United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, MAY 6, 1997 No. 57

House of Representatives

The House met at 12:30 p.m.

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.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS] for 5 minutes.

HONORING OUR NATION'S TEACHERS

Mr. BILIRAKIS. Mr. Speaker, today marks National Teacher Day, and I rise to recognize the important contributions and the hard work of our Nation's educators.

Our teachers will inspire our children's path to their futures, whether it is through teaching history, mathematics, English, or science. They will provide children with the framework for independent thought and innovation.

We in Congress are fighting to improve our education system. In order to be successful, we must shift power away from Washington and back into the hands of parents, teachers, and local officials, those who know our children the best.

I recently visited the Sunset Hills Elementary School in Tarpon Springs, FL, in my congressional district. While I was there, I met with teachers, students, and administrators. This school was built in 1958 and has approximately 500 students. Sunset Hills is often characterized as being a true neighborhood school, something which fosters a special pride within the community it serves. The school has a motto, Mr. Speaker, which is indicative of the character of its teachers and students. The motto is, ''Where the future meets every day.''

During my visit, I met the promising young boys and girls who are tomorrow's leaders. As soon as I entered the school, I was struck by the pride and dedication of the students, teachers, and school administrators.

At this point, Mr. Speaker, I would like to take some time to talk about some of the special people I met while visiting there. I want to commend Mrs. Kathy Davis on her hard work and dedication to the students of Sunset Hills. To my left here is a photograph which I took with Mrs. Davis and her students. She teaches the first grade and has done so for 20 years. During her tenure, Mrs. Davis has shaped the minds of hundreds of young people. I applaud her commitment to guide our children during their formative years in school. Her efforts help lay the foundation for her students' future years. I would also like to thank her students for welcoming me into her classroom. What a fine group of first graders.

Behind me, as I said earlier, is a picture of Mrs. Davis and her students which the class sent to me shortly after my visit to the school.

During my visit, I also met Sally Wakefield, who teaches English and language arts to fourth graders. She has taught at Sunset Hills for 19 years and is a wonderful and inspiring educator. Not only does she encourage her students to better communicate their ideas, she also oversees the student council, a body elected by the students. It was a privilege to meet her and I commend her commitment to excellence.

While at Sunset Hills, I took the time to speak with school administrators who shared with me the importance of school breakfast and lunch programs. I want to especially thank Dolores Ford, Joe Hornberger, Susan Honey, Betty Muzio, Stella Makryllos, Kathy Protus, and Gray Miller for their time. While teachers provide the basic tools for learning, these individuals help the Sunset students focus on learning by ensuring that they have adequate and nutritious meals every day.

School meals, as we know, are an integral part of our children's educational experience. In addition these programs enhance a child's physical and mental development.

Finally, I want to commend William Brewer, the principal of Sunset Hills Elementary. He is responsible for overseeing the day-to-day operations of the school. Let me say how impressed I was by the school's organization. Mr. Brewer is responsible for this success. His leadership serves as an inspiration to all of those at Sunset Hills.

Mr. Speaker, the teachers and administrators at Sunset Hills Elementary are meeting the rewarding challenges of educating their students. As we search for ways to improve our Nation's education system, I want my colleagues, teachers, parents, students, administrators, and local officials to know that I am dedicated—I think all of us are—to improving our Nation's education programs. Why? Just look at the faces of the Sunset Hills Elementary first grade class. They are responsible for our Nation's future.

INTRODUCTION OF POLICE COORDINATION ACT OF 1997

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

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the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, today I have introduced a bill that is of importance to every Member of this House if they have constituents who come to visit this city. It is called the District of Columbia Police Coordination Act of 1997.

What it does is very straightforward. It would make mandatory cooperative agreements between the Metropolitan Police Department and the Federal agencies so that they would have to come to terms with sending agency personnel to patrol areas around their own Federal buildings, donating or sharing equipment and supplies, sharing radio frequencies, and streamlining the process of arresting suspects. The U.S. attorney would be the coordinator.

This is so straightforward, why is it not happening already? We have got thousands of police, we have got 30 police forces in Washington, DC, and they all operate as private police forces. No coordination goes on. And so the hard-pressed District police, faced with violent crime, are duplicating efforts that could be going on downtown.

My bill seeks to introduce rationality and cost efficiency into a totally uncoordinated, very inefficient, and wasteful use of Federal police power.

We send many of our Federal law enforcement officers to the state-of-the-art facility at Brunswick, GA. Then we come back and capture them inside Federal buildings. One of the officers told me that in this day, when we are concerned about security, a Federal police officer in a Federal building, if he sees a van, a suspicious looking van outside a Federal building, does not have the authority to go outside and ask that van to move along. We need to empower these police to do police work.

There is already good coordination between the Park Police, which has jurisdiction all over the whole city, but there are multiple police forces, such as the Government Printing Office police force, the Naval Observatory, the Federal Protection Service for the Federal buildings, the Library of Congress. The list goes on, and it is very long. Most of these officers are unable to make arrests except in the building or in the immediate environs of the building. Most do not even patrol the block around their Federal agency. Worse, on the few occasions in which they do intervene into unlawful activity, many call 911 to get a District police officer as if they were a regular citizen. Instead, they are people with arrest powers. I am talking about people who carry guns and cannot come outdoors to play with the thugs.

My bill says, hey, you get more money than the D.C. police, you get better pensions, you face a whole lot less crime. Come out here where the real crime is.

When the high crime rates went up in the District, there was a lot of blame to go around and a lot of it belonged to the District. Always, the District gets stinging criticism. Criticism of our own local police or death penalty rhetoric is not going to do anything to assist our police on the streets today, right now. Federal law enforcement officers should not be left underperforming when—by the way, they desperately want to perform because they lack the authority to render service commensurate with their police power and their arrest authority.

There is ample precedent for my bill. In 1992, this body passed my bill that freed the Capitol Police to go beyond the few blocks around the Capitol, and so they now patrol the high crime Capitol Hill area. This body understood immediately that we should not be training cops at the level we do and then failing to get the highest and best use of them. This is a period when we are losing policemen as if they were fighting wars. The high crime areas will always be patrolled by our own District police; but surely in the middle of town, thousands of police officers assigned to Federal agencies, who carry guns, who have police power, ought to be freed up to use that police power.

We are requiring greater efficiency from police these days. We are not responding simply to the call for more money. The call for greater efficiency is paying off. We see it in the large cities where crime rates have tumbled down. They can tumble down in this city, too. We are doing saturated arrests, and the crime rates have come down remarkably. How long can our police keep it up if we do not get help from police who are perfectly willing to, indeed, help?

I appreciate that many of those uniformed police came to stand with me this morning in a press conference. I ask the Congress and this House to pass my police coordination bill and help me get rid of crime in the District of Columbia.

TEACHER APPRECIATION DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Mississippi [Mr. PICKERING] is recognized during morning hour debates for 5 minutes.

Mr. PICKERING. Mr. Speaker, I rise today in recognition of National Teacher Appreciation Day to express my gratitude to teachers who have helped shape my life, and to my family, many of whom have taught, and continue to teach today. The theme of this year's National Teacher Appreciatiom Day is: One teacher can shape a child, one child can shape the world. I am thankful for this day so that we can praise those who shape not only our lives individually and our children and our communities but also shape our future.

My grandparents on my mother's side were both teachers; W.C. Thomas and Ivon Thomas. They came of age during the Depression. My grandfather became a principal at a small rural agricultural high school and then went on to teach at the junior college that serves my area. I had the benefit during the period in which I grew up of having adults come to me as a child and saying, ''If it had not been for your grandfather, I would not have stayed in school, and I would not be what I am today.''

It gave me a true appreciation and an understanding for the role of what teachers and those in the education community give to people. My mother was a teacher and was a director of a kindergarten program. I have three sisters. Today, one teaches fifth grade in Opelika, AL. My oldest sister has six children and home-schools. My other sister taught freshman composition at the University of Mississippi. My aunt, Karen Pickering, teaches fifth grade at Calhoun Elementary School.

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I come to this day with appreciation for what teachers give, and I want to give specific praise to one teacher, one coach, who had a specific influence on my life and to whom I am not sure that I would be here as a Congressman today if he had not given me encouragement at a critical point in my life. His name is Lonnie Meaders. He began teaching and coaching in 1950, and he served the Jones County-city schools for almost 30 years. He was my junior high football coach. When I finished junior high, most people thought that I was too small and too slow to continue at the high school level. He encouraged me to continue playing when no one else did.

My 10th grade year, my first year in high school, I was the smallest on the team. I made up for the lack of size with an even greater lack of speed. In my 11th grade year, I began to play. In my 12th grade year, I had enough success on the field to earn a college football scholarship.

It was that experience of continuing to play when no one else thought that I could or should that gave me the confidence and gave me a foundation to believe that with hard work that I could succeed. It was Coach Lonnie Meaders who influenced not only my life, but countless others who went through the Laurel city schools. He was also the tennis coach, his 9th grade team went 18 years never losing a match. We are blessed to have those like Coach Meaders who teach us and encourage us at critical points in our lives.

I now have four children ages 7, 5, 3 and 1, and I want to thank Mrs. Harper, who teaches my oldest child today. She has brought a young, shy, 7-year-old out, and he is beginning to blossom as she encourages him on a daily basis.

My job in representing the teachers and the families of my district is to

make sure that we give the resources, the freedom, and the flexibility to our teachers so that they can help shape the character of our children. Teachers can help establish the fundamentals upon which our children will prosper and, hopefully, one day succeed at whatever their dream may be.

For those who have taught me, to my family which has served the education community, I want to extend a special thank you to them all.

ENCOURAGING BROWNFIELD DEVELOPMENT

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

Mr. VISCLOSKY. Mr. Speaker, I rise today to urge my colleagues to join me in promoting an effective way to encourage the redevelopment of abandoned, idled or underutilized commercial and industrial sites known as brownfields. Nationwide, brownfields are often overlooked for redevelopment because of real or perceived contamination. As a result, developers frequently turn to undeveloped greenfield sites. This creates a vicious cycle of lost tax revenues and job opportunities for local residents, while the brownfields are not cleaned up.

There is wide bipartisan support for measures that would encourage the redevelopment of brownfields. Although the specifics have not yet been worked out, I am pleased that the recent budget agreement contains a brownfields initiative to assist cities in cleaning up contaminated sites as part of a broader economic redevelopment strategy.

Effective brownfield redevelopment must create jobs, clean the environment and generate economic activity in our urban areas. However, we must not start a race to the bottom where cleanup standards are sacrificed on the altar of brownfield renewal. We must ensure that brownfield redevelopment does not become a back door to let polluters off the hook. A final product that does not meet these reasonable standards falls short of a readily achievable goal.

In March, I introduced the Brownfield Cleanup and Redevelopment Act, H.R. 1206. This legislation would establish a process whereby States with EPA-certified voluntary cleanup programs would be authorized to make final decisions regarding the cleanup of low- and medium-priority brownfield sites. To date, roughly three dozen States have implemented or are in the process of implementing voluntary cleanup programs. While these programs have been popular, the benefits of State cleanup programs will be significantly enhanced in the context of a Federal system that, first, encourages Federal-State partnerships; second, provides legal finality to the cleanup process; and, third, removes Federal requirements for certain procedural permits for cleanups conducted under certified voluntary State programs.

My bill would expedite the clean up of eligible brownfield sites while protecting human health and the environment and creating jobs. H.R. 1206 is designed to encourage the cleanup of brownfields by providing certainty and finality to owners or prospective purchasers that the EPA will not require additional cleanup after an EPA-approved State voluntary cleanup has occurred.

My bill makes clear that if State voluntary cleanup programs meet certain criteria and are certified by the EPA, then approved cleanups conducted by certified State programs could proceed in lieu of Superfund. However, under H.R. 1206, the EPA administrator would certify State voluntary cleanup programs based on several criteria including, first, adequate opportunities for meaningful public participation in the development and implementation of cleanup plans at eligible facilities; second, the provision of adequate technical assistance, resources, oversight and enforcement authority; and, third, certification from the State that the cleanup of an eligible facility is complete. In addition, certified State programs could modify Federal permit requirements for eligible facilities to expedite their cleanups.

However, this bill is narrowly targeted to address only sites that are not Superfund sites that are not included on the national priorities list or subject to enforcement actions. Further, under H.R. 1206 the EPA explicitly retains its authority to gather information on any brownfield site. If it is discovered that the site is contaminated in such a way that it would not be considered a low- or medium-priority brownfield, it will no longer be eligible as a facility under the legislation, and EPA would retain full enforcement authority under Superfund.

I also want to briefly highlight another bill I have introduced. It is H.R. 1462 which would authorize $20 million over 3 years to establish a pilot revolving loan fund for State voluntary cleanup programs. Because of their experience in administering targeted loan assistance programs, States are in a good position to use Federal funds to support local cleanup and redevelopment projects. Under H.R. 1462 States would provide a 20-percent match and begin repaying loans within 5 years.

Mr. Speaker, I urge my colleagues to sponsor these bills which will build upon existing redevelopment efforts. By creating a distinct beginning and end to the voluntary cleanup process, businesses and jobs will be more attracted to unproductive brownfields as opposed to undeveloped farmland and other greenfield sites.

TRIBUTE TO MY TEACHER, FATHER JOHN PUTKA

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today is National Teacher Appreciation Day, and we celebrate this all week long. I am reminded today especially of the teachers that have had such a profound influence in my life, and powerful influence at that, not the least of which was my father, a school teacher for his whole career, retired now; taught in a government-owned school system in which I did not live and did not have the chance to attend there, but he had the good sense to send me to another school where I had the opportunity to learn from this man here who I brought a picture of today.

Mr. Speaker, this picture is from January 7, and the man, this is me over here on the left, the man at the right here is Father John Putka who my colleagues will find at the University of Dayton presently. This was the day that I got sworn in, and this was a teacher who made the trip here to the U.S. Capitol to celebrate the occasion, and I have to tell my colleagues that there are many, many individuals throughout this country who have been inspired by Father John Putka.

Now he was my high school teacher at More High School in Cincinnati, OH. It is a Catholic school and one that is run by the Marianist Brothers, which Father Putka is a member of that holy order, and Father Putka was my senior Christian marriage teacher. Now he taught several different topics. His training is in political science, and in law, in philosophy and divinity, and he manages to bring all of those disciplines together in a way that has such a remarkable influence upon the lives of all of the students that have had an opportunity to sit in the chairs before him.

It is interesting about this picture itself, because when we were having it prepared and it was downstairs in one of the offices, one of the staff members who was preparing this did not want to part with it, and the reason was because she had the opportunity to learn from Father Putka too, as it turned out.

I have to tell my colleagues that it is unfortunate that there are not more students throughout the country that have a chance to learn in the kind of setting that I had an opportunity to learn in and that many students do throughout the country, but still not enough. I was able to attend this school because choice, school choice, was something that was available to me and to my family and to my brother and sister and others in my community. It was an opportunity for me to choose which kinds of education settings made the most sense for me. For

me this was the setting that was most meaningful and most purposeful.

This was the setting under Father Putka where we learned quite a lot about character and character education. We learned quite a lot about our history as a great Nation, a nation where, as our Founders observed in our Declaration of Independence, is a nation where we are organized around certain God-given unalienable rights to life, liberty, and the pursuit of happiness and that our Founders appealed to the Almighty for the rectitude of their intentions, and in fact they pledged to each other their lives and their fortunes and their sacred honor with a firm reliance upon the protection of that same divine providence.

Now those are lessons that I would submit one does not learn everywhere. They are lessons that frighten some people when it comes right down to it because there are many people in government schools and in government settings and centralized bureaucracies who are afraid of the lessons that people like Father Putka teach their students. They are afraid that individuals might take his lessons seriously about not being conformed to this world, about renewal of the mind, that we may recognize what is good, what is bad, what is perfect, what is imperfect, what is proper and improper. Those are lessons that more and more students need to learn and need to hear, especially here in America.

Father Putka keeps in touch with his students; I can assure my colleagues of that. He kept in touch with me when I was a State senator back in Colorado. For 9 years I would hear from him frequently on issues that we were dealing with in the State legislature, issues dealing with family, issues dealing with life and death, euthanasia, all kinds of topics of those sorts. I spoke with him often about the relevance of our Constitution and the decisions that we make every day. A constitutional scholar, he has reminded me every single day, recalling from those lessons at More High School in his classroom about how we organize ourselves as Americans and how we are, in fact, governed by that Constitution.

Teachers like Father Putka understand full well that the students that they teach are in fact messengers that we send off to a distant time, and what message will they carry? They will be future leaders perhaps, they will be business leaders and government leaders and perhaps even spiritual leaders or maybe teachers themselves. What message will they convey?

Mr. Speaker, I can tell my colleagues that the message I am here to convey is that we have to move away from a centralized bureaucratic structure of public schooling. The Republican Party is committed to the freedom to teach and the liberty to learn. We believe full well that every student in America ought to have the same choices I did to choose the educational setting of their choice, the same kind of choices that occurred to our President here in Washington, DC.

Mr. Speaker, congratulations to all the teachers throughout the country today on this commemoration of their profession.

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REVITALIZE PELL GRANT PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise this morning to express my strongest support for increased funding for the Pell Grant Program. In developing a national education strategy and in constructing an economic vision for the future, we must strive to ensure that every American who wants to go to college can, in fact, afford to go to college.

The tax system is one way of providing relief to families attempting to put a child through college, but tax credits and deductions alone will not make higher education more affordable for every working family.

As the Boston-based Education Resources Institute has reported, low-income students need grant aid to help cover tuition costs. Otherwise, an entire community could effectively be shut out of the American dream.

As I have met with the presidents of universities, community colleges, and vocational and technical schools throughout my congressional district in Massachusetts, I hear everyone saying the same thing: We need more grant aid and we need increased funding for Pell grants.

These educators understand that students are struggling to meet rising college costs. The average tuition in a 4-year public college in Massachusetts is over $4,000. The average private school costs nearly 4 times that amount. In 1980 through 1981, the average Pell grant award paid for 26 percent of the total annual cost of attending a 4-year public institution. Today the average award covers only 16 percent of that cost.

What happened? The problem with Pell grant funding comes not from institutions of higher learning, Mr. Speaker, but rather from a Congress that has neglected to keep financial aid awards consistent with the rising cost of living. In announcing the recent budget agreement, the White House noted that the President's mere $300 increase for Pell grant is the largest such increase in the past two decades.

This sad reality is an indictment of Congress' failure to truly commit itself to expanding educational opportunity for all of our young people. While congressional appropriations for Pell grants have increased modestly over the last 17 years, the real dollar amount for the grant when adjusted for inflation has actually decreased by 13 percent during this period.

The Pell Grant Program is the heart of Federal grant aid for families in need. It targets those students most likely not to attend college because of a lack of funds. These are the children of modest income working families and those of middle income families who are struggling to send several children to college at the same time.

Mr. Speaker, President Clinton has proposed raising the maximum Pell grant award from its present level of $2,700 to $3,000. But to be frank, this modest increase, while welcome, simply will not cut it. If education is truly at the top of our national agenda, our Federal investment must reflect this fact.

That is why Senator PAUL WELLSTONE and I have introduced legislation to increase the maximum Pell grant to $5,000, bringing the award to the level at which it was created, adjusted for inflation. This legislation is supported by respected groups like the American Jewish Committee, the National Urban League, the Education Trust, the National Association of La Raza, the National Association of Social Workers, the NAACP, and the U.S. Student Association.

The cost of increased funding for Pell grants is not prohibitive. Last year, the Pell Grant Program totaled $6.4 billion and benefited about 3.4 million students in this country. My bill requires about $7 billion more per year, less than three-tenths of 1 percent of the Federal budget. And we should remember that Pell grants pay a huge dividend in the form of a more productive, highly educated work force.

I am committed to balancing the budget, Mr. Speaker, and I believe every dollar that the Government spends must be viewed in this framework. But balancing the budget is all about making choices. And when it comes to investing in our children's education, I am absolutely convinced that America's future hangs in the balance.

On this issue then, we simply cannot pinch pennies. Every American child deserves the opportunity to become a productive member of our society. As we move into the 21st century, we must guarantee that no student who aspires to a college education is left behind simply because she or he cannot afford it. An ever adjusting Pell grant fund for inflation is one way to avert such a tragedy.

NATIONAL TEACHER APPRECIATION DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from South Dakota [Mr. THUNE] is recognized during morning hour debates for 5 minutes.

Mr. THUNE. Mr. Speaker, today I also want to pay tribute to the many

teachers around this country. It is National Teacher Appreciation Day. My father was a teacher. In fact, I am probably one of the few people in this body that knows what it is like to live on a teacher's salary.

I did not have him for a class; although, my older brother Rich did. My brother Rich was a valedictorian of his class. My father's class was the only class in which he received a B. So maybe it is better that I did not have him as a teacher. But I want to pay tribute to the many people who have invested and poured their lives into preparing me for a better future, and I have been marred for life by the people who have invested and taken the time and energy and have been dedicated and committed to preparing and equipping me for the future that was ahead of me.

Today I stand here as a product of their investment. Today I am a little bit of Margie Peters, little bit of Mike McKernan, little bit of Coach Applebee. There are great lessons that have been learned, and there is no greater laboratory in which to learn those lessons, to impart knowledge and to instill values than in the classroom.

I would like to visit with Members just briefly today about one person in particular that had a profound impact on my life, and it was a basketball and track coach, a red-haired Irishman named Jerry Applebee. We do not get C–Span in the town in which I grew up, and so we have got his picture here. He probably will not see this. But I want to make reference to one game in particular that I recall as a senior in high school in which we had an opportunity to win the district basketball tournament. It would have been my last opportunity and his last opportunity to advance to the State tournament. And I had an opportunity toward the end of that game to make a shot that could have won that game and sent us on and advanced us in the playoffs. And as the play was called and the ball was inbounded and I received the ball and took the shot and missed it at the buzzer, with that perished our last opportunity at a State tournament and certainly his last opportunity as well.

I remember sitting in the locker room after that game was over and feeling dejected and responsible for the loss; and Coach Applebee, as was his custom, he came alongside, and the bus was getting ready to leave, and said, ''John, the bus is ready to leave, it is time to go. And, by the way, track starts next week.''

He learned and reinforced a lesson that has stuck with me for a very long time, and that is, it is not so much about winning or losing as it is about learning, and the lessons I learned along the way and the teaching and the coaching that I had the opportunity to sit under his guidance and leadership were some very important lessons that when you win, you win with grace, that when you lose, you lose with dignity, that you always play by the rules, and that you always play hard. That was his way.

I never asked whether or not Coach Applebee was a Democrat or a Republican. But it was interesting, because when I decided to seek my party's nomination for the U.S. Congress, he was one of the first people that came forward and helped. We had a little pie auction in my hometown of about 700 people, and he was the first one to step up and buy pies. In fact, I think he bought the first 4 or 5 pies and bid the price up on them because he wanted to make sure that nobody else thought that they were going to be able to get off easy.

That is one of the things I think that is characteristic of a lot of teachers around this country, and that is the personal time, the investment, the energy, the dedication, the commitment they make to building character into the next generation of Americans.

Today I want to thank those who had an impact on my life, a profound impact, as well as many others like them around this country who, day in and day out, go about their business and certainly it is not for the money because, particularly in our State, it is not a very lucrative profession, but they do it because they believe very strongly in helping to equip and helping to build a better future for our country.

So today we pay tribute, and I want to thank the many teachers around this country who are about the process of educating and preparing and building character into us and equipping us so that we might be the kind of people and achieve all the things we possibly can and strive for a better future as well for our kids and our grand kids.

GUAM'S QUEST FOR COMMONWEALTH CONTINUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from GUAM [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, next year marks the 100th anniversary of the end of the Spanish-American War, with the territory of Guam being one of the spoils of that conflict. It has been 100 years since Guam has been a colony of the United States. And before that, Guam was a colony of Spain for over 200 years.

We are a people who can adapt and adjust to wars, typhoons and changes from outside forces. But we have been a colony of one Nation or another for far too long. We have taken steps to change our inability to make decisions for ourselves which govern our everyday lives. We have begun the journey for change in plebescite in 1982, and our journey for commonwealth status continues today.

The people of Guam, American citizens in the Western Pacific, will not remain colonized for another century. We have been loyal citizens under the American flag. We have developed economically to the point where we have a booming tourist industry, the envy of many Asian Pacific nations. We could develop even further if we did not have so much Federal constraints imposed upon us as an unincorporated territory.

To help us develop further, we are striving for an improved political relationship with the Federal Government through the Guam Commonwealth Act, H.R. 100. I introduced H.R. 100 on the first day of the 105th Congress. This important legislation embodies the aspirations of the people of Guam for more self-governance and signals to the American people that we are serious about changing from our current status under an organic act to a negotiated commonwealth status.

We embarked on this journey in 1982 when the people of Guam voted for commonwealth in a plebescite. A draft commonwealth proposal was presented to the U.S. Government, both the executive branch and the legislative branch. The Congress, through the House Subcommittee on Insular and International Affairs, held a hearing in 1989 in Hawaii. At that time, the administration raised a number of objections and the chairman of the subcommittee asked the Guam officials at the hearing to meet with the executive branch officials to resolve or narrow their differences on how best to structure a new relationship.

It has been 8 years since the executive branch has been meeting with the representatives of the Guam Commission on Self-Determination. Numerous meetings were held to discuss, debate and deliberate on a variety of issues embodied in the draft commonwealth proposal.

We have had to deal with an interagency task force of individuals who resisted changes to the status quo in traditional Federal territorial relations. We have worked with four Presidentially-appointed special representatives who led the Federal negotiations with Guam officials. It has been a taxing, debilitating experience filled with a few minor breakthroughs and a few major agreements on structuring a commonwealth, but we still have not reached final agreement.

After 8 years, we still do not have an official position from the administration; and this is true whether it was in the Bush administration or the current Clinton administration, whether they will support or oppose the Guam Commonwealth Act. I urge the administration to bring closure to this process so that Guam can assess its options on how best to proceed.

I personally asked the President last month to complete this long delayed process, but we are not going to wait for the answer. We are ready to move on to another playing field; namely, the U.S. Congress.

Last month, the Governor of Guam, bipartisan members of the Guam Commission on Self-Determination, and

legislature, and I met with House and Senate committee members who have jurisdiction over insular issues. We were energized with the understanding of the issues and especially the renewed commitment by Chairman DON YOUNG to conduct a hearing on the Guam Commonwealth Act, perhaps this summer after the committee has concluded its consideration of Puerto Rico's political status legislation.

We thank Chairman YOUNG and the gentleman from California [Mr. MILLER], the ranking member, and Members of the other body for their commitment to work with me and other elected officials from Guam to move the Guam commonwealth process along.

As often is the case, congressional action on an issue is the driving force for change. By moving Guam commonwealth to the congressional level, it will force the administration to seriously decide whether to help Guam craft a new relationship or to oppose our quest for commonwealth. It is my hope that by the time we hold the hearings in Congress that the administration will conclude its review and consideration of Guam commonwealth.

The people of Guam are relying on the Congress, the branch of government which represents all of the people of this Union, to be fair to us and to be receptive to our quest for an improved relationship. One hundred years is too long.

THE INFLUENCE OF TEACHERS IN OUR LIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PAPPAS] is recognized during morning hour debates for 5 minutes.

Mr. PAPPAS. Mr. Speaker, for many of us, what we are doing today and the person that we are today can be traced back, at least in part, to the influence that a particular teacher had on us. In so many ways, teachers, whether in grade school or high school, have encouraged us and inspired us as we grew.

The formidable years, those years in which we begin to think about what we want to be and the path of how to get there, are so many times guided by teachers. I know many people have chosen a profession or excelled in an area based on the influence of a teacher. That influence sometimes reaches well beyond guiding us through the four R's.

For anyone who has logged onto my web site or was at the Speaker's opening day reception, they know that I enjoy singing. Aside from recently joining with one of my colleagues, one of which was the gentleman from South Dakota [Mr. THUNE], in forming a congressional quartet, music has been a part of my life since childhood.

□ 1315

My lifelong love of music and singing has been inspired by my elementary school music teacher, Mr. Erin Sanders. Mr. Sanders led us in song each week while he played the accordion at the Pine Grove Manor School in Franklin Township, NJ, where I attended.

He also taught each of us that was interested in learning to play a musical instrument. I recall with fondness how he would enthusiastically direct at both practice and especially at concerts.

I remember one day I had traveled into New York City with my father and, among other things, I purchased a conductor's baton. When I returned to school, I lent the baton to Mr. Sanders to use for an upcoming concert. At the end of the school year, I wrapped it and I left it for Mr. Sanders in his office, and I can still remember the smile on his face when he thanked me for it. It was a small offering to him for all he had given to me.

All of us should take the time to reflect on our own school experiences and remember those teachers and programs that made a difference. Sometimes it was not just what we were encouraged to do but also what we were encouraged not to do. Whether it was just talking, being confident, challenging us, or developing a talent, I hope we remember how Mrs. So-and-so or Mr. So-and-so took the time to make us feel special. Each of us are gifted in one way or another. Maybe you are an artist, mathematician, writer, runner, or singer, but whatever it is, never forget who was there when you needed someone's prodding or encouragement.

So as we celebrate National Teacher's Week, I want to say a special thank you to Mr. Sanders for the difference he made in my life.

HONORING OUR NATION'S TEACHERS

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Kentucky [Mrs. NORTHUP] is recognized during morning hour debates for 5 minutes.

Mrs. NORTHUP. Mr. Speaker, on this day when we honor our Nation's teachers, I would like to highlight the work of one accomplished educator in my district of Louisville, KY.

Jacqueline Austin spent 13 years as a classroom teacher before being named as principal of John F. Kennedy Elementary School. In her first year as principal, Mrs. Austin would arrive early at work and phone students to wake them up and ensure that they were coming to school. She says it was the only way she knew to improve the school's attendance rate, which was near the bottom of all of Jefferson County elementary schools.

Kennedy could be found at the bottom of a lot of other lists, not only in attendance but also in test scores and failure rates. In fact, more than 30 percent of John F. Kennedy's kindergartners and 23 percent of its first graders had failed a grade.

Located in one of the toughest housing projects in the city, Kennedy Elementary seemed to be a lost cause. But in the tradition of outstanding educators, Mrs. Austin set about finding ways to solve her school's problems. Her good friend, Ethel Minnis, wife of director of Career Workforce Education Bernard Minnis, made her aware of the Montessori style of education, which, as Jackie says, encourages students to be actively engaged in their own education.

Under the direction of Ms. Austin, Kennedy became the only public Montessori school in the Commonwealth of Kentucky. Now, 10 years after Jackie Austin was given this seemingly impossible task, John F. Kennedy Elementary is a model school. The student scores on the State tests have earned the school acclaim. It was recently named a Kentucky Pacesetter School for consistent academic achievement. Mrs. Austin herself was given the Milken Family Award for Excellence in Education.

Students run the school's in-house TV network, WJFK. Not only do they appear on air, but they also operate the cameras, produce, direct, and stage manage the broadcasts. Students run their own post office and take a mini civil service exam, and students run the Kennedy Financial Services, which teaches skills associated with banking as well as investing in stocks and bonds.

Jackie Austin's enthusiasm and work ethic have proven to be contagious. Parental involvement in the school is at an all-time high. Kennedy teacher Patti Barron says, ''When you have a principal that works as hard as she does, we're willing to work as hard as we can.'' John F. Kennedy Elementary has risen like a Phoenix from the ashes of a once failing school.

Jackie Austin was on the front lines of this Nation's war against ignorance. She was innovative and determined not to let the enemy win. The results she has achieved exemplify what happens when educators are allowed to be independent and creative.

Mrs. Austin says, ''Every child is a learner. With all of the outside distractions, we have to make learning dynamic and exciting.'' Jackie Austin has done just that. I was honored to meet her and tour her school, a modern day success story, where education and learning are paramount.

CONGRAULATIONS TO THE PRESIDENT AND HOUSE AND SENATE LEADERS FOR BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. MORAN] is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I rise to congratulate all the parties that were involved in the budget agreement reached over the weekend. While

many of the details still have to be worked out, and of course many will say the devil is in the details. I think Members of this body would be hard-pressed to speak against a budget agreement that for the first time since 1969 gives us a real chance to balance the budget, to get our fiscal house in order.

I would have preferred that we postpone some of the tax cuts pay for more of them through savings in the tax Code. We are doing much of that. Each of us may find, as I say, particulars in programs that we think may be more endangered than before the budget agreement, but that is a product of compromise. Politics is the art of compromise, and it is about time we were able to get together to work in a constructive, cooperative spirit.

I congratulate the President and I congratulate the leaders of the House and Senate on both sides for coming forward with that spirit and getting the kinds of results they have.

If we oppose this, we invite far more harmful consequences to ourselves and particularly to future generations than any of those items we specifically object to could ever cause. Let us not blow this opportunity to do what is in everyone's best long-term interests. The bipartisan budget agreement will allow us to reach balance in the year 2002 without wreaking any havoc on the most important domestic discretionary programs, nor will it wreak havoc on the Defense Department budget.

We as Democrats can be proud of this agreement, since it will allow the Federal Government to continue to be an agent of positive change. We will be able to expand health care coverage to 5 million more needy underinsured children. We will be able to restore the safety net to legal resident aliens who were disenfracthised under last year's welfare bill, and we will be able to go home and justify our actions to a public that is too often skeptical that we are not doing anything that is in their best interests.

This agreement builds on the accomplishments of past deficit reduction efforts, most notably the 1993 deficit reduction package. Since adoption of that 1993 budget package, the deficit has been reduced 4 consecutive years to where it is now the lowest since 1981. It is down to $74 billion. This past year it was $107 billion; now we are talking about $74 billion. That is phenomenal, given where we started, from $290 billion in 1992.

The tax increases and the spending cuts enacted in 1993, contrary to much criticism at the time, has kept interest rates and unemployment low and the economy booming. The stock market has gone through the ceiling because they have to put their money on their analysis of where the future of this economy is going. That is why the stock market is booming. They see a rosy outlook. They know that our budget is in control.

Now, we hope that this agreement will also lay the foundation for more fundamental entitlement program reforms that must be dealt with before us baby boomers begin to retire. But this agreement deserves our support. The President and the leaders of the House and Senate deserve our support. We congratulate them.

At this point I would like to yield to my colleague and good friend, the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Speaker, I would like to join the gentleman from Virginia [Mr. MORAN] in congratulating the President and the Republican leadership and the Democratic leadership that played such an instrumental role in negotiating what is a very responsible budget that is going to benefit all American families. It is going to build upon the good work that has happened in this House in the last 4 years, when we have been able to reduce the deficit from what was $290 billion to what might be $75 billion this year. It is almost one-quarter of what it was 4 years ago.

This is not an achievement that belongs solely to the President; it is an achievement that also belongs to some of the Democrats who had the majority in the first 2 years of his Presidency, and also the Republicans who had control in the second 2 years. We have a package now that I think gives the promise and the hope to American families that we are going to eliminate the deficit in the next 5 years; that we will be able to start repaying the national debt while still protecting the priorities of our families in education and health care, as well as providing some much-needed tax relief with capital gains and inheritance tax.

I thank the gentleman for coming to the floor today and honoring some of the leaders of this country who have put us on the right track.

Mr. MORAN. Mr. Speaker, I thank the gentleman for his very fine words and his message that needs to be listened to by everyone.

PRESIDENT CLINTON DELIVERS THE FIRST BALANCED BUDGET IN A GENERATION—HISTORIC AGREEMENT PROMOTES THE COUNTRY'S PRIORITIES

President Clinton has achieved a balanced budget agreement that includes critical investments in education, health care, and the environment while strengthening and modernizing Medicare and Medicaid—just as he promised last year. We have cut the deficit 63%—from $290 billion in 1992 to $107 billion last year. This historic achievement will finish the job, giving the American people the first balanced budget in a generation, while meeting the President's goals.

GOAL: TO ENSURE THAT EVERY 8-YEAR-OLD CAN READ, EVERY 12-YEAR-OLD CAN LOG ON TO THE INTERNET, AND EVERY 18-YEAR-OLD CAN GO TO COLLEGE

Largest Pell Grant Increase in Two Decades—4 million students will receive a grant of up to $3,000, an increase of $300 in the maximum grant.

Tax cuts targeted to higher education to make college more affordable for America's families.

An America Reads initiative to mobilize a million tutors to help three million children learn to read by the end of the third grade.

Expansion of Head Start—to achieve goal of one million kids in 2002.

Doubles funding to help schools integrate innovative technology into the curriculum.

GOAL: EXPAND HEALTH COVERAGE FOR AS MANY AS 5 MILLION UNCOVERED CHILDREN

Medicaid improvements and added Medicaid investments.

A new capped mandatory grant program that provides additional dollars to supplement states efforts to cover uninsured children in working families.

GOAL: SECURE AND STRENGTHEN MEDICARE AND MEDICAID

Extends the solvency of Medicare Trust Fund to at least 2007 through long overdue structural reforms.

Expands coverage of critical preventive treatments of diseases such as diabetes and breast cancer.

Preserves the federal Medicaid guarantee of coverage to our nation's most vulnerable people.

GOAL: STRENGTHEN ENVIRONMENTAL PROTECTION AND ENFORCEMENT

Accelerates Superfund cleanups by almost 500 sites by the year 2000.

Expands the Brownfield Redevelopment Initiative to help communities cleanup and redevelop contaminated areas.

Boosts environmental enforcement to protect public health from environmental threats.

GOAL: MOVE PEOPLE FROM WELFARE TO WORK AND TREAT LEGAL IMMIGRANTS FAIRLY

A Welfare-to-Work tax credit to help long-term welfare recipients get jobs.

Restores disability and health benefits for legal immigrants.

Restores Medicaid coverage for poor legal immigrant children.

Preserves food stamp benefits for people willing to work.

Provides States and cities with additional resources to move disadvantaged recipients into jobs.

GOAL: CUTS TAXES FOR AMERICA'S HARD WORKING FAMILIES

A Child Tax Credit to make it easier for families to raise their kids.

Tax cuts targeted to higher education to make college more affordable for America's families.

A Welfare-to-Work tax credit to help long-term welfare recipients get jobs.

Establishes additional Empowerment Zones and Enterprise Communities.

A MESSAGE FROM WEI JINGSHENG

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

Mr. SCARBOROUGH. Mr. Speaker, today from this center of freedom in this people's House, I come to raise my voice in support of a lonely voice for freedom halfway across the globe. I speak of Chinese dissident Wei Jingsheng.

Yesterday, in a New York Times editorial notebook piece, Tina Rosenberg wrote an article called Letters From a Chinese Jail: The Blunt Demands of Wei Jingsheng. She wrote:

For nearly 20 years, the Chinese Government has sought to silence one of the world's most important political prisoners, Wei Jingsheng. Once an electrician in the Beijing

Zoo, Mr. Wei is the strongest voice in China's democracy movement. He has spent all but six months of the last 18 years in prison and in labor camps, mostly in solitary confinement in conditions that would have killed a less stubborn man a long time ago, and may soon kill Mr. Wei, who is 46 and very ill.

Now serving his second long sentence, he is watched around the clock by nonpolitical criminal prisoners who ensure that he does not put pen to paper.

But during his first imprisonment he was permitted to write letters on certain topics to his family, prison authorities and China's leaders. Most were never sent. But they now have been translated and published. They form a remarkable body of Chinese political writing.

The book, The Courage to Stand Alone, is published by Viking. It shows why the Chinese Government is so afraid of Mr. Wei. His weapon is simplicity. Unlike other Chinese activists, Mr. Wei does not worry about tailoring his argument to his audience and does not indulge in the Chinese intellectual tradition of flattering the powerful. He does not worry about being seen as pro-Western, or a traitor to China.

He writes as if what is obvious to him, that China needs democratic freedoms, should be clear to anyone.

He has also been uncompromising. In 1978, Mr. Deng was fighting for control of the leadership and encouraged reformist thinking. Mr. Wei wrote a bold poster and was arrested in March 1979, given a show trial, and sentenced to jail for 15 years for simply writing a statement.

□ 1330

He was released 6 months before completing that sentence as part of China's bid to win the Olympics in the year 2000. He refused to leave before getting back letters the prison authorities had stolen. But once free, he immediately resumed his work for democracy. He was rearrested, and after a 20-month incommunicado imprisonment, he was sentenced to another 14 years.

Today the New York Times writes that there is no visible dissent in China, that activists went into exile, many were arrested, and others just simply gave up politics and turned their talents to commerce. But the moral force of his writing recalls the prison letters from other famous dissidents such as Martin Luther King, Jr.'s Letters from the Birmingham Jail, Michnik's Letters From Prison, and Havel's Letters to Olga. He is not a man of many words, and he was probably not writing with an eye to publication. But the most important thing that these other political dissidents had that Mr. Wei does not have is widespread international support.

All over the world dissidents look out for others to see that governments that are oppressing them are getting pressure from outside forces. Unfortunately, such is not the case, for Mr. Wei and his political dissidents do not have the world support. Their names are not widely known, and while some Americans and other officials have brought them up during talks with Chinese leaders, in general the outside world treats Beijing officials with deference due business partners.

Today Mr. Wei suffers from life-threatening heart disease. Because of a neck problem he cannot even lift his head. All indications are that he has not seen a doctor in more than a year. He is due to be released in the year 2009, if he lives that long.

Mr. Speaker, it is my belief that we in the West must stop allowing our insatiable desire for greater commerce and larger market shares to compromise any further our commitment to freedom of speech, freedom from religious persecution, and freedom from the dehumanizing repression that has brutalized Chinese dissidents for years now.

RECESS

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 32 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. SNOWBARGER] at 2 p.m.

PRAYER

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

We offer this prayer of Thanksgiving and praise to You, O God, for the gift of our lives and for the opportunities all about us. Our words of prayer are directed to You, gracious God, in response to Your mighty acts of love to us. The promises and the grace that You have given are more awesome than anything we could deserve or imagine. So strengthened by Your word and encouraged by Your spirit, we can meet each day with confidence and new resolve. This is our earnest prayer. 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 Nevada [Mr. GIBBONS] come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS 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.

TAXPAYERS SHOULD NOT PAY FOR CLEANUP OF NUCLEAR WASTE

(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, who should be responsible for paying the $2.3 billion price tag for transporting nuclear waste? Should it be the nuclear power industry, who created and profited from it, or the American taxpayer?

Legislation now pending before the House will force taxpayers to pick up the tab for moving this lethal garbage through their own communities and maybe even through their neighborhoods. On top of that, this legislation would also use American tax dollars to pay for the storage of nuclear waste.

I think most Americans would agree that the cost of transporting and storing these hazardous materials should not have to be paid by innocent American taxpayers, but rather by those responsible, the nuclear power industry.

Let us save America's hard earned tax dollars and return the responsibility of waste to the big power companies.

SUPPORT THE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 1997

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

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues to join my good friend, the gentleman from Ohio [Mr. NEY], and myself in supporting H.R. 1173, the Public Safety Employer-Employee Cooperation Act of 1997. So far 70 Members of the House, both Republicans and Democrats, have added their names as cosponsors of this bill.

H.R. 1173 recognizes the fundamental right of police and firefighters to form and join unions and to bargain collectively with their employers over wages, hours, and working conditions.

H.R. 1173 does not create a Federal mandate. It does not affect existing State collective bargaining laws and it would prohibit strikes and lockouts.

This bill is supported by the International Association of Firefighters, the Fraternal Order of Police, the International Union of Police Associations and the National Association of Police Organizations.

Mr. Speaker, I urge my colleagues to join us in support of H.R. 1173.

IN APPRECIATION OF TEACHERS

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

Mr. CHRISTENSEN. Mr. Speaker, today I rise in support and in tribute to

Roger Kassebaum from Millard North High School in Omaha, NE. Roger is a high school teacher there and the lead curriculum design teacher for NASA's KidSat program. KidSat is a program in conjunction with Sally Ride, the former astronaut and current physics professor.

This program allows students on Earth to control, through the Internet, a still camera on the space shuttle. Photographs taken by the camera are downloaded to Earth via satellite, where students then learn to use them in class.

I have been in Roger's class and seen how much fun the kids have at learning and the way he teaches and enhances their learning. He is a tremendous teacher and one all should be proud of. I believe his innovative techniques could be duplicated by other teachers across this country. He makes learning fun. I can say from firsthand knowledge that Roger Kassebaum is the kind of teacher America can be proud of.

Thanks, Roger, for what you do for the future of our country.

FRANKLIN DELANO ROOSEVELT'S LEGACY

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

Ms. SLAUGHTER. Mr. Speaker, I rise today to remind my colleagues that as we preserve the legacy of our great President, Franklin Delano Roosevelt with his memorial here in Washington, we must not forget the ideals that he upheld for the American people.

FDR once said, ''The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.'' Those words resonate true now more than ever.

As a Nation we must never forget our responsibility to the general welfare of all of our citizens. This means we have a duty to the mother who is without the resources to feed her infant, we have a duty to ensure that our poor children receive the same health care as their classmates, and, yes, we even have a duty to the immigrants who are struggling in a new country, for the words etched on the Statute of Liberty still read ''Give us your tired, your poor, yearning to be free * * *.''

Mr. Speaker, as we commemorate Franklin Roosevelt's legacy let us never forget that it was because of his dedication to those who had too little that many Americans now have so much.

