eligible for pensions but who weren't receiving them. This was intended to help defray the costs of funerals for the surviving families. However, Congress has not seen fit to increase this allowance since 1978, and it is past time to do so.

Just before the end of World War I, Congress created a funeral allowance of up to $100 for some war veterans. After World War II, the maximum allowance was increased to $150, and, in 1978, it was increased to $300—where it is today.

When the House was deliberating an increase in 1958, several members rose to point out that it had been 12 years since the last increase in this modest benefit, and that the benefit level was no longer realistic. They said increasing the benefit for the families of those veterans who were eligible for it was ''long overdue,'' and showed that Congress was aware of the economic realities faced by those families. I think, if those Members where here today, they would be saying the same things.

Everyone understands that because of inflation a proper memorial, either a funeral or a cremation, if far expensive in 1998 that it was in 1958, or 1978. A funeral, today, can run thousands of dollars, creating a burden on a bereaved family at a difficult time. I don't think it is asking too much to increase this small benefit for these veterans, which is why I will introduce legislation to double it, to $600.

When members of Congress created this allowance after World War I, they did so because they believed that every veteran receiving disability pay or a pension had a right to be buried with dignity, and without undue financial hardships for the family. That principle was true then, and it remains true today.

FLEETWOOD HOMES OF TENNESSEE WINS THE 1998 NATIONAL CHAMPIONS OF CUSTOMER SATISFACTION AWARD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize Fleetwood Homes of Tennessee, an organization that has achieved distinction for its outstanding work to ensure comfortable living.

I want to offer my personal congratulations on a great job in customer satisfaction again this year. The 1998 National Champions of Customer Satisfaction Award is a distinguished achievement in itself, but this is the fifth year that this organization has been recognized. The continual satisfaction they have provided their customers makes this an even more remarkable accomplishment.

This award is based on customer satisfaction with the quality of their home after a period of six months. Fleetwood has received a 95.3% positive response after this period of time, making this organization the highest rated out of 46 manufacturers across the United States. This is quite an incredible number of people in Tennessee and across the nation that are satisfied with their service from Fleetwood Homes.

I particularly want to recognized the office in Westmoreland, Tennessee that has received the award for their outstanding service in the Sixth District. They have not only achieved this particular award five out of the ten years it has been presented but also have gained recognition by receiving the Division Champion Award. I am very proud to have a company of such high standards in service and quality in my district.

I want to congratulate Fleetwood once again on this accomplishment and thank them for satisfying so many Tennesseans with their efforts. I hope to see this organization continue with its success in the future and encourage them to keep up the great work.

HONORING THE 1999 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1999 Fairfax County Chamber of Commerce Valor Award Winners. On Thursday, February 11, 1999, the Fairfax County Chamber of Commerce will present the Annual Valor Awards at the McLean Hilton.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor, The Silver Medal of Valor, The Bronze Medal of Valor, The Certificate of Valor, and The Life Saving Award.

The Valor Award is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the twenty-first year that these awards have been presented.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk.

The Silver Medal of Valor Award Winner for 1999 is: Lieutenant Sandra K. Caplo.

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award Winners for 1999 are: Police Officer First Class Timothy C. Benedict, Police Officer First Class Troy W. Fulk, Police Officer First Class Michael E. Ukele, Second Lieutenant Tony C. Young and Lieutenant Michael I. Runnels.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award Winners for 1999 are: Sergeant John A. Absalon, Police Officer First Class Scott D. Argiro, Police Officer First Class James J. Banachoski, Jr., Police Officer First Class Scott C. Bates, Police Officer First Class Westley Bevan, Assistant Shift Supervisor Sally A. Fitzpatrick, Police Officer First Class Thomas M. Holland, Police Officer First Class Stephen Keeney, Master Police Officer (retired) James M. Kenna, Police Officer First Class Stephen M. Shelby, Police Officer First Class James H. Urie, Jr., Deputy Sheriff Samuel S. Gonsalyes, Firefighter Charles J. Epps, Firefighter Ronald S. Hollister, Technician William S. Keller, Technician Michael D. Macario, Technician David W. Walker, Master Technician Claire O. Ducker, Jr. and Deputy Chief John J. Brown, Jr.

The Lifesaving Award is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award winners for 1999 are: Police Officer First Class Timothy C. Benedict, Public Safety Communicator II Dana E.