IN APPRECIATION OF OUR TEACHERS

(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 we recognize National Teachers Appreciation Week, I want to thank one of the teachers who helped instill in me a hard work ethic and desire to be the best I could be. My seventh grade teacher, Mrs. Annie Yoder, made a real difference in my life, and I owe part of my success to her. Mrs. Yoder, thank you so much for all you did for me and for the many other students that you diligently taught.

Education is vitally important to the well-being of our country, and during my visits to classrooms in the 10th District it has become increasingly clear to me teachers are among the most important keys to the success of our educational system. Teachers help lessons come alive and cultivate within all of us the love of knowledge. If knowledge is power, then teachers are the purveyors of this power. For this, we owe them not only our gratitude but respect and support as well.

If we want to truly respect and support our Nation's teachers, we must take educational control away from Washington and place it back with teachers and parents and local officials. To all the Mrs. Annie Yoders who have helped make us a better and brighter future, thank you, and I hope we can honor their hard work and dedication by not hindering what they do best, educating America.

CONGRESS SHOULD FIRE CIA AND HIRE CNN

(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 Senate is about to confirm another director of the CIA, even though America found out about the collapse of the Soviet Union on CNN. America learned of the fall of the Berlin Wall on CNN. America found out about Saddam Hussein's invasion of Kuwait on CNN.

After all this, Congress keeps pouring billions of dollars into that big sinkhole called the Central Intelligence Agency. I say, with a track record like that, Congress does not need a Committee on the Budget; Congress needs a proctologist.

I think the record is real clear. Congress should fire the CIA and hire CNN. Maybe we will learn what is happening in the world.

TEACHERS PLAY VITAL ROLE IN FUTURE OF OUR NATION

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

Mr. CHABOT. Mr. Speaker, National Teacher Appreciation Week gives us an opportunity to recognize the hard work and dedication of teachers across the country. Teachers every day inspire young students and help prepare our children for the next century.

One especially outstanding teacher in my community is Sharon Draper, an English teacher at Walnut Hills High School, recently named the National Teacher of the Year. Now Mrs. Draper is helping train other teachers by serving as an instructor at the Mayerson Academy in Cincinnati.

There are other teachers, of course, who deserve recognition back home in my district in Cincinnati: Susan Staub, a government teacher at Mercy High School; Tim Taylor at Oak Hills; Gene Jesse, at LaSalle, my alma mater; Mike Odioso at St. X; Jim Pharo at Seton; Jim Fiehre at Mt. Healthy; Mary Helen Beimesche at St. Ursula; Shad Stigle at Diamond Oaks, and the list could go on and on.

I want to also commend all those teachers just beginning their careers, like Shannon Crim at Lakota, who right now is completing her very first day as a teacher.

As a former schoolteacher myself, and as a parent, I appreciate the vital role good teachers play in the future of this Nation. Today and every day we should thank the teachers.

PROTECT OUR SENIORS

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

Mr. ETHERIDGE. Mr. Speaker, today I rise to support a resolution to protect our seniors from politically motivated cuts in Social Security, veterans benefits, and pensions.

This Congress must balance the Federal budget and we must do so in a manner that is consistent with our Nation's values and honors our commitments to older Americans. These citizens have worked hard all their lives and now only want a dignified retirement.

My North Carolina citizens have told me that we should not turn their cost of living adjustments into a political football behind closed doors in a Washington deal.

Mr. Speaker, the professionals at the Bureau of Labor Statistics should be allowed to do the job for which they are hired: determine the Consumer Price Index free of political pressure and protect our seniors.

NATIONAL TEACHER APPRECIATION WEEK

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

Mr. BLUNT. Mr. Speaker, I am here today as we set aside this week as Teacher Appreciation Week. If every Member of this House, and if, in fact, the people who are gathered in the gallery today and the people who are watching on television would just take a minute to carefully reflect on the people that have affected their lives, they would determine, as they tried to

pick out the three people that had had the most impact on their lives, I think very few Americans, even very few Members of this Congress, would determine that one of those people was the President of the United States or that one of those people was a Governor of a State or that one of those people was even a Member of Congress. I think the overwhelming majority of people in our country, and certainly in this House, would think of, as they thought of people that had affected their lives, they would think of a mother and a father, they would think of grandparents, a Sunday school teacher. Almost everybody, if asked to name three people, would name a teacher, would name a member of that profession whose job it is to really expand human potential. There is no greater calling.

And as we recognize the teachers this week and as we appreciate teachers, I want to take a minute to reflect on one of my teachers. As I thought about the teachers I had had throughout school, I had a long, long list of great teachers, but one of my teachers, my 6th grade teacher, Mrs. Norma Knight, who is still living in Springfield, MO, really had an impact on me.

I have a picture of her here today, in fact. I have not had a picture that large of Mrs. Knight in my office for my entire career, but perhaps I should have, because she was the first person that really convinced me that it was OK to read.

Mr. Speaker, I ask unanimous consent to be given 1 additional minute.

The SPEAKER pro tempore. The gentleman is only allowed 1 minute under this order of business. The gentleman's time has expired.

Mr. BLUNT. Well, Mr. Speaker, I appreciate her efforts and appreciate the great job she did as a classroom teacher and her inspiration to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they should avoid references to visitors in the gallery and to the television audience.

□ 1415

IN MEMORY OF SIXTH GRADE TEACHER NETTIE MESSINGER ON TEACHER APPRECIATION DAY

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

Mr. RANGEL. Mr. Speaker, let me join with my colleagues. I did not come to speak on this subject, but just this Friday I attended the funeral of a sixth grade teacher that I had. She was more than an inspiration to one of the worst kids in the classroom, which was CHARLIE RANGEL, but it was fantastic that the more success I received politically, the better she thought I was as a student. How quickly they forget. I was so blessed to have had her, not only as a sixth grade teacher in Nettie Messinger but as someone who counseled me after I got out of the service, returned to high school and went on to college and law school.

There were so many, many students that she took this very, very personal relationship with. She did not just let you play hookey, she had to come by your house to let your parents know that you missed school.

On behalf of all of the students from old PS 89, some that get on TV and many others that do not, let me thank the teachers that follow the high tradition of real teaching as Mrs. Nettie Messinger did and join my colleagues in thanking all of our teachers, especially those in the public school system.

SUPPORT BIPARTISAN BALANCED BUDGET AGREEMENT

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

Mr. FOX of Pennsylvania. Mr. Speaker, Thomas Jefferson was an enemy of deficit spending. In fact, he was so hostile to the idea that Government could saddle future generations with debt that he considered deficit spending a moral evil. He once wrote:

> We shall consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life of the majority.

Well, we have ignored the words of Thomas Jefferson for too long. America is over $5 trillion in debt. Our children and grandchildren have been saddled with a debt that they did not create. We think that is wrong. In fact we think it goes against everything America stands for. The American dream means leaving a legacy of opportunity to our children and grandchildren, not $5 trillion in debt.

Let us heed the words of Thomas Jefferson and support the bipartisan balanced budget agreement.

TRIBUTE TO COACH JERRY FAUST ON TEACHER APPRECIATION DAY

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

Mr. BOEHNER. Mr. Speaker, this week is Teacher Appreciation Week and many of my colleagues today have been to the floor of the House to recognize teachers who have had an impact on their lives. In my case, I had such a teacher. His name was Jerry Faust who taught at Moeller High School. Beyond being a teacher there, he also was the head football coach. Myself and my eight brothers went to Moeller High School in Cincinnati. Many of us had Coach Faust not only as a coach but also as a teacher. He is someone who had tremendous impact not only on my life but on many of my colleagues in that school, teaching us to be leaders, teaching us to fight for what we believe in. I think it was Coach Faust who taught all of us in my family that there is nothing in this world that you cannot accomplish, nothing that you cannot succeed at if you are willing to work hard enough and if you are willing to make the sacrifices that are necessary. I think it is because of people like Jerry Faust, people like a lot of great teachers around America that a lot of us are here. It is really the basis of what has made America great.

Congratulations to all teachers in America.

TRIBUTE TO MIDDLE SCHOOL TEACHER JEAN KASK

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

Mr. QUINN. Mr. Speaker, I too want to join my good friend, the gentleman from Ohio [Mr. BOEHNER] and my dear friend, the gentleman from New York [Mr. RANGEL], in paying tribute to our many teachers all across the country. In my particular district in Buffalo and western New York as a former middle school teacher myself, I would like to pay a special tribute today to our middle school world affairs/social studies teacher Jean Kask who is now retired. Mr. Speaker, when I walked over here from my office today and saw the hundreds of students right outside the building, it reminded me of those world affairs trips that Mrs. Kask would bring to this city, to this very floor, 300 eighth graders for 4 days for many, many, many years. The interesting thing about Mrs. Kask is while she had those skills that were important in the classroom, she also taught other teachers. I consider myself to be luckier than all the students she had because I taught alongside of her and learned just as much as the students did, if not more.

Mr. Speaker, I salute Jean Kask of Orchard Park Middle School and all of our teachers throughout the district and the country in this very important week.

PERIODIC REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-80)

The SPEAKER pro tempore (Mr. SNOWBARGER) 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:

As required by section 204 of the International Emergency Economic

Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 6, 1997.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken on Wednesday, May 7, 1997.

TRADE AGENCIES AUTHORIZATIONS

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1463) to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission, as amended.

The Clerk read as follows:

H.R. 1463

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

SECTION 1. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS FOR FISCAL YEAR 1998 AND 1999.

(a) UNITED STATES CUSTOMS SERVICE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

''(A) $668,397,000 for fiscal year 1998.

''(B) $684,018,000 for fiscal year 1999.

''(2) FOR COMMERCIAL OPERATIONS.—(A) There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

''(i) $901,441,000 for fiscal year 1998.

''(ii) $930,447,000 for fiscal year 1999.

''(B) The monies authorized to be appropriated under subparagraph (A) for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Customs Service that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under section 13031(a) (9) and (10) of the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be appropriated from the Customs User Fee Account.

''(3) FOR AIR AND MARINE INTERDICTION.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air and marine interdiction programs of the Customs Service not to exceed the following:

''(A) $95,258,000 for fiscal year 1998.

''(B) $98,226,000 for fiscal year 1999.''.

(2) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

(b) OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended to read as follows:

''(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

''(i) $22,092,000 for fiscal year 1998.

''(ii) $24,300,000 for fiscal year 1999.

''(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

''(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

''(ii) not to exceed $2,500,000 shall remain available until expended.''.

(2) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.''.

(c) UNITED STATES INTERNATIONAL TRADE COMMISSION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 330(e)(2) is amended to read as follows:

''(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

''(i) $41,980,000 for fiscal year 1998.

''(ii) $46,125,400 for fiscal year 1999.

''(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

''(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.''.

(2) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 is amended by adding at the end the following:

''(4) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] and the gentleman from New York [Mr. RANGEL] 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. 1463.

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, I rise in support of H.R. 1463, a bill to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Customs Service, Office of the U.S. Trade Representative, and the International Trade Commission.

I would first like to note that a full authorization for these three agencies has not been achieved since 1990, and that those authorizations expired in 1992. I was therefore pleased that the President's modest budget submission for 1998 for these agencies could be well received by the Committee on Ways and Means. This prudent approach allowed the committee to work in a bipartisan manner to authorize appropriations which matched the President's request.

Passage of H.R. 1463 will send a strong message to our colleagues in the Senate to develop the same bipartisan view that the committees of jurisdiction must reassert their authorities over these agencies through the budget process. The bill will also provide a guideline for the appropriations committees as they consider the levels of funding necessary for these agencies to fulfill their statutory functions. H.R. 1463 produces no increase in the Federal deficit.

While H.R. 1463 does not exceed the President's overall budget submission, the Committee on Ways and Means has made one important amendment to the authorizations for the Customs Service. The gentleman from Florida [Mr. SHAW] has acted to allocate additional resources within the Customs budget to that agency's law enforcement profile by authorizing appropriations over the next 2 years for additional equipment and Customs special agents to fight the war on drugs.

The role of the Customs Service, the Office of the U.S. Trade Representative and the International Trade Commission in advancing our bipartisan agenda for free and open trade should not be underestimated. I am proud to support H.R. 1463 and the statement it makes

in continuing the work of these agencies.

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

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

Mr. Speaker, I too rise in support of H.R. 1463, as amended, to authorize fiscal year 1998 and 1999 appropriations for the U.S. Customs Service, the Office of the U.S. Trade Representative and the U.S. International Trade Commission.

As the gentleman from Illinois [Mr. CRANE], the subcommittee chairman, has reported, the bill came out of the Committee on Ways and Means by voice vote and is noncontroversial. It authorizes the funding levels requested by the President in his budget submission for each of these three major trade agencies.

The gentleman from Florida [Mr. SHAW], with my support, had an amendment that passed successfully that reallocates $5 million of the Customs commercial operations to drug interdiction efforts. We hope that these additional resources will effectively counteract the increased threat of drug smuggling in the south Florida area, as well as continued interdiction along the Southwest border and Puerto Rico. The additional drug enforcement funds will also enable Customs to increase the number of special agents dedicated to counter-narcotics and anti-money laundering activities, including their relocation to high threat drug zones.

H.R. 1463, as amended, provides the minimum funding levels necessary for the Customs Service, the U.S. Trade Representative, and the International Trade Commission to carry out their essential trade functions as mandated by the U.S. Congress. I urge support of this bill and urge my colleagues to pass it.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California [Mr. MATSUI], the ranking member on the Subcommittee on Trade, and ask unanimous consent that he be allowed to yield time to other Members.

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

There was no objection.

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma [Mr. Watkins].

[Mr. WATKINS asked and was given permission to revise and extend his remarks.]

Mr. WATKINS. Mr. Speaker, I rise in support of H.R. 1463, and I thank the Speaker for allowing me the opportunity to come to the floor today as we debate this important legislation to reauthorize the Office of the U.S. Trade Representative, the Customs Service and the International Trade Commission. I would like to also thank Ambassador Barshevsky and also Deputy Trade Representative Lang, and the entire staff at the USTR's office for all the work they do on behalf of the American people.

I am proud to come to the floor today and express my support for this legislation. H.R. 1463 will give the USTR's office the necessary resources to fight for fair treatment, and that is what we are asking for, fair treatment for American goods and services throughout the world.

As many of my colleagues know, I am an outspoken, strong advocate for the U.S. cattle and beef industry in their fight for open markets overseas. Since 1989, the European Union has had in place a ban on beef treated with growth producing hormones. Since these hormones are used in virtually all U.S. beef, this is a ban on all of our cattle people.

There is no scientific basis for this ban. These hormones have been proven safe in studies by the FDA, the Lamming Commission, the World Health Organization, and the EU's own Scientific Conference on Growth Promotion in Meat Production. This, Mr. Speaker, is merely a blatantly unfair economic trade barrier against our U.S. cattle people.

This ban has been in place for 8 years now, and costs American cattlemen hundreds of millions of dollars annually. Currently this case is before the WTO, the World Trade Organization, and a ruling is expected any day. I am confident that the Dispute Settlement Panel will rule on the basis of sound science and will find in favor of the United States.

However, I feel compelled to urge the USTR to remain vigilant in this case, to stay on guard. It is my understanding that even if the United States wins in this case, which it should based on all scientific evidence, it could take an additional 18 months or longer to end this dispute. This is wrong. This dispute has already drug on for some 10 years. This unmerited ban, unfair ban, coupled with the past 2 years of economic distress of the livestock industry, is a hardship on our producers and makes it hard for them to enjoy continued economic prosperity.

Mr. Speaker, I would like to ask the USTR's office to take two specific actions: First, to examine ways to speed up the WTO's dispute settlement process so that future disputes do not drag out for years and years at a time. I would like the USTR's office to come back to Congress, to the committee, with specific proposals to speed up the process, and will push for their adoption at the WTO. We in Washington must always remember that our failure to act promptly can do tremendous harm to the people we represent.

□ 1430

In many cases such as this one, justice delayed is justice denied.

The second action, I would also urge the USTR's office to continue to seek input and recommendations from the private sector, private sector businesses, and industries and agricultures, when negotiating agreements. There should never have been accepted a ban, hormone ban, on U.S. beef that could be sold to Europe. After all, as we evaluate these bans, these are unfair trade practices against the people that we represent that are trying to make a living.

Again, Mr. Speaker, I want to thank my colleagues for their leadership and also the ranking members on the committee for their strong support of H.R. 1463. And I ask all the leaders of the USTR to take some bold action, some stern action, and let us do what is necessary to have fair trade practices and free trade practices for the business industry that are counted on in this country.

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

Mr. Speaker, I rise in support of H.R. 1463, as amended, to authorize fiscal year 1988–99 appropriations for the U.S. Customs Service, the Office of the U.S. Trade Representative, and the U.S. International Trade Commission. The Committee on Ways and Means has a long tradition of strong bipartisan support for the work of these three major trade agencies within its jurisdiction. The bill recognizes and supports the essential functions and activities of these trade agencies by authorizing the funding levels requested by the President. The bill also reflects overall budgetary constraints by authorizing the minimum amounts necessary for each of these agencies to carry out their statutory responsibilities.

The Customs Service has undergone a major reorganization, and it is modernizing its operations in order to carry out its main functions of trade law enforcement and revenue collections in addition to illegal drug interdiction and cargo and passenger processing in an effective and cost-efficient manner. The authorized funding increase for Customs is only about 3 percent, and it reflects these savings while providing additional resources to counteract drug smuggling and to update equipment.

I might point out that the Customs Commissioner, George Weise, was formerly a member of the House Committee on Ways and Means staff. He was the staff director of the Subcommittee on Trade before resuming his role at the Customs Service, and Mr. Weise has announced recently that he will be retiring from that service, and we wish him the best of luck and obviously offer him all the congratulations for all the wonderful work he has done.

The authorization for the Office of U.S. Trade Representative covers cost to maintain current services and current staffing levels. The amounts are modest and justified for an agency which Congress has granted the primary responsibility for developing and coordinating the Nation's trade policies and for conducting trade negotiations. The ITC has streamlined its operations by reducing staff by over 20 percent since 1992, consolidating offices and increasing productivity. A 3-percent increase in authorization for the

fiscal year 1998 maintains a current level of services and staff levels for the ITC to conduct its investigatory functions under the various import statutes and to apply objective analysis and advisory reports of the President and the Congress.

The bill also authorizes additional funds for the year 1999 requested by the ITC to cover the estimated costs to conduct so-called sunset reviews of 315 outstanding antidumping and countervailing duties orders as required by the Uruguay round implementation legislation of 1994. During the markup and also during the hearing on this particular matter, I indicated to the ITC officials that should they need more resources, given the fact that they have 315 antidumping and countervailing duty orders to review, they should come back to our committee because certainly we want to make sure that they complete these reviews in a timely manner.

I would now conclude, Mr. Speaker, that the Subcommittee on Trade has held oversight hearings on the budget request and reviewed the activities of all three of these agencies as indicated by the gentleman from Illinois [Mr. CRANE]. There is no known opposition to the authorization levels in the bill as reported by the committee, and I certainly urge passage of H.R. 1463.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 1463, the Trade Agencies Authorization Act.

While this bill contains many worthy provisions, this legislation is especially deserving of support because it authorizes the resources necessary for the Customs Service to interdict the flow of illegal drugs into this country. As a Member of Congress from south Florida, I can attest that in my home State, the fight to keep illegal drugs from reaching our streets is an ongoing, daily battle, which we are losing.

Mr. Speaker, there are three main reasons why the Customs Service's interdiction efforts must be bolstered, and especially in south Florida. First, in the past few years, Congress and the administration have poured resources into such interdiction efforts as Operation Hardline along the Mexican border, and Operation Gateway in Puerto Rico. These operations did help stem the flow of illegal drugs into those areas. However, these operations had one unintended side effect: Drug traffickers began to avoid those areas, and redirected their smuggling efforts toward another major gateway of drugs into our country, south Florida.

Second, Customs agents in south Florida do not have the resources they need to effectively engage drug traffickers. Right now, smugglers' boats can outrun the older Customs Service vessels patrolling the waters off of Dade and Broward Counties. Simply put, Customs needs better and faster boats to combat this threat.

Finally, the drug lords already have a distribution network in place in south Florida, which greatly eases the distribution of their deadly product. And with 2,276 miles of coastline, along with countless inlets, coves, and tiny keys, the topography of Florida makes it attractive to drug smugglers.

For these reasons, during markup in the Ways and Means Committee of this bill, I offered an amendment that would redirect $10 million in the Customs Service budget toward interdicting drugs. My amendment transfers $5 million from the commercial account of the Customs Service budget equally per year to the noncommercial account, and the air and marine account. My amendment was enthusiastically supported by Mr. RANGEL, and passed the Committee by voice vote.

Furthermore, contained in the report accompanying H.R. 1463 is language making Customs aware that the purpose of my amendment is to shift funds toward rebuilding the marine interdiction program in south Florida, and to hire more special agents and intelligence officers dedicated to counternarcotics and money laundering. If the funds authorized in my amendment are fully appropriated and properly allocated, the Customs Service marine program in south Florida could return to its 1993 level—the year President Clinton took office.

Mr. Speaker, this reallocation of funds sends a strong message to the Customs Service that Congress wants a greater focus on interdicting illegal drugs, especially in south Florida. I urge my colleagues to support H.R. 1463.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). 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. 1463, 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.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CONSUMER PRICE INDEX

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 93) expressing the sense of the House of Representatives that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index.

The Clerk read as follows:

H. RES. 93

Whereas the Consumer Price Index currently informs our Nation's monetary policy, and determines both the level of taxes paid and the amount of government benefits received by millions of Americans, many of them on fixed incomes;

Whereas the Consumer Price Index is assumed in these uses to be an accurate and appropriate measurement;

Whereas the Consumer Price Index is only useful if it is a technical, not a political measurement;

Whereas it is of the utmost importance to maintain the integrity and objectivity of the determination process and of the reliability of the Federal statistical system;

Whereas it is the Bureau of Labor Statistics that has the expertise, tools, resources, and experience to maintain this integrity and objectivity; and

Whereas it is vital to protect our senior citizens and others on fixed incomes that we use the most appropriate and accurate criteria: Now, therefore, be it

Resolved, That any adjustments to the methodology used to determine the Consumer Price Index should be made by the Bureau of Labor Statistics alone.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SOUDER] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SOUDER].

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

Mr. Speaker, I rise in support of House Resolution 93 which expresses the sense of the House that any adjustments to the methodology to be used to determine the Consumer Price Index should be made by the Bureau of Labor Statistics. This resolution is consistent with the agreement for a balanced budget that was recently entered into between administration and congressional leaders and reaffirms our commitment that the Consumer Price Index should be based on sound and nonpartisan deliberation.

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

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

Mr. Speaker, I rise in support of House Resolution 93. Mr. Speaker, I am pleased that we are considering this resolution to protect the integrity of the process for adjusting the CPI, the Consumer Price Index. House Resolution 93 clarifies that adjustments of the CPI should be made solely by technicians at the Bureau of Labor Statistics, and it should not be left subject to the whims of politics.

I want to commend my colleague from Pennsylvania, [Mr. FOX] and the gentlewoman from New York, [Mrs. MALONEY], the gentleman from Pennsylvania, [Mr. ENGLISH], and the gentleman from Massachusetts, [Mr. KENNEDY] and others for their leadership on this important issue. I recognize that there has been extensive debate regarding the termination and accuracy of the CPI. However, as this resolution plainly acknowledges, the Bureau of Labor Statistics alone has the integrity, the objectivity and the experience to make this determination.

Mr. Speaker, the CPI should accurately reflect the rate of inflation and should not be manipulated for purposes of balancing the Federal budget. CPI adjustment could have a profound effect on the tax burdens of the American people. In addition, indexing affects the income of over 70 million Americans. Some 43 million Social Security beneficiaries, 4 million military and Federal civil service retirees and survivors, and 23 million food stamp recipients have their lives directly impacted by the CPI and changes thereto. Even the cost of lunches for 24 million children who participate in the school lunch program is affected.

So when we look at who is dependent on the accurate assessment of the

index, then we understand how vitally important it is that we send this message that we will not allow seniors and our children to be pawns in the budget chess games, now or in the future. This legislation is supported by such groups as AARP, the National Council on Senior Citizens, the Council on Aging, the National Committee to Preserve Social Security and Medicare.

Mr. Speaker, I stand, as I am sure many of my colleagues will today, in full support of House Resolution 93.

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

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX], my friend, and the creator of this bill, and distinguished battler on behalf of senior citizens and somebody who is tireless in his pursuits of defending his constituents and those around the country from this potential raid on their dollars.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the distinguished congressional leader, the gentleman from Indiana [Mr. SOUDER] for yielding the time, and to my colleague, the gentleman from Pennsylvania [Mr. FATTAH] who has been at the forefront of assistance in the area of protecting our seniors and making sure we have balanced budgets. I appreciate as well the leadership of the gentlewoman from New York [Mrs. MALONEY], the gentleman from Massachusetts [Mr. KENNEDY], and the gentleman from Pennsylvania [Mr. ENGLISH] in this battle to make sure we do in fact preserve during a budget season that the CPI, the cost of living index, be one that is accurate, one that is fair, and we have relied on for many years the Bureau of Labor Statistics for that purpose.

My colleagues may recall historically that the Senate Finance Committee had considered a Boskin report which arbitrarily would have reduced by 1.1 percent the CPI. Those figures in our opinion did not reflect reality. The fact is, if we were to arbitrarily reduce by that percentage, we would see a $320 billion tax increase and we would unfairly disadvantage our seniors who, in fact, are looking to a cost of living allowance which is based on facts, that would take care of their needs and Social Security, the military retirement, and several other Federal programs.

We believe the CPI is one that should not be budget-driven or deficit-driven or politically driven. It should be an accurate measurement of what the cost of living index is in the United States and not be an artificial figure. And so we are very appreciative of the congressional bipartisan support we have received to date.

This is certainly a resolution which has support on both sides of the aisle, and as Nobel laureate Milton Friedman has said: I have very mixed feelings about introducing any kind of an arbitrary adjustment, an arbitrary adjustment to the CPI that would involve an increase in taxes.

Certainly Republicans and Democrats can join hands in protecting our seniors and in making sure we do not have tax increases.

So a yes vote for House Resolution 93 would certainly be a step in the right direction.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. MCINTYRE].

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

Mr. MCINTYRE. Mr. Speaker, I rise in support of House Resolution 93, that any adjustment in the Consumer Price Index should be determined only by the Bureau of Labor Statistics. A reduction to the CPI would have a dramatic effect on everyone receiving cost of living adjustments, including military retirees and Social Security beneficiaries and would be a financial burden on our senior citizens.

The cost of living for the elderly has increased by a whopping 69.2 percent over the past 15 years. Increased medical costs have also played an important cost factor for older Americans that they face. It is absolutely critical that older Americans have a Social Security benefit that accurately represents their true cost of living. Any adjustment in the CPI has the potential to threaten their very livelihood, and therefore it is imperative that such a decision be made by those who are eminently qualified to handle it: the Bureau of Labor and Statistics.

I am pleased to support House Resolution 93 as a way to guarantee the integrity of the steadfast commitment that we have to our senior citizens.

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to the gentleman also from Pennsylvania [Mr. ENGLISH], my distinguished colleague and class member.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to thank the distinguished Member from Indiana for yielding this time to me, and I would also like to thank the gentleman from Pennsylvania [Mr. FOX] for authoring this resolution of which I am a cosponsor.

Mr. Speaker, this resolution puts Congress on record ratifying a key component of last week's historic budget accord. What we propose to do is put Congress on record in favor of leaving the annual cost of living adjustments and changes in CPI to the experts, not bringing those changes into the political arena. We are putting the House on record as opposing politicizing the technical process of measuring inflation, and we are opposing injecting arbitrary budget-driven changes into the process of calculating the Consumer Price Index.

□ 1445

This resolution puts Congress on record, maintaining the integrity of this key statistical measure. In our view, any change in CPI should be done only after extensive study because we recognize the effect of a statutory adjustment. As some have proposed in the past, a statutory adjustment in the CPI would cut retirees' incomes, raise taxes, but at the same time create a huge budget windfall, which would make it so much easier for us in this Chamber to avoid making difficult decisions.

We have to recognize that getting to a balanced budget will be a difficult process. It will require tough decisions and real choices. There is no easy fix. There is no shortcut. Mr. Chairman, I strongly urge the House to join us in supporting this resolution.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Speaker, no one is proposing that Congress change the methodology of calculating CPI. Everyone agrees that only BLS should change the methodology for determining CPI, and anyone who suggests that the blue dog budget or any other budget proposal would change the methodology for determining CPI is distorting the issue for political purposes.

What the blue dog budget proposes is that BLS be given the resources and the authority to make whatever changes necessary to improve the accuracy of the CPI, change how CPI is used to index Government programs to the cost of living while BLS improves CPI.

I think it is important to remind all of us today that numerous experts, including BLS, have warned Congress about the limitations of using CPI to make cost-of-living adjustments. The Consumer Price Index was never intended to be used to make cost-of-living adjustments. Congress decided to use CPI as an approximation of increases in cost of living to index Government programs.

In testimony before the Senate Finance Committee, BLS Commissioner Katharine Abraham stated, ''Although I believe that we can make important improvements in the CPI, I do not believe it is possible to produce a perfect cost-of-living measure.''

That means that those who use the data we are able to produce should recognize the limitations of those data and exercise judgment accordingly concerning whether and how the data should be used. Adjusting the use of CPI to index Government programs is not a political fix or a budgetary gimmick.

Although there is no consensus on what changes should be made to the calculation of the CPI, there is broad agreement that continuing to adjust programs based on CPI provides increases greater than the cost of living. The blue dog budget proposes that we are adjusting the use of CPI or indexation to ensure that the cost-of-living adjustments for Government programs are accurate.

We cannot justify continuing a mistake that numerous experts have told us results in incorrect cost-of-living adjustments. Continuing to use CPI to index Government programs to inflation is an unnecessary drain on the Federal budget and the Social Security trust fund.

Mr. Speaker, I include the following for the RECORD:

WHY A LEGISLATED CHANGE IN THE USE OF CPI IS NECESSARY

Legislation reducing indexation based on CPI as an interim step will allow BLS to make corrections in CPI without facing the political pressure for a quick change in the calculations CPI in order to achieve savings.

It will take BLS several years to conduct the necessary research and experimentation to address the complex issues that result in the CPI overstating inflation. Congress should not pressure BLS to make changes in the calculation of CPI before the experts are able to do so properly. BLS Commissioner Katharine Abraham underscored this point in testimony before the Senate Budget Committee:

''If the BLS staff or other technical experts knew how to produce a true cost of living index on a monthly production schedule, that would be what we produce. . . . However, I believe we would gain little, and possibly do much damage to the credibility of our statistical system, if we were to move hastily to adopt untested techniques for producing offsets to the official CPI.''

Federal Reserve Chairman Alan Greenspan concurred with the assessment of BLS about the difficulty of correcting CPI, stating in testimony before the Senate Budget Committee that ''Even if BLS moves aggressively, some upward bias will almost surely remain in the CPI, at least for the next several years.''

Simply directing BLS to correct the CPI quickly in order to meet budgetary needs ignores the very real difficulties that experts have identified that BLS must overcome in order to correct the problem. A budget that assumes substantial savings from a technical adjustment to CPI will fall short of achieving balance if BLS is unable to act quickly enough to meet budgetary timetables.

The federal government cannot afford to add billions to the national debt through higher spending and lost revenues because of the bias in the CPI that has been identified in over a dozen studies.

The federal government loses billions of dollars every year that government programs are overindexed for inflation. Since the impact of indexation is cumulative over time, even a short delay results in significant lost savings. Delaying the implementation of a CPI adjustment by one year reduces the savings by nearly one third. An adjustment of 0.4% implemented in 1999 would save $15.5 billion less than the same adjustment enacted in 1998.

Although there is no consensus on what technical changes should be made to the calculation of the CPI, there is broad agreement that continuing to adjust programs based on CPI provides increases greater than the cost of living. Alan Greenspan advised Congress that ''If we cannot find a precise estimate for a certain bias, we should not implicitly choose zero as though that was a more scientifically supportable estimate . . . assuming zero for the remaining bias is the political fix.''

A legislated change to indexation will compensate for the overstatement in CPI that economists have identified in the CPI that cannot be corrected through technical changes.

Many economists have warned that BLS may never fully eliminate the bias in the CPI. Some of the problems that cause the bias have no obvious solution. Other sources of bias are the result of ongoing problems resulting from changes in the economy that can never be fully corrected. After examining the ability of BLS to correct CPI, economist at the Federal Reserve Bank of Cleveland concluded that a legislated adjustment is necessary for this reason. ''From a statistical perspective, there is no obvious way to 'fix' the CPI. . . . Because the CPI is not likely to be fixed soon, and because it probably contains an upward bias, the most practical course may be merely to adjust the cost-of-living estimate by some amount.''

Even BLS has suggested that Congress consider adjusting how CPI is used to index government programs. In testimony before the Senate Finance Committee, BLS Commissioner Katherine Abraham state that ''Although I believe that we can make important improvements in the CPI, I do not believe it to be possible to produce a perfect cost-of-living measure. This means that those who use the data we are able to produce should recognize the limitations of those data and exercise judgement accordingly concerning whether and how the data should be used.''

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to my friend and distinguished colleague, the gentleman from New Jersey [Mr. SAXTON], a tax and economic policy leader.

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

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

Mr. Speaker, when I heard first about the Boskin Commission report, I said, ''Well, of course, if we are going to use the Consumer Price Index, the CPI, for a variety of things, it ought to be accurate. Of course, if we are going to use it to adjust entitlement benefits, it ought to be accurate. Of course, if we are going to use it to adjust from time on an annual basis the amount of taxes Americans pay, it ought to be accurate. Of course, if we are going to use CPI in the private sector to adjust leases and mortgages and things on a timely basis, it ought to be accurate.''

Actually, the Bureau of Labor Statistics has done a reasonable job over the years in changing it from time to time. Every decade or so, the Bureau of Labor Statistics looks at the market basket that they measure and tries to make adjustments. But it was as far back as 1938, when renowned authors started to write that it was a difficult task, at best, and an impossible one perhaps to come up with an annual CPI year after year after year that was always accurate.

So, as we began to look at this issue and the issues that it affects, like taxes, like Social Security, and like in the private sector mortgages and leases, we stepped back and said to the Bureau of Labor Statistics, let us know how you can fix this because it would be a bad idea for Congress to make an arbitrary adjustment.

Let me show what happens in just one example as it relates to Federal income taxes. In the IRS Code, there are a number of features, including the personal exemption, that is right, the personal exemption, which is indexed, the standard deduction, which is indexed, and marginal tax brackets, which are also indexed for inflation. They go up each year depending on the increase in the cost of living as measured by the Consumer Price Index.

This chart shows the practical effect of an arbitrary 1.1 adjustment, as the Boskin Commission reported. In the early years, in 1997, it would be a relatively small adjustment, about something in the neighborhood of $5 billion in annual income to our Treasury. But as the years go by, that compounds because you build CPI on top of a CPI on top of a CPI; and, so, we would collect significantly more taxes each year until in the year 2008. Just 10 years from the inception, we would collect an additional $56.3 billion a year if we followed the recommendation of the Boskin Commission.

So those of us who are here who want to vote for increased taxes, it would be a really good idea to vote for a 1.1 reduction in the CPI. I know some of my colleagues are tired of me saying this because over the last couple of weeks we have had this budget proposal which we have been talking about; and, yes, part of it was an adjustment in CPI. So anybody who had voted for that, thankfully, has been taken out, anybody who had voted for that would have voted for a substantial increase in income taxes.

This chart shows what it means on the individual level, again starting with a relatively small increase on an individual basis, but by the year 2008, a family with two taxpayers would be paying an extra $405 annually in taxes because of the adjustment in the CPI.

This just gives an idea of how this compounds. So when you say to your Social Security beneficiaries back home we ought to have accurate numbers in the CPI because when we measure price stability we should be accurate, just understand how this compounds over the years, what it means in terms of additional taxes that Americans pay, and what it means in terms of fewer benefits Social Security beneficiaries will receive.

I again thank the gentleman from Indiana [Mr. SOUDER] for yielding this time, and I commend him and the gentleman from Pennsylvania [Mr. FOX] and others who have been involved in this effort for bringing this resolution to our attention and the floor.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who is a sponsor of this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am asking my colleagues on both sides of the aisle to support the resolution I submit with my Republican colleagues, the gentleman from Pennsylvania [Mr. FOX]

and the gentleman from Pennsylvania [Mr. ENGLISH] and my Democratic colleague, the gentleman from Massachusetts [Mr. KENNEDY].

H.R. 93 expresses the sense of the House that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index. We argue national CPI is only useful if it is a technical, not a political, measurement.

The CPI is used to determine benefits for over 40 million Social Security recipients, as well as the benefits of millions of other pensioners. It is used to determine the cost-of-living adjustments in worker wage agreements, and the IRS uses it to determine deductions and tax brackets. That is why there is no room for political posturing with the CPI.

Let us stick with the facts of the matter, and the Bureau of Labor Statistics is the agency that is most qualified to determine those facts. Policy, not politics, has driven monetary policy; and policy, not politics, should drive the CPI statistics.

When Federal Reserve Chairman Alan Greenspan first explained that he thought the CPI exaggerates annual inflation, some saw the opportunity to cut the deficit without making the tough decisions. But millions would stand to lose critical income. This resolution maintains the integrity of the process and the independence of an agency which, like the Federal Reserve, ought to remain independent. I am asking for your support today for this resolution.

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

Mr. FATTAH. Mr. Speaker, could we have an understanding what time is available to each side?

The SPEAKER pro tempore [Mr. SNOWBARGER]. The gentleman from Pennsylvania [Mr. FATTAH] has 12½ minutes remaining, and the gentleman from Indiana [Mr. SOUDER] has 10 minutes remaining.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. STRICKLAND].

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

Mr. Speaker, I rise in support of this resolution to ensure that the proper agency, the Bureau of Labor Statistics, maintains its authority over adjustments to the Consumer Price Index. I oppose efforts to change the CPI by congressional fiat. Such a proposal is nothing more than a quick-fix gimmick, an attempt to balance the budget by indiscriminately reducing cost of living and retirement benefits and, in the process, harming the most vulnerable in our society.

Some have argued that a lower CPI would only reduce Social Security checks by a few dollars. But in my district, a few dollars can often mean the difference between being able to pay for food, medicine and rent and not being able to pay for these essentials of daily living.

I believe in a balanced budget and I intend to fight for one, but it must be done fairly. Let us not balance the budget with tricks and gimmicks on the backs of seniors and children, but let us balance the budget by asking everyone to contribute their fair share.

Mr. FATTAH. Mr. Speaker, I yield 1 minute and 15 seconds to the gentleman from the great State of Florida [Mr. WEXLER].

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

Mr. Speaker, I rise in support of the resolution to help make certain that America's senior citizens and America's veterans get treated fairly as this Congress attempts to balance our budget by the year 2002.

The Consumer Price Index should be an economical calculation, not a political one. The Consumer Price Index and the cost-of-living raises should reflect that supposed basket of goods that each and every American will purchase each and every month. When the Department of Labor goes into America's drugstores and they look at the kinds of drug prescriptions that America's senior citizens have to purchase each month that cost $150 and $200 at a clip, they will understand that the cost-of-living supposed increases that may overstate inflation in fact are needed by America's senior citizens.

The cost-of-living inflation with respect to home health costs and the kinds of long-term health insurance that America's senior citizens need require us to make an economic calculation, not a political one, that truly reflects the true basket of goods that America's senior citizens and veterans are required to purchase each month.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Iowa [Mr. BOSWELL] to speak on this very important piece of legislation.

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

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

Mr. Speaker, I think that we are kind of on the same frequency around here, but I am not too sure we understand. Today I voice my opposition to this resolution, House Resolution 93. It is merely a directive for change. Pressuring changes in the CPI does nothing more than politicize the entire CPI calculation in an attempt to avoid the hard choices required to balance our Nation's budget. This calculation should not be used as a political tool.

If the CPI needs to be adjusted, the Bureau of Labor Statistics is already charged with that responsibility. There is no need to politicize this topic. I am committed to balancing the budget but not by forcing cutbacks on our seniors and our veterans, nor by placing hidden tax hikes on the middle class.

□ 1500

Our seniors have already been subjected to large cuts in an effort to balance the budget and should not be singled out again with this politically motivated ploy. Hidden in all of the debate to change the CPI is a tax hike for every American.

The CPI is used to calculate the index for the standard deductions for income tax purposes. The end result of a politically motivated decrease in the CPI is especially damaging to our seniors and veterans, and that is unacceptable. I urge my colleagues to vote ''no'' on this misguided attempt to inject politics into the calculation of the CPI.

Mr. FATTAH. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, first of all, let me thank my good friend from Pennsylvania [Mr. FATTAH] for the efforts that he has made to try to make certain that we have a reasonable and accurate portrayal of exactly what the CPI is. I want to particularly thank the gentlewoman from New York [Mrs. MALONEY] as well as the gentleman from Pennsylvania [Mr. FOX] for their efforts.

Every once in a while an issue comes before the House of Representatives that unites Democrats and Republicans in our combined abhorrence to the patent unfairness that can occur due to the politicalization of an issue. That is exactly what has occurred with the CPI.

Make no mistake about it. This CPI issue went to the heart of what America stands for, whether or not we are going to go out and balance the budget of this country by simply increasing a hidden tax on the poor, the senior citizens, the veterans of this country, and the working families whose increases in their annual incomes are tied directly to the BLS stipulated numerical equation that determined what the level of those increases might be.

I have been a prime supporter of a balanced budget. I believe we ought to have a balanced budget. But I believe we ought to have a balanced budget by virtue of proper accounting and not by going in and reaching into the pockets of the poor and the vulnerable senior citizens.

People say let us have an accurate CPI; I say fine. But the truth of the matter is that, if we look at how much it costs to retire and what the cost of retirement really is for the average Social Security beneficiary in America, it is much higher than the cost of living for a lot of other people.

If we really want an accurate CPI, there are many CPI's in America. There are CPI's that are going to vary differently. If one is an elderly person who is retired and has a high cost of prescription drugs, if one has to take care of lots of medical bills, in every other account of the government we take into account the rising cost of health care. But in CPI, it is all melded together into one single number. We do

not take into account the differences between what it costs to retire if one is elderly and what it costs to live if one happens to be much more wealthy.

I believe that the efforts that we have made here in the Congress, when I was able to go out and attract 55 Members of the Congress on both sides of the aisle to get a letter sent to President Clinton saying, if they were going to include this unconscionable act of lowering the CPI in the budget agreement, that we would have a separate vote on that issue on the House floor.

Second, we wrote letters to both the Chairman as well as the ranking member on the Committee on the Budget suggesting to them that this was an unfair and an unwarranted act by those individuals that were trying to balance the budget on the backs of our retirees.

So I say, if we want to go after Social Security, be honest with folks. Take on the people that are wealthy that have gotten more out of the system than they paid into it, but do not reach into the back pockets of the poor and the vulnerable in order to balance the budget of America.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. FATTAH] for his leadership and really tapping into the heart of the issue. There is not a time that I am not visiting with constituents in my community, mainly seniors and veterans, who are concerned about what happens to them with a falsified political adjustment of the CPI.

Now, those of us who rise on the floor to argue for that protection of that number may get accused on many occasions of not wanting to balance the budget and wanting to throw money away; and we say no, we simply want to give to those who have been veterans and senior citizens, who have worked all of their lives, a fair shake.

How is it when we talk to seniors in our districts and they say to us, I cannot make ends meet. I do not know how I am going to eat at the end of the month. My prescription costs are enormous, and I cannot even pay for those.

This bill is clearly a very positive statement that says that the BLS should be the only entity that offers to merit the kind of analysis we need to deal with the CPI. I do not know any other institution, the Federal Reserve, the debate on the floor of the House, that would have the accuracy and integrity that would cause us to be able to support those who need us most.

I join my colleague, the gentleman from Massachusetts [Mr. KENNEDY], to say the most vulnerable are the ones that this House most needs to stand up on the side of. That is those who cannot come here and speak for themselves, do not walk the halls of Congress. But yet, every single day, we need to pay tribute to the years of work of our senior citizens and certainly the sacrifice that many of our veterans have given.

It saddens me when every time I hold a town hall meeting I hear seniors say, are you going to save the CPI or are we going to suffer even more? For that reason, let me add my support to this legislation and add my support to supporting the most vulnerable, particularly, if I might say, our seniors and our veterans. Let us give them a fair shake.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE], our final speaker.

Mr. MINGE. Mr. Speaker, Congress is ultimately responsible for determining the scope and extent of programs that have been established by Congress, and this includes retirement programs, it includes a tax system, it includes the Bureau of Labor Statistics operations.

I think that all of us understand and recognize that the Bureau of Labor Statistics established the Consumer Price Index several decades ago. It was to be an index that essentially reflected certain retail prices that were paid by American consumers. It was not intended to be an inflation index. It was not intended to necessarily be a cost-of-living index. Instead, it was simply an index that was established and continued based on traditions established at the Bureau of Labor Statistics.

Over the years, the Bureau of Labor Statistics identified inaccuracies in its own index, and occasionally it would implement changes, corrections it felt necessary. Usually these changes would be made without undue controversy, and sometimes the Bureau of Labor Statistics found itself under severe attack from Congress itself for making corrections to implement changes for a more accurate Consumer Price Index.

We face a parallel situation here in 1997. The Bureau of Labor Statistics is gun-shy. It knows that, if it makes the changes in CPI that are important for accuracy, it is treading on the toes of powerful interest groups in our political system.

We had the opportunity last week to seriously address this question in Congress, but with the new-found sum of $225 billion from the Congressional Budget Office, the decision was made: This is too tough, let us put it off the table. What is the consequence? We in Congress are not providing any guidance to the Bureau of Labor Statistics, as even the Bureau of Labor Statistics has indicated it needs some guidance from Congress. We are shirking our responsibility.

One group here has proposed such a change. The Blue Dog coalition proposed a budget with a correction, and with a flat COLA, to try to be fair to low-income Americans. I think that we should reexamine our goals here in this institution.

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

Let me conclude by thanking my colleague, the gentleman from Indiana [Mr. SOUDER]. We came into the Congress together, and we served together on the House Government Reform and Oversight Committee and also on the Committee on Education and the Workforce, for his deliberations here this afternoon and his willingness to share time with the minority. This is a very important issue.

We heard my colleague just suggest that the Bureau of Labor Statistics was looking for guidance from the Congress. Well, that is the purpose of House Resolution 93. We are providing that guidance. We are saying that we have the confidence in their ability and their expertise to determine appropriately within the level of limitations that exist what is indeed appropriate consumer price fluctuations in the market, and we would like to not have this be driven by political decisions or budget decisions.

I do understand the legitimate and authentic interests of Blue Dogs and others who have moved us along this continuum of a dialog to the day that Congress will, I think, indicate through this expression that we want to see BLS handle this matter and handle it without political interference.

So I rise in support finally of House Resolution 93 and I thank my colleague, the gentleman from Pennsylvania [Mr. FOX] for his leadership on this matter.

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

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

I want to thank the gentleman from Pennsylvania [Mr. FATTAH] for his leadership. I enjoy working with him in our committee. It is the type of thing we need to do more often working in bipartisanship and common interests because, while we may have disagreements from time to time about the best way to achieve solutions, we are legitimately concerned and share the common concerns about what is going on in our country. While we may disagree, sometimes, and more often than not, we are going to agree on what the problems are and even on what many of the solutions are, and this is one of the examples.

I also want to address some of the concerns raised by the distinguished gentleman from Minnesota, as well as from Texas concerning the Blue Dog budget and put this into kind of a summary of what we have heard here on the floor in debate. It is not likely that any Member is going to walk down to the floor and say, oh, I believe it ought to be calculated for political purposes.

There is a small group of people who are definitely committed to balancing the budget who believe that the CPI is incorrectly calculated. They have expressed their concerns, but that is not the way Congress works. Every time we change the CPI, we do not cut the

deficit, we spend more money, and that is in fact what would happen.

Many Members who did not come down to the floor who have been doing their work in the back rooms, they have been anxiously trying to divide up what they were going to spend had we adjusted the CPI. They were not going to do that in front of the television cameras, they are going to do it in the back rooms.

I share some concerns that have been expressed that there has been some smoke and mirrors in the budget; we will see that as it unfolds in this agreement. But many of us believe that this should be a scientific process, not a political process, and it was coming to be a political process of how we could get more dollars away from senior citizens, away from families, away from veterans, so we could spend more for groups that were politically important to some Members or concerns about a TV ad here or a TV ad there. That is not the way we should adjust the CPI.

To summarize, this is a sense of Congress regarding the Consumer Price Index to take politics out of the process. The CPI is intended to provide as accurate as possible measurement of inflation and enables the Government to limit the impact of inflation for those most vulnerable to its bite.

The determination of the CPI also has significant long-term consequences on determining tax liabilities, as we heard from the gentleman from New Jersey [Mr. SAXTON] today. Our purpose today is to recognize that because of the tremendous importance of the CPI for average Americans, any modification of the CPI should be made by those most capable of doing so in the Bureau of Labor Statistics. It should not be a political football, it should not be something to try to take from one group to give to another. Its determination should be left in the hands of those most qualified to accurately measure inflation.

Senior citizens and taxpayers across this Nation owe thanks to my distinguished colleague from Pennsylvania, Mr. FOX, and his cosponsors, the gentleman from Pennsylvania, Mr. ENGLISH, the gentlewoman from New York, Mrs. MALONEY, and the gentleman from Massachusetts, Mr. KENNEDY. This decision should be based on the best policy, not on politics.

Mr. CAPPS. Mr. Speaker, I rise today in support of this resolution to affirm that any changes made to the Consumer Price Index [CPI] only be made by the Bureau of Labor Statistics [BLS]. This is a matter of grave importance to millions of Americans; it is not just a matter of accounting.

Recently, the Boskin Commission Report stated that CPI overstates inflation by as much as 1.1 percent. Since that time, commentators and some Members of Congress have urged that Congress take this recommendation and immediately lower the CPI. Lowering the CPI by 1.1 percent would result in increasingly large annual savings, starting at $6 billion in fiscal year 1998 and rising to nearly $70 billion in fiscal year 2002. That is certainly an incentive to lower the CPI.

But these savings would come in large part from reductions in the cost of living increases for Social Security recipients, veterans, and other Federal retirees. This is unfair and unjust. We should not balance the budget on the backs of seniors and others who have spent their lives in the service of their country.

More importantly, making such an arbitrary change would be wrong. The CPI should reflect the rate of inflation, not the need for politicians to balance the budget. I have full confidence in the BLS to make any necessary adjustments in a timely manner to reflect changing conditions in our economy.

I am one of nine cosponsors of this legislation. I have also written, along with several of my colleagues, to the President and Budget Committee Chairman KASICH urging them not to include an automatic CPI adjustment in the budget agreement and calling for separate vote on any adjustment should it be included in the budget resolution.

To a degree those efforts have been successful, as the budget agreement now only assumes a very slight change in the CPI. I oppose even that provision and will work with my colleagues to strike any such language from the budget resolution when it comes to the House floor should that be necessary.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Indiana [Mr. SOUDER] that the House suspend the rules and agree to pass the resolution, House Resolution 93.

The question was taken.

Mr. FOX of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 93.

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

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1515

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 1, 1997, amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON] had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

AMENDMENTS OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. I ask unanimous consent that the following amendments be considered en bloc, Mr. Chairman, and I will read off the following amendments:

Amendment No. 48 offered by the gentleman from Michigan [Mr. SMITH]; amendment No. 47 as printed in the RECORD offered by the gentleman from Pennsylvania [Mr. KLINK]; amendment No. 1 offered by the gentlewoman from Colorado [Ms. DEGETTE]; amendments Nos. 23 and 24 offered by the gentleman from Minnesota [Mr. VENTO]; amendment No. 49 offered by the gentleman from Mississippi [Mr. TAYLOR]; amendments Nos. 20 and 21 offered by the gentleman from Ohio [Mr. TRAFICANT]; amendment No. 28 offered by the gentleman from Nevada [Mr. ENSIGN]; and amendment No. 33 offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The CHAIRMAN. The Clerk will designate the amendments.

The text of amendment No. 48 is as follows:

Amendment No. 48 offered by Mr. SMITH of Michigan: Page 15, line 21, strike ''includes'' and insert ''may include.''

The text of amendment No. 47 is as follows:

Amendment No. 47 offered by Mr. KLINK: Page 69, line 14, after the period insert the following:

The Secretary shall require that each such agreement for local cooperation shall provide that, notwithstanding any order, judgment, or decree of any court (including any settlement order), before making any amounts provided under a grant under this title available for use for the production of any housing or other property not previously used as public housing, the public housing agency shall—

(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the public housing for which such amounts are to be so used is located (or to be located) of such use;

(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the public housing to be so assisted (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the public housing.

The text of amendment No. 1 is as follows:

Amendment No. 1 offered by Ms. DEGETTE: Page 71, line 19, before the semicolon insert ''and including child care services for public housing residents''.

The text of amendment No. 23 is as follows:

Amendment No. 23 offered by Mr. VENTO: Page 104, line 24, insert after ''program'' the following: '', including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for this IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996''.

The text of amendment No. 24 is as follows:

Amendment No. 24 offered by Mr. VENTO: Page 193, line 21, insert after ''program'' the following: '', including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996''.

The text of amendment No. 49 is as follows:

Amendment No. 49 offered by Mr. TAYLOR of Mississippi: Page 287, after line 15, insert the following new paragraph:

(6) TREATMENT OF COMMON AREAS.—The Secretary may not provide any assistance amounts pursuant to an existing contract for section 8 project-based assistance for a housing project and may not enter into a new or renewal contract for such assistance for a project unless the owner of the project provides consent, to such local law enforcement agencies as the Secretary determines appropriate, for law enforcement officers of such agencies to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

Page 287, line 16, strike ''(6)'' and insert ''(7)''.

The text of amendment No. 33 is as follows:

Amendment No. 33 offered by Mrs. JOHNSON of Connecticut:

Page 316, after line 19, insert the following new subsection:

(c) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public housing for any household that includes any individual who is a sexually violent predator.

(2) SEXUALLY VIOLENT PREDATOR.—For purposes of this subsection, the term ''sexually violent predator'' means an individual who—

(A) is a sexually violent predator (as such term is defined in section 170101(a)(3) of such Act); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) of 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of such Act.

Page 316, line 20, strike ''(c)'' and insert ''(d)''.

Page 316, lines 21 and 22, strike ''and (b)'' and insert '', (b), and (c)''.

Page 317, line 22, strike ''(d)'' and insert ''(e)''.

Page 318, line 13, strike ''(e)'' and insert ''(f)''.

Page 321, line 9, after ''CHILDREN'' insert ''AND SEXUALLY VIOLENT PREDATORS''.

Page 321, line 11, after the comma insert ''the Federal Bureau of Investigation,''.

Page 321, line 15, insert a comma before ''and''.

Page 321, line 18, after ''under'' insert the following: ''the national database established pursuant to section 170102 of such Act or''.

Page 321, line 19, after ''program'' insert '', as applicable,''.

Page 323, line 12, after ''criminal record'' insert ''(including on the basis that an individual is a sexually violent predator, pursuant to section 641(c))''.

Page 323, line 21, strike ''641(d)'' and insert ''641(e)''.

The text of amendment No. 20 is as follows:

Amendment No. 20 offered by Mr. TRAFICANT:

Page 332, after line 2, insert the following:

SEC. 706. REGIONAL COOPERATION UNDER CDBG ECONOMIC DEVELOPMENT INITIATIVE.

Section 108(q)(4) (42 U.S.C. 5308(q)(4)) of the Housing and Community Development Act of 1974 is amended—

(1) by striking ''and'' after the semicolon in subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and''.

The text of amendment No. 21 is as follows:

Amendment No. 21 offered by Mr. TRAFICANT:

Page 335, after line 6, insert the following new section:

SEC. 708. HOUSING COUNSELING.

(a) EXTENSION OF EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking ''September 30, 1994'' and inserting ''September 30, 1999''.

(b) EXTENSION OF PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701(d)(12)) is amended by striking ''fiscal year 1994'' and inserting ''fiscal year 1999''.

(c) NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.—

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

''(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).''.

The text of amendment No. 28 is as follows:

Amendment No. 28 offered by Mr. ENSIGN:

Page 333, after line 2, insert the following new section:

SEC. 708. TREATMENT OF PHA REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. KENNEDY of Massachusetts. Mr. Chairman, reserving the right to object, for the purposes of clarification, would the chairman of the Subcommittee on Housing repeat just by number the various amendments, because I was having a hard time following exactly which ones they were.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, in the printed RECORD it would be amendment No. 1, amendment No. 48, amendment No. 47, amendment No. 23, amendment No. 24, amendment No. 49, amendment No. 20, amendment No. 21, amendment No. 28, and amendment No. 33.

I would mention also to the gentleman that the gentleman from Pennsylvania [Mr. HOLDEN] has offered an amendment listed in the RECORD as amendment No. 45. We are attempting to revise that amendment. That is presently at the desk. If I can, when I am recognized, I will ask for an additional unanimous-consent request to include the amendment of the gentleman from Pennsylvania in the en bloc application.

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, the gentleman is asking for unanimous consent to do so?

Mr. LAZIO of New York. When I am recognized, or if the gentleman would like, we can include the amendment offered by the gentleman from Pennsylvania [Mr. HOLDEN] in the en bloc request. We simply did not have it at the time we offered this. The language had not been drafted. But I am willing to include that en bloc to help accommodate the minority on this.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the clarification of the gentleman from New York on those various amendments. Those are the ones that I think his staff and my staff had agreed to offer en bloc. I appreciate the chairman's willingness

to cooperate on this, the start of what could be a long day, or might not be so long if we continue along those lines.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair would ask the gentleman from New York [Mr. LAZIO] if all of the other amendments other than amendment No. 45 are as printed in the RECORD.

Mr. LAZIO of New York. Yes, Mr. Chairman, they are as printed in the RECORD. When it is appropriate, I would ask for recognition for another unanimous-consent request.

Mr. WATT of North Carolina. Reserving the right to object, Mr. Chairman, and I hope I am not planning to object, I just wanted to be clear. I missed the description of what was included.

The specific thing that I want to find out whether it is included is whether the gentleman has included the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] on the occupancy standard.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, this amendment is not offered en bloc at this time. It is my understanding that the gentleman from Florida [Mr. MCCOLLUM] is offering that under title VII. I do not anticipate offering it en bloc.

Mr. WATT of North Carolina. Continuing my reservation of objection, Mr. Chairman, I would ask the gentleman, everything in this en bloc amendment is in title I?

Mr. LAZIO of New York. If the gentleman will continue to yield, Mr. Chairman, this en bloc amendment is a cross-title application, and some of these amendments are outside of the title that we are in, which is still title I, as I recall.

Mr. WATT of North Carolina. As long as I am assured that it does not include the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

Mr. LAZIO of New York. That is correct.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that amendment No. 45, as modified, be included in the unanimous-consent request of amendments to be considered en bloc.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLDEN:

SEC. 709. For the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, the Secretary of Housing and Urban Development may require the public housing agency to convert the tenant-based assistance under section 8 of the United States Housing Act of 1937 to project-based rental assistance under section 8(d)(2) of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2). The tenant-based assistance covered by the preceding sentence shall be the assistance for families who are residing in the project on the date of enactment of this Act and who initially received their assistance in connection with the conversion of the section 23 leased housing contract for the project to tenant-based assistance under section 8 of such Act. The Secretary may not take action under this section before the expiration of the 30-day period beginning upon the submission of a report to the Congress regarding the proposed action under this section.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. LAZIO] that amendment No. 45, as modified, be included in the en bloc request?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from New York [Mr. LAZIO] that the amendments be considered en bloc?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, these are 11 amendments that have been offered by Members on both sides of the aisle that will serve, I think, to strengthen the bill and eliminate issues of controversy that we could accommodate. I am appreciative of the Members who have offered these amendments.

If I can go through briefly what we have done here, and I mean briefly, we have the amendment offered by the gentleman from Michigan [Mr. SMITH] that changes the definition of resident programs to include certain listed activities. I understand he worked with the gentleman from Massachusetts on that, and that that amendment now is not controversial.

There is the amendment offered by the gentleman from Pennsylvania [Mr. KLINK], amendment No. 47 and the other gentleman from Pennsylvania [Mr. DOYLE] which requires local cooperation and agreement when production of public housing on property not previously used as public housing is anticipated.

There is amendment No. 1 offered by the gentlewoman from Colorado [Ms. DEGETTE], and that provides that child care services for tenants is an eligible activity for operating expenses. I think that is certainly an appropriate amendment, and clarifies the intent of the sponsor of the legislation.

There is amendment No. 23 offered by the gentleman from Minnesota [Mr. VENTO], that clarifies that a family which includes a lawfully admitted resident would be eligible for the hardship exemptions for minimum rents in public housing as long as that person is a member of the family.

There is amendment No. 24 offered by the gentleman from Minnesota [Mr. VENTO], again, another amendment that speaks to hardship exemptions regarding choice-based or vouchers, and the other amendment spoke to public housing.

There is amendment No. 49 offered by the gentleman from Mississippi [Mr. TAYLOR], a very strong amendment that provides that section 8 project-based assistance will not be provided to projects unless the owners consent to allow law enforcement officials into the common areas of projects without advanced notice if they believe that a criminal activity is occurring.

There are amendments Nos. 20 and 21 offered by the gentleman from Ohio [Mr. TRAFICANT]. Amendment No. 20 increases and enhances our protections to ensure that there is regional cooperation under CDBG, the community development block grant, and this is an effort to try and encourage regional planning and economic development, which I think is a very strong amendment as well; and amendment No. 21 offered by the gentleman from Ohio [Mr. TRAFICANT], which extends home ownership counseling, and requires notification of availability of owner ownership counseling to veterans, a very strong amendment, speaking to our veterans and making sure they understand the availability of this counseling.

There is amendment No. 28 offered by the gentleman from Nevada [Mr. ENSIGN], which speaks to a problem that could conceivably require an adverse action involving some senior projects in the State of Nevada; the amendment offered by the gentleman from Pennsylvania [Mr. HOLDEN], which we have discussed; and the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON], amendment No. 33, a particularly strong amendment.

I want to mention that some of these amendments speak to the issue of making sure there is safety and order in public housing. Simply because one has limited means in order to afford a rental unit or to purchase their own place does not mean that they should not have the absolute right to have peaceful enjoyment of those units.

There are several of these amendments that speak to that ability, and particularly that of the gentlewoman from Connecticut [Mrs. JOHNSON], amendment No. 33, which prohibits the admission of sexually violent predators to public housing. I am sure she will be speaking to that. It is a very important amendment. I wish we would have thought about it earlier, but I compliment the gentlewoman for having done it.

That is a description, generally speaking, of the amendments, 11 all told, offered by Members on both sides of the aisle, that I think again strengthens and enhances this bill and will allow us to move this bill forward from the strongest possible posture.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my amendment, which has been included in today's en bloc amendment, would ban violent sexual predators from public housing in this country. These are people who have been convicted of the worst crimes imaginable, and who have been identified as likely to repeat the offense. It is simply wrong for taxpayer dollars to be used to allow people who have stalked and attacked women and children to live where the majority of tenants are children and single mothers.

At a public housing project in Chicago recently, according to press reports, a previously convicted sex offender was charged with assaulting and molesting a 9-year-old girl who lived in the same building.

First, he allegedly abducted her as she was walking upstairs. Then he took her into an apartment, molested her, choked her until she was unconscious. He poured poisonous liquid down her throat and left her.

□ 1530

Mr. Chairman, my legislation will not eliminate violence against children. I wish it were that easy. But it will send a clear message that Congress is not going to use taxpayers' hard-earned money to provide subsidized public housing to people who have committed unspeakable acts of evil against children.

H.R. 2 for the first time gives housing authorities access to State information on registered sex offenders, and allows public housing officials to reject an application for subsidized housing if they have reason to believe the applicant poses a threat to other tenants. That is a giant step forward, and I commend the committee on their action.

But in addition, my zero tolerance amendment would mandate that public housing officials automatically reject any application from sexually violent predators.

Mr. Chairman, study after study has shown that many people, most people, in fact, guilty of violent sexual crimes against children repeat their offenses and attack many, many children. According to one report, 71 percent of all pedophiles knew their victims prior to the crime. The typical offender molests on average, on average, hear that, on average 117 children. That is right. Members heard it right, 117 children.

Nearly 40 percent of the inmates serving time in State prisons for violent sex offenses said their victims were 12 years old or younger. These statistics were supplied to me by the National Center for Missing and Exploited Children, which supports my amendment. What these statistics say really loud and clear is that it is time for zero tolerance.

I urge my colleagues to support the amendment and keep our children safe.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Johnson-Castle-Foley amendment, which the gentlewoman from Connecticut just spoke about, which is contained as part of the en bloc amendment, as was suggested by the sponsor of the legislation.

Under the zero tolerance for sexual predators amendment I am offering with the gentlewoman from Connecticut [Mrs. JOHNSON] and the gentleman from Florida [Mr. FOLEY], housing authorities and owners of public housing would be required to reject any application submitted to them by violent sexual predators.

Less than 2 weeks ago in my home State of Delaware, I spent the day with Delawareans living in Federal-assisted housing. I spoke with parents and children and got a firsthand look at life in public housing. During my visit I was approached by a little 4-year-old boy named Danny, who wanted me to toss a ball around with him. Danny's family lives in good, well-maintained public housing, working very hard to make ends meet.

I thought to myself, the last thing Danny's family needs to worry about is whether he could be stalked by a dangerous sexual predator living near them in public housing.

Mr. Chairman, according to HUD, there are currently over 1 million children nationwide living in public housing. In Delaware alone, over 3,500 children reside in taxpayer-subsidized housing.

According to an analysis published by the Bureau of Justice Statistics, two-thirds of convicted rape and sexual assault offenders said their victims were under the age of 18; nearly half said their victims were 12 years of age or younger.

Mr. Chairman, our amendment would require public housing authorities to automatically reject any application received from a convicted violent sexual predator. These individuals would have had to commit the most egregious crime against a child, as defined by the Jacob Wetterling provisions passed by this House and signed into law in 1994, in order to be denied public housing.

Under H.R. 2 as currently written, housing officials are given the authority to screen out applicants and their family members who are engaged in criminal activity. I amended the legislation in committee to give authorities access to State sex offender registration rolls, arming them with the most up-to-date and accurate information in order to properly screen out sex offenders. The zero tolerance amendment goes one step further by requiring public housing authorities to deny public housing to those individuals, violent sex offenders, who prey upon our children.

Mr. Chairman, we believe that parents have the right to sleep better at night, knowing that housing authorities are screening out and denying housing to the most violent sexual predators. If my colleagues believe in this right also, I urge them to support the zero tolerance amendment as part of the en bloc amendment to bar violent sexual predators from our country's public housing.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New York [Mr. LAZIO] and the Democratic handlers of this bill for including an amendment. It was brought to my attention when traveling the streets of Bay St. Louis with one of our police officers, Officer Ernest Taylor, the great frustration that he had come to witness, and that is that in the publicly owned, publicly operated housing areas of the city, they were able to, in a contract with those people who moved in, get their permission to search the common grounds of those publicly owned public housing areas at any time. Through that they had virtually eliminated crime in that part of town.

Unfortunately, it had shifted the crime, in particular, drug sales, to those things that were privately owned but publicly leased housing areas because similar contracts were not available under section 8 housing.

This amendment would allow for the consensual agreement between a landlord and a tenant, and this would require a consensual agreement between a landlord and a tenant that those privately owned but publicly leased properties, the common areas of them such as parking lots, courtyards, grounds, streets that run through a development, picnic facilities, the resident centers, basketball grounds, would be available so that with probable cause the police could search those people for any violation of the law and, in particular, drug sales.

The amendment that I am offering and the manager has been nice enough to accept would make owner consent a condition of participation in the section 8 program for property owners who are either entering a new contract or renewing an expiring contract. The Department of Housing and Urban Development estimates that 1.8 million section 8 contracts assisting a total of 4.4 million low-income persons are set to expire this year.

Currently law enforcement officials are allowed access to common areas of public housing units. However, the police must be invited on to section 8 housing projects by either the property owner or tenants in order to respond to a complaint.

This problem was pointed out to me by Officer Taylor of the Bay St. Louis Police Department. I recently accompanied him on his beat as a civilian participating in a ride-along program, and Officer Taylor is one example, also, of how the Cops Program works.

Officer Taylor explained to me that he and his colleagues have been able to eradicate nearly all the drugs and drug-related crimes in the city's publicly owned housing units through the success of the Cops Programs and HUD's Drug Elimination Grant Program.

Unfortunately, because of the increased police presence in the public housing common areas, many of the city's criminals have moved their drug trade and related criminal activities to the city's section 8 housing.

This is just not right. They are both publicly paid for. They are both a privilege for those people who live there. And it just makes common sense that people should be willing to give up a little bit in order to get subsidized housing and in order to eradicate crime from that part of town.

This amendment would provide local law enforcement with the flexibility they need to protect residents of section 8 housing programs from those who sell drugs and perpetrate violent crimes, the sort of crimes that the gentlewoman from Connecticut [Mrs. JOHNSON] was talking about.

In addition, the amendment is mindful of property owners' rights because the amendment does not apply to existing contracts, only those that are either new or those that are being renewed after expiring.

It is also mindful of the rights of citizens who live in public assisted housing, in that the police must have probable cause of a criminal activity taking place before they are allowed to venture into section 8 properties.

I want to thank Officer Taylor for bringing this problem to my attention. I want to thank the gentleman from New York [Mr. LAZIO] and the other managers of this bill for being willing to address it.

I encourage my colleagues to vote for the amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the chairman of the committee, the gentleman from New York [Mr. LAZIO], for the fine job he has done, and appreciate the fact that he has worked with me and my staff to work out a couple of important amendments.

I want to thank the gentleman from Massachusetts [Mr. KENNEDY] for also concurring with the chairman. I appreciate the job that he has done.

I would like to talk briefly about the two amendments. The first one deals with economic development initiative grants. It has a number of criteria but one of those criteria is not, let me say, is not getting the administration to look at regional cooperation.

Too many of our cities have become islands, set right in the middle with the outside unattached, and my simple little amendment says, let us look at the regional application when we decide if we are going to give these grants, and let us start involving all in that general metropolitan area that could help to turn things around.

The second one, though, I think is very important for veterans, it is very important for family homes, and it is very important to stave off foreclosures. Years ago, I had occasion to be sheriff in Mahoning County, OH, and I had noticed a couple unemployed steelworkers that missed one payment and the banks were moving on their homes.

So I resisted and I went and signed those transfer deeds, and they could not in fact foreclose on the homes without signing those transfer deeds. Little did I know they would end up putting me in jail. But they put me in jail, and it brought a spotlight to the whole problem, and we have been able to mitigate that.

When I came to Congress, we passed a little, simple law. That law says they have to give a 45-day notice of delinquency, and there shall be a 1–800 number given to that borrower that is behind and delinquent so that perhaps they could work out to save the family home. That has worked. The Traficant amendment deals with the issue that right now veterans, VA loans, the veteran does not get a notice until 105 days.

Here are the simple statistics. FHA-backed loans have much higher delinquency, but VA-backed loans have almost as much foreclosure. The reason is that 105-day notice is not timely. By that time it has gone so far delinquent, they cannot work it out. By applying that 45-day notice, it will provide for intervention and the saving of the family home by stopping foreclosures. In addition to that, it will also, in fact, save our Government an awful lot of money.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to speak in favor of this amendment. The gentleman from Ohio [Mr. TRAFICANT] put himself at great personal risk before he came to the Congress by standing up for the people in his district that were unfairly losing their homes.

I have seen in my own congressional district the same kind of actions taken by predatory practices of banks that send people, send individuals up to the statehouse. They find these deeds where elderly people have paid off all of their mortgages. They go in. They bang on the elderly individual's door, tell them that they need a new roof or new siding and the like, and the next thing we know they are paying these unbelievable rates of interest on the loan payments. And as a result, within 2 or 3 months, they end up losing their homes.

We actually had legislation that was passed in the Congress that would have prevented those kinds of actions in the last Congress. Unfortunately, on a very narrow vote on the Committee on Banking and Financial Services, this provision was knocked out. It is something that I note if the gentleman from Ohio [Mr. TRAFICANT] served on the Committee on Banking and Financial Services, he would have fought with us.

But it was unfortunate that a Member who offered the amendment to knock out that provision happened to come from his own district, the company that was sponsoring the legislation, which was ultimately too bad. And those are the kinds of, if somebody wants to do investigative reporting, that is the kind of investigative reporting that would be very helpful around here.

In any event, it seems to me that this is an important provision. I want to thank my good friend from Ohio for the fine work he does here in general and the work he has done on this bill.

Mr. TRAFICANT. Mr. Chairman, I want to thank the ranking member. I want to thank the Congress, thank the chairman and ranking member for accommodating this language. I think it will help to save family homes. I urge an ''aye'' vote on the en bloc amendments.

The CHAIRMAN. The question is the amendments offered by the gentleman from New York [Mr. LAZIO].

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT NO. 26 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Ms. WATERS:

Page 57, strike lines 14 through 22 and insert the following:

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises.

Ms. WATERS. Mr. Chairman, I offer this amendment along with my distinguished colleague, the gentlewoman from Michigan [Ms. KILPATRICK] to retain current law relating to the administrative grievance procedure used in public housing agencies throughout the country.

Specifically, we propose that evictions, excepting those for criminal or drug-related activities, remain under the purview of the grievance procedure. The grievance procedure, in place since 1971 and amended in 1990 and 1994, has proven to be an efficient, low-cost procedure for resolving disputes.

H.R. 2 repeals current law by mandating that public housing agencies exclude all evictions from the grievance

procedure, not merely drug or criminal related activity.

□ 1545

This mandate is bad public policy, inefficient and unfair and causes undue Federal interference.

Any concerns that the grievance procedure might not be appropriate in certain circumstances were addressed in 1990, when the law was changed to allow housing authorities to exclude evictions involving drug-related and criminal activity from the grievance procedure.

The negative effects of soaring litigation costs and an increasingly adversarial justice system are other reasons to encourage the use of the grievance process. To force the tenant who faces an eviction into a civil proceeding is to deny most tenants any opportunity for a just and mutually beneficial resolution to the problem. Study after study shows that tenants not represented by attorneys are at a tremendous disadvantage in civil proceedings.

Finally, the fact that this exclusion is mandated by the Federal Government on local public housing authorities flies in the face of local control that has informed much of this debate. There is plenty that needs changing in public housing. The grievance procedure is not one of them.

Ms. KILPATRICK. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Chairman, I am happy to cosponsor this amendment with our esteemed colleague from California, Ms. WATERS, who has provided leadership in this Congress for several years.

We are in a very intense debate on H.R. 2. We spent a couple days last week really talking about the issues, understanding that America has a very large poor, homeless population, many of whom have no homes and are homeless, others who will be homeless if H.R. 2 passes in its current form.

As the gentlewoman from California just stated, the grievance procedure, which is now a part of housing law, allows those with minor infractions, and I might highlight minor infractions, an avenue where they can discuss their concerns. As H.R. 2 allows HUD now to move much of the responsibility to local housing authorities, I believe it is imperative that we keep those grievance procedures intact.

The law also says that major infractions, that would include a breach of law or harm to health, those automatically would be evicted. But without a grievance procedure, public housing residents would have to go directly to court.

Our courts are already overburdened. The public defender's office has been cut drastically. The lawyers are overworked. And the people will be evicted. There is no avenue for those in public housing if H.R. 2 passes in its current form. So I support the Waters-Kilpatrick amendment. I would hope the rest here in the House support it.

We had a lot of debate last week about the work requirement, the 8 hours of volunteer work over the 25 hours that are already required for many people who live in public housing. Without this grievance procedure, I predict, and I hope it will not become law, that we will have more people who now have an avenue for minor infractions, such as noise, misplaced garbage, unruly children, to go to a tenants' council, a jury of their peers and decide what type of penalty short of eviction should be administered.

So I hope my colleagues support H.R. 2, the amendment that both the gentlewoman from California and myself are offering.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

It is important that as we continue our debate on H.R. 2 that we think of the least in America. We all want changes in the public housing statutes, but what we do not want is to move people from their homes, move their children in the street and increase the homeless population.

The gentlewoman from California and I have thought this out thoroughly. It is a part of current law, the grievance procedure. As HUD moves to give more authority to local housing authorities, if we ask around the country, they want the procedure, they want to be able to deal with minor infractions so that their people can remain in public housing, become good citizens, and serve the public well.

So again, Mr. Chairman, we ask that our colleagues support the Waters-Kilpatrick amendment. Keep the grievance procedure and move to accept our amendment.

Mr. Chairman, my colleague from California, MAXINE WATERS, and I offered this amendment during committee consideration of H.R. 2. The amendment is very simple. The Waters/Kilpatrick amendment to H.R. 2 will reinstate current law. Residents of public housing agencies who have minor infractions would not be subject to a court hearing or immediate eviction. Residents who are guilty of activities that involve criminal activity, a threat to public health or safety, or the right to peaceful enjoyment would still be subject to eviction and a court procedure under the Waters/Kilpatrick amendment.

Currently, housing authorities administer grievance hearings in order to expeditiously and fairly resolve landlord/tenant disputes except those that involve evictions resulting from criminal activity or activity that threatens other tenant's health, safety, or right to peaceful enjoyment. The grievance process is presided over by an independent arbitrator and is similar to the popular alternative dispute resolution processes that precede or replace judicial action in many jurisdictions today. H.R. 2 amends current law by terminating a tenant's right to a grievance hearing if the hearing might result in an eviction and the tenant would have the right to pursue the issue in a court of law.

For example:

Infraction	Under H.R. 2	Under Waters/Kilpatrick
Didn't put the trash in the bin.	Go to court/eviction	Grievance hearing.
Kept a cow in your apartment.	Go to court/eviction	Go to court/eviction.
Children playing in the grass.	Go to court/eviction	Grievance hearing.
Selling drugs	Go to court/eviction	Go to court/eviction.
Painted the walls the wrong color.	Go to court/eviction	Grievance hearing.
Disturbing the peace ...	Go to court/eviction	Go to court/eviction.

H.R. 2 does away with grievance processes for non-criminal eviction in almost every State. Public housing tenants would be forced into court to resolve minor lease infractions. Grievance procedures protect tenants from homelessness. Finally, the grievance process is informal, non-intimidating, and saves taxpayers money.

In the interest of fairness, equality, and efficiency, I urge the adoption of my amendment.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise regretfully in opposition to the gentlewomen's amendment. This amendment would continue to create a dual system of resolving complaints, one for those people who may be equally poor, equally struggling but be in market rate units whose recourse is through the courts, and the current system that allows the most troublesome tenants to have two bites of the apple, both through the grievance procedure and then after that to elongate the whole process and move through the courts.

In this sense, the tenants that are potentially problem tenants are not easily removed. The housing authorities cannot quickly bring them before the court because they must go through this additional administrative grievance process that can be easily gamed.

We are saying both people in public housing and people outside of public housing must live by the same set of rules; that we have a common way of redressing grievances and violations of the law and violation of leases, and that is through the State court system.

The Waters amendment, which I think is well-intentioned, would allow a housing authority to exclude at its discretion only those individuals who were involved in activity that threatens the health, safety or right to peaceful enjoyment. That leaves a whole list or litany of other items that a tenant may be in violation of their lease for and for which they can force the housing authority to go first through this administrative grievance procedure and then, after that, they have the second bite of the apple, which is to go into the court system.

That is not available to anybody else throughout the country. If a tenant is a problem tenant elsewhere in the country outside of public housing, they must use the court system, which has been established to try and resolve these type of tenancy problems. That is the correct way of resolving these problems.

By creating a dual system that allows people in public housing to have two bites of the apple, to be able to go to first the grievance procedure and then through the court system, it perpetuates the potential trouble that is caused within the unit and potentially outside of the unit; it imposes additional burdens on the housing authority and on the management of the housing authority when they are desperately trying to struggle to ensure that there is peaceful enjoyment throughout the units and that the units are maintained in an appropriate way so that they can be easily let to somebody else when the need arises.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the gentleman did state correctly that not included in the grievance procedure at this time are those criminal acts and drug offenses. So we make sure that the most egregious offenses are not in the grievance procedure.

Would the gentleman agree that an offense such as not putting the trash in the bin or children playing on the grass should have to go to court rather than appearing before a grievance procedure that could be resolved?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would suggest that, in fact, the gentlewoman's amendment, as I read it, as I said before, I believe does affect those activities that threaten the health, safety, or right to peaceful enjoyment of the premises.

There are incidents, however, that may fall slightly below that threshold or may be questions of controversy as to whether they do or do not, and it shifts the burden to management to have to go through not one but two different processes. The point is that anybody else in life, when they are violating a part of the lease, are subject to having their differences resolved through the landlord-tenant courts. That is still available for people who are in public housing.

We encourage people in public housing, as we do with the management, to resolve their differences short of going to court. That is absolutely still possible.

We still want people in cases where there is minor differences to resolve them short of the judicial process. But if they cannot be resolved informally, then what we ought not be allowing is to have people who are problem people to have two bites of the apple and shift that burden entirely to the housing authorities.

And the people that are really burdened are not the managers or administrators of the housing authorities, but in fact the other residents that come perhaps after in that unit, that need that unit. It may not be available to them in the condition they may want or in other situations. It may in fact affect the whole unit.

The gentlewoman mentioned situations about trash and garbage. That may affect all the other tenants, if that has not been disposed of in an appropriate way.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am not certain I am understanding the gentleman.

Is the gentleman saying if there are these minor infractions, that there will still remain in place a grievance procedure under H.R. 2?

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 1 additional minute.)

Mr. LAZIO of New York. Mr. Chairman, I would suggest to the gentleman that just as the case is now, we would encourage informal ways of resolving short of an administrative process with different procedures and prescriptions and short of the courts. We want people to work together to work out the most minor infractions. If they cannot be resolved, however, then certainly they have the courts to seek redress.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I appreciate the gentleman suggesting that that is a process he would like to pursue. My understanding is that is exactly what the grievance procedure is.

In other words, the grievance procedure is set up to allow people that have a grievance, not a serious legal problem, but a grievance, to take that short of a legal case. So I think that procedure is set up to deal with exactly the kinds of cases that the gentleman described.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, the point again is that those issues can be resolved informally short of a formal process with rules and procedures.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman continue to yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, what kind of procedure would this be informally resolved with?

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 1 additional minute.)

Mr. LAZIO of New York. Mr. Chairman, I would suggest to the gentleman we do not need a procedure in order to resolve some of these smaller problems.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will yield just on that point, how would the gentleman suggest that these are going to get resolved? The grievance procedure, I believe, is set up specifically to allow for a resolution of those disputes that are short of going to court.

As I understand it, we have not heard a lot of complaints about the grievance procedure, so my understanding is this is exactly the kind of procedure that I would think all of us in this Chamber would tend to support. Because what we want to do is say let us not overcrowd the court system if you do not like the color of the paint or if you have fish or dogs or something like that. We need some kind of procedure to solve this stuff.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, we would suggest that people resolve these issues the way they do in nonpublic housing, informally, working together, consensually, hopefully; if not, using whatever tools they have. There are people who have been involved in rent strikes, things like that, in order to resolve their problems. And if not, go to the courts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my two friends, the gentlewoman from California [Ms. WATERS], and the gentlewoman from Michigan [Ms. KILPATRICK].

I think their amendment is exactly on the money for exactly the reasons we just heard described. No one suggests that if there is a case that actually involves criminal activities that this should be resolved by a grievance procedure, but it does seem to me to be perfectly reasonable to suggest that we do not necessarily have to have every single dispute end up in court.

The notion, as anybody that has been in a dispute with a landlord, and having spent a few years in college and going through a few testy moments with landlords along the way, the truth is everybody has had problems and disputes with landlords. I think it is important that we set up an alternative procedure.

This is exactly where the courts nationally are going in terms of trying to suggest that we find alternatives to having every case end up in the court system.

I would also like to point out to the gentleman, my friend from New York, that there is, in fact, I think, an intimidation factor that takes place in this procedure. In far too many States, housing courts do not necessarily provide an attorney to a member of public housing. So what happens is, in all cases the housing authority is going to be represented by counsel.

□ 1600

The notion that if you paint the inside of your apartment the wrong color, if you happen to have dogs, this bill would prevent you from being able to have a dog, if you happen to have fish or other kinds of minor disputes. It

does not seem to me that every one of these cases automatically ought to end up in a court situation. There is going to be a grave concern on behalf of the tenants if they have to end up going down to court in order to get a minor situation resolved that it is an unfair and unequal system.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. I thank the gentleman from Massachusetts for yielding. That is the crux of the amendment, exactly as the gentleman from New York [Mr. LAZIO] suggests. That when there is a minor dispute, when there is a minor disturbance, when there is some small infraction, that there is an avenue for the tenants to resolve it. If the current law which allows that is taken out, then there is no way to resolve it but to go to court, but to find an attorney.

That is the very reason why we want to keep the grievance procedures, for those minor situations, so the parties can talk them out. As we move from HUD to the housing authorities the administration's ability and the ability to watch over, to keep the property safe and clean, that has to be there. It has to be there.

Mr. KENNEDY of Massachusetts. If I could reclaim my time very briefly, if the chairman of the committee would rise for a colloquy.

Mr. Chairman, I wonder if the gentleman from New York, the chairman of the committee, might consider having the gentlewoman from California [Ms. WATERS] and the gentlewoman from Michigan [Ms. KILPATRICK] work with his staff to see whether or not there is a way to resolve this short of this amendment. Maybe we might be able to withdraw this amendment for the purposes of entertaining an opportunity and maybe go into one of the subsequent amendments and then come back to this debate if we cannot find a way of resolving it.

I would think that the chairman, if in fact the perception that we have on this side is true, that the grievance procedure is set up to avoid going to court, that it is in fact the kind of cooperative procedure that at least our side is being informed that it is, then it seems to me that there may be some way to adjust that that might meet the chairman's standards that would allow us to work around this particular issue. Would the chairman be willing to entertain such a proposal?

Mr. LAZIO of New York. If the gentleman will yield, certainly whenever the gentleman asks for me to try and enter into a discussion to try and see if we cannot find common ground, I would be happy to accommodate that. Let me also add that in order that we deal in reality, that I think from this side we would probably not be interested in anything that did not deal with the issue of bureaucracy, of having the sort of bureaucratic step here. So if there is some way of resolving or addressing the concerns, we can have a discussion about that and perhaps we can resolve it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I could not quite figure out whether the gentleman was saying there is no chance or there is a chance that we could work something out.

Mr. LAZIO of New York. There is always a chance when we talk.

Mr. KENNEDY of Massachusetts. In that case, why do they not try to get together. If the Chair could inform us as to what the proper procedure is to protect this amendment while there is an attempt made to work it out and then we could come back to it if there is no success.

The CHAIRMAN. Does the gentlewoman from California ask unanimous consent to withdraw the amendment at this time?

Ms. WATERS. Mr. Chairman, given the commitment of the chairman to work this out and bring it back to the floor, I ask unanimous consent to withdraw it for the time being, to be taken up before we finish the debate on the bill.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. LAZIO of New York. Mr. Chairman, reserving the right to object, let me just add that if the application, and I would address this to the chairman if that is appropriate, when it might be appropriate to offer unanimous consent to allow the gentlewoman to resubmit or reoffer her amendment within the scope of this title before this title ends, I would be happy to, if she is withdrawing it with the right to reoffer it if we cannot resolve this within the title.

Ms. WATERS. I am withdrawing it with the right to reoffer it, yes.

The CHAIRMAN. The Chair would advise the gentlewoman from California and the gentleman from New York that if we are past title I at the time it is reoffered, it will take unanimous consent to reoffer the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, would it be possible then to allow her to reoffer this after title I?

The CHAIRMAN. If there is a unanimous-consent request and no objection is heard, it would be possible.

Mr. KENNEDY of Massachusetts. We can make that unanimous-consent request at this particular time, correct?

The CHAIRMAN. The Chair would entertain at this time any unanimous-consent request to return to title I for the purpose of this amendment only, or a modification thereof, at a future time.

Mr. KENNEDY of Massachusetts. Subsequent to title I, is that correct, Mr. Chairman?

The CHAIRMAN. That is correct. Is there objection?

Mr. LAZIO of New York. Mr. Chairman, if I could continue to reserve my right to object, I wonder if I could just prevail on the gentleman right now to withdraw his unanimous-consent request until we get near the end of the title. If it cannot be resolved, then we can talk about it. But we have some time right now to talk about it and we can do it within the title.

Mr. KENNEDY of Massachusetts. Mr. Chairman, to explain to the gentlewoman from California, I think the chairman has suggested that he would like us to act in good faith until we get near the end of title I. If we have not resolved it at the end of title I, I understand that he would not object to allowing the negotiation to continue beyond it. I would think, given the chairman's representation, we would be happy to accept those conditions.

The CHAIRMAN. Without objection, the amendment offered by the gentlewoman from California [Ms. WATERS] is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment which has not been preprinted.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 26, line 8, after the period insert the following: ''The public housing agency shall ensure that each individual who provides work pursuant to the requirements under this paragraph receives compensation for such work at a rate that is not less than the minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938.''.

Mr. WATT of North Carolina. Mr. Chairman, let me first say that I had preprinted in the RECORD an amendment which would have sought to strike the entire mandatory voluntarism requirement that this bill has contained in it. We had extensive debate about the mandatory voluntarism requirement last week, and it seemed to me that what people were saying was we want these people to work.

I want to make it clear that I also want everybody in America who is able-bodied and capable of working to work. I have never opposed in the context of welfare reform a work requirement. During the debate on welfare reform last year, I expressed serious reservations about forcing people to work without also making sure that jobs were available to them that they could work at. But I have never opposed having people work.

POINTS OF ORDER

Mr. LAZIO of New York. Mr. Chairman, could I just make a point of order, please?

The CHAIRMAN. The gentleman will state his point of order.

Mr. LAZIO of New York. Just an inquiry as to whether the amendment the gentleman from North Carolina is speaking to is amendment No. 27 as printed in the RECORD, or is it some other amendment?

Mr. WATT of North Carolina. Mr. Chairman, it is quite obvious the gentleman was not paying attention to

what I was saying because I started my comments by saying this was not the amendment that was printed in the RECORD.