Branten, Public Safety Communicator II Roland F. Bolton, Public Safety Communicator II L. Jean Cahill, Police Officer First Class Robert A. Dalstrom, Auxiliary Police Officer Gary Gaal, Police Officer First Class John M. Harris, Public Safety Communicator III John L. Krivjansky, Sergeant Gunma S. Lee, Public Safety Communicator II Christopher S. Lehn (2 Lifesaving awards), Police Officer First Class Charles K. Owens, Sergeant Walter F. Smallwood III, Police Officer Deborah J. Stout, Deputy Sheriff Kenneth M. Cox, Deputy Sheriff Corporal Brian M. Johnston, Deputy Sheriff Private First Class Kathleen A. Miller, Deputy Sheriff Ronald E. Phillips, Master Deputy Sheriff James K. Pope, Master Deputy Sheriff Swight E. Shobe, Deputy Sheriff Eric S. Yi, Firefighter Walter A. Deihl and Lieutenant Wayne P. Wentzel.

Mr. Speaker, I would like to send my sincere gratitude and heartfelt appreciation to these distinguished public servants who are truly deserving of the title ''hero.''

TRIBUTE TO ROY WILKINS IN CELEBRATION OF BLACK HISTORY MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SABO. Mr. Speaker, it is my honor to take part in the celebration of Black History Month this year by recognizing a distinguished civil rights leader from the state of Minnesota—Mr. Roy Wilkins, who led the National Association for the Advancement of Colored People (NAACP) from 1955 to 1977.

Roy Wilkins was born in St. Louis, Missouri, in 1901, but he grew up in St. Paul, Minnesota—raised by an aunt after his mother died when Wilkins was only four years old. He attended Whittier Grade School and graduated from the Mechanic Arts High School. Wilkins attended the University of Minnesota, and graduated from the University in 1923.

After serving as editor of the University of Minnesota's newspaper, the Minnesota Daily, Wilkins started his professional career in Kansas City, where he served as managing editor of the Kansas City Call, an African-American newspaper. He used his role on the newspaper staff to encourage fellow blacks to vote and take advantage of the opportunity to make their political concerns known.

Upon joining the NAACP in 1931, Wilkins set to work identifying and correcting examples of racial injustice. He investigated working conditions for blacks on Mississippi levees, targeting those cases in which blacks were unfairly treated like slaves.

As the years passed, the fruits of Wilkins' labors as a civil rights advocate grew more obvious, and now he is widely recognized as the ''Father of Civil Rights.'' Perhaps his greatest victory in the NAACP included the United States Supreme Court's 1954 decision in Brown vs. the Board of Education, which overturned the ''separate-but-equal'' doctrine in the South's educational system. Furthermore, Wilkins is extensively credited for his role in helping to pass the Civil Rights Acts of 1957, 1960, and 1964, as well as the 1965 Voting Rights Act.

To recognize Wilkins' pivotal achievements, President Lyndon Johnson presented him with the country's highest civilian honor, the Medal of Freedom, in 1967.

Roy Wilkins served the NAACP for a total of 46 years. Although Wilkins passed away in 1981, his legacy lives on in an extraordinary piece of public artwork in St. Paul, Minnesota—the Roy Wilkins Memorial.

The Roy Wilkins Memorial was unveiled in 1995 on the Capitol Mall of the Minnesota State Capitol. The Memorial, with its intriguing symbolic features, serves as a fine reminder of the life and work of this revered man. The walls of the monument signify the obstacles and barriers created by racial segregation, while the spiral shape of the sculpture represents the cycle of Wilkins' achievements in the form of advancements for minority rights. This spiral extends above and through the walls of the monument to illustrate how racial equality can be met by means of effective legislative actions. Finally, the Memorial's obelisk, decorated with African relics, is a moving tribute to the ancestors of modern-day African Americans.

Mr. Speaker, today I challenge my colleagues—and all Americans—to become active participants in Black History Month and all that it represents. I encourage them to learn more about Roy Wilkins, and, if possible, to visit the Roy Wilkins Memorial in Minnesota and see this fine monument for themselves. This is just one example of the many ways we all can recognize, explore and honor the civil rights leaders who guided our nation toward racial equality and understanding.