The CHAIRMAN. The Clerk reported an unprinted amendment.

Mr. LAZIO of New York. Mr. Chairman, I have an additional point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LAZIO of New York. We did not have a printed copy. We now do. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. WATT of North Carolina. I thank the gentleman. I apologize to the chairman, I thought he had a copy of the amendment. I had given it to the Clerk, and I thought she had given it to the other side. I was not trying to pull a fast one.

Mr. Chairman, this is not, I repeat, this is not the amendment that was printed in the RECORD. The amendment that was printed in the RECORD would have tried to amend the bill by striking out in its entirety the mandatory volunteer requirement. This amendment does not seek to strike out the mandatory volunteer requirement. What this amendment does is acknowledge the value of work but understand that work has associated with it the assumption that people will be paid, compensated for that work.

I do not now, have not ever opposed people working. In the context of welfare reform last year, my objections to the work requirement had to do with whether there were sufficient jobs available that people had the skills to work at. I did not oppose the work requirement, have not ever, will not ever. What I do oppose is requiring people to work without compensation. This amendment simply says that the public housing authorities will ensure that any individual who is required to work under section 105 of this bill, the so-called mandatory voluntarism requirement, would be assured of being compensated for that work, at a minimum, at the minimum wage that prevails in this country.

If we want people to be responsible, I do, also, all of us should, this should meet all of the criteria, all of the standards, all of the expectations that my friends on the other side have said this provision in the bill is intended to meet. In addition, it would provide some income for people that they could use, then, even if they wanted to require them to turn around and use the income that they got under this amendment to pay rent. I would not object to that.

But let me tell my friends, work for pay is honorable. Forcing people to work without paying them is an abomination, it is against the law, it is against the public policy of this country, and everybody in America understands that it is unfair and it is a way of simply singling out the poor. If we want to do something good for poor people, if we want to do something good for public housing residents, if we want to raise their esteem, pay them for the work that we are requiring them to do.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this issue has been fully vented by this House, I would suggest, it has been discussed in committee, in general the concept of community service, and now the gentleman from North Carolina offers this amendment which requires compensation.

Let me, if I can, just ask if the gentleman from North Carolina would engage me, if I could just ask some questions about this so I will understand.

The amendment, as I understand it, requires compensation. I wonder if the gentleman can tell me who would pay and what would be the mechanism for enforcement.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, the gentleman is aware that under the provisions of section 105 as currently written, under section 2 on page 26 which deals with employment status and liability, the last section of that contemplates that some of the volunteer work might be done directly for the public housing authority, because it says, unless the work is done for the public housing authority, there is no liability on the part.

So if there is direct work for the public housing authority, the public housing authority would have to pay for it. If they got the work from a nursing home or someplace external, then they would have to ensure that the external source paid. This does not address, and we are not imposing, additional monetary burdens on public housing authorities.

Mr. LAZIO of New York. If I could reclaim my time only because we are so limited, I only have less than 5 minutes now, one of my major problems with this, of course, is that it suggests that somehow we ignore the fact that people who are in public housing are receiving a benefit. It suggests that we are asking people to give community service. This is not voluntarism, it is not called voluntarism in the bill. It is community service. We are asking tenants to provide community service in return for a benefit. They are getting compensated.

The benefit of public housing, the apartment that they receive and in many cases the utilities that are paid are part of the compensation that people are receiving. In return we are asking the minimal amount of 2 hours a week, 15 minutes a day, 8 hours a month in return for the benefit of receiving an apartment, public housing and in many cases, as I say, the utilities as well.

□ 1615

Interesting, in my home, if I can because my time is so limited, I would say to the gentleman, in my home this week on Saturday I received a letter from an elderly lady who wrote to me. She had been watching the debate on television, and she had said that her Social Security check just about equaled the rent that she was paying in her market rate unit. She was older, she had lost her husband, she was a widow, and she said in her letter: Congressman, I would be pleased, ecstatic, to give at least 2 hours of my time a week. I am elderly. I know there are things I could do. She is exempted under the law, by the way. She would not have to. But she said she would be happy and pleased to give more than 2 hours a week. She thought that was a very fair deal.

And what we are saying, that for people who are receiving the compensation and receiving this apartment, in some cases a free apartment, in some cases free utilities, it is a very reasonable thing to ask people in return to give 15 minutes a day, 2 hours a week, 8 hours a month in return for that compensation.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to make sure that the gentleman heard my explanation. If we are trying to build self-esteem, give the people the money. Even if we turn around and say we are going to take the money back from them as rent, which gets them to exactly the same place that the gentleman has just articulated he wants to be, he wants them to pay for their housing. Give them the money. Pay them and then charge them rent if that is what he wants to do, but do not take away people's self-esteem.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, there is nothing in this bill that would deny people from going out and getting a job where they receive minimum wage or anything greater than that. As a matter of fact, all the incentives in this bill are to encourage work.

I also want to say to the gentleman and to this body that in fact community service is broader than just employment. It is something that can be as simple as planting flowers or painting or reading to children in the complex. It does not have to rise to the point of what we consider employment.

I would suggest to the gentleman that in the Charlotte housing authority they have complexes, as I know the gentleman is aware, called Earle Village. In that program there is a self-sufficiency program that residents are required to participate in.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 2 additional minutes.)

Mr. LAZIO of New York. In that program people are required to volunteer

at least 10 hours per month to assistant programs ranging from early childhood education to parenting to after-school tutoring to elementary and secondary school students to mentoring and support services for residents enrolled in job training programs and postsecondary educational programs.

This type of service, as the description goes, are included, but not limited to day and night care, job training program, recreation facilities, drug counseling, literacy and tutoring programs, and educational programs.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want the gentleman to know I am well aware of the self-sufficiency program at Earl Village. I know it personally. Let me assure the gentleman that there is not a mandatory requirement for work without being paid. Let me assure the gentleman from New York of that. He is simply wrong.

Mr. LAZIO of New York. If I could just reclaim my time, the example that I have that has been given to me, supplied to me by, I believe this is from HUD itself, says as a condition of living in Earl Village residents enrolled in the self-sufficiency program will be required, will be required to volunteer at least 10 hours per month to assistant programs ranging from as I described earlier. This is not discretionary for the resident.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Read that again because the gentleman from New York will see that that is something that has been proposed in the future. This is from a proposal, it is not from an implemented program, and the gentleman, he is just wrong. There is nothing in the self-sufficiency program at Earl Village in Charlotte, NC, that requires people to work without pay.

Mr. LAZIO of New York. Reclaiming my time, according to the information that we have from HUD that program is in effect, is the result of the HOPE self-sufficiency program that is in place, and I will read it again. Residents enrolled in the self-sufficiency program will be required——

Mr. WATT of North Carolina. Will be required.

Mr. LAZIO of New York. Will be required to volunteer at least 10 hours per month to assistant programs ranging from early childhood education, parenting, and the various programs that we have.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first let me address the substance of the amendment. The amendment objects to the notion of work without compensation, and if that was what was at issue here, I think the gentleman from North Carolina [Mr. WATT] would have a valid point. But very carefully this is a proposal—and I would stress again to this body, that was included in the administration's request to the Congress—which from the congressional side was tightened up so that enforcement is enforceable rather than representative of a rhetorical approach.

In any regard, the precept at issue is the notion of work for benefit. If you think about economics in general, sometimes one works for pay; sometimes our society has a barter element; that is the same techniques people used before the use of coin—barter—are increasingly used today.

And so this is, in effect, a barter arrangement. It is work for benefit, and indeed, it is an untaxed benefit.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Mr. Chairman, I will in just a minute to the distinguished gentleman.

There is another point that I think it is very fair to raise. The gentleman from North Carolina [Mr. WATT] argues that this community service requirement is injurious to self-esteem. I would frankly assert that this body believes, or at least this side of the body believes, that work enhances self-esteem and that the community service provision, which is a work component, involves two precepts that are very American at their roots. Work is not a four-letter word to be considered pejoratively. Community service is something that has hallmarked this country.

So the notion here is to instill a work community service provision in return for a benefit, and if one does not want the benefit, obviously one has the option of not participating in the program.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Mr. Chairman, first let me yield to the distinguished gentleman from Illinois, and I would say to the gentleman from Illinois [Mr. JACKSON] that I think he has distinguished himself with his first amendment offerings to this body and he has made very cogent arguments that are not without merit. This side does not find them compelling; but a large number of Members do, which says that the gentleman has argued well and capably, and so I will first yield to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for his very kind and gentle remarks. I guess I want to ask the gentleman to yield to a question, and that is:

Is the gentleman aware of any Federal benefit that the Federal Government or this legislative body has ever provided where work was in exchange for that Federal benefit from food stamps to Social Security to Medicare to mortgage deductions to mining rights to any form of corporate welfare? Have we ever required of any Federal benefit a work provision or mandatory volunteerism provision?

Mr. LEACH. Mr. Chairman, there are a number of analogous programs, none precisely like that, but the AmeriCorps program was designed in that direction, Federal work study programs are designed——

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Let me continue because the gentleman asked a very precise question. We have National Health Service Corps, medical grants that involve a requirement that people work in given circumstances in order to take advantage of Federal assistance. Obviously, military academies have some implications for work obligations.

I would also say there are State examples. I know the State of South Carolina in some public school systems has had a community service requirement for high school graduation that has been upheld by the courts as appropriate. But I think that the gentleman from Illinois [Mr. JACKSON] is also correct in his implication that there are aspects of this that are somewhat unique as well, and I will acknowledge that. But I would also say that it is the view of this side that this fits the heritage of this country, it fits the pioneer spirit of the 19th century, it fits our great American Presidents of this century, and at the risk of great presumption with the ranking member of the Subcommittee on Housing and Community Opportunity here, I would say that on our side of the aisle there is an assumption that the principle at issue is: ''Ask not what the Federal Government can do for you, but ask what you can do for your community.'' This is leadership of, by, and for the poor, and that is not inappropriate.

Mr. Chairman, I yield to the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, let me just say to the chairman of our Committee on Banking and Financial Services and for whom I have the utmost respect that every single one of the programs that he described has compensation associated with it, every single one of them, National Service, AmeriCorps, the whole range of things that the gentleman has described. That is the first point I would make.

The second point I would make is that there is not a President in this country for mandating bartering. If people choose to barter, if people choose to barter, that is a choice that they make, and let me say this last thing that I want to say in response, with the utmost respect and gentleness because I do not want it to be misunderstood, and I have the utmost respect for the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. LEACH was allowed to proceed for 30 additional seconds.)

Mr. LEACH. Mr. Chairman, I continue to yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, many of the arguments that I have heard, the bartering argument, the whole range of arguments, are very, very similar to the arguments that were used to justify a system that existed in our country years ago that many of us would like to put behind us and never ever think about again, and it may well be that it is because of that that there is such a difference in perception on this issue. And I want to say that with the utmost of respect for the gentleman, and I have been very careful about how I said it. I tried to be at least.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 30 additional seconds.)

Mr. LEACH. Mr. Chairman, I appreciate very much the sensitivity and the candor of the gentleman from North Carolina, but I want it stressed again that this is an issue of work for benefit, it is an issue that has been endorsed by the administration, although not precisely with the tied-down ways that the committee has brought it before this body. It is not in any way intended to imply the truly tortuous circumstance the gentleman from North Carolina [Mr. WATT] sets forth. I think we have to listen carefully and respectfully, but I do not find the argument compelling.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me thank the chairman of the full committee, the gentleman from Iowa [Mr. LEACH], for his gentleness in our approach to addressing a very substantive section of this bill, and let me say, Mr. Chairman, without equivocation that Members on the Democratic side of the aisle believe in volunteerism. We believe in volunteerism if that definition, if Webster's definition of emanating from self-will, from self-determination, from one's own choice or one's own consent is the definition that we are all functioning from. We do not believe in a Government mandate called community work in section 105 of H.R. 2. If volunteerism means that we are urging and we are persuading people to volunteer, we support the thrust of General Powell's summit on volunteerism.

□ 1630

Community service work really is voluntary because it fosters pride and it fosters responsibility. Scout masters and den mothers who genuinely volunteer to lead Boy Scouts and Girl Scouts across our country should be lauded for their efforts, because that is genuine volunteerism.

Many PHA, Public Housing Authorities, already volunteer. They have crime watch, resident councils, cleanup efforts. This past Saturday in Chicago, in the public housing authorities, it was called ''clean and green day.'' One year ago on Saturday they removed 319 tons of garbage from public housing.

The real issue that we are discussing here today is whether or not the Government should be mandating volunteerism. What is the Government doing anyway mandating a law about volunteerism? It is a contradiction in terms. Forced volunteerism is an oxymoron. I am kind of taken aback today because even Oliver North agrees with my position that the Government should not mandate volunteerism.

There is a difference, Mr. Chairman. We have a voluntary army, an all volunteer army, but when one volunteers for the army in the United States one is compensated. If one stays in the army long enough, one receives a pension, one receives points on one's home purchase and mortgage deductions. One receives Veterans' Administration benefits for volunteering into the army.

The chairman spoke of medical school scholarships. Yes, we give scholarships to medical students who will come and work in low-income communities, but they are paid for that service. AmeriCorps, they receive a stipend for their efforts. The Peace Corps, a stipend for their efforts.

I believe poor people should work. I know the gentleman from North Carolina [Mr. WATT], the gentleman from Massachusetts [Mr. KENNEDY], we believe that poor people should work, so why do we not create jobs? Why do we not put poor people to work? Why are we passing a law mandating that they give of their time to volunteer, or if they do not perform this requirement, face eviction from public housing.

We are talking about people who pay rent, and that is a common misconception out in the public, that people who live in public housing are getting something free from the middle class; they are receiving something free from those of us who are fortunate enough to be able to pay. That is not true. They pay rent. We are the landlord of people who pay rent in public housing, and the reality is we are also raising their rents.

What we should be trying to do, at least in this body, is fix some of these buildings, fix some of these public housing authorities so that the people we presently provide occupancy to, they can live in, first, and volunteer to help better their communities.

If work is the issue, why are we not mandating full employment in this bill? The chairman of the subcommittee, the gentleman from New York [Mr. LAZIO] he says, listen, what is wrong with 8 hours? Eight hours times 60, 480 minutes, divide that by 30 days. What is 15 minutes? We are talking 15 minutes.

No one volunteers in 15-minute segments. Just no one. Fifteen minutes. It takes 15 minutes to get from a public housing authority to the volunteer location where one is going to volunteer. Once they get there, then what? Most people will volunteer the entire 8-hour segment, Mr. Chairman, the entire 8-hour segment. Why 8 hours? Why one full shift of labor? Why not just pay them for their efforts? Why not put them to work?

I support the amendment of the gentleman from North Carolina [Mr. WATT]. I think it is an honorable amendment. It says that we should pay them at least the minimum wage for volunteering. Never since 1868, not since the passage of the 13th amendment, can we even make an argument that we as a Government have ever mandated one American volunteer to work without compensation. It has never happened. This is the first time since 1868 we have ever mandated that an American volunteer without providing them compensation. This is wrong, Mr. Chairman, and this is what we are fundamentally fighting against.

So, Mr. Chairman, I would like to ask a question to the distinguished chairman of the committee, the gentleman from Iowa [Mr. LEACH], if he would engage in a colloquy.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. Mr. Chairman, I would ask the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, is the gentleman aware of any Federal volunteer program that mandates that one American volunteer without compensation of any Federal benefit that we have ever passed in this body?

Mr. LEACH. Mr. Chairman, if the gentleman would yield, first let me respond to the gentleman's vocabulary. This is a work-for-benefit program. Democrats describe it as mandatory volunteerism; our side describes it as work-for-benefit, and that is where the rub comes with regard to the circumstance.

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time, is there any work-for-benefit associated with the mortgage deduction that we provide for people who receive a middle class benefit, the tax break that we provide for them?

Mr. LEACH. Mr. Chairman, I think the gentleman makes a fair point. There is none.

Mr. JACKSON of Illinois. Mr. Chairman, is the gentleman aware of any volunteer effort that the government mandates of any American that they volunteer without compensation on the Federal books?

Mr. LEACH. Mr. Chairman, I am not, but again, I would stress, this is work-for-benefit.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, I would like to allow the chairman the opportunity to respond to the question.

Mr. LEACH. Mr. Chairman, I did respond to the last one.

Mr. JACKSON of Illinois. Mr. Chairman, I am sorry, I did not hear the response.

Mr. LEACH. Mr. Chairman, I said we define this as a work-for-benefit program.

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time, for any Federal benefit, is the chairman aware of any work-for-benefit requirement on the Federal books at all?

Mr. LEACH. Mr. Chairman, if the gentleman would again yield, there are many analogous programs, but none precisely like this. There are also certain analogous programs at the State level.

Mr. JACKSON of Illinois. Mr. Chairman, might I ask why we are asking of poor people to face eviction for failure to volunteer?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I am so pleased that the gentleman from North Carolina [Mr. WATT] had the vision and gave this the thought that finally bring us to some point where we can correct the mistake that we have made in this bill. I would like to thank the gentleman from Illinois [Mr. JACKSON] for his persistence, working with the gentleman from North Carolina and others, in not allowing us to do something we will be ashamed of later on.

I think the gentleman from Illinois, in raising the questions that he raised of the chairman, really did help to point out how outrageously ridiculous this really is. When the chairman was not able to respond in any way to describe any other instance, any other policy of government that would cause people to work without pay, I really do think that answers the question in a very stark way.

I rise to support this amendment because I know an awful lot about public housing projects. I have spent a great deal of my life working with and trying to provide opportunities in public housing projects.

Let me say this: If this was a real work-for-benefit program, we may not object if the people work and we would reduce their rents for the time that they would put in. That would be, at least, paying them in some way. That is a work-for-benefit program.

As the gentleman from Illinois [Mr. JACKSON] outlined, they are paying their rent. If we want to do a program that is work-for-benefit, then say if one works for *x* number of hours, we will reduce one's rent, because we will give one an hourly wage. That is what this does, in a way. This amendment says if one works, one will, at least, get minimum wage.

Let me tell my colleagues what is important about this. I have been in the public housing projects when the housing authorities have contracted for work with outside entities, people who have come from long distances in southern California to do things like put up screen doors, do other kinds of work in public housing projects. I stood and I watched tenants saying, why can we not do that? Why can we not have those jobs?

People lined up begging to do the work. I got involved in negotiating with the public housing authority ways by which they could include the tenants when they do contracts for jobs in public housing, because nobody had the wherewithal or the sensitivity to understand that it is immoral to ask people to watch other people come into the housing project, contractors who do not live anywhere near the community, do the work, make the money, take it on out someplace else to spend, while people there are desperate lining up for jobs.

When there was an opportunity for the telephone company to lay cable, I went out and negotiated myself with the telephone company, and the people that they gave the jobs to loved every minute of it. Young people lined up as they were digging, doing hard work, to try and get a job.

This business about people in public housing projects not wanting to work is not correct. We should not treat poor people this way. They do want to work. My colleagues saw what happened up in New York when they had minimum-wage jobs, just poor people lined up around the block. This business that somehow we, as public policymakers, know better than the people who live there about what their motivations are and what they will do and what they will not do must stop.

Mr. Chairman, I will walk with my colleagues to any public housing project in America, and if we have jobs to offer, people will line up around the block. In addition to having negotiated for people to work who wanted jobs instead of letting the contractors come in and work without offering the jobs, I created some training programs inside public housing projects, and people lined up around the block to get in those training programs.

What did we find? We found that JPTA that replaced CETA does not work. We called them in to give the training, the people wanted the training, they wanted to be connected with the jobs. Many of them who are on welfare want to get rid of that welfare check. They want to go to work every day.

Mr. Chairman, I would not like my colleagues to use our power this way. I would not like my colleagues to put their foot on the necks of poor people rather than give them opportunity.

This amendment is correct. Pay them for work, and they will do the jobs. Pay them for cleaning and doing other kinds of things above and beyond their rent. They will do the work.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Obviously, there is much misunderstanding and confusion on the subject of work-for-benefit. Much has been questioned about what has this Congress done in the past with regard to requiring an individual to work in order to receive a benefit.

I brought it up on prior occasions, but I think it is so important to restate. Just last year this Congress, by majority vote by both parties, adopted a workfare requirement under the welfare reform act. It does not require 8 hours a month or 2 hours a week. In consideration for AFDC payments or food stamps or other programs of that sort, the individual must work 20 hours a week, 80 hours a month, in order to be eligible to maintain those benefits. Under the provisions of the act, that requirement goes up by the year 2000 to 30 hours per week.

The reasoning behind that and the reason why most Members of this Congress supported it is because many people who receive public assistance are in housing projects, not because they are not worthy but because they do not necessarily always have the skills to move from dependency to independence.

The gentleman from New York [Mr. LAZIO], chairman of the subcommittee, has rightfully described this new requirement as an opportunity, not as the other side would describe it as some sort of new slavery. In fact, what we are doing is giving people an opportunity by volunteering, getting into the community, seeing what job opportunities may be available, to develop job skills, to actually learn a skill perhaps while they are volunteering. It would leave them with the ability to ultimately get employment and walk away from public housing.

Now, when we look at the workfare requirement adopted by this Congress by majority vote by both parties just last Congress, we find that the 20-hour-per-week requirement is essential in order to get people to move to independence rather than dependency.

I had an interesting call last week as a result of our debate on the floor here about work-for-benefit. It was a working man from a family. He says,

Do you know how many hours a week I work to pay for public housing? I work 40 hours a week. I pay my taxes, and it supports individuals in public housing. Now, I really do not mind that, but I would like to think that public housing is a temporary haven while a person gets back on his feet, gets those job skills and moves on and becomes a taxpaying citizen just like me. It should not be viewed as a retirement community where one gives up and does not try for himself or his family.

Unfortunately, that, in too many cases, has been the way public housing has been viewed.

This is going to continue to give valuable housing, decent public housing, to those individuals who otherwise could not find it, but give it on a temporary basis, simply saying, ''We will help you if you take the first step, that first step being independence on your own.''

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Louisiana [Mr. BAKER] for yielding and I thank him for his work on the committee. I find him to be a very thoughtful member.

Mr. Chairman, maybe part of this has boiled down to semantics. We are not talking about work-for-benefit here, sir; we are talking about benefit for volunteering.

□ 1645

We are suggesting that when the Federal Government mandates a law that forces someone to volunteer, that there is some unconstitutionality suggested with that.

Mr. BAKER. Mr. Chairman, if I may reclaim my time, I will explain the reason for calling it voluntarism. As the gentleman categorizes it in some other fashion, we call it work for benefit. Although individuals do pay, and as the gentleman rightly pointed out, many suffer under the misconception that public housing residents do not pay for their opportunity to live there, they in fact do. But they live there with a subsidized rate. That means other taxpayers contribute to the public housing, enabling the family to live decently at a lower rate. What we are saying is because of that help, we are therefore asking you to take steps to help yourself and your own family, not unreasonable at all.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, and I thank the gentleman for yielding to me, would the gentleman make the same argument for the middle-class tax break or the middle-class help we give in the form of a mortgage deduction?

Mr. BAKER. Reclaiming my time, Mr. Chairman, I would point out to the gentleman that in many cases there is work ongoing. An individual pays taxes; for example, with the home mortgage interest deduction, they are already paying taxes. They have to work, earn a salary, to become taxable. Once they become taxable, then they get benefits in the Tax Code.

One might well argue that a person living in his own home who has paid for it for 30 years with after-tax dollars, maybe that is unreasonable to say that the Government ought to give him a tax break. But I think taxes are too high in the country already, not too low, and I think that most people do not object to paying taxes as long as the programs that they are funding——

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, there are people in public housing who pay taxes. We are talking about subsidized housing, not free housing. We were talking about affordable housing.

Mr. BAKER. Mr. Chairman, I certainly agree with the gentleman, but the original question was dealing with mortgage interest deduction, which goes to whether a homeowner has to pay more taxes on his home or less. I am suggesting that they pay too much already.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has expired.

(On request of Mr. JACKSON of Illinois and by unanimous consent, Mr. BAKER was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I would like to continue on the discussion about subsidies, Mr. Chairman. We have great subsidies in this country, particularly as it relates to agriculture. I was appalled when I learned Sam Donaldson, for example, was getting a great subsidy, as I suppose there are many other great Americans.

Would the gentleman ask Mr. Sam Donaldson to volunteer for that subsidy that he is getting, or any of the big corporations in America who are being subsidized, who get their check sent to them regularly? They do not even have to ask for it, but their land is subsidized and they get it. Is the gentleman going to track them down and ask them to do a little volunteer work in exchange for the millions they get?

Mr. BAKER. If I can reclaim my time, there are a lot of things I would like to ask Mr. Donaldson. I could put that on the list.

Ms. WATERS. Mr. Chairman, if the gentleman will continue to yield, there are many others. The question is, these people are getting big subsidies. They are getting dollars, a million dollars in subsidies, corporate America is. How are we going to get the volunteer time?

Mr. BAKER. Mr. Chairman, reclaiming my time, the money belongs to the Government. My view is that individuals work and corporations, as individuals, and individuals on farms, and then they have to pay those taxes. That is not something voluntary on their part. That is my problem.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. WATT of North Carolina and by unanimous consent, Mr. BAKER was allowed to proceed for 30 additional seconds.)

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding to me, Mr. Chairman. I just wanted to make sure the gentleman has read my amendment.

Mr. BAKER. I have it right here. It is very well written.

Mr. WATT of North Carolina. Under my amendment, Mr. Chairman, these people would pay taxes just like everybody else because they would be receiving at least the minimum wage, so I am where the gentleman is on this. If we can get people to pay taxes, let us do it. They cannot even pay taxes on the voluntarism.

Mr. BAKER. Reclaiming my time, Mr. Chairman, I would say to the gentleman, they would pay taxes only on the wages they receive for the work, not on the value of subsidy they receive from taxpayers.

Mr. KENNEDY of Massachusetts. I move to strike the requisite number of words, Mr. Chairman.

I would just like to mention a few of the programs, that maybe the principle that is being articulated by the other side of the aisle in terms of making certain that if someone gets something for nothing in this country they ought to volunteer, should then really embraced in terms of all of the programs that we provide for nothing to a whole large segment of the American people.

Mr. Chairman, there are a range of different programs and subsidies and really giveaways that the U.S. Government regularly gives to a broad section of our society. Those in almost every case line the pockets of very, very wealthy, powerful interests in this country, and they are never asked to volunteer at all. But when it comes to the people that occupy public housing, all of a sudden we are going to require them to meet a different standard, because they are getting something for nothing.

The truth is that I voted for, as has been the case that has been made by the gentleman from Illinois [Mr. JACKSON], the gentleman from North Carolina [Mr. WATT], and others, that we voted to make certain that people do not get something for nothing. We voted, I voted, to make certain under a specific provision of a welfare reform bill that you had to work if you are going to get the benefit. I think that is a perfectly reasonable standard for us to set in the Congress of the United States and as National Government policy.

But I would ask that it not just stop with the poor. Let us make certain that anyone in this country that pursues and receives the oil depletion allowance, which is where millions, if not billions, of dollars go, to the oil and gas industry, intangible drilling costs, let us make certain that they volunteer.

How about the set-asides in the farm programs? The gentleman from Iowa [Mr. LEACH], in the home State of that gentleman, where people get paid $1 million to simply not plant anything, maybe we should say to farmers that we are going to pay to not grow anything, that that is a pretty good program. Maybe they ought to be asked to

volunteer. Maybe people from the district of the gentleman from Iowa ought to come forward and have to volunteer.

If we are going to say it for public housing, maybe we ought to make this across the board.

How about people that participated in the cellular phone auction, and made millions and millions of dollars simply by getting their name pulled out of a hat? They made $20 million overnight. Maybe they ought to be asked to give something back.

How about the public education system? We get that for free. Maybe we ought to ask them, everybody that is in public education, we ought to have a mandated law, everybody has to volunteer.

How about mining rights for $1? If one pays $1, they get to go out and mine all of our mineral rights. For $1, foreign corporations can come in and make $10 billion off the United States in the gold industry, but we do not ask them to volunteer.

How about the project-based section 8 owners, or the peanut farmers, or maybe the people that are building timber roads? Maybe we ought to ask everybody where we go out, use taxpayer money to build timber roads into the most pristine areas of our national forests, they get to go, identify specific trees they want to cut down, they chop them down and then they go and take them to the lumber mill, sell them off, they make the profit and the taxpayer gets the bill; maybe we ought to ask them to volunteer a little bit.

How about the sugar subsidy programs? If we ask everybody down in south Florida who gets a sugar subsidy, shall we say to them, hey, listen, by the way, we want you to go and volunteer to help at a homeless shelter? Maybe you ought to go out and help out AIDS patients a little bit.

How about people that get water rights out in the West, should we ask them to help out, or the grazing fees? How about everybody that gets a little bit of cheap power from the Tennessee Valley Authority? Should we ask every one of them to go out and volunteer a little bit?

How about Bonneville Power? We ought to ask everybody in Bonneville Power to go out and volunteer a little bit. They get more money, I guarantee it, than all these folks who get a little bit of money in public housing.

So sure, the rural housing programs. Let us go ask everybody at Gallo Wine, who are getting paid $650,000 this year to be able to go out and advertise Gallo wine abroad, maybe we ought to get the Gallos to come on out and volunteer a little bit. What do Members think?

How about people who make toilet seats for the Pentagon? We ought to get them to come out and help out.

There is a whole list of folks out there who do very, very well under government subsidies. I just figure, hey, gang, if this is good enough for everybody in public housing, then let us make it good enough for everybody. But let us not beat up the poor and use them as the bully pulpit, as the bully boys, to make our point that people ought to volunteer in America.

Ms. VELAZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the proposal of the gentleman from North Carolina [Mr. WATT] to compensate tenants forced to work under this bill. From funding cuts in vital assistance programs to heartless welfare reform, the Republican majority seems to do all it can to keep our poor in poverty.

Today's housing bill, H.R. 2, goes even farther by including a heartless forced work requirement. This amendment encourages work and is a first step toward self-sufficiency. We cannot expect families to make the transition from welfare to work if they have no income or a place to live. Housing residents should be given real paying jobs. Let us not kid ourselves that enforced labor without pay is voluntarism. It is not. This is the Government forcing people to work in exchange for Federal benefits.

The Watt amendment is fair, it provides fair pay for work. I strongly urge my colleagues to pass the Watt amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. VELAZQUEZ. I yield to the gentleman from North Carolina.

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

Let me just say, Mr. Chairman, that we have been debating this issue now since last week. The public has been debating it. It has been in the newspapers. The public understands this. My colleagues are going to make every single effort they can to wrap this debate in the flag. They are going to say it is uniquely American to have a barter system, it is uniquely American for people to volunteer. All of the flag enhancement kinds of things are being put in the backdrop of this debate.

Let me tell my colleagues, this is not about a barter arrangement, it is not about volunteering to volunteer; this is about mandating that people provide services without working, without being compensated. That is what this debate is about. We can make it sound all tidy and American and pretty if we wanted, but there is something about this that is just not right and we know it. We know it.

It brings back images that some of us never want to have brought back in this country. It is just not right, Mr. Chairman. My colleagues ought to understand that. The public understands that it is honorable for people to work and be paid for it. We understand that. But it is dishonorable to say to somebody, you go out and we force you to work and we are not going to pay you for it.

That is not an American concept. It is inconsistent with the American dream. It is inconsistent with the principles that we stand for in this country. I just cannot stand here and listen to my colleagues make it sound like somehow this has some kind of American history motive. It is wrong. It is inconsistent with our American history. In the final analysis my colleagues, I hope, will understand that and adopt this amendment.

All we are saying is, if you are going to have people work, please pay them for the work that they provide; and if you want to turn around and get them to pay for their housing, do it, but do not force them to work without compensation. I thank the gentlewoman from New York [Ms. VELÁQUEZ] for yielding.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we simply need to state the obvious. There is no doubt that we in America can together make this place a better place to live. Voluntarism and the concept is not a pariah, but the gentleman from North Carolina [Mr. WATT] is trying to say and has said involuntary servitude is. We ended that.

□ 1700

Therefore, it is time for us to move forward and accept the equality of every American, no matter what housing facility they live in. With that, I support the Watt amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT] for further comment.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding to me.

I do not want to get emotional about this. But there are some concepts in this country that we cannot wrap in the flag and hold up the flag and defend them and say, we are doing something that is uniquely American. This is not uniquely American. I hope that everybody on both sides of the aisle will understand that.

This is not an American concept. It is not something that has parallels in other areas of our life. I just hope that my colleagues will not put our country through this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say that just from a personal experience working with public housing authorities, there has not been a time when I have gone to those communities and said, let us do a cleanup, let us work with our youth that they have not poured out their hearts, their souls, and their bodies to do this in a volunteer manner because they believe in a better quality community as well. Why can we not work with public housing residents in that manner? That is the appropriate manner. That is respecting them as decent, respectable, equal Americans.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I grew up in a household where

we were encouraged to volunteer. We want to encourage every American to volunteer. It is the right thing to do. At Thanksgiving time, Christmastime, we volunteer in soup kitchens, we volunteer all across the country for people who are less fortunate than ourselves. The American people must be weary. I know my constituents are weary when the Federal Government would pass a law that only mandates that poor people, the people that we should be volunteering for, are being asked to volunteer for us and being made to do that or face an eviction from public housing. That is really the only issue that we are discussing here today.

There is nothing wrong with voluntarism. My colleagues on both sides of aisle believe in voluntarism. The problem is the Federal Government mandating a law in exchange for the Federal benefit of the right to live in an affordable house. We will evict them if in fact they do not volunteer. We require and attach that particular condition to no Federal benefits that I am aware of, and certainly since the passage of the 13th amendment have we ever attached such a condition onto an amendment.

I want to thank the gentlewoman from Texas for yielding to me. I certainly want to take this opportunity to thank my colleagues, certainly the distinguished chairman of this committee and the distinguished chairman of the subcommittee for their graciousness during the course of this debate.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, in conclusion, I thank the gentleman. Let me just simply say that voluntarism is one of the highest callings that any of us could be called to do. I realize that all of us have at our grandmother's knee, our family's homestead, been taught to share with those who are in need. We have been taught to do it Christmas, Thanksgiving, summertime, fall, any time of the year because we want to make sure that people have an opportunity to do better. Can that not be the call of this Congress on H.R. 2, that we simply encourage those who live in public housing to work along with every other American in their volunteer effort? Is not that the better way?

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate, which is not dissimilar from both the debate that we had over in the committee and the debate that we had last week on this subject. I think there are legitimate issues being raised. I can understand them. I supported this concept in the legislation and I still do. I would just like to point out a couple of examples I have been through.

One was in the area of welfare reform. Delaware became one of the first States to mandate having to go to classes, having to go through job training or whatever it may be, not work per se, tantamount to having to do something. I suspected that the individuals that were asked to do that would be up in arms about it. I went to the first class, there were 18 women and 1 man there, to discuss this with them. And I was really amazed at how well they had received this opportunity.

Anyone who thinks that welfare recipients or people living in public housing are necessarily people who do not want to improve their lives, I think are wrong. I believe, given the opportunity, they are willing to reach out and help themselves.

We have had tremendous returns on this in Delaware. We are very proud of our record under both a Democratic Governor and a Republican Governor. We think it has worked extraordinarily well. Just 10 days ago I visited two housing authorities in Wilmington, DE, and Rehoboth Beach, DE, and spent time talking to some of the individuals living there, actually in the living room in one case.

They were telling me about the things they are doing which I would consider to be community work or voluntarism, whatever we want to call it, helping with kids, taking the kids to Great Adventure. Earning money for it, they were having a dance at night, teenagers were involved in it. We can call it work. We can call it voluntarism. We can say it is tantamount to work and they should be compensated, but these individuals were doing it willingly and there was a sense of community there. My judgment was that this is not as negative perhaps as it is being presented here, is the point which I am trying to make, although I think I understand the arguments that are being made at this point.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding to me.

I would just like to make a couple very brief points first to the gentleman from North Carolina; the principles of community service and work are bedrock American values. There are other values as well. One is the value the gentleman raised, we do not want anything that approaches involuntary servitude. That is something all of us have to keep very carefully in mind.

In the background of this discussion is a public housing circumstance in many parts of the country that is, frankly, failed. All Members of Congress understand that. So the committee looked at models around the country. One of the models that came to the attention of the committee was a program in Milwaukee, WI, called the Hillside Terrace development, run by the city of Milwaukee. As a condition of occupancy, this particular housing project required that everyone sign a condition of occupancy statement that had a number of points, about eight. Let me mention three.

One was that every resident would enroll and actively participate in the neighborhood block watch program. A second was that every resident would agree to clean and maintain the common areas. A third condition was that every resident complete a given number of hours per month of volunteer service.

In the wake of this community participatory circumstance, the residents of this particular public housing project, Hillside Terrace, have managed to effect a dramatic reduction in the rate of crime in their area and they have upgraded the public housing stock.

Now, actually the conditions of occupancy required in this Milwaukee project are substantially more strenuous than the condition that is being requested in this bill. In fact, our bill does not go to anyone that has a job, that is in training, that is part of any sort of welfare work project of any nature.

This only goes to able-bodied citizens of a given appropriate age. So it goes to a fairly small grouping of people, under the premise that there should be work for benefit and based on the premise that some sort of new community participatory work aspect will not only be helpful to the individual in job skill development but helpful to the project itself and the rest of the community.

On our side, with the administration, we think this is very reasonable. I would just stress that in a sense because the administration is of the other party, of the gentleman's party, that this is a bipartisan circumstance. There is also an inner-party dispute, and we recognize that. But this is intended to be brought forth in as reasonable a way as possible.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. CASTLE] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Mr. CASTLE. Mr. Chairman, very briefly, this is an important point. I understand from talking to the chairman that the community work that we are talking about is very open-ended in terms of what it is. Is it work or is it volunteerism or whatever it may be. It may be a form of compulsory volunteerism. But it is open-ended. I think it makes a difference in terms of wages.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, let me first say I understand that the chairman is sincere. I know, I have the utmost respect for the chairman. I know he would not represent anything that he did not believe in. I respect that and I want to say that publicly.

But all of these things that the gentleman described are things that emanated from a community. They were not mandated by the Federal Government. I will tell the gentleman that

that is a substantial difference. The Federal Government has no such policies, and if we get on this slippery slope toward this, there is no way to cut it off, no way with integrity to cut it off.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. CASTLE] has again expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Mr. CASTLE. I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I do want to make the distinction between things that emanate from the community that people buy into, they get together. They decide what they want to do. That is a form of their volunteerism. But mandating it is a whole different issue, in my opinion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from North Carolina [Mr. WATT] will be postponed.

Are there further amendments to title I?

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

I want to protect the gentlewoman from California [Ms. WATERS] who was on the floor, and we have been negotiating the amendment, to, if we close title I, that that be closed subject to her being able to offer that amendment, and also the gentleman from Massachusetts [Mr. FRANK], out of fairness to both of them.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the chairman's willingness to try and protect our Members on our side with their amendments.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Chairman, as was stated earlier, we had agreed to come back with a redraft of the amendment, the Waters-Kilpatrick amendment that spoke to the grievance procedure. We have reworked it and we would like to offer it.

POINT OF ORDER

Mr. LAZIO of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAZIO of New York. Mr. Chairman, I understand the amendment is not at the desk, that the legislative drafting has not been completed, and we have not had a chance to look at that.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think we would just like to make certain, I think the chairman of the subcommittee and myself would just like to make certain that their rights are protected to be able to come back. The Chair had explained to us earlier that as we got close to the end of title I that we needed to come back and make certain that there was time to draft the amendment. I think both the chairman of the subcommittee and myself are just trying to make certain that we have in fact protected fully the gentlewoman from Michigan [Ms. KILPATRICK], the gentlewoman from California [Ms. WATERS] and the gentleman from Massachusetts [Mr. FRANK].

The CHAIRMAN. There is no request pending for the Chair at the moment.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that when we close title I, it be subject to allowing the amendment by the gentleman from Massachusetts [Mr. FRANK], which is printed in the RECORD as No. 3, and amendment No. 26, which was offered by the gentlewoman from California [Ms. WATERS] and the gentlewoman from Michigan [Ms. KILPATRICK] to be offered subsequent to closing.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to the offering of those amendments once the committee has read beyond title I?

There was no objection.

Ms. DEGETTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] for accepting my amendment to allow local housing authorities to use their operating funds to provide child care services for public housing residents.

I know this issue pales in comparison to the last issue that was discussed but it really raises the reason why legislation like this is really not designed to empower poor people to go out and work when they live in housing projects. The fact that child care was omitted from the original legislation shows that there is a real lack of understanding of what we need to do to help public housing residents empower themselves and go to work.

□ 1715

The lack of day care can be devastating to poor families who are trying to work, who are trying to go into the work force, and it is the height of hypocrisy to impose all of the onerous restrictions that we see in this bill and to ignore child care. My amendment does not fix all of these unacceptable provisions, but what it does say is that the public housing authorities can use operating funds at their discretion for child care.

If we really wanted to look at thoughtful housing reform, we would look at a model that is in my district in Denver, CO. Warren Village is a program, a private program, that provides housing for single mothers who are trying to get back on their feet. Women can only live in this housing for 2 years and during those 2 years they are required to either work or take classes. However, most residents do both.

When the program first started, there was no child care available and it became quickly apparent that these working mothers could not afford to go through the program because there was absolutely no way they could fulfill job or education requirements and, at the same time, have no child care. Warren Village quickly started raising money to start an on-site child care program, a program which I visited a few months ago.

This child care program is one of the best in the country and what it does is teach the children of low-income housing residents that they can break the cycle at the same time their mothers are breaking the cycle. It is probably one of the main reasons that Warren Village has been so successful in getting women back on their feet. They are taking classes, they are getting job training, and, most importantly, they are keeping those jobs.

If we truly want to look at ways that we can help residents of public housing get back on their feet, it is vital that we have child care, and that is why I am so pleased that both the chairman and the ranking member have agreed to put this child care provision in the legislation.

Once we can fix the rest of the legislation and have a compassionate and thoughtful bill, we can help these residents keep their dignity and get back on their feet.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the gentlewoman's perceptive and, I think, important amendment to this bill.

The gentlewoman from Colorado [Ms. DEGETTE] has distinguished herself in the short time she has been in the Congress of the United States. This is important legislation that begins to look out after the needs of the mothers that are in public housing and to recognize the fact that because of the lack of support for child care that takes place in general in this country, that we have a tremendous disincentive from allowing these mothers to go to work.

If people in public housing have very, very low incomes, they do not have any of the kind of normal support services that many of the rest of us can take for

granted. As a result, the idea of leaving a child alone versus going to work puts the mothers oftentimes in a very, very difficult dilemma.

I think the idea of allowing a portion of the operating subsidies to go to setting up this kind of child care is an important recognition of the bind that mothers are in. So I just wanted to take a moment to compliment the gentlewoman from Colorado and let her know that Members on both sides of the aisle very strongly support the amendment which she offered.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

I just wanted to note, because I think there was some confusion in the presentation that we accepted the gentlewoman's amendment in the bill.

It was completely the intent of the committee, it is the understanding of the committee that it is inherent in the qualified activities inherent in this provision of the bill that child care services were already incorporated.

The gentlewoman had a concern, a valid concern. The amendment was accepted by myself and by the committee, and I just want to make clear that that was the case because I think there was some impression somehow that we were less than cooperative in showing that we supported this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I do not know what that exchange was all about, but as the Democratic manager of this amendment, I never had any impression that the gentleman from New York was anything other than supportive of this amendment.

I appreciate the fact that the gentleman was cooperative in trying to make this a part of the en bloc.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, I also thank the gentleman, and I thought I made that clear in my statement, that I do understand that this is supported.

My only point is that I think it should have been in the original language of the bill, and I appreciate the cooperation in now putting it in because child care really is essential in these situations.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, this Member, and I believe this side of the aisle, strongly supports child care, additional funding for child care, and believes it was inherent in the provisions of the bill as to qualified activities.

But I am happy to clarify this language, and the gentlewoman's amendment does that, and I am happy to offer my support.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

Page 35, after line 23, insert the following new subsection:

(h) FULL FUNDING REQUIREMENT FOR MANDATORY EFFECT OF FAMILY SELF-SUFFICIENCY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if for any fiscal year sufficient amounts are not or have not been provided in advance in appropriation Acts for such fiscal year specifically for covering all costs to public housing agencies of entering into, monitoring, and enforcing the family self-sufficiency agreement requirements and all other costs arising from such requirements, a public housing agency shall not be required to comply with such requirements during such fiscal year, but may comply with the requirements during such fiscal year solely at the option of the agency.

(2) DEFINITION.—For purposes of this subsection, the term ''family self-sufficiency agreement requirements'' means the following requirements:

(A) ESTABLISHING TARGET DATES FOR TRANSITION OUT OF ASSISTED HOUSING.—The requirement under subsection (b) to enter into agreements under such subsection regarding target dates.

(B) ENTERING INTO FAMILY SELF-SUFFICIENCY AGREEMENTS.—The requirements under subsection (d)—

(i) to enter into agreements containing the terms under subparagraphs (A), (C), and (D) of subsection (d)(2) and containing the condition under the second sentence of subsection (d)(1) with respect to such terms; and

(ii) to include any such terms in agreements under subsection (d).

(C) ENFORCING AGREEMENTS.—Any requirements under this section to monitor, enforce, or give any force or effect to—

(i) an agreement entered into under subsection (b);

(ii) the terms included in an agreement entered into under subsection (d), pursuant to subparagraphs (A), (C), and (D) of subsection (d)(2); and

(iii) with respect to such terms, the condition included in an agreement under subsection (d) pursuant to the second sentence of subsection (d)(1).

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say to the chairman of the subcommittee, I hope he is not upset at any little confusion, it is just that being that agreeable will sometimes catch us off guard. But we will adjust to it, and we certainly do not want to discourage him from the pattern. So it is very much appreciated.

This is an amendment, Mr. Chairman, that deals with another piece of what we debated last week. We debated thoroughly last week the 8-hour work requirement. There is another requirement in this bill, in the same provision, and it has to do with a requirement that every housing authority in the country get into a negotiation, except it is really a mandate, with most of their tenants by which the family and the agency enter into an agreement.

Included pursuant to subsection (D)(2)(c), as a term of agreement under subsection (D),

Establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III. This section may not be construed to create a right on the part of any public housing authority to evict or terminate solely on the basis of the failure to comply.

Obviously, we want to try to encourage people to get out of housing. And my amendment says, which I have worked on with the gentleman from Illinois, that we will make this option; that is, we will empower the housing authority to do it if they want to, in case there was any doubt as to their legal authority, and we will even make it mandatory if we appropriate the funds for it.

CBO has said this will cost millions of dollars. Exactly how much we cannot be sure because it was lumped in with another provision together that would cost $35 million.

But I would urge Members to think about what they are doing. If this amendment is rejected, we are ordering every housing authority in the country to take on an added burden in which no more services are provided, no more is asked of the tenant except more paperwork. What it says is that every tenant who is covered by this will have to sign an agreement in which they will agree to work toward termination of living in public housing.

I do not know quite what it will mean. I do not know how valuable anyone can think this will be. If an individual is in a housing authority and they go to every single tenant and say let us talk about when you are getting out, I cannot for the life of me see the value of it.

I am prepared, however, to allow this to be done on an optional basis, but this is a mandate to every housing authority and it is unfunded. However, while it is a mandate that is unfunded, the ruling is that it is not an unfunded mandate. So we should distinguish. An unfunded mandate, apparently, is only to be the case where we require something which we have not previously provided any funds for. Here funds are provided to housing authorities, and this adds to the burden of the housing authorities with no additional money.

Particularly for small and middle-sized housing authorities, this is a very considerable burden. These are authorities which have all manner of things to worry about that now have to go and sit down with all the tenants who are covered, the large number of tenants, and work out this agreement, this self-sufficiency agreement.

Mr. Chairman, I think it is a good idea for people to get out of public housing, but the notion people can write themselves contracts that will get them out seems to me to impute a

power to contracts that do not happen. Are we thinking that people will be sitting there and saying, gee, I am going to live in public housing forever; and then we say, no, no, we want you to sign a contract saying when you will get out, that that will be the first time it will occur to them to get out?

How does this add to the motivation for people to get out? Presumably we want people to be motivated to make more money. We want people to be motivated to be more successful. There are housing projects to live in which are not all that attractive. I think people already have incentives to get out. And if they do not, this adds nothing to it. It is simply a whole lot of paperwork.

And I will just say to the Members, Mr. Chairman, that if they vote for this, I think it is fairly easy to predict that 2 and 3 years from now they will have some pretty angry housing authority directors and personnel to account to and some pretty angry housing authority members. People are going to wonder why this is going to come down from Washington and order every housing authority to sign a contract of self-sufficiency with every member.

It is a useful goal, but it does not seem to me this accounts for it. Frankly, I thought Republicans were in the mode of cutting bureaucracy, and this goes exactly in the opposite direction if we do not make it optional.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word in order to enter into a colloquy with the gentleman from Massachusetts just briefly about the potential for a time limit on this amendment and whether the gentleman would consider if we set a 30-minute parameter on this debate, 15 minutes on each side, whether that would be something the gentleman might be interested in.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I have already used up 5. I did not know that. Thirty in addition?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, if the gentleman wants to add the 5 to his 15.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield.

Yes, I will take 30. The gentleman can take his 5 and 30 after that, sure.

Mr. LAZIO of New York. So, Mr. Chairman, I would take 15, and the gentleman would have a total of 20, with the 5 he has already used. Is that acceptable to the gentleman?

Mr. FRANK of Massachusetts. That would be acceptable.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that our agreement be implemented, please, and held in order.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I assume the gentleman intends for the time to be equally divided.

Mr. LAZIO of New York. Mr. Chairman, yes, the time would be equally divided between the gentleman from Massachusetts [Mr. FRANK] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent request, there will be 15 minutes on each side, 15 minutes managed by the gentleman from New York [Mr. LAZIO] and 15 minutes by the gentleman from Massachusetts [Mr. FRANK], on this amendment and all amendments thereto.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this amendment does speak to the ability for us to implement both the self-sufficiency contracts that are the means by which tenants begin to outline the steps that they might take, voluntarily, with the housing authority, to return to self-sufficiency. It also speaks to the core issue of community work and community service that this House has been debating for the last several days.

Mr. Chairman, housing authorities in America receive from the Federal Government almost $3 billion a year to subsidize their operating expenses right now. Under the terms of H.R. 2, the bill before this House, housing authorities would continue to receive nearly $3 billion a year to subsidize their operating expenses.

According to the Congressional Budget Office, who has looked at this, this is not an unfunded mandate. They do not characterize it that way. As a matter of fact, their review of the provision in this bill suggests that, through the management changes made in this bill, through the flexibility that inures to the housing authorities, there will be savings, savings, to the housing authorities in excess of $100 million annually.

The idea that we would ask the housing authorities to do a little bit more so that they would change their mission from simply being a place where people receive their housing to broaden their mission to include the assistance of helping people transform to self-sufficiency, is a valid one.

□ 1730

It is a valid mission. It is an appropriate mission. We should be focusing on the core issues of poverty and not just on the symptoms of providing shelter. Because the issue of poverty is much broader than simply housing, although housing obviously is one of the core issues.

I would say that to ask housing authorities to do this minimal additional program of implementing self-sufficiency contracts and implementing the community work program in return for the great flexibility that they would receive under this bill, where over two dozen programs are consolidated into two, an operating fund and a capital grant, is not unreasonable. It is completely reasonable.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I wanted to ask, because these are laudable goals to help them get out, I assume that means a job, what are the housing authorities going to do? How are the housing authorities going to do job training? Then we are talking about a lot more. What is it that the housing authorities are going to do through this piece of paper?

Mr. LAZIO of New York. Reclaiming my time, I would say to the gentleman here, the housing authority's mission is going to be to help coordinate the efforts, to ensure that these self-sufficiency agreements have meaning, that they work with people who are tenants to ensure that if there are vocational training possibilities, if there are employment possibilities, if there are possibilities of working with the Job Corps, in résumé building, experiencing a vocational exposure that might be helpful in terms of working with a labor union, that those might be available to the individual, where they may begin to coordinate these type of supportive services that will get to the core issues of self-sufficiency and poverty.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to go back to the point that the gentleman made earlier in his remarks where he indicated that the housing authorities received this $3 billion a year, roughly, $2.9 billion. Does the gentleman understand that this requirement, according to CBO, would require 1,100 additional employees by housing authorities throughout the country?

Mr. LAZIO of New York. Reclaiming my time, the CBO, Congressional Budget Office, estimate as I understand it speaks to not just this one issue of community service and community work or not just the self-sufficiency program but the vast panoply of programs that would be implemented under the terms of H.R. 2. What they also make clear is that there is a net savings of $100 million annually under this program when fully implemented. When this bill is fully adopted, there are administrative savings, just administrative savings alone, of $100 million annually, which more than absorbs all the costs associated with the implementation of this program.

I would also argue to this House and to the gentleman that again if what we are talking about is $35 million in the scheme of $3 billion that the public

housing authorities are subsidized for, and yet in the end the objective that is fulfilled is that we begin to move people out of public housing under their own means, that we have achieved something very great and very important.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to quote from the CBO study that indicates not only would it require 1,100 new personnel, this particular program would also require $35 million a year. This is a debate that we had extensively earlier on in this bill, several days ago. The fact of the matter is that this is why we called this and why the gentleman from North Carolina [Mr. WATT] was perfectly appropriate in calling this an unfunded mandate.

The gentleman is right that the overall bill will save $100 million. The overall bill is going to save $100 million because they are going to throw out poorer people and take in richer people. The richer people's rent sticks to the CBO's account number; therefore, the bill is going to save money. It is not going to save money through programs like this. This is an expenditure. It is an expenditure that CBO claims is going to cost $35 million and will require 1,100 new employees.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that is only for these two programs, not the whole panoply. Let me just say, if I thought this was going to work, I would not begrudge it. Read it. It is the most Rube Goldbergesque scheme. What we are going to do is talk these people out of living in public housing, get them to sign a contract. It is a lot of bureaucratic gobbledygook that will not work.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts, and appreciate the opportunity to join him as a cosponsor of this provision. This amendment guards against the creation of an unfunded mandate in section 105 of this bill by ensuring that public housing authorities retain discretion not to implement self-sufficiency agreements unless sufficient funds are appropriated to cover the costs.

The self-sufficiency requirements in section 105 would force public housing authorities to create a new bureaucratic system and take on an enormous paperwork burden. It would require them to take on additional functions of assessing participants, managing case loads, retaining records on all participants and overseeing resident compliance. Housing authorities cannot perform that role without additional staff. Over half the housing authorities in this country have 100 or fewer units, which often means a staff of less than 5 people, with half of the staff being maintenance employees.

Mr. Chairman, in its report on the cost of H.R. 2, CBO tells us that community work and self-sufficiency programs will cost $65 million in the first year and $35 million annually after that. The report also estimates that housing authorities will have to hire over 1,100 personnel to staff such programs. In addition, H.R. 2 creates substantial liability costs if residents are harmed while fulfilling work requirements. Yet H.R. 2 authorizes no funding to cover any of these additional costs.

Mr. Chairman, where will we find the additional funds in the midst of efforts to balance the budget? Apparently we, as Members of Congress, do not have to worry about that, because this provision would pass the buck to public housing authorities to figure out how they should cover the costs. Will they be forced to raise rents even higher?

The subcommittee chairman claims this provision is not an unfunded mandate because public housing authorities can use their operating funds to cover the costs. I must emphasize to all Members of this Chamber, however, that public housing budgets have been cut by 25 percent over the past few years. Housing authorities are currently underfunded, receiving only 88 percent of the operating funds that they actually need. Housing authorities estimate overall operating costs at $3.3 billion but they currently receive only $2.9 billion.

In response to budget cuts, they have downsized substantially over the past few years. Since 1995 the CHA alone in Chicago has experienced roughly $80 million in budget cuts. In response to this, it has been forced to cut its staff by 1,300 employees. Mr. Chairman, housing authorities do not have the additional $35 million per year in their thinning budgets to implement this new program.

A second problem I have with section 105 is that aside from creating a bureaucracy and increasing costs, it will duplicate the function already being performed by welfare agencies who have trained staff to do such work. One of the goals of H.R. 2 is to increase local flexibility and control, yet section 105 directly contradicts those goals. If housing authorities have been creating successful self-sufficiency programs in the past few years, should we not leave it up to them to determine how many residents they can effectively serve at one time? Should we not allow them to determine whether a program is more successful when it is mandatory or when it is incentive-based?

Mr. Chairman, this amendment to H.R. 2 would provide housing authorities with that flexibility. It will ensure that if funds are not appropriated to pay for the cost of the self-sufficiency program, that public housing authorities will have discretion over how to implement locally designed self-sufficiency programs.

I urge my colleagues to support this amendment. If we truly care about making public housing more efficient, we must avoid the unnecessary duplication and burdensome unfunded mandates that this provision provides.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I would just make several brief points.

First, in terms of unfunded mandates, the CBO represents to the committee that this requirement is a condition of receipt of Federal funds rather than an unfunded mandate.

Second, I think the minority side has made an absolutely valid point that there is an additional burden for housing authorities implied here. On the other hand, I think it should be clear that there is some return for that burden. For example, if I am a housing authority director an my residents are obligated to help clean up the housing project under the community service requirement, I must say to myself, that is a real plus for my program. If my residents are obligated to participate in things like community watch programs, I must think that is a plus for my program.

I would also comment on two aspects of this whole issue of self-sufficiency. One of the things that all of us who have visited with our housing projects have come to understand is that to a greater and greater extent, housing or shelter is just one part of the challenge.

Many housing projects, of course, work closely with other community service organizations, such as community action programs. It is the rest of the services to residents that is often as, if not more important than the shelter aspect, although these services may be tied into shelter.

Self-sufficiency is a very positive and very important goal. What this Congress is saying with this particular provision is that there should be an obligation to look at these issues in a much more dramatic way, recognizing that many housing projects do a pretty good job in this area at this time.

I would like to return just for a moment to the Milwaukee model which has been represented to this Member as one of the most successful public housing projects in the country. I would point out that in the Milwaukee project a contractual relationship is required between tenants and the city of Milwaukee. The first two provisions are rather strenuous, especially the second one, but it is a very interesting model.

Provision No. 1 reads that as an occupant of public housing, the occupant will complete an employability assessment; No. 2 reads that the occupant understands and agrees that he or she

must abide by the recommendations of the employability plan developed as a result of that assessment.

What these two points are in this Milwaukee model that has been represented to be one of the more successful programs in the country is exactly this: self-sufficiency. Based upon this kind of model, based upon discussions with program directors in areas that I am familiar with, I am impressed that it is not enough to look at public housing simply as a shelter program. Self-sufficiency is a very appropriate goal to move toward, recognizing again that the requirement is a modest additional burden.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I want to respond and say no, I can see that the gentleman has defined it as not an unfunded mandate. It does require them to spend more money out of the same pot they are getting. My experience with a lot of housing authorities is they are underfunded already. But it also requires them to spend money on a lot of bureaucracy and paperwork. It does not provide one job trainer. It does not provide one person to find anybody any employment. What it does is mandate them to sit down and sign contracts with people, people who have no particular knowledge about this, and to say here is when I promise to move out of public housing. I promise to do this.

I am all for these goals, but they ought to be treated as real. This notion that wishing will make it so and that having an overburdened housing authority administer of people, sign these contracts with the tenants when nothing in here adds anybody a job, it does not create a job, it does not provide a job counselor, it is just a feel-good bureaucratic requirement of the sort that if it were not dealing with poor people and housing, Republicans would be belittling. But because it deals with the poor people and housing, they are all for it.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. I thank the gentleman for yielding this time.

Mr. Chairman, I wanted to ask a question of the chairman, if he would join me in a colloquy for about 30 seconds.

I wondered if the gentleman had any idea of the number of residents in the Milwaukee model and/or the costs of implementation of the Milwaukee model in Milwaukee, particularly as it has been applied in the public housing authorities.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Iowa.

Mr. LEACH. I apologize to the gentleman. I do not have those statistics with me. I will say it has been represented that this Milwaukee model has been very successful. As the gentleman knows, the whole Wisconsin turnaround in the whole area of welfare has been as impressive a turnaround as any in the country.

Mr. JACKSON of Illinois. Mr. Chairman, I have no argument that the Milwaukee model may be a successful model. I am simply suggesting that there may be costs associated with the Milwaukee model, and if there are costs associated with the Milwaukee model, and we multiply that times public housing authorities across the country, and since we are mandating a Federal law that requires public housing authorities to follow this particular model, we are simply suggesting that there should be costs associated or funds appropriated from our Congress in order to make that model possible for all public housing authorities.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon [Ms. HOOLEY].

□ 1745

Ms. HOOLEY of Oregon. Mr. Chairman, I rise to express my strong support for the Frank-Jackson amendment. As a former board member of the Clackamas County Housing Authority, I have firsthand experience in managing public housing. Having worked through the bureaucracy and redtape myself, I know that we need to restore some local control and increase efficiency.

I agree with many of the underlying goals of H.R. 2. The sponsors of the bill have argued, and I agree, that we need to do more to increase flexibility for local housing authorities and reduce unwarranted rules and regulations. We need to ensure that our scarce resources are being spent to provide affordable housing and quality services in the most cost efficient manner.

Unfortunately, H.R. 2 imposes a serious new unfunded mandate on public housing authorities in the form of a so-called self-sufficiency contract. While the bill would mandate that public housing authorities develop self-sufficiency agreements for each tenant and mandatory community service requirements, it does not authorize any funding to assist housing authorities in dealing with this administrative nightmare.

I have spoken with many of the housing authority directors in Oregon, and they have all expressed strong opposition to this burdensome requirement which would cost hundreds of thousands of dollars to implement. In fact, the Portland Housing Authority has estimated that the new self-sufficiency requirement could easily add $400,000 to the operating cost. This amendment would ensure that in the absence of sufficient funding to cover the costs of this mandate, public housing authorities will have discretion over whether to implement a self-sufficiency and community work program.

This is not an issue of volunteerism and community service. I support the voluntary efforts to increase community service and participation that frankly are underway in many of the communities across this country.

H.R. 2 cloaks the issue of costly unfunded mandates and compulsory work requirements behind the veil of volunteerism. Do not be fooled by the rhetoric. Self-sufficiency contracts impose a costly new burden on housing authorities that are already struggling to operate with shrinking budgets and increasing demand.

If we insist on imposing standard community work and self-sufficiency requirements on local housing authorities, we then must provide them with funding to meet that goal. If we want to provide local control and increased efficiency, we need to listen to our local housing authority directors, who strongly support this amendment as an alternative to the unfunded mandate of H.R. 2.

I urge my colleagues to take a stand against unfunded mandates and support the Frank-Jackson amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for yielding this time to me and would like to observe that the requirements we are talking about, the so-called self-sufficiency requirements, Mr. Chairman, are several in nature, and I would perhaps ask that the gentleman might respond to a question to make it more clear to me.

One of the requirements is to supervise the work that would be engaged in under the work for benefit plan as has been outlined earlier. I am also understanding there is a separate part of the sufficiency requirement which would require that authority to visit with housing tenants to develop a plan. Is this a plan similar to, say, in the event a family gets in trouble with a credit card debt and they go to family debt counselors and they sit down with an individual and say here is what I owe, here is what I make, help me out; is it that kind of counseling process we are going through where an individual sits down and says I am in public housing, and here are my skills, and here is where I intended to be, or what is it that the gentleman is trying to require because it has been referred to as a kind of a Rube Goldberg thing?

Mr. Chairman, I think we are owed an explanation as to where we go on this. What does this do?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, the most cost effective thing that we can do is to move people to self-sufficiency. The goal here is to do just that, to improve neighborhoods, especially low-income neighborhoods and public housing areas and to get people, if we can, to focus on what they need to do to get to the end game, which will be in my opinion a job that will help support their family. The concept is, if

I can, to work with the housing authority so that there can be ongoing discussion on how to get there, what path do we need to take to get to that end game?

Mr. BAKER. Mr. Chairman, does the gentleman ask, for instance, if they have job skills, and if they do not, does he suggest where they might go to get job training?

Is that sort of part of this process?

Mr. LAZIO of New York. Yes, I would imagine it would be.

Mr. BAKER. Mr. Chairman, so the short statement would be we are going to require housing authorities to spend some money to help the occupants finally get a plan for themselves, perhaps their family, to get out of public housing?

Mr. LAZIO of New York. Mr. Chairman, some of the most important work that is being done with the homeless right now involves supportive services and the type of counseling.

Mr. BAKER. Mr. Chairman, reclaiming my time, where people sat down with and where we could discuss what needs were needed to be met, how we got there and how we dealt with the inherent problems that people face and challenges they face that have led to them being in public housing to begin with?

Mr. LAZIO of New York. Mr. Chairman, that is exactly what we are trying to do here.

Mr. BAKER. Mr. Chairman, if I could reclaim my time, the gentleman is saying out of the $2.9 billion we are appropriating to housing authorities for operations, he is going to spend, I think the gentleman said, $35 million of this to actually help the occupants find a family plan and get on with life and perhaps get a job and then maybe even leave public housing.

That is what this is about?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, that is true. I would also add that this bill saves money. It saves in administrative expenses. And, yes, in this one area there are some additional requests in terms of expanding the mission, but overall this bill is a saver both for housing authorities and for the Federal Government.

Mr. BAKER. So if I am understanding, the bill in its present form would save us some money, help occupants of public housing ultimately get a job, perhaps leave public housing, and that is what is being objected to?

Mr. LAZIO of New York. It is.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

The gentleman could not be more wrong. We are not objecting to efforts to help people find jobs because there are not any in here. This has nothing to do with finding jobs. This has to do with having everybody sign a contract that has no meaning, no particular force apparently, and it is simply a lot of bureaucratic paperwork.

Apparently the notion is that earning a living never occurred to these poor people, that they were living in public housing and it never occurred to them that a job would be better than not a job because this does not provide job training, it does not provide job matching, it provides no services. It simply mandates that every housing authority sign a contract.

Now, some housing authorities might find that useful, but here is the point that I want to just reiterate. As the gentlewoman from Oregon said, this is a mandate from the Federal Government that every housing authority in America will go about that job in exactly this way. If they decide they have got to concentrate on 20 to 30 percent of the people who have a chance of being employed and they would do better working with them than with others, they cannot do that. They have to equally sign one of these pieces of paper with everybody.

Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding this time to me. I just want to make this point quickly distinguishing between this provision and the last provision we were debating.

The volunteer mandate requirement is a bad idea which was wasteful. This is a wasteful idea and therefore is bad. If we are going to require local governments to do something wasteful, at least we ought to be paying for it, and that is the point I want to make. There is a difference between being bad and therefore wasteful. This one is wasteful and therefore bad.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from North Carolina, and I concede he is a man of his minute.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1 minute.

The idea, Mr. Chairman, that community work or self-sufficiency is wasteful or ridiculous or foolish I think mocks the attempts that some communities are making from Charlotte to Milwaukee to try and incorporate the sense of reconnecting people with their civic responsibility and helping out in a broad range of community service activities in their own backyard to try and better that community, better that neighborhood, better that project, even better that hall.

These efforts are valid, important efforts. Their aim is not to look the other way and just to maintain people. Their efforts ought to help transform, to deal with the root causes of poverty, to give people the tools to help them build those tools that they will need to go out, to graduate from public housing and then to make their own choices about where they can live, what they can do for their family. These are important, valid initiatives.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 20 seconds to say that I hope in his closing remarks the gentleman from New York [Mr. LAZIO] will tell us what those tools are. As far as the tools for getting better in the self-sufficiency, I have not found a tool. I did find an old tool catalogue that they are allowed to kind of read through, but nothing in here gets them any closer to a tool.

Mr. Chairman, I yield the remaining time to the gentleman from Massachusetts [Mr. KENNEDY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 3 minutes and 10 seconds.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to thank my friend from Massachusetts, Mr. FRANK, and the gentleman from Illinois Mr. JACKSON, for offering this amendment. I think that this is an important amendment which gets to the heart of what this committee is all about.

I mean, what we see here is an attempt to use housing policy to create a new social engineering kind of notion that might appeal to a broad number of Americans but nevertheless is in fact social policy enacted under the housing bill.

Effectively, what the policy that I hear being talked about says is very simply that poor people work harder if we take things away, but rich people work harder if we give things to them. It is a kind of socialism for the rich and free enterprise for the poor. That is effectively the underlying message that this amendment really gets to, and I think that is the underlying message that is reinforced by H.R. 2.

We are not suggesting for a second that people who get a benefit should not work. I agree wholeheartedly. People that get a benefit ought to work. But what I do not think is that we ought to provide and take away from the very public housing authorities, all of those housing authorities that we love to now walk in front of, Democrats and Republicans alike, point out these great old housing monstrosities where we warehouse the poor, and we say look at this terrible thing that Lyndon Johnson and the Democratic House of Representatives and Congress and the like have brought about, all the support for public housing that just does not work. Look at it. Obviously this is terrible policy.

So what is our result? How are we going to fix that? What we are going to do in order to fix it is we are going to take some money away from it. We are going to say we are going to cut the budget. We cut it from $28 billion down to $20 billion. Now we are going to take the most important funding mechanism that housing authorities have to serve the poorest people in this country and provide them with basic shelter. We are going to go to the single fund that they rely on the most, their operating subsidies, and we are going to say, ''We're going to go in, and we're going to give you another $65 million task. It is going to create a requirement where you're going to have to go

out and hire 1,100 more people, but we're not going to give you a penny to do it because we think we can get some votes if we stand up there and look tough on the poor,'' if we point our finger at them and say, ''You're sitting in that public housing, you're watching Oprah Winfrey, you're sitting there doing all these things, not working.''

Mr. Chairman, if we stand up there and look like we are really getting tough on them, boy, that is going to appeal to the American people? I say let us reach inside and perhaps find a higher purpose than just getting votes. Why do we not try to fix public housing in this bill? Why do we not try to provide them not with $2.9 billion for their necessary operating subsidies? But HUD itself and the housing authorities themselves say that they need $3.3 billion.

And I understand they are going to come back and tell me that President Clinton only authorized $3.1 billion. They came in at $2.9. The truth of the matter is both numbers are too small. If we are really interested in trying to provide public housing, the kind of decent honorable housing that we expect as all Americans to receive, then we have to give them the full funding, which is $3.3 billion, and I just would appeal to the chairman of this committee to stop using this bill to ram through this housing and instead ram through good housing policy.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, once again this is the third day of debate of the bill, and the question is asked why could we not just do something to fix public housing? That is exactly what we are here in the business of doing.

Now, there are people who argue against change in this body, there are people who argue that what we are doing is fine, that it is OK to maintain super concentrations of poverty, that we should not be worried about transforming people to self-sufficiency. But this debate for the last 3 days and the days that will follow that we will debate this bill is in fact about self-sufficiency, it is about transformation, it is about community work and the work ethic and responsibility and those values that we think are important in every American community.

We reject the premise that this is entirely about money. Public housing authorities get $3 billion. In Chicago along State Street there are buildings that we in this body, people in this body, would not want to sleep in the worst day of their life, yet we have children, American children, living there with broken windows and broken doors and hallways that are filthy.

□ 1800

In New Orleans in a place called Desire, perversely, ditto. In those two examples, Mr. Chairman, it was not a lack of money, because those housing authorities left money on the table. Those housing authorities were failing in their basic mission to provide good, healthy housing for their own people while they still had money in their pockets.

So the argument that this is all about money and this is not about management and responsibility and transformation is to mock the facts, the facts. The facts are that in some American cities we have housing authorities that have been abysmal failures despite the billions that we have spent, and yet we look the other way and suggest that the only way to deal with this is to spend more money, but to continue the same process. We say on this side, and for many on the other side of the aisle, that that is nonsense.

I have been to Chicago, I have been to New York City, I have been to east New York, I have been to Washington, DC to see public housing. I have been to New Orleans, I have been to L.A., I have been to Phoenix. I know the face of public housing. What is amazing here is that the public housing residents themselves are the ones that are calling for much of this change. They are not the forces of defending the status quo, they are the ones that recognize that self-sufficiency and transformation and community work are valid, proper goals.

Mr. Chairman, I urge my colleagues to oppose this amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment offered by the gentleman from North Carolina [Mr. WATT]; amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina [Mr. WATT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 286, not voting 7, as follows:

[Roll No. 103]

AYES—140

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Skelton
Slaughter
Snyder
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Wexler
Wise
Woolsey
Wynn
Yates

NOES—286

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)

Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Andrews
Becerra
Clay
Kolbe
Reyes
Schiff
Waxman

□ 1823

Mrs. MCCARTHY of New York, Mrs. CHENOWETH, and Messrs. RIGGS, ENSIGN, MORAN of Virginia, and DEUTSCH changed their vote from ''aye'' to ''no.''

Ms. ROYBAL-ALLARD, Ms. MILLENDER-MCDONALD, and Mr. LEVIN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDed vote

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 12, as follows:

[Roll No. 104]

AYES—168

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dixon
Doggett
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
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Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
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Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
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Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—253

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
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Lewis (CA)
Lewis (KY)
Linder
Livingston
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McIntyre
McKeon
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Moran (KS)
Moran (VA)
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Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
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Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)

NOT VOTING—12

Andrews
Becerra
Clay
Collins
Cox
Kolbe
Reyes
Schiff
Snowbarger
Stark
Waxman
Young (FL)

□ 1833

Ms. KAPTUR and Mr. FOX of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore [Mr. LAHOOD]. Are there further amendments to title I?

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

There is language at the desk, I understand. We have been working out some language with the gentlewoman from California [Ms. WATERS]. The gentlewoman has graciously permitted us to work together with her to rewrite the amendment that she has offered, which is Amendment No. 26, in the RECORD.

The language is now acceptable to this Member, and I believe it is acceptable to the vast majority of Members on this side of the aisle. If I correctly state the position of the gentlewoman,

she is consensually now offering this new language. We would be supportive of that.

I thank the gentlewoman for her flexibility in meeting our mutual concerns, which I think will lead to the protection of the people that she is concerned about, without adding additional layers of bureaucracy. I support the amendment.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS:

Page 57, strike lines 14 through 22 and insert the following:

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises.

In the case of any eviction from or termination of tenancy in public housing not described in the preceding sentence, each of the following provisions shall apply:

(1) Such eviction or termination shall be subject to an administrative grievance procedure if the tenant so evicted or terminated requests a hearing under such procedure not later than five days after service of notice of such eviction or termination.

(2) The public housing agency shall take final action regarding a grievance under paragraph (1) not later than thirty days after such notice is served.

(3) If the public housing agency fails to provide a hearing under the grievance procedure pursuant to a request under paragraph (1) and take final action regarding the grievance before the expiration of the 30-day period under paragraph (2), the notice of eviction or termination shall be considered void and shall not be given any force or effect.

(4) If a public housing authority takes final action on a grievance for any eviction or termination, the tenant and any member of the tenant's household shall not have any right in connection with any subsequent eviction or termination notice to request or be afforded any administrative grievance hearing during the 1-year period beginning upon the date of the final action.

Mr. BAKER of Louisiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from New York [Mr. LAZIO] for taking the time to help work out his concerns with the amendment that I had offered.

My amendment simply tried to make sure that there was some process by which people could, in the housing projects, could go through a grievance procedure.

The gentleman from New York [Mr. LAZIO] certainly thought that there should be some kind of informal procedure by which they could address their concerns. This will do it. This will put a time limit so that they, in fact, would have to bring this to the attention of the authorities within 5 days. And if they do that, then we put another time limit and the housing authority would have to react within a 30-day period of time.

I think this addresses the concerns of those who thought that these go on and on and on; they are not resolved. And even for those who go to court, they have used up a great deal of time in the bureaucracy of the housing authority addressing these issues. It appears that in some cases they may have been abusing the process by coming time and time again through the grievance procedure.

While I do believe it would have been best to just have one without limit, I accept this and so does the gentlewoman from Michigan [Ms. KILPATRICK]. We believe that rather than shut it down altogether, this does leave a door open and lets us see how it works. We believe that at least it would give people the ability to address their concerns without having to go into court and bear the expense of that. I do appreciate the opportunity to do that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—PUBLIC HOUSING

Subtitle A—Block Grants

SEC. 201. BLOCK GRANT CONTRACTS.

(a) IN GENERAL.—The Secretary shall enter into contracts with public housing agencies under which—

(1) the Secretary agrees to make a block grant under this title, in the amount provided under section 202(c), for assistance for low-income housing to the public housing agency for each fiscal year covered by the contract; and

(2) the agency agrees—

(A) to provide safe, clean, and healthy housing that is affordable to low-income families and services for families in such housing;

(B) to operate, or provide for the operation, of such housing in a financially sound manner;

(C) to use the block grant amounts in accordance with this title and the local housing management plan for the agency that complies with the requirements of section 106;

(D) to involve residents of housing assisted with block grant amounts in functions and decisions relating to management and the quality of life in such housing;

(E) that the management of the public housing of the agency shall be subject to actions authorized under subtitle D of title V;

(F) that the Secretary may take actions under section 205 with respect to improper use of grant amounts provided under the contract; and

(G) to otherwise comply with the requirements under this title.

(6) SMALL PUBLIC HOUSING AGENCY CAPITAL GRANT OPTION.—For any fiscal year, upon the request of the Governor of the State, the Secretary shall make available directly to the State, from the amounts otherwise included in the block grants for all public housing agencies in such State which own or operate less than 100 dwelling units, ½ of that portion of such amounts that is derived from the capital improvement allocations for such agencies pursuant to section 203(c)(1) or 203(d)(2), as applicable. The Governor of the State will have the responsibility to distribute all of such funds, in amounts determined by the Governor, only to meet the exceptional capital improvement requirements for the various public housing agencies in the State which operate less than 100 dwelling units: *Provided, however,* That for States where Federal funds provided to the State are subject to appropriation action by the State legislature, the capital funds made available to the Governor under this subsection shall be subject to such appropriation by the State legislature.

(c) MODIFICATION.—Contracts and agreements between the Secretary and a public housing agency may not be amended in a manner which would—

(1) impair the rights of—

(A) leaseholders for units assisted pursuant to a contract or agreement; or

(B) the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged; or

(2) provide for payment of block grant amounts under this title in an amount exceeding the allocation for the agency determined under section 204.

Any rule of law contrary to this subsection shall be deemed inapplicable.

SEC. 202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

(a) AUTHORITY.—The Secretary shall make block grants under this title to eligible public housing agencies in accordance with block grant contracts under section 201.

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible public housing agencies under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—

(A) IN GENERAL.—A public housing agency may use up to 20 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 203(a)(2) to be funded with amounts from the operating fund.

(B) FULL FLEXIBILITY FOR SMALL PHA'S.—In the case of a public housing agency that owns or operates less than 250 public housing dwelling units and is (in the determination of the Secretary) operating and maintaining its public housing in a safe, clean, and healthy condition, the agency may use amounts from a grant under this title for any eligible activities under section 203(a), regardless of the fund from which the amounts were allocated and provided.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a public housing agency for a fiscal year shall be the amount of the allocation for the agency determined

under section 204, except as otherwise provided in this title and title V.

(d) ELIGIBILITY.—A public housing agency shall be an eligible public housing agency with respect to a fiscal year for purposes of this title only if—

(1) the Secretary has entered into a block grant contract with the agency;

(2) the agency has submitted a local housing management plan to the Secretary for such fiscal year;

(3) the plan has been determined to comply with the requirements under section 106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(4) the agency is exempt from local taxes, as provided under subsection (e), or receives a contribution, as provided under such subsection;

(5) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony;

(6) the agency has entered into an agreement providing for local cooperation in accordance with subsection (f); and

(7) the agency has not been disqualified for a grant pursuant to section 205(a) or title V.

(e) PAYMENTS IN LIEU OF STATE AND LOCAL TAXATION OF PUBLIC HOUSING DEVELOPMENTS.—

(1) EXEMPTION FROM TAXATION.—A public housing agency may receive a block grant under this title only if—

(A)(i) the developments of the agency (exclusive of any portions not assisted with amounts provided under this title) are exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision; and

(ii) the public housing agency makes payments in lieu of taxes to such taxing authority equal to 10 percent of the sum, for units charged in the developments of the agency, of the difference between the gross rent and the utility cost, or such lesser amount as is—

(I) prescribed by State law;

(II) agreed to by the local governing body in its agreement under subsection (f) for local cooperation with the public housing agency or under a waiver by the local governing body; or

(III) due to failure of a local public body or bodies other than the public housing agency to perform any obligation under such agreement; or

(B) the agency complies with the requirements under subparagraph (A) with respect to public housing developments (including public housing units in mixed-income developments), but the agency agrees that the units other than public housing units in any mixed-income developments (as such term is defined in section 221(c)(2)) shall be subject to any otherwise applicable real property taxes imposed by the State, city, county or other political subdivision.

(2) EFFECT OF FAILURE TO EXEMPT FROM TAXATION.—Notwithstanding paragraph (1), a public housing agency that does not comply with the requirements under such paragraph may receive a block grant under this title, but only if the State, city, county, or other political subdivision in which the development is situated contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed 10 percent of the gross rent and utility cost charged in the development.

(f) LOCAL COOPERATION.—In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise, the Secretary may not make any grant under this title to a public housing agency unless the governing body of the locality involved has entered into an agreement with the agency providing for the local cooperation required by the Secretary pursuant to this title.

(g) EXCEPTION.—Notwithstanding subsection (a), the Secretary may make a grant under this title for a public housing agency that is not an eligible public housing agency but only for the period necessary to secure, in accordance with this title, an alternative public housing agency for the public housing of the ineligible agency.

(h) RECAPTURE OF CAPITAL ASSISTANCE AMOUNTS.—The Secretary may recapture, from any grant amounts made available to a public housing agency from the capital fund, any portion of such amounts that are not used or obligated by the public housing agency for use for eligible activities under section 203(a)(1) (or dedicated for use pursuant to section 202(b)(2)(A)) before the expiration of the 24-month period beginning upon the award of such grant to the agency.

SEC. 203. ELIGIBLE AND REQUIRED ACTIVITIES.

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may be used for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing community work program under section 105, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

(b) REQUIRED CONVERSION OF ASSISTANCE FOR PUBLIC HOUSING TO RENTAL HOUSING ASSISTANCE.—

((1) REQUIREMENT.—A public housing agency that receives grant amounts under this title shall provide assistance in the form of rental housing assistance under title III, or appropriate site revitalization or other appropriate capital improvements approved by the Secretary, in lieu of assisting the operation and modernization of any building or buildings of public housing, if the agency provides sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimated cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title III for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Public housing agencies shall identify properties that meet the definition of subparagraphs (A) through (E) and shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying such properties.

(2) USE OF OTHER AMOUNTS.—In addition to grant amounts under this title attributable (pursuant to the formulas under section 204) to the building or buildings identified under paragraph (1), the Secretary may use amounts provided in appropriation Acts for choice-based housing assistance under title III for families residing in such building or buildings or for appropriate site revitalization or other appropriate capital improvements approved by the Secretary.

(3) ENFORCEMENT.—The Secretary shall take appropriate action to ensure conversion of any building or buildings identified under paragraph (1) and any other appropriate action under this subsection, if the public housing agency fails to take appropriate action under this subsection.

(4) FAILURE OF PHA'S TO COMPLY WITH CONVERSION REQUIREMENT.—If the Secretary determines that—

(A) a public housing agency has failed under paragraph (1) to identify a building or buildings in a timely manner,

(B) a public housing agency has failed to identify one or more buildings which the Secretary determines should have been identified under paragraph (1), or

(C) one or more of the buildings identified by the public housing agency pursuant to paragraph (1) should not, in the determination of the Secretary, have been identified under that paragraph,

the Secretary may identify a building or buildings for conversion and take other appropriate action pursuant to this subsection.

(5) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a building or buildings meets or is likely to meet the criteria set forth in paragraph (1), the Secretary may direct the public housing agency to cease additional spending in connection with such building or buildings, except to the extent that additional spending

is necessary to ensure safe, clean, and healthy housing until the Secretary determines or approves an appropriate course of action with respect to such building or buildings under this subsection.

(6) USE OF BUDGET AUTHORITY.—Notwithstanding any other provision of law, if a building or buildings are identified pursuant to paragraph (1), the Secretary may authorize or direct the transfer, to the choice-based or tenant-based assistance program of such agency or to appropriate site revitalization or other capital improvements approved by the Secretary, of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such building or buildings pursuant to section 14 of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b));

(B) in the case of an agency receiving public housing modernization assistance by formula pursuant to such section 14, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to such building or buildings;

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of such building or buildings pursuant to section 5(j)(2) of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b); and

(D) in the case of an agency receiving assistance pursuant to the formulas under section 204, any amounts provided to the agency which are attributable pursuant to the formulas for allocating such assistance to such building or buildings.

(7) RELOCATION REQUIREMENTS.—Any public housing agency carrying out conversion of public housing under this subsection shall—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance or occupancy in a unit operated or assisted by the public housing agency;

(B) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title III (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing);

(C) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(D) provide any reasonable relocation expenses for families displaced by such action.

(8) TRANSITION.—Any amounts made available to a public housing agency to carry out section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)) may be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, to carry out this section. The Secretary shall provide for public housing agencies to conform and continue actions taken under such section 202 in accordance with the requirements under this section.

(c) EXTENSION OF DEADLINES.—The Secretary may, for a public housing agency, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

(d) COMPLIANCE WITH PLAN.—The local housing management plan submitted by a public housing agency (including any amendments to the plan), unless determined under section 107 not to comply with the requirements under section 106, shall be binding upon the Secretary and the public housing agency and the agency shall use any grant amounts provided under this title for eligible activities under subsection (a) in accordance with the plan. This subsection may not be construed to preclude changes or amendments to the plan, as authorized under section 107 or any actions authorized by this Act to be taken without regard to a local housing management plan.

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

SEC. 204. DETERMINATION OF GRANT ALLOCATION.

(a) IN GENERAL.—For each fiscal year, after reserving amounts under section 111 from the aggregate amount made available for the fiscal year for carrying out this title, the Secretary shall allocate any remaining amounts among eligible public housing agencies in accordance with this section, so that the sum of all of the allocations for all eligible authorities is equal to such remaining amount.

(b) ALLOCATION AMOUNT.—The Secretary shall determine the amount of the allocation for each eligible public housing agency, which shall be—

(1) for any fiscal year beginning after the enactment of a law containing the formulas described in paragraphs (1) and (2) of subsection (c), the sum of the amounts determined for the agency under each such formula; or

(2) for any fiscal year beginning before the expiration of such period, the sum of—

(A) the operating allocation determined under subsection (d)(1) for the agency; and

(B) the capital improvement allocation determined under subsection (d)(2) for the agency.

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the public housing agency, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the public housing agency to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the public housing agency, including backlog and projected future needs of the agency;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the public housing agency to carry out activities that provided a safe and secure environment in public housing units owned or operated by the public housing agency.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—

(A) IN GENERAL.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(i) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(ii) the number of public housing dwelling units owned or operated by the public housing agency;

(iii) the need of the public housing agency to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents; and

(iv) any record by the public housing agency of exemplary performance in the operation of public housing.

(B) INCENTIVE TO INCREASE INCOME.—The formula shall provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (i) 100 percent of the total amount of the operating allocation for which the agency is eligible under this section, and (ii) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(C) Treatment of utility rates.—The formula shall not take into account the amount of any cost reductions for a public housing agency due to the difference between projected and actual utility rates attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. In the case of any public housing agency that receives financing from any person or entity other than the Secretary or enters into a performance contract to undertake energy conservation improvements in a public housing development, under which the payment does not exceed the cost of the energy saved as a result of the improvements during a reasonable negotiated contract period, the formula shall not take into account the amount of any cost reductions for the agency due to the differences between projected and actual utility consumption attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. Notwithstanding the preceding 2 sentences, after the expiration of the 10-year period beginning upon the savings initially taking effect, the Secretary may reduce the amount allocated to the agency under the formula by up to 50 percent of such differences.

(3) CONSIDERATION OF PERFORMANCE, COSTS, AND OTHER FACTORS.—The formulas under

paragraphs (1) and (2) should each reward performance and may each consider appropriate factors that reflect the different characteristics and sizes of public housing agencies, the relative needs, revenues, costs, and capital improvements of agencies, and the relative costs to agencies of operating a well-managed agency that meets the performance targets for the agency established in the local housing management plan for the agency.

(4) DEVELOPMENT UNDER NEGOTIATED RULEMAKING PROCEDURE.—The formulas under this subsection shall be developed according to procedures for issuance of regulations under the negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code, except that the formulas shall not be contained in a regulation.

(5) REPORT.—Not later than the expiration of the 12-month period beginning upon the enactment of this Act, the Secretary shall submit a report to the Congress containing the proposed formulas established pursuant to paragraph (4) that meets the requirements of this subsection.

(d) INTERIM ALLOCATION REQUIREMENTS.—

(1) OPERATING ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for operating allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for operating subsidies under section 9 of the United States Housing Act of 1937 bears to the sum of such operating subsidy amounts plus the amounts appropriated for such fiscal year for modernization under section 14 of such Act.

(B) DETERMINATION.—The operating allocation under this paragraph for a public housing agency for a fiscal year shall be an amount determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of operating subsidies for fiscal year 1997 to public housing agencies (as modified under subparagraphs (C) and (D)) under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b).

(C) TREATMENT OF CHRONICALLY VACANT UNITS.—The Secretary shall revise the formula referred to in subparagraph (B) so that the formula does not provide any amounts, other than utility costs and other necessary costs (such as costs necessary for the protection of persons and property), attributable to any dwelling unit of a public housing agency that has been vacant continuously for 6 or more months. A unit shall not be considered vacant for purposes of this paragraph if the unit is unoccupied because of rehabilitation or renovation that is on schedule.

(D) TREATMENT OF INCREASES IN INCOME.—The Secretary shall revise the formula referred to in subparagraph (B) to provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except that such benefit may not be retained if—

(i) the agency's operating allocation equals 100 percent of the amount for which it is eligible under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b) of this Act; and

(ii) the agency's operating reserve balance is equal to the maximum amount permitted under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b) of this Act.