1999—A CRITICAL YEAR FOR BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SMITH of New Jersey. Mr. Speaker, last month, a Congress of Democratic Forces was held in Minsk, the capital of Belarus. The Congress demonstrated the resolve of the growing democratic opposition to authoritarian President Alyaksandr Lukashenka and the determination by the opposition to have free, democratic elections consistent with the legitimate 1994 constitution. Earlier last month, on January 10, members of the legitimate Belarusian parliament, disbanded by Lukashenka after the illegal 1996 constitutional referendum which extended his term of office by two years to 2001, set a date for the next presidential elections for May 16. According to the 1994 constitution, Lukashenka's term expires in July. Not surprisingly, Lukashenka rejects calls for a presidential election.

Local elections are currently being planned for April, although many of the opposition plan not to participate, arguing that elections should be held only under free, fair and transparent conditions, which do not exist at the present time. Indeed, the law on local elections leaves much to be desired and does not provide for a genuinely free and fair electoral process. The local elections and opposition efforts to hold presidential elections must be viewed against the backdrop of a deteriorating economic situation. One of the resolutions adopted by the Congress of Democratic Forces accuses Lukashenka of driving the country to ''social tensions, international isolation and poverty.'' As an example of the heightening tensions, just last weekend, Andrei Sannikov, the former deputy minister of Belarus and a leader of the Charter '97 human rights group, was brutally assaulted by members of a Russian-based ultranationalist organization. Additionally, Lukashenka's moves to unite with Russia pose a threat to Belarus' very sovereignty. Thus, Mr. Speaker, this year promises to be a critical year for Belarus.

Recently, a staff delegation of the (Helsinki) Commission on Security and Cooperation in Europe, which I chair, traveled to Belarus, raising human rights concerns with high-ranking officials, and meeting with leading members of the opposition, independent media and nongovernmental organizations.

The staff report concludes that the Belarusian Government continues to violate its commitments under the Organization for Security and Cooperation in Europe (OSCE) relating to human rights, democracy and the rule of law, and that at the root of these violations lies the excessive power usurped by President Lukashenka since his election in 1994, especially following the illegitimate 1996 referendum. Although one can point to some limited areas of improvement, such as allowing some opposition demonstrations to occur relatively unhindered, overall OSCE compliance has not improved since the deployment of the OSCE's Advisory and Monitoring Group (AMG) almost one year ago. Freedoms of expression, association and assembly remain curtailed. The government hampers freedom of the media by tightly controlling the use of national TV and radio. Administrative and economic measures are used to cripple the independent media and NGOs. The political opposition has been targeted for repression, including imprisonment, detention, fines and harassment. The independence of the judiciary has been further eroded, and the President alone controls judicial appointments. Legislative power is decidedly concentrated in the executive branch of government.

The Commission staff report makes a number of recommendations, which I would like to share with my colleagues. The United States and OSCE community should continue to call upon the Belarusian Government to live up to its OSCE commitments and, in an effort to reduce the climate of fear which has developed in Belarus, should specifically encourage the Belarusian Government, inter alia, to: (1) Immediately release Alyaksandr Shydlauski (sentenced in 1997 to 18 months imprisonment for allegedly spray painting anti-Lukashenka graffiti) and review the cases of those detained and imprisoned on politically motivated charges, particularly Andrei Klymov and Vladimir Koudinov; (2) cease and desist the harassment of opposition activists, NGOs and the independent media and permit them to function; (3) allow the opposition access to the electronic media and restore the constitutional right of the Belarusian people to free and impartial information; (4) create the conditions for free and fair elections in 1999, including a provision in the election regulations allowing party representation on the central and local election committees; and (5) strengthen the rule of law, beginning with the allowance for an independent judiciary and bar.

With Lukashenka's term in office under the legitimate 1994 Constitution expiring in July 1999, the international community should make clear that the legitimacy of

Lukashenka's presidency will be undermined unless free and fair elections are held by July 21. The United States and the international community, specifically the OSCE Parliamentary Assembly, should continue to recognize only the legitimate parliament—the 13th Supreme Soviet—abolished by Lukashenka in 1996, and not the post-referendum, Lukashenka-installed, National Assembly. At the time, the United States—and our European allies and partners—denounced the 1996 referendum as illegitimate and extra-constitutional. The West needs to stand firm on this point, as the 13th Supreme Soviet and the 1994 Constitution are the only legal authorities.

The democratically oriented opposition and NGOs deserve continued and enhanced moral and material assistance from the West. The United States must make support for those committed to genuine democracy a high priority in our civic development and NGO assistance. I applaud and want to encourage such entities as USIS, the Eurasia Foundation, National Endowment for Democracy, International Republican Institute, ABA/CEELI and others in their efforts to encourage the development of a democratic political system, free market economy and the rule of law in Belarus.