(2) CAPITAL IMPROVEMENT ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for capital improvement allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for modernization under section 14 of the United States Housing Act of 1937 bears to the sum of such modernization amounts plus the amounts appropriated for such fiscal year for operating subsidies under section 9 of such Act.

(B) DETERMINATION.—The capital improvement allocation under this paragraph for an eligible public housing agency for a fiscal year shall be determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of modernization assistance for fiscal year 1997 to public housing agencies under section 14 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b), except that the Secretary shall establish a method for taking into consideration allocation of amounts under the comprehensive improvement assistance program.

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a public housing agency uses proceeds from the sale of units under a homeownership program in accordance with section 251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the agency under this section until sale by the agency, but in any case no longer than 5 years.

SEC. 205. SANCTIONS FOR IMPROPER USE OF AMOUNTS.

(a) IN GENERAL.—In addition to any other actions authorized under this title, if the Secretary finds pursuant to an audit under section 541 that a public housing agency receiving grant amounts under this title has failed to comply substantially with any provision of this title, the secretary may—

(1) terminate payments under this title to the agency;

(2) withhold from the agency amounts from the total allocation for the agency pursuant to section 204;

(3) reduce the amount of future grant payments under this title to the agency by an amount equal to the amount of such payments that were not expended in accordance with this title;

(4) limit the availability of grant amounts provided to the agency under this title to programs, projects, or activities not affected by such failure to comply;

(5) withhold from the agency amounts allocated for the agency under title III; or

(6) order other corrective action with respect to the agency.

(b) TERMINATION OF COMPLIANCE ACTION.—If the Secretary takes action under subsection (a) with respect to a public housing agency, the Secretary shall—

(1) in the case of action under subsection (a)(1), resume payments of grant amounts under this title to the agency in the full amount of the total allocation under section 204 for the agency at the time that the secretary first determines that the agency will comply with the provisions of this title;

(2) in the case of action under paragraph (2), (5), or (6) of subsection (a), make withheld amounts available as the Secretary considers appropriate to ensure that the agency complies with the provisions of this title; or

(3) in the case of action under subsection (a)(4), release such restrictions at the time that the Secretary first determines that the agency will comply with the provisions of this title.

Subtitle B—Admissions and Occupancy Requirements

SEC. 221. LOW-INCOME HOUSING REQUIREMENT.

(a) PRODUCTION ASSISTANCE.—Any public housing produced using amounts provided under a grant under this title or under the United States Housing Act of 1937 shall be operated as public housing for the 40-year period beginning upon such production.

(b) OPERATING ASSISTANCE.—No portion of any public housing development operated with amounts from a grant under this title or operating assistance provided under the United States Housing Act of 1937 may be disposed of before the expiration of the 10-year period beginning upon the conclusion of the fiscal year for which the grant or such assistance was provided, except as provided in this Act.

(c) CAPITAL IMPROVEMENTS ASSISTANCE.—Amounts may be used for eligible activities under section 203(a)(1) only for the following housing developments:

(1) LOW-INCOME DEVELOPMENTS.—Amounts may be used for a low-income housing development that—

(A) is owned by public housing agencies;

(B) is operated as low-income rental housing and produced or operated with assistance provided under a grant under this title; and

(C) is consistent with the purposes of this title.

Any development, or portion thereof, referred to in this paragraph for which activities under section 203(a)(1) are conducted using amounts from a grant under this title shall be maintained and used as public housing for the 20-year period beginning upon the receipt of such grant. Any public housing development, or portion thereof, that received the benefit of a grant pursuant to section 14 of the United States Housing Act of 1937 shall be maintained and used as public housing for the 20-year period beginning upon receipt of such amounts.

(2) MIXED INCOME DEVELOPMENTS.—Amounts may be used for eligible activities under section 203(a)(1) for mixed-income developments, which shall be a housing development that—

(A) contains dwelling units that are available for occupancy by families other than low-income families;

(B) contains a number of dwelling units—

(i) which units are made available (by master contract or individual lease) for occupancy only by low- and very low-income families identified by the public housing agency;

(ii) which number is not less than a reasonable number of units, including related amenities, taking into account the amount of the assistance provided by the agency compared to the total investment (including costs of operation) in the development;

(iii) which units are subject to the statutory and regulatory requirements of the public housing program, except that the Secretary may grant appropriate waivers to such statutory and regulatory requirements if reductions in funding or other changes to the program make continued application of such requirements impracticable;

(iv) which units are specially designated as dwelling units under this subparagraph, except the equivalent units in the development may be substituted for designated units during the period the units are subject to the requirements of the public housing program; and

(v) which units shall be eligible for assistance under this title; and

(C) is owned by the public housing agency, an affiliate controlled by it, or another appropriate entity.

Notwithstanding any other provision of this title, to facilitate the establishment of socioeconomically mixed communities, a public housing agency that uses grant amounts under this title for a mixed income development under this paragraph may, to the extent that income from such a development reduces the amount of grant amounts used for operating or other costs relating to public housing, use such resulting savings to rent privately developed dwelling units in the neighborhood of the mixed income development. Such units shall be made available for occupancy only by low-income families eligible for residency in public housing.

SEC. 222. FAMILY ELIGIBILITY.

(a) IN GENERAL.—Dwelling units in public housing may be rented only to families who are low-income families at the time of their initial occupancy of such units.

(b) INCOME MIX WITHIN DEVELOPMENTS.—A public housing agency may establish and utilize income-mix criteria for the selection of residents for dwelling units in public housing developments that limit admission to a development by selecting applicants having incomes appropriate so that the mix of incomes of families occupying the development at any time is proportional to the income mix in the eligible population of the jurisdiction of the agency at such time, as adjusted to take into consideration the severity of housing need. Any criteria established under this subsection shall be subject to the provisions of subsection (c).

(c) INCOME MIX.—

(1) PHA INCOME MIX.—Of the public housing dwelling units of a public housing agency made available for occupancy by eligible families, not less than 35 percent shall be occupied by families whose incomes at the time of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. This paragraph may not be construed to create any authority on the part of any public housing agency to evict any family residing in public housing solely because of the income of the family or because of any noncompliance or overcompliance with the requirement of this paragraph.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) FUNGIBILITY WITH CHOICE-BASED ASSISTANCE.—If, during a fiscal year, a public housing agency provides choice-based housing assistance under title III for a number of low-income families, who are initially assisted by the agency in such year and have incomes described in section 321(b) (relating to income targeting), which exceeds the number of families that is required for the agency to comply with the percentage requirement under such section 321(b) for such fiscal year, notwithstanding paragraph (1) of this subsection, the number of public housing dwelling units that the agency must otherwise make available in accordance with such paragraph to comply with the percentage requirement under such paragraph shall be reduced by such excess number of families for such fiscal year.

(d) WAIVER OF ELIGIBILITY REQUIREMENTS FOR OCCUPANCY BY POLICE OFFICERS.—

(1) AUTHORITY AND WAIVER.—To the extent necessary to provide occupancy in public housing dwelling units to police officers and other law enforcement or security personnel (who are not otherwise eligible for residence in public housing) and to increase security for other public housing residents in developments where crime has been a problem, a public housing agency may, with respect to such units and subject to paragraph (2)—

(A) waive—

(i) the provisions of subsection (a) of this section and section 225(a); and

(ii) the applicability of—

(I) any preferences for occupancy established under section 223;

(II) the minimum rental amount established pursuant to section 225(c) and any maximum monthly rental amount established pursuant to section 225(b);

(III) any criteria relating to income mix within developments established under subsection (b);

(IV) the income mix requirements under subsection (c); and

(V) any other occupancy limitations or requirements; and

(B) establish special rent requirements and other terms and conditions of occupancy.

(2) CONDITIONS OF WAIVER.—A public housing agency may take the actions authorized in paragraph (1) only if agency determines that such actions will increase security in the public housing developments involved and will not result in a significant reduction of units available for residence by low-income families.

SEC. 223. PREFERENCES FOR OCCUPANCY.

(a) AUTHORITY TO ESTABLISH.—Each public housing agency may establish a system for making dwelling units in public housing available for occupancy that provides preference for such occupancy to families having certain characteristics.

(b) CONTENT.—Each system of preferences established pursuant to this section shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

SEC. 224. ADMISSION PROCEDURES.

(a) ADMISSION REQUIREMENTS.—A public housing agency shall ensure that each family residing in a public housing development owned or administered by the agency is admitted in accordance with the procedures established under this title by the agency and the income limits under section 222.

(b) NOTIFICATION OF APPLICATION DECISIONS.—A public housing agency shall establish procedures designed to provide for notification to an applicant for admission to public housing of the determination with respect to such application, the basis for the determination, and, if the applicant is determined to be eligible for admission, the projected date of occupancy (to the extent such data can reasonably be determined). If an agency denies an applicant admission to public housing, the agency shall notify the applicant that the applicant may request an informal hearing on the denial within a reasonable time of such notification.

(c) SITE-BASED WAITING LISTS.—A public housing agency may establish procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include (notwithstanding any other law, regulation, handbook, or notice to the contrary) a system of site-based waiting lists whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures shall comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

(d) CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family in public housing that was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

(e) TRANSFERS.—A public housing agency may apply, to each public housing resident seeking to transfer from one development to another development owned or operated by the agency, the screening procedures applicable at such time to new applicants for public housing.

SEC. 225. FAMILY CHOICE OF RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit the amount determined under paragraph (1) or (2) of subsection (b), subject to the requirement under subsection (c). Each public housing agency shall provide for each family residing in a public housing dwelling unit owned or administered by the agency to elect annually whether the rent paid by such family shall be determined under paragraph (1) or (2) of subsection (b).

(b) ALLOWABLE RENT STRUCTURES.—

(1) FLAT RENTS.—Each public housing agency shall establish, for each dwelling unit in public housing owned or administered by the agency, a flat rental amount for the dwelling unit, which shall—

(A) be based on the rental value of the unit, as determined by the public housing agency; and

(B) be designed in accordance with subsection (e) so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The rental amount for a dwelling unit shall be considered to comply with the requirements of this paragraph if such amount does not exceed the actual monthly costs to the public housing agency attributable to providing and operating the dwelling unit. The preceding sentence may not be construed to require establishment of rental amounts

equal to or based on operating costs or to prevent public housing agencies from developing flat rents required under this paragraph in any other manner that may comply with this paragraph.

(2) INCOME-BASED RENTS.—The monthly rental amount determined under this paragraph for a family shall be an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

Nothing in this paragraph may be construed to require a public housing agency to charge a monthly rent in the maximum amount permitted under this paragraph.

(c) MINIMUM RENTAL AMOUNT.—Notwithstanding the method for rent determination elected by a family pursuant to subsection (a), each public housing agency shall require that the monthly rent for each dwelling unit in public housing owned or administered by the agency shall not be less than a minimum amount (which amount shall include any amount allowed for utilities), which shall be an amount determined by the agency that is not less than $25 nor more than $50.

(d) HARDSHIP PROVISIONS.—

(1) MINIMUM RENTAL.—

(A) IN GENERAL.—Notwithstanding subsection (c), a public housing agency shall grant an exemption from application of the minimum monthly rental under such subsection to any family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) WAITING PERIOD.—If a resident requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the resident from the applicability of the minimum rent requirement for such 90-day period.

(2) SWITCHING RENT DETERMINATION METHODS.—Notwithstanding subsection (a), in the case of a family that has elected to pay rent in the amount determined under subsection (b)(1), a public housing agency shall provide for the family to pay rent in the amount determined under subsection (b)(2) during the period for which such election was made if the family is unable to pay the amount determined under subsection (b)(1) because of financial hardship, including—

(A) situations in which the income of the family has decreased because of changed circumstances, loss or reduction of employment, death in the family, and reduction in or loss of income or other assistance;

(B) an increase, because of changed circumstances, in the family's expenses for—

(i) medical costs;

(ii) child care;

(iii) transportation;

(iv) education; or

(v) similar items; and

(C) such other situations as may be determined by the agency.

(e) ENCOURAGEMENT OF SELF-SUFFICIENCY.—The rental policy developed by each public housing agency shall encourage and reward employment and economic self-sufficiency.

(f) INCOME REVIEWS.—Each public housing agency shall review the income of each family occupying a dwelling unit in public housing owned or administered by the agency not less than annually, except that, in the case of families that are paying rent in the amount determined under subsection (b)(1), the agency shall review the income of such family not less than once every 3 years.

(g) DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under this section by a family whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program) may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

(2) PHASE-IN OF RENT INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1) shall be phased in over a subsequent 3-year period.

(3) TRANSITION.—Notwithstanding the provisions of paragraphs (1) and (2), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) shall be governed by such authority after such date.

(h) PHASE-IN OF RENT CONTRIBUTION INCREASES AFTER EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), for any family residing in a dwelling unit in public housing upon the effective date of this Act, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon initial applicability of this title is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) EXCEPTION.—The minimum rental amount under subsection (c) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 226. LEASE REQUIREMENTS.

In renting dwelling units in a public housing development, each public housing agency shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) obligate the public housing agency to maintain the development in compliance with the housing quality requirements under section 232;

(3) require the public housing agency to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or public housing agency employees is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) contain the provisions required under sections 642 and 643 (relating to limitations on occupancy in federally assisted housing); and

(5) specify that, with respect to any notice of eviction or termination, notwithstanding any State law, a public housing resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records or regulations directly related to the eviction or termination.

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES.

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a public housing agency for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the public housing agency may make units in such developments (or portions) available on to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a public housing agency determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the agency may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in subtitle C of title VI, any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

(c) RELOCATION ASSISTANCE.—A public housing agency that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (A)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title III, at a rental rate

paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—A public housing agency may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the agency, as part of the agency's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; or

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term ''supportive services'' means services designed to meet the special needs of residents. Notwithstanding section 107, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) EFFECTIVENESS.—

(1) INITIAL 5-YEAR EFFECTIVENESS.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 107(a) of the public housing agency that the information complies with the requirements under section 106 and this section.

(2) RENEWAL.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an agency may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a public housing agency extends the effectiveness of a designation and information under this paragraph.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a public housing agency shall be considered to have submitted the information required under this section if the agency has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) that has not been approved or disapproved before such effective date.

(4) TRANSITION PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) before such effective date shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(f) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(g) USE OF AMOUNTS.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120) may also be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, for choice-based rental housing assistance under title III for public housing agencies to implement this section.

Subtitle C—Management

SEC. 231. MANAGEMENT PROCEDURES.

(a) SOUND MANAGEMENT.—A public housing agency that receives grant amounts under this title shall establish and comply with procedures and practices sufficient to ensure that the public housing developments owned or administered by the agency are operated in a sound manner.

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.

(c) MANAGEMENT BY OTHER ENTITIES.—Except as otherwise provided under this Act, a public housing agency may contract with any other entity to perform any of the management functions for public housing owned or operated by the public housing agency.

SEC. 232. HOUSING QUALITY REQUIREMENTS.

(a) IN GENERAL.—Each public housing agency that receives grant amounts under this Act shall maintain its public housing in a condition that complies—

(1) in the case of public housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(2) in the case of public housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with the housing quality standards established under subsection (b).

(b) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that public housing dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 328(c). The Secretary shall differentiate between major and minor violations of such standards.

(c) DETERMINATIONS.—Each public housing agency providing housing assistance shall identify, in the local housing management plan of the agency, whether the agency is utilizing the standard under paragraph (1) or (2) of subsection (a).

(d) ANNUAL INSPECTIONS.—Each public housing agency that owns or operates public housing shall make an annual inspection of each public housing development to determine whether units in the development are maintained in accordance with the requirements under subsection (a). The agency shall retain the results of such inspections and, upon the request of the Secretary, the Inspector General for the Department of Housing and Urban Development, or any auditor conducting an audit under section 541, shall make such results available.

SEC. 233. EMPLOYMENT OF RESIDENTS.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through the end and inserting ''assistance provided under title II of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs.''; and

(B) in subparagraph (B)(ii), by striking ''managed by the public or Indian housing agency'' and inserting ''assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through ''section 14 of that Act'' and inserting ''assistance provided under title II of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs''; and

(B) in subparagraph (B)(ii), by striking ''operated by the public or Indian housing agency'' and inserting ''assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''.

SEC. 234. RESIDENT COUNCILS AND RESIDENT MANAGEMENT CORPORATIONS.

(a) RESIDENT COUNCILS.—The residents of a public housing development may establish a resident council for the development for purposes of consideration of issues relating to residents, representation of resident interests, and coordination and consultation with a public housing agency. A resident council shall be an organization or association that—

(1) is nonprofit in character;

(2) is representative of the residents of the eligible housing;

(3) adopts written procedures providing for the election of officers on a regular basis; and

(4) has a democratically elected governing board, which is elected by the residents of the eligible housing on a regular basis.

(b) RESIDENT MANAGEMENT CORPORATIONS.—

(1) ESTABLISHMENT.—The residents of a public housing development may establish a resident management corporation for the purpose of assuming the responsibility for the management of the development under section 235 or purchasing a development.

(2) REQUIREMENTS.—A resident management corporation shall be a corporation that—

(A) is nonprofit in character;

(B) is organized under the laws of the State in which the development is located;

(C) has as its sole voting members the residents of the development; and

(D) is established by the resident council for the development or, if there is not a resident council, by a majority of the households of the development.

SEC. 235. MANAGEMENT BY RESIDENT MANAGEMENT CORPORATION.

(a) AUTHORITY.—A public housing agency may enter into a contract under this section with a resident management corporation to provide for the management of public housing developments by the corporation.

(b) CONTRACT.—A contract under this section for management of public housing developments by a resident management corporation shall establish the respective management rights and responsibilities of the corporation and the public housing agency. The contract shall be consistent with the requirements of this Act applicable to public housing development and may include specific terms governing management personnel and compensation, access to public housing records, submission of and adherence to budgets, rent collection procedures, resident income verification, resident eligibility determinations, resident eviction, the acquisition of supplies and materials and such other matters as may be appropriate. The contract shall be treated as a contracting out of services.

(c) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing development, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

(d) BLOCK GRANT ASSISTANCE AND INCOME.—A contract under this section shall provide for—

(1) the public housing agency to provide a portion of the block grant assistance under this title to the resident management corporation for purposes of operating the public housing development covered by the contract and performing such other eligible activities with respect to the development as may be provided under the contract;

(2) the amount of income expected to be derived from the development itself (from sources such as rents and charges);

(3) the amount of income to be provided to the development from the other sources of income of the public housing agency (such as interest income, administrative fees, and rents); and

(4) any income generated by a resident management corporation of a public housing development that exceeds the income estimated under the contract shall be used for eligible activities under section 203(a).

(e) CALCULATION OF TOTAL INCOME.—

(1) MAINTENANCE OF SUPPORT.—Subject to paragraph (2), the amount of assistance provided by a public housing agency to a public housing development managed by a resident management corporation may not be reduced during the 3-year period beginning on the date on which the resident management corporation is first established for the development.

(2) REDUCTIONS AND INCREASES IN SUPPORT.—If the total income of a public housing agency is reduced or increased, the income provided by the public housing agency to a public housing development managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of the agency, except that any reduction in block grant amounts under this title to the agency that occurs as a result of fraud, waste, or mismanagement by the agency shall not affect the amount provided to the resident management corporation.

SEC. 236. TRANSFER OF MANAGEMENT OF CERTAIN HOUSING TO INDEPENDENT MANAGER AT REQUEST OF RESIDENTS.

(a) AUTHORITY.—The Secretary may transfer the responsibility and authority for management of specified housing (as such term is defined in subsection (h)) from a public housing agency to an eligible management entity, in accordance with the requirements of this section, if—

(1) such housing is owned or operated by a public housing agency that is designated as a troubled agency under section 533(a); and

(2) the Secretary determines that—

(A) such housing has deferred maintenance, physical deterioration, or obsolescence of major systems and other deficiencies in the physical plant of the project;

(B) such housing is occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

(C) such housing is located in an area such that the housing is subject to recurrent vandalism and criminal activity (including drug-related criminal activity); and

(D) the residents can demonstrate that the elements of distress for such housing specified in subparagraphs (A) through (C) can be remedied by an entity that has a demonstrated capacity to manage; with reasonable expenses for modernization.

Such a transfer may be made only as provided in this section, pursuant to the approval by the Secretary of a request for the transfer made by a majority vote of the residents for the specified housing, after consultation with the public housing agency for the specified housing.

(b) BLOCK GRANT ASSISTANCE.—Pursuant to a contract under subsection (c), the Secretary shall require the public housing agency for specified housing to provide to the manager for the housing, from any block grant amounts under this title for the agency, fair and reasonable amounts for operating costs for the housing. The amount made available under this subsection to a manager shall be determined by the Secretary based on the share for the specified housing of the total block grant amounts for the public housing agency transferring the housing, taking into consideration the operating and capital improvement needs of the specified housing, the operating and capital improvement needs of the remaining public housing units managed by the public housing agency, and the local housing management plan of such agency.

(c) CONTRACT BETWEEN SECRETARY AND MANAGER.—

(1) REQUIREMENTS.—Pursuant to the approval of a request under this section for transfer of the management of specified housing, the Secretary shall enter into a contract with the eligible management entity.

(2) TERMS.—A contract under this subsection shall contain provisions establishing the rights and responsibilities of the manager with respect to the specified housing and the Secretary and shall be consistent with the requirements of this Act applicable to public housing developments.

(d) COMPLIANCE WITH LOCAL HOUSING MANAGEMENT PLAN.—A manager of specified housing under this section shall comply with the approved local housing management plan applicable to the housing and shall submit such information to the public housing agency from which management was transferred as may be necessary for such agency to prepare and update its local housing management plan.

(e) DEMOLITION AND DISPOSITION BY MANAGER.—A manager under this section may demolish or dispose of specified housing only if, and in the manner, provided for in the local housing management plan for the agency transferring management of the housing.

(f) LIMITATION ON PHA LIABILITY.—A public housing agency that is not a manager for specified housing shall not be liable for any act or failure to act by a manager or resident council for the specified housing.

(g) TREATMENT OF MANAGER.—To the extent not inconsistent with this section and to the extent the Secretary determines not inconsistent with the purposes of this Act, a manager of specified housing under this section shall be considered to be a public housing agency for purposes of this title.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MANAGEMENT ENTITY.—The term ''eligible management entity'' means, with respect to any public housing development, any of the following entities:

(A) NONPROFIT ORGANIZATION.—A public or private nonprofit organization, which shall—

(i) include a resident management corporation or resident management organization and, as determined by the Secretary, a public or private nonprofit organization sponsored by the public housing agency that owns the development; and

(ii) not include the public housing agency that owns the development.

(B) FOR-PROFIT ENTITY.—A for-profit entity that has demonstrated experience in providing low-income housing.

(C) STATE OR LOCAL GOVERNMENT.—A State or local government, including an agency or instrumentality thereof.

(D) PUBLIC HOUSING AGENCY.—A public housing agency (other than the public housing agency that owns the development).

The term does not include a resident council.

(2) MANAGER.—The term ''manager'' means any eligible management entity that has entered into a contract under this section with the Secretary for the management of specified housing.

(3) NONPROFIT.—The term ''nonprofit'' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means any private organization (including a State or locally chartered organization) that—

(A) is incorporated under State or local law;

(B) is nonprofit in character;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

(5) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' has the meaning given such term in section 103(a).

(6) PUBLIC NONPROFIT ORGANIZATION.—The term ''public nonprofit organization'' means any public entity that is nonprofit in character.

(7) SPECIFIED HOUSING.—The term ''specified housing'' means a public housing development or developments, or a portion of a development or developments, for which the transfer of management is requested under this section. The term includes one or more contiguous buildings and an area of contiguous row houses, but in the case of a single building, the building shall be sufficiently separable from the remainder of the development of which it is part to make transfer of the management of the building feasible for purposes of this section.

SEC. 237. RESIDENT OPPORTUNITY PROGRAM.

(a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing developments, as a means of improving existing living conditions in public housing developments, by providing increased flexibility for public housing developments that are managed by residents by—

(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term ''public housing development'' includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

(b) PROGRAM REQUIREMENTS.—

(1) RESIDENT COUNCIL.—As a condition of entering into a resident opportunity program, the elected resident council of a public housing development shall approve the establishment of a resident management corporation that complies with the requirements of section 234(b)(2). When such approval is made by the elected resident council of a building or row house area, the resident opportunity program shall not interfere with the rights of other families residing in the development or harm the efficient operation of the development. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council.

(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing development, in cooperation with the public housing agency, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the development.

(3) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the agency establishing the respective management rights and responsibilities of the corporation and the agency. The contract shall be treated as a contracting out of services and shall be subject to the requirements under section 235 for such contracts.

(4) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing development shall be audited annually by a certified public accountant. A written report of each such audit shall be forwarded to the public housing agency and the Secretary.

(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing developments managed by resident management corporations may be provided with modernization assistance from grant amounts under this title for purposes of renovating such developments. If such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the public housing agency involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

(d) WAIVER OF FEDERAL REQUIREMENTS.—

(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and public housing agency, and after notice and an opportunity to comment is afforded to the affected residents, the Secretary may waive (for both the resident management corporation and the public housing agency) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to unnecessarily increase the costs or restrict the income of a public housing development.

(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such development to volunteer a portion of their labor.

(3) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 222, family rental payments under section 225, tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

(e) OPERATING ASSISTANCE AND DEVELOPMENT INCOME.—

(1) CALCULATION OF OPERATING SUBSIDY.—The grant amounts received under this title by a public housing agency used for operating fund activities under section 203(a)(2) that are allocated to a public housing development managed by a resident management corporation shall not be less than per unit monthly amount of such assistance used by the public housing agency in the previous year, as determined on an individual development basis.

(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing development entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the development itself (from sources such as rents and charges) and the amount of income funds to be provided to the development from the other sources of income of the agency (such as assistance for operating activities under section 203(a)(2), interest income, administrative fees, and rents).

(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available under this title, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing developments, and the securing of such support. In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize public housing agencies or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing development may not exceed $100,000.

(3) PROHIBITION.—A resident management corporation or resident council may not, before the award to the corporation or council of a grant amount under this subsection, enter into any contract or other agreement with any entity to provide such entity with amounts from the grant for providing technical assistance or carrying out other activities eligible for assistance with amounts under this subsection. Any such agreement entered into in violation of this paragraph shall be void and unenforceable.

(4) FUNDING.—Of any amounts made available under section 282(1) for use under the capital fund, the Secretary may use to carry out this subsection $15,000,000 for fiscal year 1998.

(5) LIMITATION REGARDING ASSISTANCE UNDER HOPE GRANT PROGRAM.—The Secretary may not provide financial assistance under this subsection to any resident management corporation or resident council with respect to which assistance for the development or formation of such entity is provided under title III of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

(g) ASSESSMENT AND REPORT BY SECRETARY.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall—

(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.

(h) APPLICABILITY.—Any management contract between a public housing agency and a resident management corporation that is entered into after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 shall be subject to this section and any regulations issued to carry out this section.

Subtitle D—Homeownership

SEC. 251. RESIDENT HOMEOWNERSHIP PROGRAMS.

(A) IN GENERAL.—A public housing agency may carry out a homeownership program in accordance with this section and the local housing management plan of the agency to make public housing dwelling units, public housing developments, and other housing projects available for purchase by low-income families. An agency may transfer a unit only pursuant to a homeownership program approved by the Secretary. Notwithstanding section 107, the Secretary may approve a local housing management plan

without approving the portion of the plan regarding a homeownership program pursuant to this section. In the case of the portion of a plan regarding the homeownerships program that is submitted separately pursuant to the preceding sentence, the Secretary shall approve or disapprove such portion not later than 60 days after the submission of such portion.

(b) PARTICIPATING UNITS.—A program under this section may cover any existing public housing dwelling units or projects, and may include other dwelling units and housing owned, operated, or assisted, or otherwise acquired for use under such program, by the public housing agency.

(c) ELIGIBLE PURCHASERS.—

(1) LOW-INCOME REQUIREMENT.—Only low-income families assisted by a public housing agency, other low-income families and, entities formed to facilitate such sales by purchasing units for resale to low-income families shall be eligible to purchase housing under a homeownership program under this section.

(2) OTHER REQUIREMENTS.—A public housing agency may establish other requirements or limitations for families to purchase housing under a homeownership program under this section, including requirements or limitations regarding employment or participation in employment counseling or training activities, criminal activity, participation in homeownership counseling programs, evidence of regular income, and other requirements. In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacement.

(d) FINANCING AND ASSISTANCE.—A homeownership program under this section may provide financing for acquisition of housing by families purchasing under the program or by the public housing agency for sale under this program in any manner considered appropriate by the agency (including sale to a resident management corporation).

(e) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—Each family purchasing housing under a homeownership program under this section shall be required to provide from its own resources a downpayment in connection with any loan for acquisition of the housing, in an amount determined by the public housing agency. Except as provided in paragraph (2), the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase,

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(f) OWNERSHIP INTERESTS.—A homeownership program under this section may provide for sale to the purchasing family of any ownership interest that the public housing agency considers appropriate under the program, including ownership in fee simple, a condominium interest, an interest in a limited dividend cooperative, a shared appreciation interest with a public housing agency providing financing.

(g) RESALE.—

(1) AUTHORITY AND LIMITATION.—A homeownership program under this section shall permit the resale of a dwelling unit purchased under the program by an eligible family, but shall provide such limitations on resale as the agency considers appropriate (whether the family purchases directly from the agency or from another entity) for the agency to recapture—

(A) from any economic gain derived from any such resale occurring during the 5-year period beginning upon purchase of the dwelling unit by the eligible family, a portion of the amount of any financial assistance provided under the program by the agency to the eligible family; and

(B) after the expiration of such 5-year period, only such amounts as are equivalent to the assistance provided under this section by the agency to the purchaser.

(2) CONSIDERATIONS.—The limitations referred to in paragraph (1) may provide for consideration of the aggregate amount of assistance provided under the program to the family, the contribution to equity provided by the purchasing eligible family, the period of time elapsed between purchase under the home-ownership program and resale, the reason for resale, any improvements to the property made by the eligible family, any appreciation in the value of the property, and any other factors that the agency considers appropriate.

(h) SALE OF CERTAIN SCATTERED-SITE HOUSING.—A public housing agency that the Secretary has determined to be a high-performing agency may use the proceeds from the disposition of scattered-site public housing under a homeownership program under this section to purchase replacement scattered-site dwelling units, to the extent such use is provided for in the local housing management plan for the agency approved under section 107. Any such replacement dwelling units shall be considered public housing for purposes of this Act.

(i) INAPPLICABILITY OF DISPOSITION REQUIREMENTS.—The provisions of section 261 shall not apply to disposition of public housing dwelling units under a home-ownership program under this section, except that any dwelling units sold under such a program shall be treated as public housing dwelling units for purposes of subsections (e) and (f) of section 261.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

SEC. 261. REQUIREMENTS FOR DEMOLITION AND DISPOSITION OF DEVELOPMENTS.

(a) AUTHORITY AND FLEXIBILITY.—A public housing agency may demolish, dispose of, or demolish and dispose of nonviable or nonmarketable public housing developments of the agency in accordance with this section.

(b) LOCAL HOUSING MANAGEMENT PLAN REQUIREMENT.—A public housing agency may take any action to demolish or dispose of a public housing development (or a portion of a development) only if such demolition or disposition complies with the provisions of this section and is in accordance with the local housing management plan for the agency. Notwithstanding section 107, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

(c) PURPOSE OF DEMOLITION OR DISPOSITION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides sufficient evidence to the Secretary that—

(1) the development (or portion thereof) is severely distressed or obsolete;

(2) the development (or portion thereof) is in a location making it unsuitable for housing purposes;

(3) the development (or portion thereof) has design or construction deficiencies that make cost-effective rehabilitation infeasible;

(2) assuming that reasonable rehabilitation and management intervention for the development has been completed and paid for, the anticipated revenue that would be derived from charging market-based rents for units in the development (or portion thereof) would not cover the anticipated operating costs and replacement reserves of the development (or portion) at full occupancy and the development (or portion) would constitute a substantial burden on the resources of the public housing agency;

(5) retention of the development (or portion thereof) is not in the best interests of the residents of the public housing agency because—

(A) developmental changes in the area surrounding the development adversely affect the health or safety of the residents or the feasible operation of the development by the public housing agency;

(B) demolition or disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as low-income housing; or

(C) other factors exist that the agency determines are consistent with the best interests of the residents and the agency and not inconsistent with other provisions of this Act;

(6) in the case only of demolition or disposition of a portion of a development, the demolition or disposition will help to ensure the remaining useful life of the remainder of the development; or

(7) in the case only of property other than dwelling units—

(A) the property is excess to the needs of a development; or

(B) the demolition or disposition is incidental to, or does not interfere with, continued operation of a development.

The evidence required under this subsection shall include, as a condition of demolishing or disposing of a public housing development (or portion of a development) estimated to have a value of $100,000 or more, a statement of the market value of the development (or portion), which has been determined by a party not having any interest in the housing or the public housing agency and pursuant to not less than 2 professional, independent appraisals of the development (or portion).

(d) CONSULTATION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency notifies and confers regarding the demolition or disposition with—

(1) the residents of the development (or portion); and

(2) appropriate local government officials.

(e) COUNSELING.—A public housing agency may demolish or dispose of a public housing development (or a portion of a development) only if the agency provides any necessary counseling for families displaced by such action to facilitate relocation.

(f) USE OF PROCEEDS.—Any net proceeds from the disposition of a public housing development (or portion of a development) shall be used for—

(1) housing assistance for low-income families that is consistent with the low-income housing needs of the community, through acquisition, development, or rehabilitation of, or homeownership programs for, other low-income housing or the provision of choice-based assistance under title III for such families;

(2) supportive services relating job training or child care for residents of a development or developments; or

(3) leveraging amounts for securing commercial enterprises, on-site in public housing developments of the public housing agency,

appropriate to serve the needs of the residents.

(g) RELOCATION.—A public housing agency that demolishes or disposes of a public housing development (or portion of a development thereof) shall ensure that—

(1) each family that is a resident of the development (or portion) that is demolished or disposed of is relocated to other safe, clean, healthy, and affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title III (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of the family into such housing);

(2) the public housing agency does not take any action to dispose of any unit until any resident to be displaced is relocated in accordance with paragraph (1); and

(3) each resident family to be displaced is paid relocation expenses, and the rent to be paid initially by the resident following relocation does not exceed the amount permitted under section 225(a).

(h) RIGHT OF FIRST REFUSAL FOR RESIDENT ORGANIZATIONS AND RESIDENT MANAGEMENT CORPORATIONS.—

(1) IN GENERAL.—A public housing agency may not dispose of a public housing development (or portion of a development) unless the agency has, before such disposition, offered to sell the property, as provided in this subsection, to each resident organization and resident management corporation operating at the development for continued use as low-income housing, and no such organization or corporation purchases the property pursuant to such offer. A resident organization may act, for purposes of this subsection, through an entity formed to facilitate homeownership under subtitle D.

(2) TIMING.—Disposition of a development (or portion thereof) under this section may not take place—

(A) before the expiration of the period during which any such organization or corporation may notify the agency of interest in purchasing the property, which shall be the 30-day period beginning on the date that the agency first provides notice of the proposed disposition of the property to such resident organizations and resident management corporations;

(B) if an organization or corporation submits notice of interest in accordance with subparagraph (A), before the expiration of the period during which such organization or corporation may obtain a commitment for financing to purchase the property, which shall be the 60-day period beginning upon the submission to the agency of the notice of interest; or

(C) if, during the period under subparagraph (B), an organization or corporation obtains such financing commitment and makes a bona fide offer to the agency to purchase the property for a price equal to or exceeding the applicable offer price under paragraph (3).

The agency shall sell the property pursuant to any purchase offer described in subparagraph (C).

(3) TERMS OF OFFER.—An offer by a public housing agency to sell a property in accordance with this subsection shall involve a purchase price that reflects the market value of the property, the reason for the sale, the impact of the sale on the surrounding community, and any other factors that the agency considers appropriate.

(i) INFORMATION FOR LOCAL HOUSING MANAGEMENT PLAN.—A public housing agency may demolish or dispose of a public housing development (or portion thereof) only if it includes in the applicable local housing management plan information sufficient to describe—

(1) the housing to be demolished or disposed of;

(2) the purpose of the demolition or disposition under subsection (c) and why the demolition or disposition complies with the requirements under subsection (c), and includes evidence of the market value of the development (or portion) required under subsection (c);

(3) how the consultations required under subsection (d) will be made;

(4) how the net proceeds of the disposition will be used in accordance with subsection (f);

(5) how the agency will relocate residents, if necessary, as required under subsection (g); and

(6) that the agency has offered the property for acquisition by resident organizations and resident management corporations in accordance with subsection (h).

(j) SITE AND NEIGHBORHOOD STANDARDS EXEMPTION.—Notwithstanding any other provision of law, a public housing agency may provide for development of public housing dwelling units on the same site or in the same neighborhood as any dwelling units demolished, pursuant to a plan under this section, but only if such development provides for significantly fewer dwelling units.

(k) TREATMENT OF REPLACEMENT UNITS.—

(1) PROVISION OF OTHER HOUSING ASSISTANCE.—In connection with any demolition or disposition of public housing under this section, a public housing agency may provide for other housing assistance for low-income families that is consistent with the low-income housing needs of the community, including—

(A) the provision of choice-based assistance under title III; and

(B) the development, acquisition, or lease by the agency of dwelling units, which dwelling units shall—

(i) be eligible to receive assistance with grant amounts provided under this title; and

(ii) be made available for occupancy, operated, and managed in the manner required for public housing, and subject to the other requirements applicable to public housing dwelling units.

(2) TREATMENT OF INDIVIDUALS.—For purposes of this subsection, an individual between the ages of 18 and 21, inclusive, shall, at the discretion of the individual, be considered a family.

(l) USE OF NEW DWELLING UNITS.—A public housing agency demolishing or disposing of a public housing development (or portion thereof) under this section shall seek, where practical, to ensure that, if housing units are provided on any property that was previously used for the public housing demolished or disposed of, not less than 25 percent of such dwelling units shall be dwelling units reserved for occupancy during the remaining useful life of the housing by low-income families.

(m) PERMISSIBLE RELOCATION WITHOUT PLAN.—If a public housing agency determines that because of an emergency situation public housing dwelling units are severely uninhabitable, the public housing agency may relocate residents of such dwelling units before the submission of a local housing management plan providing for demolition or disposition of such units.

(n) CONSOLIDATION OF OCCUPANCY WITHIN OR AMONG BUILDINGS.—Nothing in this section may be construed to prevent a public housing agency from consolidating occupancy within or among buildings of a public housing development, or among developments, or with other housing for the purpose of improving living conditions of, or providing more efficient services to, residents.

(o) DE MINIMIS EXCEPTION TO DEMOLITION REQUIREMENTS.—Notwithstanding any other provision of this section, in any 5-year period a public housing agency may demolish not more than the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the public housing agency, without providing for such demolition in a local housing management plan, but only if the space occupied by the demolished unit is used for meeting the service or other needs of public housing residents or the demolished unit was beyond repair.

SEC. 262. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND CHOICE-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

(a) PURPOSES.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing developments through the demolition of obsolete public housing developments (or portions thereof);

(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood; and

(3) providing housing that will avoid or decrease the concentration of very low-income families; and

(4) providing choice-based assistance in accordance with title III for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

(b) GRANT AUTHORITY.—The Secretary may make grants available to public housing agencies as provided in this section.

(c) CONTRIBUTION REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant certifies to the Secretary that the applicant will supplement the amount of assistance provided under this section with an amount of funds from sources other than this section equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.

(d) ELIGIBLE ACTIVITIES.—Grants under this section may be used for activities to carry out revitalization programs for severely distressed public housing, including—

(1) architectural and engineering work, including the redesign, reconstruction, or redevelopment of a severely distressed public housing development, including the site on which the development is located;

(2) the demolition, sale, or lease of the site, in whole or in part;

(3) covering the administrative costs of the applicant, which may not exceed such portion of the assistance provided under this section as the Secretary may prescribe;

(4) payment of reasonable legal fees;

(5) providing reasonable moving expenses for residents displaced as a result of the revitalization of the development;

(6) economic development activities that promote the economic self-sufficiency of residents under the revitalization program;

(7) necessary management improvements;

(8) leveraging other resources, including additional housing resources, retail supportive services, jobs, and other economic development uses on or near the development that will benefit future residents of the site;

(9) replacement housing and housing assistance under title III;

(10) transitional security activities; and

(11) necessary supportive services, except that not more than 10 percent of the amount

of any grant may be used for activities under this paragraph.

(e) APPLICATION AND SELECTION.—

(1) APPLICATION.—An application for a grant under this section shall contain such information and shall be submitted at such time and in accordance with such procedures, as the Secretary shall prescribe.

(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for the award of grants under this section, which shall include—

(A) the relationship of the grant to the local housing management plan for the public housing agency and how the grant will result in a revitalized site that will enhance the neighborhood in which the development is located;

(B) the capability and record of the applicant public housing agency, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

(C) the extent to which the public housing agency could undertake such activities without a grant under this section;

(D) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development; and

(E) the amount of funds and other resources to be leveraged by the grant.

The Secretary shall give preference in selection to any public housing agency that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(f) COST LIMITS.—Subject to the provisions of this section, the Secretary—

(1) shall establish cost limits on eligible activities under this section sufficient to provide for effective revitalization programs; and

(2) may establish other cost limits on eligible activities under this section.

(g) DEMOLITION AND REPLACEMENT.—Any severely distressed public housing demolished or disposed of pursuant to a revitalization plan and any public housing produced in lieu of such severely distressed housing, shall be subject to the provisions of section 261.

(h) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purpose of this section.

(i) WITHDRAWAL OF FUNDING.—If a grantee under this section does not proceed expeditiously, in the determination of the Secretary, the Secretary shall withdraw any grant amounts under this section that have not been obligated by the public housing agency. The Secretary shall redistribute any withdrawn amounts to one or more public housing agencies eligible for assistance under this section or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee.

(j) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) any public housing agency that is not designated as troubled pursuant to section 533(a);

(B) any public housing agency or private housing management agent selected, or receiver appointed pursuant, to section 545; and

(C) any public housing agency that is designated as troubled pursuant to section 533(a) that—

(i) is so designated principally for reasons that will not affect the capacity of the agency to carry out a revitalization program;

(ii) is making substantial progress toward eliminating the deficiencies of the agency; or

(iii) is otherwise determined by the Secretary to be capable of carrying out a revitalization program.

(2) PRIVATE NONPROFIT CORPORATION.—the term ''private nonprofit organization'' means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

(A) is incorporated under State or local law;

(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income families.

(3) SEVERELY DISTRESSED PUBLIC HOUSING.—The term ''severely distressed public housing'' means a public housing development (or building in a development) that—

(A) requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the development;

(B) is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(C)(i) is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; and

(ii) has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(D) cannot be revitalized through assistance under other programs, such as the public housing block grant program under this title, or the programs under sections 9 and 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), because of cost constraints and inadequacy of available amounts; and

(E) in the case of individual buildings, is, in the Secretary's determination, sufficiently separable from the remainder of the development of which the building is part to make use of the building feasible for purposes of this section.

(4) SUPPORTIVE SERVICES.—The term ''supportive services'' includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities.

(k) ANNUAL REPORT.—The Secretary shall submit to the Congress an annual report setting forth—

(1) the number, type, and cost of public housing units revitalized pursuant to this section;

(2) the status of developments identified as severely distressed public housing;

(3) the amount and type of financial assistance provided under and in conjunction with this section; and

(4) the recommendations of the Secretary for statutory and regulatory improvements to the program established by this section.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $500,000,000 for each of fiscal years 1998, 1999, and 2000.

(2) TECHNICAL ASSISTANCE.—Of the amount appropriated pursuant to paragraph (1) for any fiscal year, the Secretary may use not more than 0.50 percent for technical assistance. Such assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and shall include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents.

(m) SUNSET.—No assistance may be provided under this section after September 30, 2000.

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading ''PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

SEC. 263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A public housing agency may convert any public housing development (or portion thereof) owned and operated by the agency to a system of choice-based rental housing assistance under title III, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the public housing agency shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the agency;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title III for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development;

(4) identify the actions, if any, that the public housing agency will take with regard

to converting any public housing development or developments (or portions thereof) of the agency to a system of choice-based rental housing assistance under title III;

(5) require the public housing agency to—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance;

(B) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(C) provide any reasonable relocation expenses for families displaced by such action; and

(6) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title III (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing).

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the public housing agency, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the public housing agency to provide choice-based rental housing assistance under title III shall be added to the housing assistance payment contract administered by the public housing agency or any entity administering the contract on behalf of the public housing agency.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed before the effective date of the repeal under section 601(b) of this Act).

Subtitle F—Mixed-Finance Public Housing

SEC. 271. AUTHORITY.

Nothwithstanding sections 203 and 262, the Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of grant amounts allocated and provided from the capital fund or from a grant under section 262, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to section 273 by the Secretary.

SEC. 272. MIXED-FINANCE HOUSING DEVELOPMENTS.

(A) IN GENERAL.—For purposes of this subtitle, the term ''mixed-finance housing'' means low-income housing or mixed-income housing (as described in section 221(c)(2)) for which the financing for production or revitalization is provided, in part, from entities other than the public housing agency.

(b) PRODUCTION.—A mixed-finance housing development shall be produced or revitalized, and owned—

(1) by a public housing agency or by an entity affiliated with a public housing agency;

(2) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

(3) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

(4) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This subsection may not be construed to require production or revitalization, and ownership, by the same entity.

SEC. 273. MIXED-FINANCE HOUSING PLAN.

The Secretary may approve a plan for production or revitalization of mixed-finance housing under this subtitle only if the Secretary determines that—

(1) the public housing agency has the ability, or has provided for an entity under section 272(b) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

(2) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

(3) the plan provides for use of amounts provided under section 271 by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for production or revitalization of the development; and

(4) the plan complies with any other criteria that the Secretary may establish.

SEC. 274. RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

SEC. 275. CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.

In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of assistance received from the capital fund and the operating fund by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

(1) upon the expiration of the 18-month period beginning upon the approval of the plan under section 273 for the mixed-finance housing development, the agency does not have binding commitments for production or revitalization, or a construction contract, for such development;

(2) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the block grant contract for the agency under section 201; or

(3) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under paragraph (1) or (2) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such paragraph.

Subtitle G—General Provisions

SEC. 281. PAYMENT OF NON-FEDERAL SHARE.

Rental or use-value of buildings or facilities paid for, in whole or in part, from production, modernization, or operation costs financed under this title may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the residents in a project assisted under this title.

SEC. 282. AUTHORIZATION OF APPROPRIATIONS FOR BLOCK GRANTS.

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND. For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002; and

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,900,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

SEC. 283. FUNDING FOR OPERATION SAFE HOME.

Of any amounts made available for fiscal years 1998 and 1999 for carrying out the Community Partnerships Against Crime Act of 1997 (as so designated pursuant to section 624(a) of this Act), not more than $20,000,000 shall be available in each such fiscal year, for use under the Operation Safe Home program administered by the Office of the Inspector General of the Department of Housing and Urban Development, for law enforcement efforts to combat violent crime on or near the premises of public and federally assisted housing.

SEC. 284. FUNDING FOR RELOCATION OF VICTIMS OF DOMESTIC VIOLENCE.

Of any amounts made available for fiscal years 1998, 1999, 2000, 2001, and 2002 for choice-based housing assistance under title III of this Act, not more than $700,000 shall be available in each such fiscal year for relocating residents of public housing (including providing assistance for costs of relocation and housing assistance under title III of this Act) who are residing in public housing, who have been subject to domestic violence, and

for whom provision of assistance is likely to reduce or eliminate the threat of subsequent violence to the members of the family. The Secretary shall establish procedures for eligibility and administration of assistance under this section.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 96, strike line 1 and all that follows through page 97, line 22, and insert the following:

(c) INCOME MIX.—

(1) PHA-WIDE REQUIREMENT.—Of the public housing units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area; except that, for any fiscal year, the Secretary may reduce to 80 percent the percentage under this subparagraph for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that such reduction would be used for, and would result in, the enhancement of the long-term viability of the housing developments of the agency.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) AREA MEDIAN INCOME.—For purposes of this subsection, the term ''area median income'' means the median income of an area, as determined by the Secretary with adjustments of smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in this subsection if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1845

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I will yield if I can be allowed to extend my 5 minutes.

Mr. LAZIO of New York. Mr. Chairman, I will make the unanimous consent request for him.

Would it be acceptable to the gentleman if we could establish some reasonable time limitations, 20 minutes, 10 minutes on each side, in order to debate this issue?

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I think, as the gentleman knows, this amendment required a great deal of time in the full committee and, in fact, was very extensively debated at that time.

I would consider perhaps a full hour of debate, distributed equally, 30 minutes on each side. If we find there is less requirement for time, I would certainly enter into an idea of reducing time at some point throughout the debate.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, how does the gentleman react to, say, 20 minutes on each side, so it would be a total of 40 minutes?

Mr. KENNEDY of Massachusetts. Reclaiming my time once again, Mr. Chairman, as I say, I think an hour would be an appropriate period of time.

We understand the gentleman's reaction to this amendment, and I understand why he would like to limit it, but I do think this is one of the most important issues that is going to be faced in this legislation. And while I think there are other amendments that might be appropriate to reach some time limit agreements on, I think this goes to the heart of what public housing policy will be.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, I would say to the gentleman that I am prepared to withdraw the request. I know the gentleman wants to be heard. I respect that, I want to encourage that, and so if he needs the time, I will withdraw the request.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman doing so.

This amendment, I think, really gets to the heart of what our housing policy is going to be in this country. Right now we have a housing policy which indicates, and I would like to go up to the well, and can I get that chart brought up here, this chart indicates, I think very graphically, what will happen to public housing if H.R. 2 proceeds through the amendment process without change.

Right now 75 percent of all the housing units in this country, both project-based as well as in public housing combined go to people with incomes below 30 percent of median. These are the poorest people in our country. They are the fastest growing population in America. If we look at any of the population tables, we will find out among who and where our population is really, really expanding today. It is among the poorest of the poor.

Under the proposals that have been made by the Republican side, H.R. 2, the number of lower income people that would no longer be able to occupy public housing over the period of the next 10 years would drop from its current 75 percent of individuals that are below 30 percent of median income down to about 20 percent.

So what happens, Mr. Chairman, is a number of the very poor people in this country that would be able to occupy public housing would drop so dramatically that it would drop to just 20 percent of the units that would be occupied across the country would be at 30 percent of median income. Eighty percent of the units would go to people that are at 80 percent of median income. What that means is we will take people that have incomes of $40,000 a year or more and we will put them into public housing, and we will go to the very poor people and we will kick them out. That is what the heart of this debate is all about.

Nobody on the Democratic side, and I guarantee my colleagues that we will hear over and over and over again, for the next half-hour or hour as this debate goes on, that we want to keep the status quo. Nothing could be farther from the truth. No one is suggesting that we simply warehouse the poorest of the poor in these housing units. Under the Democratic proposals, we will reduce the number of very poor people to about 50–50 over a 10-year period. What we will not do is simply go in to the very poor and the very vulnerable; that in our rush to judgment about why public housing has failed, what we are going to do is just automatically throw out vast numbers of very poor people.

Now, we have cut the housing budget in America from $28 billion to $20 billion. We cut the homeless budget in this country by about 26 percent at the same time. So what we are doing, effectively, is we will be able to stand up at the end of passing this bill, which I am sure ultimately this bill might very well pass out of this Chamber, but effectively what we will have done is say we are going to revamp policy by taking in a lot more wealthier people, not wealthy but wealthier than the poor that exist there today, and by virtue of doing that we will save public housing. But what we will never debate is what happens to the very poor and the very vulnerable who will end up getting thrown out onto the streets as a result of these proposals.

We should not make it a policy of this country to simply say that we can look better as legislators.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, what this goes to is whether or not we simply enact laws to make us look good before the people of our country, by virtue of the fact that we now have sustained public housing but we do nothing about the fact that we still have poor people in America.

These are going to be very, very poor people that are going to have no shelter, that are not going to have homeless programs, that are essentially going to be thrown out on the street in order for us to look good.

I believe, Mr. Chairman, that we should have a better mix of working families in public housing. The Democratic alternative will achieve a better mix. We are not suggesting that poorly run housing authorities should not be taken over; that well-run housing authorities that have poorly run housing projects should not be taken away. What we are suggesting is that we ought not to walk away from our basic commitment to the very poor and the very vulnerable in the mix.

That is essentially what H.R. 2 will do, and I ask my colleagues in the House to recognize our responsibilities and to protect the very, very poor.

Mr. VENTO. Mr. Chairman, I rise in support of the Kennedy amendment.

Mr. Chairman, this is really a very significant amendment. As has been indicated by my colleague, the change in focus in terms of who is going to be in public housing is really the heart of this bill, and it is recognized that over the last decades that the income mix in public housing, for a variety of reasons, because of the preferences that we provided for entry and admission into public housing, has in fact result in lower and lower income individuals qualifying for public housing as a preference ahead of other families.

Clearly, only about one quarter of the families that really qualify for public housing actually have that available because the limited number, amount of production, and the inability to afford on a local and State and Federal basis additional public housing. Clearly there is a need to change that mix so that we can have a population that is more stable and is better integrated economically, and this bill does it in such a radical way that I think it really causes some significant problem.

As an example, the way H.R. 2 is set up right now, nearly 12.8 million Americans, including 5 million children and 2 million elderly and disabled which have acute housing problems, would be excluded by virtue of the types of targeting or preferences in this bill.

What the gentleman from Massachusetts is proposing is that we not maintain the income levels as they are today but that he would actually, in his graph that was presented here on the House floor, double the number; in other words, that 40 percent of the population, or 4 out of 10 of those in public housing would have incomes below 30 percent of median income. Furthermore, he would provide that 90 percent would have incomes of less than 60 percent of median income.

Mr. Chairman, in committee we evaluated what that median income was and we found in any number of urban communities that median income in those communities, 90 percent of median was in excess of $40,000 a year. So, actually, if we change the people or the individual families that we are serving and then suggest we can be successful only if families have such high incomes, that really is redefining the problem of what we are trying to deal with in the context of public and assisted housing.

Unfortunately, most individuals that do not have income, it is not an option that they have low income; it is a result of the fact that they are economic casualties in terms of our society unable to earn jobs, they are disabled, they have other problems that inhibit them from earning higher incomes.

While we want to move and change the mix of individuals in public and assisted housing, we do not want to, and we should not as a matter of policy, set in place income guidelines that completely exclude those that are among the very neediest in our society from that public housing today and tomorrow.

We know that this could or should be accomplished over a period of time when it is phased in, but nevertheless, the end result of the policy path that this bill places before us is one of excluding time and time again those families that have lower incomes that have the greatest need in the name of social engineering in terms of trying to build higher income individual families in those units; in other words, rewarding work, trying to provide some law enforcement in others, in many others to live in public housing to have a better mix.

The fact is that while those goals are good goals and goals we share, we do not think it needs to be done to the extent that is being portrayed in this bill. In fact, this method and this means of accomplishing it, I think it will very quickly change the status of public housing and our entire Federal response to public housing would come into question, because the question would be how is it that we are excluding so many low-income persons and at the same time maintaining substantial types of subsidies for those that have higher incomes that are in such public housing. I think that would lead to the demise and the questioning of looking for different means in terms of providing shelter for individuals. We no doubt would end up with more individuals that would be homeless, because that has been one of the priorities.

So I urge the adoption of the Kennedy amendment. I think it makes the necessary reforms without doing violence to the people that are intended to be served, the poorest of the poor in this Nation.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

I rise in support of this amendment, Mr. Chairman. I think this is the construction of what this legislation is all about. Are we going to change radically the face of those who live in public housing or are we going to maintain public housing for those who cannot afford to live anyplace else?

It does not make good sense to me that we try to artificially design a mix for who should live in public housing. Let me tell my colleagues about public housing and what it is and why, perhaps, even that income level that we are trying to attract will not be interested in this public housing. Most of the people who live there really cannot afford to live anyplace else, because, if they could, they would.

We have not invested very much in our public housing. We have allowed our public housing to become run down. We have not supported HUD and its ability to keep this public housing up to date. And so we do have the poorest of the poor who are living in rundown housing.

The fact of the matter is in far too many places the Government of the United States of America is a slum lord.

□ 1900

We are allowing people to live in housing that is not oftentimes safe or sanitary. What is wrong with public housing? Certainly we need to support public housing and have a place for people who cannot afford to live anyplace else. But we have not placed in those public housing environments the kind of support systems that would keep people in safe environments.

For example, in many of these public housing units in our cities, we kind of pile poor people on top of each other without services. Many of the cities act as if the public housing is not a part of the city. And so what happens? The local police department is not inside the public housing, do not want to go there, do not want to take care of the people there; and they have oftentimes their own private police forces without the support of the local police to do the job of protecting the people there.

In addition to that, we pile poor people on top of each other. Yes, many of the mothers are welfare mothers. But do we have child care? Do we have a situation where mothers would have someplace to leave these children while they look for work, while they are in job training? No, we do not. One would think that in every public housing situation in America we would have child care because these are the people we say we want to go to work, these mothers who oftentimes are not trained, who would go into a job training program if they had someplace to leave their children. They do not have transportation. So it is not easy to get out, to go look for child care, to go look for jobs, to go look for job training.

One would think that the cities and the private industry councils and JEPTA, job employment partnership training agencies, would bring the services where the people are. Some of these housing projects are bigger than little towns in America. But do they have the services? There are no employment offices oftentimes anywhere near the public housing project. Oh, but we want the people to go to work. Beside the fact that there are no employment agencies, we do not have the job training, the private industry councils or the JEPTA programs inside; we do not have the child care; we do not

have police departments. Many of them now are left basically to fend for themselves without any of the services of the county government or the city government.

One would think that the county and the city agencies would find ways by which to say, we will not place all of the services outside of the public housing projects; we will place them inside the housing projects so that people could easily access the services in order to mainstream them, to change their life-styles and their way of life.

We can come here and we can talk about ways of getting rid of them. Get rid of them if they do not volunteer. Get rid of them instead of having a grievance procedure.

We do not talk about how we can increase the quality of life for people who live in these public housing projects. Do we have youth centers in public housing projects for young people to be involved in sports activities? I have been in many throughout America who do not have anything for the young people of those communities. I support this amendment because we are not going to get a mix, because who wants to live there, given the lack of resources.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we proceed with the majority's rope-a-dope strategy, I hope we can focus on the serious importance of this issue. Obviously public housing requires great change. The question is, in what direction? It is also important to inquire as to how it got to be a problem.

Public housing came to be a problem in substantial part because of inadequate resources. No one, certainly not the poor, thought it was a good idea to take the poorest of the poor and put them in very large buildings with no services and inadequate construction, in many cases not near any other facilities. Society decided to provide housing but, having decided that, decided a little later it ought to do it as cheaply as possible. So we created public housing which was destined to deteriorate.

But we should also remember that, as bad as the public housing is, no one lives there by force. As bad as public housing is, people live there voluntarily because it is the best they can get. As we denigrate and criticize and belittle public housing, remember that, when we do people the service of freeing them from this housing they live in voluntarily, we send them someplace worse. Unless we think they are totally insane, they live here voluntarily.

It is relevant to note that because the housing budget that will come forward, in addition to what it does about public housing, will deteriorate our alternative housing resources. So we will be critical of public housing, we will be calling for a diminution of public housing units, but at the same time we will be reducing any alternatives.

Indeed, I read in the New York Times Sunday that the chairman of the Committee on Ways and Means thought that one good way to raise taxes to offset some of the tax increases in the budget deal would be to kill the low income housing tax credit, so that it will produce even less housing. That is the context of the amendment of the gentleman from Massachusetts.

What the majority apparently says is this: We are not prepared to spend even as much on housing as we have. We know spending what we have spent has not been enough. How do we justify to ourselves spending considerably less? The answer is we will try to do much less.

One way they are going to try to do much less is by adopting the Lester Maddox theory of social service. Lester Maddox once said that he could not be expected to bring about prison reform until he was given a better class of prisoners to work with. Our Republican friends believe that there is not much they can do with poverty stricken people unless they get people who are not poor.

With the people who are not suffering from poverty, they are quite confident of their success. I am also confident. I am also confident that we will do better with people who have not been in the circumstances of poverty. Some people are in poverty because of circumstances; some of them, because they have got defects. There are people who do not work hard, who have disorganized personalities. I do not think the penalty for that ought to be homelessness. It certainly should not be the penalty for their children.

Because when we restrict the ability of the poorest of the poor to get into public housing, and, remember, we are cutting back in virtually every other housing program in this, and we are about to adopt a budget deal, I probably will not vote for it in the way it now looks, but we are going to adopt a budget deal that is going to restrict our ability to do housing in the future. So we are going to improve public housing not essentially by structural improvements, not by more resources for the poor. We are going to serve a better class of poor people, and by serving a better class of poor people, we will have better results.

If the end of this process was to judge how well housing authorities did, that would be rational. If the end is to be humane and compassionate to the poorest of the poor, it is not. This country is too well off to victimize that small number of people who will be victimized by this bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I agree with the gentleman's comments.

I was going to point out that, if we look at 50 to 80 percent of median income, only 5 percent of those renters with that type of income have a housing problem; 95 percent do not. So obviously serving that 5 percent, they are meeting their needs but as to the others they are not.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say to the gentleman, I want to help them, but creating the war of the poor against the very poor is public policy at its worst. To make the very poor the enemy of the poor is a very grave mistake. What we do here is underfund the housing authorities. We are going to be rescinding some money.

Well, we have found that the housing department had saved more money than people had thought and had created some reserves. So we plan to rescind that and then we will claim that we cannot afford to help people. By the way, we should have added, it is not simply resources. I have heard people on the other side talk about how bad housing is.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, we ought to remember that for the 12 years before 1993, the Republicans controlled HUD, and for 8 of those years, under President Reagan, the most corrupt and inefficient Cabinet secretary in recent memory, Secretary Pierce, was in charge of HUD. Yes, there are serious problems there, but they are not the fault of the poor. They are not the fault of the people who have tried to help the poor. And the solution is not to say: You poor people are too much trouble, and we are going to deal with a better class of low-income people.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kennedy amendment to make targeting provisions in this bill more humane. We know that we face an affordable housing crisis in this Nation. There are 5.3 million Americans living under worst-case housing scenario needs. That is, they are forced to pay more than 50 percent of their income in rent or live under deplorable conditions. H.R. 2 will exacerbate this crisis by making public housing available to higher income residents who can pay higher rents at the expense of thousands of low-income families.

Without a firm commitment to the principle that housing is a right and not a privilege, we will never attain our stated objective of adequately housing our citizens, as demonstrated by our history. In the late 1960's, a White House conference on housing and urban issues called for 26 million new housing starts over the next 10 years in order to meet the housing needs of our Nation. That goal translated into 2.6 million housing starts each year, with 600,000 of those starts to be federally subsidized each year. The Nation has

never even approximated that goal, and currently the figure is slightly more than 1.5 million new housing starts annually. As a result our affordable housing crisis has exploded where millions of Americans live paying entirely too much for housing or they live in unsanitary or unsafe conditions. That, Mr. Chairman, is a national disgrace.

When we talk about our priorities of enabling mixed income communities, which I believe is a laudable goal under ideal circumstances, we must be sure not to pull the housing safety net out from underneath the poorest and the most vulnerable Americans. Over the course of this debate, we will speak at length about the dangerous targeting provisions in this bill which set aside only 35 percent of public housing units for those earning below 30 percent of area median income, leaving the remainder of units to house people who earn up to 80 percent of area median income. In Chicago that means 65 percent of all public housing units could be set aside for people earning $44,650. Should we be displacing full-time minimum wage workers to make room for professionals who can better afford to find housing in the private market? Even at this point, this is obviously a false debate.

Let me be clear. When we target low-income tenants as those with incomes under 30 percent of median income in a large metropolitan area like Chicago, we are talking about those who earn $16,312. This is $5,000 more than a full-time minimum wage worker earns in a year and nearly $10,000 more than a welfare recipient. People who will necessarily be displaced by the proposed income mix equation will include vast numbers of the working poor. As a result, low-wage workers and Americans who are ostensibly encouraged to successfully make the transition from welfare to work will either be forced into homelessness or to forgo basic human necessities like health care, groceries, and clothing in order to find alternative shelter.

We must be vigilant, Mr. Chairman, in our efforts to ensure that, just at the time we are requiring the most from the most vulnerable among us, we do not remove the stability and the security of adequate housing, an essential resource as people attempt to move from welfare to work. When we considered this legislation in the last Congress, welfare reform had not yet been enacted. Seventy percent of the residents of the Chicago Housing Authority receive public assistance, and half of the residents are children. If there are not enough jobs to meet the welfare-to-work requirements, the potentially devastating implications of this bill are magnified.

Mr. Chairman, without this amendment to the targeting provision of H.R. 2, we are literally pulling the rug out from the poor and the working class Americans. Let us not make such a tragic mistake in the name of reform. I urge my colleagues to support the amendment.

Mr. Chairman, I would ask the gentleman from New York, chairman of the subcommittee, to engage me in a brief colloquy.

Is it the gentleman's expectation that working class Americans would be willing to move under the targeting provisions of this bill into Cabrini Green or into Robert Taylor Homes in the city of Chicago?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, it is the intent and the desire of myself and, I think, other Members in support of the bill that residents who are working and who are earning more are not forced to leave Cabrini Green but can stay there and continue to be role models in that area.

Mr. JACKSON of Illinois. I thank the gentleman for the clarification.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I listened carefully to what the gentleman said. He made a very good statement. I think the point here is that under the preferences set up in this bill that there will be no new applicants under 35 percent of income. They could apply but the fact is the local housing authority will decide whether an upper income person, admittedly 80 percent of median income, and my colleague said it was in excess of $40,000 in Chicago. I do not know if it is that high in St. Paul, MN, but I think it is close to it. And the fact is that others with lower income, the housing authority could just deny them. So it is possible that over a period of attrition, as people move out or move up in income, that public housing would have higher and higher income persons in it.

□ 1915

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me spend a minute or two kind of putting this in perspective for my colleagues.

First of all, they got this issue of pitting the very poor against the working poor. If my colleagues were in the process of expanding the number of public housing units or low-income housing units available throughout the country, I do not think anybody could argue with a policy that would say it would be beneficial to have an economic mix in the new housing units. But we are not expanding public housing, we are not expanding low-income housing under this bill, we are not giving a dime of new public housing or low-income housing under this bill. They have a fixed number of units that we are dealing with.

And so the question then becomes, ''Do you give that fixed number of units to the poorest of the poor, or do you give some of those units to the poorest of the poor and some to the working poor?'' But however we cut this up, they are pitting the very poor against the working poor, and so they have got an argument being made here that they can never win. We cannot win this argument.

Sure the working poor need subsidized housing, but the very poor need subsidized housing also, and if they do not get subsidized housing, they do not have any alternatives but to be put out on the street.

So the question then becomes are we going to serve less of the very poor and more of the working poor, or are we going to serve more of the very poor to keep them from being on the street?

Now that is kind of like saying to me, look, I got a class of students who cannot read. Sure, they will be better off if we put them in a class with some people who can read a little bit better than them, but for those spaces that they are giving to the kids who can read a little bit better than those who cannot read at all, we do not have any place for those people to go.

It is a no-win argument, and that is what this bill does. It puts us in a no-win situation. And all the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is doing is saying, look, we buy into the notion that it is a good thing to integrate housing economically, to have a mix of economic incomes in this housing; that is a good thing. But what are they going to do about those people who are forced out of public housing or subsidized housing who do not have anywhere to go other than homelessness? And that is what this is about.

We are in a no-win situation. We need to be allocating some more dollars to subsidized housing. We do not have enough. The numbers said that what are we serving; but what is the number of housing units, Mr. Ranking Member, that we are underserving?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. There are about 16 million people that are eligible for public housing, and there are only about 4½ million people that are actually getting served in terms of families.

Mr. WATT of North Carolina. So I mean what are we arguing about here? The question is are we going to give working poor people a little more help and let some people go out on the street and increase homelessness, and that is what this bill does, or are we going to cut the equation some other way, as Mr. KENNEDY's amendment would do it, and I do not like either approach. But, Mr. Chairman, as between the two I certainly support Mr. KENNEDY's approach.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I must recognize with disappointment and chagrin the

drastic impact that this bill will have on a nation's commitment to providing a decent, a safe, and an affordable place to live for those most in need. Our Republican colleagues charge that the debate should focus only on such a commitment and how it cannot be met under their budget and with scarcer Federal resources, yet they neglect the essential component of the debate on housing, the unassisted American families who have dire need for housing.

Mr. Chairman, these families are shut out of the private rental market because of the difficulty, in some cities the economic impossibility, for private owners to provide rental housing that is affordable to the poor. They are single-parent families supported by one minimum wage earner struggling to meet day care and juggling overlapping schedules. They are two-parent families who have suffered job displacement or trying to find a new job in order to support their families. They are the families at the bottom of the income ladder but who are grasping onto the ladder with two hands, struggling to reach the next rung.

Mr. Chairman, if my colleagues and I do not rise up and support the Kennedy amendment, we will have effectively pulled the ladder out from under that vulnerable family because we all know that a person cannot find employment if he or she has no home, no place of address, no phone, and we all know that a person cannot achieve in a job if he or she lives in unstable housing where children are in danger due to the unsafe living conditions and where the families' health and nutrition is suffering because their rent is eating up, literally speaking, all of their disposable income.

Obviously, there are wise policy reasons to provide affordable housing to those in need, but the next question to ask is, can we meet the needs of those families by targeting our public and assisted housing program as the gentleman from Massachusetts [Mr. KENNEDY] strongly suggests? Probably not, but we can meet those needs much better under the gentleman's amendment than under H.R. 2. The gentleman's amendment preserves a majority of housing assistance for those who need the most but balances that policy by also reserving housing assistance for those at relatively higher income levels in an effort to avoid the economic ghettoizing of the past.

Again, the need for subsidized housing is extremely great. Last year in a study released by HUD, we learned that 70 percent of the families at 30 percent or below the median area income has been and have suffered severe housing needs, meaning those families are living in substandard, unsafe, or are paying more than 50 percent of their disposable income to rent, or both. Yet we are reducing, even with the advances made by Mr. Kennedy's amendment, the availability of subsidized housing for those people in the name of economic integration. So we already will be keeping more families on the streets, reconcentrated in homeless shelters, or doubled up in the worst housing available.

But if this Congress fails the Kennedy amendment, the number of needy families without housing alternatives will grow by leaps and bounds, and all the good intentions of moving people to work and encouraging self-sufficiency will never be realized because people need stability in housing and sufficient disposable income to have the capability, let alone the wherewithal, to achieve, to succeed and be always grasping for the next rung on that ladder.

For all these reasons it is incumbent upon us to support the amendment of the gentleman from Massachusetts, [Mr. KENNEDY].

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words, and I yield to my distinguished colleague, the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to thank my friend, the distinguished chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH] for yielding me the time, and I want to point the Houses's attention, if I can, to this diagram in response to the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

If we look over here at this diagram, we see over time, since 1992, how the average income in public housing has dramatically declined. This is not unique to one city or one community around the country. It is a generalization across the country that the median income for people living in public housing has dropped precipitously.

We see right over here from about 1980 until today the average median income in public housing has dropped from about 35 percent to about 17 percent, and as we see this line plummet down, so too could we track the downward trend in many low-income communities that have public housing around them; so too could we track the fact that basic services have been fleeing the low-income neighborhoods.

The gentlewoman from California was bemoaning the fact that there were not basic services. Mr. Chairman, the reason there is not basic services is because we have forced out the working poor from these very neighborhoods. That is why there are not enough people to support the local grocery store, that is why there is not enough people to support the local laundromat, that is why there is not enough people to ensure that we have basic banking services over here.

What we are talking about in H.R. 2 is to provide maximum flexibility to local communities while still assuring that the poorest of the poor are taken care of, because at least 35 percent of the units must be reserved for people at the lowest end of the economic ladder, below 30 percent of median income. But in this bill we say that no housing authority will be asked not to dedicate all of its units, if it wanted to, to people who are very poor, below 30 percent of median income. What we are trying to do is match our words and our rhetoric with our actions.

We are for mixed income, we are for keeping the working poor in public housing; we are not for punishing them. That is why we want to change the rent-setting rules. We are for local flexibility. This is very much about ensuring that the working poor can stay in there.

And let me say a few examples here. In Massachusetts in eight metropolitan counties families of four with two parents working full time making a $1.51 more than minimum wage will have to compete for 10 percent of public housing units if this amendment is adopted.

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In Vermont, in 11 counties, a family of four with both parents working, making only 26 cents greater than minimum wage, will compete for only 10 percent. In Providence and in many counties in Rhode Island, the same families making $1.51 more than minimum wage will have to compete for 10 percent of the public housing units.

We are here to say that just because one is working does not mean that one ought to be biased against, it does not mean that one ought to be punished. We want to build that social capital capacity in public housing. We want to ensure that there are role models. We want to make sure that we do not force the working poor out, the people of modest income, simply because they have a job.

Mr. Chairman, back in 1968 under the Great Society when Lyndon Johnson was President, he signed into law a piece of legislation that would have targeted our resources to those people not making below 80 percent of median income, which is an absolute ceiling in our bill, but below 90 percent of median income.

However, what have we done over the years? This Congress year after year has said that there is more wisdom in Washington and we are going to impose more Federal preferences, and we are going to concentrate more poverty and we are going to drive more poor working people out of public housing and out of the inner city. So now we have doughnuts. We have decay in some inner city neighborhoods and we have the working poor, that would be stability, that would be the bedrocks of the community, moving out into the suburban areas.

We are trying to get that synergy of having the working poor and the poor live side by side because we think it is the right environment to help the very poor, because we know there is never going to be enough money, there will never be enough money to rebuild every building.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

Mr. LEACH. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. DAVIS of Illinois. Mr. Chairman, reserving the right to object——

Mr. LEACH. Mr. Chairman, I withdraw my unanimous consent request.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

In fact, Mr. Chairman, this is about building that type of synergy. This is about ensuring that we reconnect, reconnect people with their civic duty, reconnect the working class with the people that are unemployed. We are not saying that people who are unemployed are not worthy of public housing; we are just saying where we have concentrated the unemployed, the people of very low incomes in certain communities, it has proven to be disastrous.

That is why virtually every public housing authority across the country and every large public housing association that represents housing authorities that work with these tenants are in support of more local flexibility, are in support of our approach.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. The gentleman was talking about all of this local flexibility we are giving. I would ask the gentleman, where was that argument when we were talking about the local flexibility that we were trying to give them under the last section of the bill?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, there is absolute local flexibility in terms of community work requirement. Any tenant and any housing authority can choose any number of ways in which they can fulfill that requirement.

This is basically about ensuring flexibility. This is putting your money where your mouth is. We have heard a lot of talk in this city about getting to mixed income, and when it comes down to the votes and doing something about it, people run and hide or they demagogue.

In fact, do not take my word for it. Listen to the housing authorities, the people who are rolling up their sleeves, who are doing this hard work month after month, year after year. They are asking for this. Even the best-run housing authorities in the country are finding that they are getting swamped by the social services needs when we concentrate, super concentrate poverty in some of our Nation's communities.

So we find the streets in Chicago with 4½ straight miles of public housing where virtually everybody is unemployed. What happens in that area? How many stores are in that area? How many banks are in that area? How many laundromats are in that area? There are none. I have been there, and the reason is that we have forced out the working poor that would support those basic services, that would help create the type of environment that we want for every American child.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think the gentleman from New York [Mr. LAZIO] has a very interesting chart, and I would just like to bring the attention of the gentleman to the chart that we brought.

The truth is that we believe in a lot of the rhetoric that the gentleman has just talked about. What I would like to point out to the gentleman from New York is that under our proposal, we are not suggesting that we continue public housing at 17 percent of median income. We are allowing, under the Democratic alternative, we would allow that the amendment that is before us, over the period of 10 years we would go to a 50–50 mix.

All I am trying to suggest is that it is not just because of the Federal preferences, it is not just because of the directives that have come from the Federal Government; it is because the sheer number of very poor people in this country has grown so substantially. I just think we have to deal with that issue.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, the issue is not just the amount of poor people, because we have quadrupled our spending in housing since 1980. This is not just about money. This is about basic management, about creating the right incentives, about ensuring that we have mixed income.

If I can just finish, if I could just finish my thought to the gentleman from Massachusetts [Mr. KENNEDY], the real controversy that we have here is that while we say we are for mixed income, we say we are for keeping the working poor in public housing, the net effect of the gentleman's amendment, if it is adopted, is to condemn another generation of residents, of young people, to live in that same area, the same environment of super concentrations of poverty.

That is happening here in our own Nation's Capital. We do not think we can take another year like this. We do not think we can take another 5 years, we surely do not think we can take another 10 years like this.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. There is a long, long waiting list to get into public housing, very poor people. What does the gentleman propose to do with those people? The gentleman is saying that he does not want them condemned to public housing. The alternative is to condemn them to the streets.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, we are going to spend over half of the additional spending in this budget deal on low-income housing. In addition, we spent over $1 billion on the homeless, which we will again.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was just thinking that if H.R. 2 is a friend of the working poor, then I am certain that the people in Robert Taylor, Henry Horner and Cabrini Green, and some other places that I know, would say, ''Do not send me any enemies.''

The more I listen to the debate, the more I am firmly convinced that no matter what the intent, no matter what the hope, no matter what the most basic desire, I am convinced that the outcome of H.R. 2 would become a part of the continuing attack on the poor, would become a part of continuing to strip the poor people of this country of their last ounce of dignity.

That is why I rise to support the Kennedy amendment, because it attempts and it does restore some of that basic humaneness to public housing, in the public housing act in this country. It contains the kind of flexibility that is needed, that will allow people to work and remain in public housing. Everybody that works does not necessarily earn enough money not to need a subsidy. That is why we need a minimum wage that gives people a livable wage.

So this amendment attempts to say to America that we do not necessarily have to try and throw out the baby with the bath water every time we attempt to correct something.

I would agree with those who suggest that public housing is in need of reform. I would agree with those who suggest that it is laudable for people to volunteer. As a matter of fact, I come from a history of volunteerism, so much so that people generally do not know the difference between what they do for work, what they do for pay, and what they do because it needs to be done.

However, when we force people, when we take away their pride, we take away their dignity, we take away their most basic and most human of all instincts, and that is to make decisions for themselves.

So I would hope that after the dust settles, after all is said and done, that we will come to our senses and realize that if America is to ever be the one America that we talk about it being, then we have to say to all of its citizens that no matter what their status, we will look after their interests; no matter what their status, we believe that they can live with dignity and they can live with pride.

So I would hope that we would vote for the Kennedy amendment, that we would restore dignity, pride and meaning to the public housing act in this country.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, let me just take a minute and commend the gentleman from Illinois [Mr. DAVIS] for the powerful words that he has spoken and for the manner in which he has spoken them. A lot of us have been involved in this debate for 2 or 3 days now, and some of us may be losing perspective, but the gentleman was right on point.

I am fascinated by the argument that our chairman of the subcommittee has used with this chart here, because as I recall, all of us supported what we call scattered-site housing. To hear my Republican colleagues now come back and say that by encouraging scattered-site housing and the movement out to the suburbs, all of a sudden we have created the problem now where we have public housing that has an over-concentration of the very poor, is amazing to me.

We did not create this problem; the problem got created because we have too many poor people in this country and not enough public housing, not enough housing for people whether they are very poor or whether they are the working poor.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DAVIS] has expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. DAVIS of Illinois was allowed to proceed for 30 additional seconds.)

Mr. DAVIS of Illinois. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for continuing to yield.

This whole notion that somehow we should just turn our backs on the poorest people in this country and let them go to the street, then I guess the next thing beyond this policy that is in this bill is they will be back in here a couple of years from now saying, well, we put all of these people on the street now, and now it is your fault because we were all trying to do something good.

Well, all of us are trying to do something good here. All of us are trying to do something good, and this holier than thou attitude, we have the right bill, we have the right cause, we are wrapping ourselves in the flag, is just ridiculous, and we should not be going through that in this body.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very important to say that we do not believe we have all of the answers. All we have is the belief that what we have today simply does not work. We may well come back here, despite the chairman's best effort, next Congress and say, ''Hey, guys, this did not do it. We're going to have to make some changes in the way we've tried it.''

□ 1945

It was President Roosevelt who said, ''We owe it to the American people to do bold things and try it, and and if they fail to work, come back, acknowledge it, and try again.''

But to stand here together tonight after quadrupling the budget for housing four times over since 1980, I understand that the deal made in the budget, which I was not part of, of the $70 billion in discretionary spending, some $37 million is allocated to section 8 certificates over the next 5 years, with the effort made, honestly and frankly, to pour money into programs.

I will give the Members one that I do know, the section 235 program some years ago, an interest rate buydown program that allowed families to move in with interest rate subsidies, into homes. It was a good idea on paper. It did not work. People were taken from a poor public housing environment and placed into home ownership responsibilities. It was a disaster. The program was canceled because we did not do anything but provide for money.

This is more than just providing money. These are human beings. I listened to a Member earlier talk about the conditions in public housing. She is right: Dirty halls, doors off apartments where single women with children live. There was a suit at Desire Street housing project; a kid fell out of a window from a second story, was permanently disabled, and the window did not even have glass, did not have a frame, there was a hole in the wall. It had been reported to the housing authority for years.

Money spent on fire and smoke detectors; they were put in a warehouse, kept locked up for years, and a family died, the whole family. They have a lawsuit filed claiming damages against the housing authority. They still have not been paid. It is an outrage. It is an absolute outrage.

I share the frustrations some Members have on this side with our belief that by requiring people to work, by mixing families together of a different background and income level, that by counseling people with these silly schemes, that all this stuff is just simply going to make it worse. I do not believe that. I simply do not believe that.

What I know is what we have. It does not work. We need to take people who cannot read and give them an opportunity to learn, people who do not have job skills, and teach them how to work; people who have job skills, we need to get them into the community and do something where they live. There is nothing wrong with that.

But to say that we are going to allow more working poor into a public housing unit and bring their meager paycheck, despite the fact many call them rich, I cannot imagine raising a family of four in a city of New York on $30,000. I am sure people do it, but it has to be tough.

We are going to say to those people, no, you cannot come in and bring your families; and dads who go to work in the morning, and moms who stay home and try to take care of the kids, and kids, by the way, who go to school? You can run into individuals in public housing today, little kids, they have given up. That is why 13-year-olds shoot other 13-year-olds for tennis shoes, my friends, because they do not believe tomorrow will be any better than today. It is a terrible circumstance.

What I am suggesting is that taking the bold steps we take here tonight may not be the answer, but it has got to be better than what we have been doing for the last decade. Let us give it a try.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I know we have now twice heard the argument that the budget deal is going to give all this money for section 8's. My understanding is that it is simply a renewal of the existing section 8's. That was originally cited as an answer to the question of the gentleman from North Carolina [Mr. WATT], when poor people are excluded from this because of the retargeting, where will they go? And the gentleman from New York said, well, we are giving all this money to section 8's. But that is to continue the existing section 8's. That is renewal. It does not add one unit. It prevents the loss of units. It does not add units.

I would say to the gentleman from Louisiana, I do not think there are solutions to these problems that exclude greater resources. I do not think you can counsel people into filling a hole in the wall.

Mr. BAKER. If I may reclaim my time, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, when they talk about the budget deal, are they talking about the renewal of section 8's? And does the gentleman really consider the renewal of section 8's new resources for housing?

Mr. BAKER. I will respond to the gentleman on the housing information.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. WATT of North Carolina and by unanimous consent, Mr. BAKER was allowed to proceed for 3 additional minutes.)

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, let me say, when we spend $37 billion additional dollars, which is over half of the increase in discretionary spending, to meet the needs for affordable housing where we subsidize units that does not run with the people, that means every time somebody vacates that unit, it opens up for new people to come in and to get the benefit of that

assisted housing. So it means that literally tens of thousands of Americans, in addition to who we are serving right now, will be able to get the benefit of that situation.

Mr. BAKER. Reclaiming my time just for a moment, I would simply make the point the gentleman's view is that more money is the answer. My view is more money has not been the answer. I think that is one of the issues.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. More money is part of the answer. When we are worried about the military, more money is the answer. When we are worried about space, more money is the answer. Money only gets denigrated when it is poor people who may get some.

I would also say to the gentleman from New York, first of all, we are talking about section 8, not public housing.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. BAKER was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we are talking about the same number of section 8s. Yes, we are talking about renewing the existing section 8s. I am willing to bet most people who heard the gentleman when he talked about all this new money in the budget deal thought he was talking about new units. We now have a big waiting list. Maintaining the same number of units, preventing them from dropping, is not going to eat into the waiting list.

Mr. BAKER. Reclaiming my time, I would simply like to address the point that the question of more money has been demonstrated not necessarily always to be the answer, whether it is defense or whether it is any other appropriations measure. I think that is what the balanced budget deal is all about.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, let me make two quick points. No. 1, I want to tell the gentleman how much I respect the fact that he acknowledged he does not have the perfect solution.

Mr. BAKER. I have not heard one, either.

Mr. WATT of North Carolina. We are all interested in finding a better solution. I think one of the things we have been hearing over and over again is this bill is so perfect we cannot do anything to it to amend it and make it better. That is a bad, bad attitude about it.

Mr. BAKER. Mr. Chairman, if I could reclaim my time, I do believe the chairman did agree to amendments tonight, without objection, that were enhancements, so we are getting there.

Mr. WATT of North Carolina. If the gentleman will continue to yield, the second point I want to make is I understand that we try things. I have children and I tell them, hey, do not do this, you are making a mistake. Sometimes they have to go out and learn for themselves. But if you know that you have all these people on the waiting list with no housing for them——

Mr. BAKER. That is today.

Mr. WATT of North Carolina. And there is no place for them to go but either public housing or to the street; what is the answer? There is nothing in this bill that is addressing that.

Mr. BAKER. If I could reclaim my time, what the gentleman is suggesting, that we have people waiting today who cannot get access to housing, that is a tragedy, I agree. What I am saying is let us create a better environment where we do have public housing by enhancing the conditions for those who must live there. Certainly we have an unmet need, but let us do both.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. KENNEDY of Massachusetts and by unanimous consent, Mr. BAKER was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to clarify some of the numbers utilized here this evening. First and foremost, we hear time and time again references back to 1980. I would point out to the gentleman from Louisiana as well as to the gentleman from New York that this country in 1980 spent $30 billion on affordable housing, and built over 300,000 new units of affordable housing for poor people in that year.

Prior to 1980 in this country we did not see a lot of homelessness, because we had a housing policy where we took care of the housing needs of our very poor. Since 1980, since Ronald Reagan was elected President, the housing budget in this country has been slashed and beaten unlike any other in the entire Federal budget. That is a decline. That is why we have the homeless.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I want to establish that the idea that more money and more money and more money is the answer to poverty is contradicted by the chart right behind the gentleman, which shows that since 1982, as median income has been going down, operating subsidies have been going through the roof, and we have not made a dent in poverty. We still have slums that have been subsidized by the Federal Government.

Mr. BAKER. I end where I began. Money is not always the answer.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think that anybody is going to say that money is going to solve all the problems, but I understand why the housing authorities want to have this mixed population move in. The reason they want to have it move in is because, with the pressure on their budgets, they simply cannot afford to run these units if they are only serving poor people, so they have to get rid of the poor people in order to stay within budget, so they have economic pressures to move the poor people, the very people that these programs were designed to serve, out of these units.

I also find it amazingly ironic when we are talking about having mixed populations. I, along with the gentleman from North Carolina [Mr. WATT], agree that it is appropriate to have mixed populations. But I do not think we would be having the same debate that we are having here tonight if the mixed population debate we are talking about was moving these poor people out in the suburbs. Then, all of a sudden, this would not be such a great idea. But somehow, by having them move into these housing projects, it is a different scenario altogether.

I also want to take a moment, with the indulgence of my colleagues on the floor tonight, to address an issue that was raised earlier this evening because it deals with a housing unit in my district; and that is the Hillside housing unit. Earlier this evening, it was represented to this body that the Hillside housing unit is a model for the Nation because it has a work requirement in the lease and that is correct.

That was actually put into the lease, and this will be interesting to my colleagues, at the request of the tenants. The tenants asked that this be included. And it was done because there were literally millions of dollars that were put into the Hillside housing unit in Milwaukee. This is a wonderful housing unit. Incidentally, Oprah Winfrey at one point lived in this housing unit, so that will give Members an indication that it is not a terrible housing unit.

But the irony is, when I was listening to this debate this afternoon, I called the housing unit and I said, ''What's the story? Is this a good provision?'' And they explained to me it was put in at the request of the tenants. And I said, ''Is this something that you are applying to all the other housing units in Milwaukee?'' And they said, ''No, no, no. We are opposed to this mandate.''

The reason they are opposed to this mandate is because, as the gentleman

from North Carolina and the gentleman from Illinois have argued earlier tonight, is that the bureaucratic cost of administering this without any funds from the Federal Government makes it too onerous. So what we have done is we have taken a project that serves 180 families, basically, and we have extrapolated it now to national policy.

My feeling is that, if this is such a great idea, and I believe in local laboratories of democracy we should be doing what we tried to do, and that is give the local units, the local authorities the opportunity to do this, or we should give the tenants themselves the opportunity to do this. But to have this mandated by big brother in Washington I think flies in the face of logic. So I wanted to set the record straight on that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

First of all, let me say to the gentleman from Louisiana and the gentleman from New York that I appreciate their willingness to engage in the colloquies that they have in this debate. I would just like to come back to the fact that we are not suggesting that simply resources alone are enough to solve this problem.

But when the gentleman from New York [Mr. LAZIO] suggests that resources are not an answer to poverty, I would suggest that more money really is an answer to poverty. I think that is the definition of ''poverty'' is not having enough money. But, in any event, I think that what we are trying to suggest on our charts is that nobody wants to perpetuate the status quo, nobody is suggesting that we continue warehousing the very, very poor in these monstrosities where only the very poor live.

We are trying to achieve a glide path so that the very, very poor are not going to be simply thrown out and not have any safety net to take care of them. All I would ask the gentleman is, if he really believes in his heart that this is the correct policy, then how can he pursue this policy without contributing more money to this entire program? If he is suggesting that the answer to public housing is to get more working families involved in public housing, then how does he justify doing that by not taking care of the same number of very poor people that we have in the past by simply abandoning them?