The United States and the international community should strongly encourage President Lukashenka and the 13th Supreme Soviet to begin a dialogue which could lead to a resolution of the current constitutional crisis and the holding of democratic elections. The OSCE Advisory and Monitoring Group (AMG) could be a vehicle for facilitating such dialogue.

The Belarusian Government should be encouraged in the strongest possible terms to cooperate with the OSCE AMG. There is a growing perception both within and outside Belarus that the Belarusian Government is disingenuous in its interaction with the AMG. The AMG has been working to promote these important objectives: an active dialogue between the government, the opposition and NGOs; free and fair elections, including a new election law that would provide for political party representation on electoral committees and domestic observers; unhindered opposition access to the state electronic media; a better functioning, independent court system and sound training of judges; and the examination and resolution of cases of politically motivated repression.

Mr. Speaker, there is a growing divide between the government and opposition in Belarus—thanks to President Lukashenka's authoritarian practices, a divide that could produce unanticipated consequences. An already tense political situation is becoming increasingly more so. Furthermore, Lukashenka's efforts at political and economic integration with Russia could have serious potential consequences for neighboring states, especially Ukraine. Therefore, it is vital for the United States and the OSCE to continue to speak out in defense of human rights in Belarus, to promote free and democratic elections this year, and to encourage meaningful dialogue between the government and opposition.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S1385–S1410

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 393–396, and S. Res. 33. **Page S1391**

Impeachment of President Clinton: Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, taking the following action: **Pages S1385–88**

By 59 yeas to 41 nays (Vote No. 15), two-thirds of those Senators voting, a quorum being present, not having voted in the affirmative, Senate rejected the Lott motion to suspend Senate rules. **Pages S1385–86**

By voice vote, Senate agreed to the Lott/Daschle motion to provide that any Senator may insert their final deliberations on the Articles of Impeachment during proceedings held in closed session in the Congressional Record at the conclusion of the trial. **Pages S1386–87**

By 53 yeas to 47 nays (Vote No. 16), Senate agreed to the Lott motion to close the doors of the Senate Chamber. **Pages S1387–88**

Senate will continue to sit as a Court of Impeachment on Wednesday, February 10, 1999.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the Agreement for Cooperation Between the Government of the United States of America and the Government of Romania Concerning Peaceful Uses of Nuclear Energy; referred to the Committee on Foreign Relations. (PM–7). **Page S1388**

Messages From the President: **Page S1388**

Communications: **Pages S1388–91**

Statements on Introduced Bills: **Pages S1391–99**

Additional Cosponsors: **Pages S1399–S1400**

Amendments Submitted: **Page S1401**

Notices of Hearings: **Page S1401**

Additional Statements: **Pages S1401–10**

Record Votes: Two record votes were taken today. (Total—16). **Pages S1386, S1388**

Adjournment: Senate convened at 1:05 p.m., and adjourned at 6:27 p.m., until 10 a.m., on Wednesday, February 10, 1999.

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings on the proposed budget estimates for fiscal year 2000 for the Department of Agriculture, after receiving testimony from Dan Glickman, Secretary, Richard Rominger, Deputy Secretary, Keith Collins, Chief Economist, and Stephen B. Dewhurst, Budget Officer, all of the Department of Agriculture.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported S. 257, to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board, Department of Transportation, after the nominee, who was introduced by Senator Cochran, testified and answered questions in his own behalf.

YEAR 2000 COMPUTER PROBLEM

Committee on Commerce, Science, and Transportation: Committee held hearings on S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date, receiving testimony from Senators Bennett and Dodd; Marshall N. Carter, State Street Corporation, Boston, Massachusetts; Thomas J. Donohue, U.S. Chamber of Commerce, Don Gilbert, National Retail Federation, and Anthony T. Pierce, Akin, Gump, Strauss, Hauer, and Feld, all of Washington, D.C.; Mark Yarsike, Produce Palace, Bingham Farms, Michigan; Robert Courtney, Pennsauken, New Jersey; and Howard L. Nations, Houston, Texas.

Hearings were recessed subject to call.

SOCIAL SECURITY

Committee on Finance: Committee concluded hearings on general revenue financing of Social Security, after receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office; Edward M. Gramlich, Member, Board of Governors of the Federal Reserve System, on behalf of the 1994–1996 Quadrennial Advisory Council on Social Security; David S. Koitz, Legislative Specialist, Congressional Research Service, Library of Congress; and Robert Greenstein, Center on Budget and Policy Priorities, and C. Eugene Steuerle, Urban Institute, both of Washington, D.C.

ELEMENTARY AND SECONDARY EDUCATION ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on proposed legislation authorizing funds to extend programs and activities under the Elementary and Secondary Education Act of 1965, after receiving testimony from Richard W. Riley, Secretary of Education.

House of Representatives

Chamber Action

Bills Introduced: 30 public bills, H.R. 630–659; 1 private bill, H.R. 660; and 10 resolutions, H.J. Res. 25–28, H. Con. Res. 26, and H. Res. 45–49 were introduced. **Pages H537–38**

Reports Filed: Reports were filed as follows:

H. Res. 42, providing for consideration of H.R. 391, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (H. Rept. 106–13);

H. Res. 43, providing for consideration of H.R. 436, to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs (H. Rept. 106–14);

H. Res. 44, providing for consideration of H.R. 437, to provide for a Chief Financial Officer in the Executive Office of the President (H. Rept. 106–15). **Pages H536–37**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Sweeney to act as Speaker pro tempore for today. **Page H483**

Recess: The House recessed at 1:05 p.m. and reconvened at 2:00 p.m. **Page H487**

Presidential Messages: Read the following messages from the President:

National Drug Control Strategy: Message wherein he transmits his 1999 National Drug Control Strategy—referred to the Committees on the Judiciary, Agriculture, Armed Services, Banking and Financial Services, Commerce, Education and the Workforce, Government Reform, International Relations, Resources, Transportation and Infrastructure, Veterans Affairs, and Ways and Means; and **Pages H488–89**

Agreement Between the United States and Romania re Nuclear Energy: Message wherein he transmits his proposed agreement for cooperation between the United States and Romania concerning the peaceful uses of nuclear energy—referred to the Committee on International Relations and ordered printed (H. Doc. 106–13). **Pages H489–90**

Recess: The House recessed at 3:20 p.m. and reconvened at 5:16 p.m. **Page H524**

Suspensions: The House agreed to suspend the rules and pass the following bills:

Packers and Stockyards Act: H.R. 169, amended, to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation for the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter and of muscle cuts of beef and lamb to include swine and muscle cuts of swine; **Pages H490–92**

Microloan Program Corrections: H.R. 440, amended, to make technical corrections to the Microloan Program (passed by a yea and nay vote of 411 yeas to 4 nays, Roll No. 12); **Pages H492–94, H524–25**

Paperwork Elimination Act of 1999: H.R. 439, 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 (passed by a yea and nay vote of 413 yeas with none voting "nay", Roll No. 13); and **Pages H494–96, H525**

Miscellaneous Trade and Technical Corrections Act: H.R. 435, to make miscellaneous and technical changes to various trade laws (passed by a yea and nay vote of 414 yeas with none voting "nay", Roll No. 14). **Pages H496–H524, H525–26**

In Memory of R. Scott Bates: The House agreed to S. Con. Res. 6, that as a mark of respect to the

memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment. **Pages H526–27**

Authority of the Mayor of the District of Columbia: The House passed H.R. 433, to restore the management and personnel authority of the Mayor of the District of Columbia. **Pages H527–28**

Senate Messages: Message received from the Senate today appears on page H483.

Amendments: Amendments ordered pursuant to the rule appear on pages H539–40.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H524–25, H525, and H525–26. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 6:35 p.m.

Committee Meetings

AFRICA—AMERICA'S STAKE IN TRADE AND INVESTMENT

Committee on International Relations: Subcommittee on Africa held a hearing on America's stake in trade and investment in Africa. Testimony was heard from Rosa Whitaker, Assistant U.S. Trade Representative, Africa, and public witnesses.

COMMUNITY PROTECTION AND HAZARDOUS FUELS REDUCTION ACT

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the Community Protection and Hazardous Fuels Reduction Act of 1999. Testimony was heard from Barry T. Hill, Associate Director, Resources Community and Economic Development Division, GAO; Larry Payne, Assistant Deputy State and Private Forestry, Forest Service, USDA; and public witnesses.

SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 391, Small Business Paperwork Reduction Act Amendments of 1999. The rule waives section 303 of the Congressional Budget Act (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) against the consideration of the bill. The rule provides that the bill shall be considered as read. 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 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 Burton and Representatives Horn, McIntosh, Kucinich and Turner.

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 437, Presidential and Executive Office Financial Accountability Act of 1999. The rule provides that the bill shall be considered as read. 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 Burton and Representatives Horn, McIntosh, Kucinich and Turner.

GOVERNMENT WASTE, FRAUD AND ERROR REDUCTION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 436, Government Waste, Fraud and Error Reduction Act of 1999. The rule waives section 303 of the Congressional Budget Act (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) against the consideration of the bill. The rule provides that the bill shall be considered as read. 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 Burton and Representatives Horn, McIntosh, Kucinich and Turner.

COMMITTEE BUDGET AND OVERSIGHT PLANS

Committee on Rules: Committee approved its budget for 1999 and 2000 and adopted its Oversight plans for the 106th Congress.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 10, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: to hold hearings on United States Trade Agreements compliance focusing on international

dispute settlement and domestic enforcement measures, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider committee's rules of procedure for the 106th Congress, and their subcommittee assignments, 11 a.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: to hold hearings on Department of Labor budget initiatives, 9:30 a.m., SD–430.

Committee on Indian Affairs: to hold hearings on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, 9:30 a.m., SR–485.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

House

Committee on Agriculture, to continue to meet for organizational purposes; to approve the Committee's Oversight Plan for the 106th Congress; to consider the following bills: H.R. 17, Selective Agricultural Embargoes Act of 1999; and H.R. 609, to amend the Export Apple and Pear Act to limit the applicability of the Act to apples; and to hold a hearing to review livestock prices, 10:00 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Secretary of Agriculture, 1:00 p.m., 2362–A Rayburn.

Subcommittee on Defense, executive, on European Command, 10:00 a.m., and, executive, on U.S. Central Command, 1:30 p.m., H–140 Capitol.

Subcommittee on Interior, on Forest Service, 10:00 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Secretary of Health and Human Services, 10:00 a.m., and on Health Care Financing Administration, 2:00 p.m., 2358 Rayburn.

Subcommittee on Legislative, on Members of Congress, Library of Congress, CBO, and outside witnesses, 1:30 p.m., H–144 Capitol.

Subcommittee on Transportation, on Members of Congress and public witnesses, 10:00 a.m. and 2:00 p.m., 2358 Rayburn.

Committee on Banking and Financial Services, hearing on H.R. 10, Financial Services Act of 1999, 10:00 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Energy and Power, hearing on H.R. 45, Nuclear Waste Policy Act, 10:30 a.m., 2322 Rayburn.

Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations, joint hearing on Internet Posting of Chemical ''Worst-Case'' Scenarios: A Roadmap for Terrorists? 10:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to markup the following bills: H.R. 514, Wireless Privacy Enhancement Act of 1999; and H.R. 438, Wireless Communications and Public Safety Act of 1999, 4 p.m., 2123 Rayburn.

Committee on Education and the Workforce, to markup the following: Committee Funding request; Oversight Plan for the 106th Congress; and H.R. 221, to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, hearing on Waste and Fraud in Federal Government Programs, 10:00 a.m., 2154 Rayburn.

Committee on House Administration, to consider pending business, 1:30 p.m., 1310 Longworth.

Committee on International Relations, hearing on U.S. Role in Kosovo, 10:00 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on Challenges in U.S.-Asia Policy, 1:30 p.m., 2172, Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to continue hearings on the financial needs of airports, the FAA, and the aviation system, 9:30 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, hearing on reauthorizing the Hazardous Materials Transportation Program, 10:00 a.m., 2253 Rayburn.

Subcommittee on Water Resources and Environment, to meet for organizational purposes, 1:30 p.m., and to hold a hearing on Agency Budgets and Priorities for fiscal year 2000, 2:00 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, to markup H.R. 545, SSI Fraud Prevention Act of 1999, 10 a.m., B–318 Rayburn.

Subcommittee on Oversight, hearing on the Annual Report of the Internal Revenue Service National Taxpayer Advocate, 2:30 p.m., 1100 Longworth.

Subcommittee on Social Security, to continue hearings on the impacts of the current social security system, 1:30 p.m., B–318 Rayburn.

Next Meeting of the SENATE

10 a.m., Wednesday, February 10

Senate Chamber

Program for Wednesday: Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, February 10

House Chamber

Program for Wednesday: Continue consideration of H.R. 350, Mandates Information Act of 1999 and consideration of S. Con. Res. 7, honoring the life and legacy of King Hussein ibn Talal al-Hashem.

Extensions of Remarks, as inserted in this issue

HOUSE

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