That is essentially what is going to take place under this legislation. So I ask the gentleman from New York, what is he going to do with those very, very poor people who are no longer going to receive any benefit from their government and we have cut the homeless budget at the same time?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I am happy to yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I think what distinguishes us is the fact that, under our program, under this bill, we are hopeful of creating environments where poor people can actually transition out, where we can actually make more availability. We are going to spend more money on the homeless than we ever have in our history this year.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BARRETT] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. BARRETT of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, they are going to transition to where? The gentleman keeps saying they are going to transition to somewhere. He said before, we are going to spend all this money, it is just to renew the section 8, it is these same number of units. And this notion that they are going to transition to somewhere. Where? Oz? Fairyland?

This is out of sight, out of mind to the very poor. Of course we should make these changes. But, essentially, what the gentleman from Long Island [Mr. LAZIO] is saying is, dealing with these very poor people has not worked because they are too hard to deal with and let us start ignoring them and then we can claim success and God knows what will happen to them.

□ 2000

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me.

I think most of us could concede that income mix, H.R. 2's policy is going to be successful in terms of the working poor. The question is, at what price? At what cost? What happens? Do we have 16 million families in 4 million units? That is the problem.

The question is, who are we going to give priority to? My colleague is suggesting giving it to those who have upper income in this particular category, and the fact is that gentleman from Massachusetts' policy would be successful. We can concede that. But the fact is, how do we do it? How do we make that particular transition? I submit that is very important.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Chairman, I would just simply point out that the point I was making earlier is that we have miserable conditions today in two places. We have a waiting line. And we have terrible housing. What we are suggesting is let us try to improve the environment within the resources we have in those housing units. We certainly have a backlog with which we have to deal but that is there today.

My point is, are we going to simply ignore, as some perhaps think is appropriate, the conditions that people must live in now? The answer is no. Let us do something to improve the quality of life there. That is my point.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BARRETT] has again expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. BARRETT of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just point out the fact is that public housing is not the bleak picture that often is being portrayed here where we have some 75 troubled projects which do comprise a significant population of a half million or so people. There are many others that are very successful that are working in my communities, in the gentleman's community. In Milwaukee, public housing is among the best housing for low-income persons. It is working in St. Paul and Minneapolis. It is working in Milwaukee. We do have troubled housing projects some places though. This is the point in terms of what we are talking about here. As we change this so that it works in some of the troubled areas, let us not in fact do it on the backs of the poor. We are creating a class of individuals that are too poor for public housing now.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to make the point that we have suggested that the reason for the problem that my colleague has articulated is because of the concentration of very poor people in public housing. When this argument shifts to the voucher program, we will no longer have the argument that we are simply putting all these poor people together in single projects.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BARRETT] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. BARRETT of Wisconsin was allowed to proceed for 20 additional seconds.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, under the voucher program people will be allowed to go across all city lines, go wherever they want. So whatever arguments my colleague is making today on the project based program or on public housing will not be appropriate to the voucher program which will come up tomorrow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. FRANK OF MASSACHUSETTS.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FRANK of Massachusetts:

Page 102, strike line 1 and all that follows through line 7 on page 104, and insert the following:

SEC. 225. FAMILY RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(b) MINIMUM RENTAL AMOUNT.—Each public housing agency shall require

Page 105, strike line 21 and all that follows through line 19 on page 106.

Page 107, strike ‘‘, except that’’ on line 2 and all that follows through line 5, and insert a period.

Mr. FRANK of Massachusetts. Mr. Chairman, first let me say to the gentleman from Massachusetts, I know he has pointed out that the rationale presented will not apply to section 8, but have no fear, they will come up with one tomorrow night; by tomorrow, overnight, they will come up with a new reason.

Mr. Chairman, this is a further effort to get some of the unnecessary bureaucratic gobbledegook out of this bill.

Last year we debated at length in this bill an effort by the majority to raise the amount of rent that tenants could be forced to pay. The maximum is now 30 percent. The majority was determined to raise it.

I have to say to those Members on the majority side who were here last year and a few on our side who loyally voted with the chairman and supported him on vote after vote to raise the rents, maybe they feel a little bit perturbed that that was all in vain because that part has now been given up. I admire the fact that this bill no longer tries to raise the rents of the poor.

Instead it tries to complicate them unduly and unnecessarily for the low income people and for the housing authorities.

We agreed last year, although I must say the chairman of the subcommittee last year was determined not to be agreed with, when we kept agreeing with him, but we agreed that having the 30 percent be a minimum as well as a maximum was a bad idea. Our amendment last year said it should not be a minimum. It said it should be a maximum.

This amendment says very simply the housing authorities can charge whatever rents they want by whatever method they want as long as that amount does not exceed 30 percent of income.

The chairman of the subcommittee is fond of having a flat rent charged for apartments. What this bill does, and it takes about five or seven pages to do it, it once again orders the housing authority to engage in a very complicated choice process. It says the housing authority will set a flat rent for the unit, and it will have a 30-percent maximum rent. And then it will have the tenant choose each year which one he wants. But if the tenant has chosen the flat rent and the tenant’s income goes down, then the tenant can be given a hardship exemption. If the tenant has chosen the 30 percent and the tenant’s income goes up, then she has an 18-month phase-in, and during the 18-month phase-in she has a 12-month reelection period.

It is a seven-page complication, frankly, I think to save a little bit of face because the chairman was determined to take a nick out of the Brook amendment. And they decided last year they had taken the wrong nick. But there are seven pages of complication.

Once again, it orders it to every housing authority. The chairman is a fan of the flat rent method. Let the housing authorities decide. That might be appropriate for some housing authorities. It might be too difficult for others.

This amendment that I offer allows them to do that. It says to the housing authorities: You do whatever you want. If you want to tie it to income with a 30 percent cap, you can do that. If you want to give them a choice between a flat rent and a 30 percent, you can do that.

Are we now deciding that everywhere in the United States in every type of project there is this one method that works and that has to be done, and it is a method where you choose either a flat rent or a percentage of your income every year? But there is a way to get out of one and there is a way to get out of another, and it is, once again, piling on a complication. It is about the third or fourth additional mandate that we put on the housing authorities.

The alternative seems to me to be very simple. It says: No, there is no minimum. If you want to have a work incentive, you can have that. If you want to have a flat rent, you can have that. If you want to put a top of 20 percent, you can have that. You can do, as the housing authority, anything you want. You might decide for different tenants different things work.

The housing authorities might even want to experiment. My friend from Louisiana talked about the importance of experiments. Are we the only ones who can experiment? I do not think that is the best way to experiment. Why not give the housing authorities flexibility and let various housing authorities experiment with different types of rents rather than take the pet project of the chairman, which is this very complicated system. I hope, Mr. Chairman, that Members, before voting on this, will have a chance to read these seven pages.

In fact maybe instead of a vote on this we should have a test. And we will have a test on that. And if a majority of the Members can understand it and explain it, then we will have it enacted. And if a majority of the Members cannot, we will not have it enacted.

I have another provision that I want to suggest to my colleagues. They said that the tenants really want the work requirement and the tenants want the self-sufficiency.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, I am going to propose an amendment later on that we have a tenants’ referendum on these things. I do not doubt the sincerity of my colleagues in insisting that the work requirement and the self-sufficiency contract are really what the tenants want. They should want the tenants then to have a referendum on this because that would show how much they want it. And instead of this extraordinarily complicated seven-page scheme, why not simply say to the housing authorities: You can do flat rent if you want. You can do per unit rent. You can do a rent tied to income. The only thing you cannot do is go above 30 percent.

That is what this amendment says.

Mr. GONZALEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to state my strong unequivocal support for the Frank amendment. It is simple. It is fair. And it is a reasonable compromise to the provisions of H.R. 2. It protects many of the Nation’s most vulnerable from excessive rents. The Frank amendment caps, it does not set, income based rents at 30 percent of income. It provides for rent reform with ceiling rents and income disallowances. It allows the public housing authorities the flexibility to establish flat rent subsidies and eliminate the disincentives to earn additional income, just as the gentleman from New York [Mr. LAZIO] wants. And it requires the PHA’s to establish market disciplines that are important to managing real estate and that rightfully are important to the chairman.

It does not permit PHA’s to charge public housing residents flat rents that are higher than 30 percent of their limited incomes, as the Lazio provisions would permit and, along with other provisions of the bill, would encourage.

I believe that the provisions of H.R. 2 would tend to encourage flat rents set far higher than 30 percent of most of the public housing tenants' incomes, because the rents are to reflect market rents, not operating costs.

The Frank approach would tend to encourage rents set that were affordable to the overwhelming majority of the public housing residents, those whose incomes are 30 percent of median income.

I would like to remind the House of a few facts. Currently the average monthly rent paid by all public housing residents is $185, far less than operating costs or most market rents, and 75 percent of all current residents have annual incomes that are less than $10,000. Most public housing residents simply cannot afford to pay rents that equal operating costs or the market.

So the rent choice is hollow, also administratively burdensome and complicated. Few if any residents will choose to pay more than 30 percent of income for rent.

Finally, let me suggest that over time the rent setting methods in H.R. 2 could end up segregating the very poor in the worst and the most rundown developments. PHAs would direct families choosing to pay income based rents to those properties where the public housing authorities would lose the least money, and those who would agree to pay the higher flat rents would be steered, that is directed to the better properties. Although unintended, I believe that would be shameful.

I urge my colleagues to support the amendment of the gentleman from Massachusetts [Mr. FRANK]. It is a fair and a sensible compromise.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am delighted to have the support of a man who has done more for public housing, I believe, than any man who has served in the Congress of the United States, and for the tenants.

I want to point that the complications here are such that some people are going to get trapped by it, and some people are going to wind up paying more than 30 percent of their income because there is a very complicated set of calculations that have to be made. There is also the possibility of coercion. So it is unnecessarily complicated, and it may lead to periods where people will wind up paying more than 30 percent. My amendment says again they have total flexibility but it makes that impossible.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I would like to engage in a colloquy with the chairman of the Subcommittee on Housing and Economic Opportunity. We worked on this, on a version of this amendment last year. And the chairman has, I think, shown great leadership by changing the amendment that was offered last year and recognizing the fact that we both have in common the desire to take away work disincentives.

I believe that the amendment that the gentleman from Massachusetts [Mr. FRANK has offered has not only the benefit of getting rid of the work disincentive but it also creates another perverse aspect of what is currently contained in H.R. 2. I would appreciate it if the gentleman from New York would explain how this concern is going to be dealt with.

□ 2015

Under the bill as it is currently written, it seems that there would be an incentive by an individual who is in public housing, that has an opportunity to move to a housing authority's building that happens to be better than the building that they are currently in, if they have a little bit of additional income and they can pay above 30 percent in order to choose a better unit in another housing project, and because of the last debate, where the gentleman indicated his desire for public housing to have a greater mix of working families, our concern, and I think the amendment of gentleman from Massachusetts [Mr. FRANK], gets at what will in fact be a disincentive for those working families to go to some of the worst housing projects.

If part of our solution of fixing some of these bad housing projects is to get more working families to go there, and if we have, however, in the bill an incentive that says, listen, if they are willing to actually pay 35 percent of their income, and then they get to go to a better housing project, does the gentleman not feel that we have in fact, not intentionally, but in a sort of in a quirk of the law, created a disincentive for the very projects that the gentleman wants to improve?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would say firstly that the object of H.R. 2 is to make sure there are no bad housing complexes.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, I was not interested in going into a long debate on all the benefits of the gentleman's bill. I wanted to understand how he was going to fix this problem we are trying to deal with.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman that it is a valid point; that we are looking to ensure that we do not have any bad housing.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would be glad to have my amendment say that this does not take effect until we have no bad housing projects. Once that happens, then this could take effect.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, first of all, I would say to the gentleman from Massachusetts [Mr. FRANK] that I would be willing to buy into his last comment.

I would say also, that just as in the case with poor people or the working poor that are in nonpublic housing, those people that have the ability to make a choice to move into another public housing unit, when one becomes vacant, will probably exercise that choice, and that is great.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, what we are trying to suggest is that the gentleman has created a perverse incentive that will actually funnel people away from the housing projects that perhaps are undesirable and leave those to the very poor, which will make them not better but, over a period of time, will create the warehousing effect that the gentleman has just said for the last hour and a half he is opposed to.

So what we have here is a situation where the gentleman is saying he is opposed to the warehousing effect, but what he is really going to do is he is going to back door the warehouse effect by virtue of the fact that he has created an incentive for anybody that has enough income to pay a little bit above 30 percent where some of that money will stick to the back pocket of the housing authority. So the housing authority now has an incentive to get the people into the better housing projects.

So we end up with, I think, a very perverse consequence to the provisions the gentleman has included in this bill. And I think the amendment of the gentleman from Massachusetts [Mr. FRANK] gets to the heart of that, which is we should just go back to the plain old Brooke amendment, which the Republican Senator wrote several years ago, and it seems to have worked very well.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman that the other choice that somebody has who is in public housing that does not like their unit is to leave public housing altogether, which would serve as it does right now to continue to concentrate the poor.

The discussion is whether to retain what we have right now, which taxes work and punishes working families, or to give them some other options and choices.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, here

again we have the situation where what we say is we are going to punish the poor and reward people that have a little bit more money. It is a perverse way of handling and dealing with a substantive problem.

Mr. TOWNS. Mr. Chairman. I rise today to express my deep concern about the future of families living in America's public housing developments. H.R. 2, the Housing Opportunity and Responsibility Act, represents a dramatic restructuring of public housing that will have consequences, perhaps unintended and detrimental to the millions of Americans the programs were intended to serve. I am especially concerned because this bill includes a section which would repeal the income-based rent cap of 30 percent in public housing, otherwise known as the Brooke Amendment.

In the borough of Brooklyn, which includes the 10th Congressional District which I represent, there are at least 33,485 public housing units—the second largest in New York City, and one of the largest in the Nation. A repeal of this rent cap, which has assisted families for decades, would lead to rent increases for numerous public housing residents and to further segregation for the poor. At a time when our Nation is facing an affordable housing crisis in which 5.3 million people are living under the worst housing conditions—paying more than 50 percent of their income in rent or living under substandard or deplorable conditions, this amounts to an outright abandonment of our commitment to adequate housing for poor and working class citizens.

Reform can be positive or negative. While I agree with my colleagues that our public housing system is in great need of comprehensive reform, I believe it is essential in any reform of public housing that we keep income-based rent at a 30 percent cap. Eliminating these provisions will exacerbate this affordable housing crisis by either forcing families into homelessness or causing them to forego basic human necessities such as clothing, food, and health care. About two-thirds of the families who would be affected by this provision would be families with children, including elderly grandparents raising their grandchildren. I also believe that in this time of fiscal restraint, Federal housing dollars should be targeted to those with the greatest need. According to HUD's study released in March 1996, Rental Housing Units at the Crossroads, 70 percent of the families below 30 percent of the area's median income have severe housing needs. Congress should pass a comprehensive housing reform bill that is responsive to Americans who are in need of housing assistance. I remain hopeful that the full House of Representatives will make further improvements to this bill.

The long history of public housing has many successes to its credit, and the lifting of current 30 percent rent cap will ultimately do more harm than good. I urge the adoption of the Frank amendment which would maintain a 30 percent rent cap.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

Are there further amendments to title II?

AMENDMENT NO. 46 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment, No. 46.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. KENNEDY of Massachusetts:

Page 164, strike lines 1 through 4 and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(A) $500,000,000, which shall be available only for use for activities under paragraphs (1), (2), and (3) of subsection (a); and

(B) such sums as may be necessary, which shall be available only for use for activities under subsection (a)(4).

Page 173, strike lines 8 through 13 and insert the following:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $3,700,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

(5) OPERATING FUND.—For the allocations from the operating fund for grants—

(A) $3,200,000,000 for fiscal year 1998; and

(B) for each of fiscal years 1999, 2000, 2001, and 2002, such sums as may be necessary to provide each eligible public housing agency with the full amount determined under the formula under section 204(c)(2) or 204(d)(1), as applicable, for such agency to cover operating expenses for the agency.

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment goes to the basic issue of funding. Now, we have heard an awful lot of rhetoric this evening about how funding itself is not the major problem with public housing, it is not the major problem with poverty, but the truth of the matter is what we end up doing as a consequence of our condemnation of all these terrible public housing units is to then cut funding from almost $29 billion to just over $20 billion.

And I do not suggest for one moment that it is just the other side of the aisle that is guilty of this reaction, the truth of the matter is that the administration has come in with a budget that far underfunds the necessary, I think, levels that are required if we are going to actually deal with the issue of homelessness and shelter for our poor.

This amendment suggests that we do have the funds to achieve that in this country. We seem unwilling to take that money from other areas of the Government. When the Pentagon comes in last year and suggests that they want an additional request over and above what the Joint Chiefs of Staff requested on their behalf, we say here, here is $14 billion more than you even requested.

But when it comes to public housing, when it comes to the housing programs of this country, what we do is say, oh gosh, public housing is in terrible shape. What is our reaction? We cut it. We say, gosh, if we want to improve public housing in America, the best thing we can do is go out and cut funding for it.

I am not trying to suggest that the answer to getting people out of poverty at all times is to just give them money, but I would certainly suggest if we want to deal with homeless people on the street—I was out in California a couple of weeks ago, 2 or 3 weeks ago, and I was driving through one of the wealthiest sections of America, down through the streets of Beverly Hills, the most incredible palaces we have built in the United States of America. And all the people are walking around looking at all the stars' homes, and it is an absolutely lavish kind of neighborhood. And yet there was something astounding; that on almost every lawn of that neighborhood there was a homeless person lying on the grass.

My colleagues, we have a problem in this country where we have not built housing for the poor. Over the course of the last several years we have seen the number of housing units that we have not built because we have not provided funding to go to about three or four million units. If we take the number of housing units that stopped being built going back in 1980, which is about when we saw the rise in homelessness in America, we will find that, if we add up all those numbers, we did not build about three to four million housing units.

Over that same period of time, if we go to talk to the people of our country that work with the homeless families in America, we will find that their best estimates are that there are about three or four million people in this country. The two are directly related.

We must not have a direct policy in our Nation of not providing funding for the housing needs of our people, of our very poor people. I would love to say that every poor person in America is going to be able to go out and become a computer programmer. In my heart I do not believe that is the case. There are going to be people that this country has to take care of, and we have to find it within our souls, within our own compassion to say that is worth our investment.

This will not break the budget of America. Nobody is suggesting that the United States does not have the resources to accomplish this. We can cut a little bit of corporate welfare that we so lavishly provide all the big corporations of our country, that we provide to all the B–2 bombers and the F–22 and every other major weapon system that we say are so vital to our national security even though the cold war has ended.

What we want to suggest in this amendment is that when the public housing authorities and HUD come in and tell us that they need $3.2 billion for their operating subsidies and we are

only giving them $2.9 billion, and as the gentleman from Massachusetts, Mr. FRANK, and others have indicated, we will then load up that $2.9 billion with $65 million for this program or other millions of dollars for that program, the truth of the matter is we are stripping away the very capability of these housing authorities to serve the very people we are asking them to.

So what do we do? We say to the housing authorities, well, that is OK. Since we are not giving you the money to be able to take care of the poor, you can just take in a few more of the richer poor people and you can jack up the rents on those you are taking in and, therefore, some more money will stick to your back pockets. We do not care what happened to the poor, because now we can say, oh, gosh, look at that; is that not a wonderfully beautiful public housing program? And, gee, we must have done a terrific job in the Congress of the United States because, boy, do we have great looking public housing.

We will not do a darn bit to take care of the very poor.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, we will not really take care of the poor, we are not going to take care of the homelessness. In fact, we will cut homeless people by 26 percent, we will cut the housing budget by 25 percent, and we will come in and nickel and dime them and scold them a few times and tell them a few more things to do with themselves, but we are sure as heck not going to give them any more money.

And, boy, if somebody stands up on the House floor and suggests maybe we should be putting enough money in to actually take care of these people, we say, oh, they just want to throw money at all the problems, and throwing money at poverty is not going to solve it. Well, I want to say to the gentleman that if we want to make public housing work for the people of this country, we ought to provide the operating subsidies that HUD as well as the housing authorities suggest that they need in order to be able to survive. And we should provide the capital grants that are necessary not only to continue the existing public housing but to improve that public housing.

If we do not put money into these projects, into these well run-down projects and help them rebuild themselves, how the heck will they ever actually get better? We have to put money into them. There have been very successful programs that have rebuilt these large public housing units, have created tenant ownership and done wonderful things. We need to provide the operating subsidies and the capital grants.

Mr. SOLOMON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I was upstairs in my Rules office and I was listening to this debate while preparing a juvenile justice rule to bring to the floor here in a few minutes, but I was disturbed when I heard where this funding might come from, from the increases with the Kennedy amendment.

As I read the amendment, it says the amendment to section 282 (1) and (2) would increase authorization levels for the capital fund from $2.5 billion to $3.7 billion. Now, that is a $1.2 billion increase. And then it would, at the same time, increase the level of funding for operating subsidies from $2.9 billion to $3.2 billion. That is an increase of $300 million, as I am reading here.

I would just say to my good friend from Massachusetts, I have for years fought for the decent funding for the Department of Veterans Affairs. It was my legislation which created it, took it from being the Veterans Administration to a full Department of Veterans Affairs because they were not being funded properly.

At the same time, I wanted to try to create a separate subcommittee in the Committee on Appropriations so that the Department of Veterans Affairs would not be funded along with HUD and other independent agencies. The gentleman knows full well if this ever went through, a $1.2 billion increase in the capital fund and the increased level of funding for the operating subsidies, it would come directly out of the hides of veterans in this country. To me that is terribly, terribly irresponsible.

Even the veterans hospitals in Massachusetts, as they are in New York, have been hit by a redistribution of funds, and the gentleman's hospitals in Boston and in Albany, N.Y., and down in Dutchess County have suffered. This would just exacerbate that problem.

So the money comes out of one kitty, one 602(b) allocation, and we have to be very, very careful about where we take this money. This money will not come out of the defense budget, which is grossly underfunded. This will come directly out of Department of Veterans Affairs, HUD and Independent Agencies.

The gentleman is not going to vote to take it out of the Environmental Protection Agency.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield so I can explain to him where I am going to get the money?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, the gentleman understands that I am the No. 2 ranking Democrat on the Committee on Veterans' Affairs, and I would never stand for cutting the veterans programs. So I want to make sure the gentleman understands that. I have fought for them every year since I have been here.

Second, with regards to the issue of how we get these funds, there have been no 602(b) allocation and, in fact, the 602(b) allocation is simply a sham. I would hope the gentleman would support me in an effort to make sure this body, as a Congress of the United States, begins to take back control from the appropriators. And instead of being able to not shift money from the accounts within the Veterans Affairs or the space station or the housing agency, let us go after, and the gentleman can join with me, and maybe we should knock a little bit of that B–2 money out. What would the gentleman say to that? Knock a little of the F–22 out.

□ 2030

Then we ought to knock out a little of those corporate subsidies. We could do that if the gentleman supported me.

Mr. SOLOMON. Reclaiming my time, I ask the gentleman to abide by the rules of the House, please.

I do not know if the gentleman has gone to any recruiting offices around the country or in Massachusetts, but I have. I will tell the gentleman that right now, today, we are suffering because we are not getting a good cross-section of American young men and women enlisting in the military today. Why? Because they are worried about that career. We are going right back to the 1970's when the military families that we are serving were on food stamps, their pay grade was so low. We could not keep noncommissioned officers. We could not keep commissioned officers in the military because of what happened to our military budget.

During the 1980's we went through something called peace through strength and we rebuilt the military, we rebuilt the benefits for these young men and women who are eventually going to become veterans, whether it was from a full career or just having served 3 or 4 years. But we are sliding back.

I can tell the gentleman right now, the money is not going to come out of the defense budget. It is going to come out of that portion of the pie which is set aside for the Department of Veterans Affairs, HUD and independent agencies.

Mr. KENNEDY of Massachusetts. We have got to think big, Mr. Chairman.

Mr. SOLOMON. That is why we ought to defeat the Kennedy amendment on behalf of the veterans of this Nation.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman urged my friend to abide by the rules. It is easy to abide by the rules when one can change them at will, as the gentleman can who is chairman of the Committee on Rules. I would also say I am disappointed in him.

In the first place, he talked about those agencies which are grouped with HUD once the 602(b)s are there, and he said EPA and Veterans and HUD. Did

NASA slip his mind? Was that an unintentional error? I guess it must have been. NASA is one of those agencies. The gentleman left NASA out. Maybe he thought some people might think that a manned space shuttle is less important.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the gentleman ought to check the voting records. I voted to abolish NASA's Space Station program.

Mr. FRANK of Massachusetts. The gentleman may have voted to abolish it, but that does not entitle him to abolish it in his mind and act as if it was abolished. The fact is that the gentleman just said, if you give more money to HUD, it must come under the 602(b) process once an allocation is made from EPA or the Department of Veterans affairs. He left out NASA.

Mr. SOLOMON. Will the gentleman yield?

Mr. FRANK of Massachusetts. No, I will not yield. I would say to the gentleman, as he said to the gentleman from Massachusetts, abide by the rules. I just heard someone say that.

I would say to the gentleman that he unintentionally, I am sure, gave a very inaccurate picture. But even more important is this in this diversionary effort by the gentleman from New York.

Mr. SOLOMON. I insist that the gentleman be good-natured and yield briefly.

Mr. FRANK of Massachusetts. I would say to the gentleman I will not.

The fact is that there has been no 602(b) allocation this year. The fact is that the gentleman from New York comes up here on the wholly inaccurate premise that this must come from HUD, VA, EPA or the unstated NASA, which he has implicitly abolished, but that assumes there has been a 602(b) allocation.

Mr. SOLOMON. My good friend must yield.

Mr. FRANK of Massachusetts. The gentleman seems to have forgotten that his side forgot to do a budget this year. He not only forgot about NASA, he forgot to do a budget. There has been no 602(b) allocation, so his whole argument is nonsensical.

What the gentleman from Massachusetts talked about is more money from HUD. The gentleman from New York said that must come from one of these other agencies, but there has not yet been the basic decision that allocates that money. In fact, if the gentleman's amendment were to pass, we could then have the appropriators or the Committee on the Budget give more money for the whole 602(b) issue. I have never seen an issue of less substance brought forward.

I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I just would like to ask unanimous consent that I correct my remarks and include NASA.

Mr. FRANK of Massachusetts. I would have to say to the gentleman that I only have 5 minutes.

Mr. SOLOMON. And all the other independent agencies.

Mr. FRANK of Massachusetts. I have to say to the gentleman I only have 5 minutes. I do not have enough time for the gentleman to correct all his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRANK of Massachusetts. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Chairman, I do not want to set the precedent because I do not have enough time to entertain all the corrections that would be entailed.

The point is this, however. Money is denigrated whenever poor people are the recipients.

The gentleman from New York just correctly said that it would be very unfortunate for the veterans if they lost money. I agree. One reason I am skeptical about this budget deal is that among the items that will be capped in the budget deal will be the discretionary money for veterans' health, and I am unhappy with that, and I have been in a few veterans' hospitals lately.

When we talk about the military, the gentleman says we need more money. By the way, the gentleman from Massachusetts talked about cutting the B–2 bomber. I do not think that is a big recruiting item. We are told that we need more money for the Veterans Administration if we want to do better for veterans' health, and I agree. We are told we need more money for the military, if we think they are underfunded. I do not.

How come it is only when we talk about benefiting the poor that money somehow becomes irrelevant? Money is not some objectified thing in itself. It is a claim on resources.

What we are saying is a substantial part of the problem with public housing has been a lack of resources. The gentleman from New York said and the gentleman from Louisiana said there are housing authorities that are rotting; they have holes in the windows. Are we going to talk those holes away? Are we going to just give people counseling so that we fix heating systems?

Yes, for a lot of reasons there are serious physical deterioration problems. We are saying to you that all of your self-sufficiency contracts and your 8-hour-a-month work requirements, like them or not, do nothing, nothing to deal with these ongoing serious physical structural problems. The gentleman from Massachusetts is talking seriously about them.

To argue that you are going to transform, in fact, people on the majority side talk about public housing as this terrible, physically rotting sinkhole full of social problems, but somehow more money is irrelevant to dealing with them. It is the only context where poor people are the potential recipients where people on the other side are inclined to denigrate the value of money. When it comes to getting wealthy people to work hard, they need more money. When it comes to defending the country, we need more money. When it comes to health for veterans, we need more money. When it comes to fixing up the admittedly terrible conditions in much of public housing, money somehow becomes irrelevant.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from New York if he so desires, if he has further clarification he would like to make.

Mr. SOLOMON. Mr. Chairman, again my good friend from Massachusetts had said that somehow I left out NASA but I wanted to point out that I did in fact, when there was a vote on the floor about the space station, that I voted to eliminate it. I do not know how the gentleman voted, but I did so because we really did need that money for the veterans budget, that part of the 602(b) allocations.

But there are other issues out there. We have a supplemental budget coming up before us in an appropriation bill sometime this week or next week, and in that is the continued funding for our troops in Bosnia.

Those funds are going to come out of not somewhere else, they are going to come out of the defense budget. It is out of the operation and maintenance of the defense budget and the research and development that it gives our young men and women today the kind of state-of-the-art equipment that, God forbid if they ever have to go into a war, they are going to have. They are going to have night vision goggles so that they can see the enemy and the enemy cannot see them. Those are so terribly important. When you let the defense budget go down to what it has, you jeopardize that.

I have got an amendment, as a matter of fact, to the supplemental appropriations bill that is going to say instead of taking this money out of the operation and maintenance, which means out of housing for these young men and women and their families, we are going to try to take it out of Nunn-Lugar. Do my colleagues know what that is? It pays for the dismantling of defense missile systems in a lot of the former Soviet bloc countries.

Today, for instance, in Ukraine and Kazakhstan, those two countries have already been denuclearized, yet there is over $800 million in the pipeline for this money to be used. We are going to try to transfer that money from Nunn-Lugar and put it into paying for those troops in Bosnia, instead of taking it out of the operation and maintenance budget.

These are the kind of things that we ought to be doing. We ought to be protecting our young men and women, we ought to be providing proper funding so that they can depend on a good, honorable career in the military, and there is

nothing more honorable. It is a lot more honorable career in the military than it is a career in the Congress. I wish I could have had a career in the military instead of in the Congress.

Mr. KENNEDY of Massachusetts. Mr. Chairman, some of us wish the gentleman had stayed in.

Mr. SOLOMON. I tell the gentleman from Massachusetts that I will get into that later on.

Mr. LEACH. If I could reclaim the time, I want to thank the gentleman from New York for his very thoughtful representation to this body as well as defense of the U.S. military and the veteran.

I would only like to make one comment, because in all of this discussion about programmatic grouping, 601(b), 602(b), whatever it may be, the fact of the matter is, the greater relevance is how did the committee come up with the figure? And the figure in this budget is precisely, dollar for dollar the recommendation of the Clinton administration. This committee has worked vigorously and cooperatively with the administration on this housing budget.

I make this point because the figure of the gentleman from Massachusetts is somewhat over 50 percent greater than the majority on the committee has recommended, which means it is 50 percent greater than the administration has requested. There are a lot of things we could do with more money in all sorts of Federal areas.

I, personally, think maybe housing has been a little more short-shrifted than I would like, but the fact of the matter is we are dealing with a budget dilemma. This committee has come up precisely with the administration request, and I know it does not fit all on your side of the aisle, but I would think the committee might well get some appreciation for how closely we have worked with the administration, how hard we have worked to defend a particular dollar level that is their request, and instead the amendments come in calling for 50 percent increases. That makes it pretty difficult to deal with, because it is out of the scope of budget constraints, as we all recognize, and not just this discussion between the veterans' programs and the housing programs.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I did not exclude the Clinton administration from their culpability in this low number on housing allocations. What I wonder is if the gentleman might respond to the idea that the gentleman, as chairman of the Committee on Banking and Financial Services, as someone who has taken a great interest in housing policy over the years, would not in fact take the lead in trying to suggest that the Clinton administration as well as many others have not put enough money into this, and let us at least have the fight on the House floor. Instead of requiring this to be held on the Democratic side, why not come up with a budget that actually meets the needs? Does the gentleman really believe that the housing projects that are in such terrible shape can be brought up to code if they do not have more money?

Mr. LEACH. First, let me respond to the gentleman. We have worked forthrightly to come up with the maximum approach we believe that could receive the majority's support in this body.

Second, I do believe very firmly that there are few areas of Federal programming that have had more glaring mistakes in them than a number of our public housing projects. And I believe that without reform, more money is money down the proverbial difficult hole.

All I can say is that from the majority's perspective, we have worked with the administration to come up with a credible number, with credible reform, and as we come to the floor, each amendment calls either for a return to the status quo or for money outside the budget constraints that have been worked out between the executive branch and Congress. It is in that context that I have a difficult time looking at some of these amendments.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I have to say to my friend with all sincerity, invoking the President is not an argument. Invoking the President, with whom you are free to disagree and disagree frequently, the fact that the gentleman coincide on this one, as the gentleman understands, is not an argument. It does not go to the merits.

Second, I have to say I am sorry to hear the gentleman talk about, oh, it is going to be money down a rathole. In some few places, yes. Nobody here is contesting the strengthening of HUD's ability to take over housing projects. We are all for that. But I will tell the gentleman that I have been to many of the housing authorities in my district and elsewhere, and they are well run; they are not ratholes, and giving them more money is not pouring money down a rathole. The gentleman knows that.

Mr. LEACH. Mr. Chairman, I recapture my time because the gentleman from Iowa has the time.

I would concur with the gentleman that many of these housing projects are very well run. I would like as a Member of Congress to be able to say ''I can double your funds.'' But the fact is we have a totality of constraints placed in this body. Working with the administration may not be an argument in the sense of substance but it is a process circumstance of enormous import to this body that everybody in this body recognizes.

□ 2045

Mr. Chairman, what is being displayed on the floor today is an effort by a part of their wonderful political party that is saying we want to on this program increase substantially the resources as they argue on many other programs, and what the majority side is saying, that somehow there have to be limits when we are dealing with a totality of a budget of the nature we are dealing with.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman further yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. But many of us have also talked about substantial reductions, the space station, the B–2 bomber, areas that we consider——

Mr. LEACH. Mr. Chairman, to recapture my time, because it is my time, I would acknowledge to the gentleman that with the gentleman from New York and the gentleman from Massachusetts I had the same vote on the man orbiting laboratory issue. I also object to the B–2 bomber. And so all of us as individual Members have different judgments, but we have to live within the constraints of what the majority determines as well as the constraints of the executive branch.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. We are in the process, we are in the process of trying to determine what the majority determines. The majority, until it has voted on this, has not spoken yet. But finally I have to say I understand the gentleman can feel beleaguered sometimes when he says he is getting no appreciation for supporting the administration. I think my colleagues have to adopt what Harry Truman said with regard to friendship:

''If you want appreciation in Washington, get a dog.''

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, my belief is that we are an authorizing committee, and as an authorizing committee it is not our responsibility to do the appropriations committees' work. We have a responsibility of telling the appropriators the funding levels that are necessary in

order to achieve the kind of public housing policy that we believe is the right policy. It is up to the appropriators to then come back and tell us that they do not have enough money to do this or that or the other thing, and we have that fight out, and that is the process that the forefathers of this country set out in how they establish the rules of the House.

It seems to me that what has happened here is that we have allowed and that their side of the aisle has allowed the authorizing committees to simply be stifled. There is no debate between authorizers and appropriators any longer. This used to be a fight when the gentleman from Texas [Mr. GONZALEZ] ran this committee. It was a fight, and he put in more money, and we go to the appropriators, and every member of this committee would go before the Committee on Appropriations and fight for the programs that we believed in. That is not existing any longer. It is just that they give us a number and our colleagues accept it.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. LEACH. Mr. Chairman, this gentleman does not accept the statements of the gentleman from Massachusetts. The fact of the matter is it is the responsibility of this committee to work realistically with the budget constraints that exist. The gentleman from Massachusetts [Mr. FRANK] knows very well, and I do not want to reference names, but in the past, bills were introduced in our committee with gigantic pie-in-the-sky numbers, and they never were credibly received in the appropriations process, and they should not have been.

This committee is an authorizing committee, is requesting credibility. It is coming with numbers that we will be defending, numbers that will be accepted, numbers that are supported by the administration, numbers that have realistic relationships with other Federal programs in a budget constraint time, and this committee also is coming with philosophical reform.

The combination of realistic numbers and realistic reform I think gives decent hope that public housing in America can be improved.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am having a little trouble following this debate because it sounds like everybody is saying the same thing, which is that we need more money. At least every once in a while I hear somebody on the other side acknowledge that we need more money, when they are running away from the notion that they are advancing that money will not solve the problem. And so that kind of has my head spinning. Maybe my head is spinning because it is so late tonight, but I keep hearing inconsistent philosophies from my colleagues here.

We were talking about opening new slots for working people and public housing so that working people could rotate out of public housing, and so we went around in a circle on that issue, and then we were talking about we always want to do what the President does, but the truth of the matter is the President does not even support this bill and the President has asked for additional funding for this purpose and our authorizing committee will not even ask for additional funding, even though we all acknowledge that we need the additional funding if we are going to rehabilitate public housing. We were talking about more flexibility for local housing authorities, and yet the bill keeps dictating various requirements from the Federal Government on local housing authorities.

So we are going around in circles that way, and now we are back here saying, hey, we are not going to ask for any more money because we are looking for credibility, and I do not know. What kind of credibility are we looking for? We got 16 million people out here that need housing, we got 4 million units, and nobody is saying we are going to build 12 million more housing units, but surely we need some more housing units and we need to rehabilitate the housing units that are not in good condition. And how are we going to do that if we on the authorizing committee do not take the fight and go to the appropriators and say we know we have got competing demands, we know we got budget constraints, but we need more money for housing in this country because we got 16 million housing families that need housing and we got only 4 million units?

We have got bad housing, which all of us acknowledge, and we need to rehabilitate it, and it seems to me that all of us on both sides have acknowledged that, and why Mr. KENNEDY's amendment would not be deemed a reasonable and good idea in that context I simply do not understand.

Maybe it is too late at night for me to understand. Maybe I have heard too many inconsistent rationales that I cannot understand.

Would the gentleman like for me to yield the balance of my time to him? Maybe he can explain it to me.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding. I think that the heart of this issue is where we believe our resources ought to be spent in this country. I understand that it is not popular to stand up for housing policy and for the homeless and to suggest that, if we even suggest that we want to put more money into homeless and housing issues, that we are going to be castigated as saying that we are maintaining the status quo, we are not willing to change. None of those things are true.

If anybody bothers to read our bill and recognizes that we give broad powers to the Secretary to take back badly-run housing agencies, well-run housing agencies that run badly run projects will also be taken back. We give broad powers, new powers at the local level, to accept many more working families to raise that to a 50/50 ratio over a period of 10 years.

I think that the housing reforms that we have constituted require us to have the faith that if we invest the money in these buildings that we can get them up to code and provide decent and affordable housing for the Nation's poor and vulnerable people, and I appreciate all the work that the gentleman from North Carolina [Mr. WATT] has done on this bill. He has done yeoman's work, and I am very proud to serve in the Congress with him.

Mr. HILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am wondering if the subcommittee chairman would yield for a colloquy on some questions that I have with regard to this issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would be happy to.

Mr. HILL. Mr. Chairman, first of all perhaps I am not the only Member here that is a little bit confused about the issue of the 602 allocation. As I understand, the funding, if we have an increase of funding in this area, that funding comes out of where? Would the gentleman from New York explain that for us?

Mr. LAZIO of New York. Sure. There is something called the 602(b)s, and they are a cap on the money that each of the 13 appropriations bills can spend. The way the rules work are that we cannot take money from another 602(b) area to put it into a separate and distinct area.

Now if I can illustrate that, that means that if we increase funding, in this case for a particular housing program, it must come from within that area that is under the jurisdiction of that particular appropriations subcommittee, and in that subcommittee we have environmental enforcement, veterans benefits and veterans affairs, NASA and housing; those are the main areas. And so as we increase one; for example, if we were to adopt this amendment and the effect of it would be to increase funding in one part of housing, the offset might be to get rid of home ownership programs also for people of low income. The offset might also be to deny health benefits for veterans, to illustrate a point. It might be to eliminate a NASA program or an EPA program. It could not be, under the rules, the budget rules that exist in this House, we could not go out and take money away from the defense budget. That is not the way the rules work.

Mr. HILL. Now as I understand it, some of these public housing authorities have capital funds that have not been spent. Am I correct that some of these are the public housing administrations that have some of the poorest housing? Is that correct?

Mr. LAZIO of New York. The gentleman is absolutely correct. As a matter of fact, last year we had in America housing authorities that did not spend in excess of $900 million in their capital account, and in several cases there were tens of millions of dollars that were left unspent by the worst housing authorities in the country. So while people were living in squalor, they were sitting on money.

The idea that money alone will fix the problem is wrong, it is not factual, and the fact that we need to create environments where competitive forces reign, where we demand levels of excellence in terms of management and we begin to change and transform the community so that working people can achieve their American dream and people who are unemployed can also follow that American dream.

Mr. HILL. Mr. Chairman, this bill is intended to create greater responsibility on the part of a lot of folks that are involved in public housing. We have talked some about the work requirement, if my colleague will, the community service requirement, which is an effort to create greater responsibility on the part of residents, and our goal here, as I understand it, is that by their involvement in those communities it will strengthen those communities.

This section of the bill is intended to create greater responsibility in terms of the public housing administrators; is that not correct?

Mr. LAZIO of New York. Mr. Chairman, in that sense we are giving more money to the public housing administrators to administer the programs. They can use it in many different ways, but getting back to the core issue, if we had an unlimited amount of money, I would suggest that virtually every Member in this Chamber would look to see if we could increase spending in some way to ensure that we get better housing.

But not every solution to help house and provide better opportunities for the very poor and for the working poor involves funding housing authorities. Some of it involves exploring home ownership options, some of it means working with not for profits like Habitat For Humanity which we have been involved in, and when we do this in a way in which we deal with our budget, meaning we have limited money and we have to have offsets, we are taking from one of those areas and we are prioritizing, and we are saying that area is not as valid in terms of our spending increases as this one, and we are fully funding the President's request in this case.

As a matter of fact, I would say to the gentleman, there have been cases in which I have been on the floor to ask for amounts over and above the President's request when the administration put forward a budget that would reduce funding for seniors, for senior housing, or when the administration put forward a request to cut housing for people who are disabled. I offered the amendments, and this House followed suit, and I am grateful to that to restore that funding.

□ 2100

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for 1 more minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would not have objected, because everybody else has been willing, if the gentleman who just had the time would acknowledge the fact that I am trying to get his attention.

Mr. Chairman, I would have been happy to yield to the gentleman from Montana [Mr. HILL] and given the gentleman more time, but the gentleman would never yield to me; no matter how many times I requested the gentleman to yield, he never yielded to me.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Montana.

Mr. HILL. Mr. Chairman, I was engaged in a colloquy and at the end of that colloquy I would have been more than happy to yield to the gentleman from Massachusetts [Mr. KENNEDY], and had the gentleman appropriately waited until the end, I would have done so.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would be happy to yield to the gentleman from Montana now.

Mr. HILL. Mr. Chairman, I thank the gentleman from Massachusetts.

I have one last question.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thought the gentleman was going to yield back to me.

In any event, let me reclaim my time briefly, Mr. Chairman, and if the gentleman from Montana has a question of me, I will be happy to yield to him.

Mr. HILL. Mr. Chairman, and then the gentleman will not object if I want another minute.

Mr. KENNEDY of Massachusetts. No, I will not.

Mr. Chairman, there is a very different way of thinking about this budget than the one that was just articulated between the two Members on the other side of the aisle. The truth of the matter is that there is no 602(b) allocation. We are not constrained within any number at this time. This is prior to when that entire procedure gets underway. Right now, we can come in and request whatever numbers we want. The appropriators are going to have to come in, and the Committee on the Budget is going to have to come up with what they feel is appropriate for us.

We can have fights about what we believe, whether or not the space station ought to be built; the space station would pay for these programs.

Mr. Chairman, my colleagues on the other side, if they read their own bill they will find, and we support the idea, that the funding that is contained, that is not unspent by housing authorities goes back to HUD and can be reallocated.

So yes, I am not trying to suggest that poorly run housing authorities ought to be able to continue to get this money. What we are trying to suggest is that we are not going to solve the problem of badly run housing projects unless we in fact give some more money to the people, in addition to the fact that we get a better income mix in those buildings.

We have a basic responsibility as authorizers to tell the appropriators that they do not just take a marching order from the Speaker of the House when he says, listen, here is the number, so then the chairman of the committee and the chairman of the subcommittee go, oh, OK, that is a realistic number, so therefore, we ought to take it.

I object when the gentleman from Iowa [Mr. LEACH] said earlier that we put big numbers up. Yes, there were some of us on the committee that feel we should put a lot more money into housing. Those bills were what I would call flagship bills. We never expected to get those bills that put $50 billion into housing. But, my goodness, we certainly expected to have the fight with the appropriators, and the gentleman from Texas [Mr. GONZALEZ] would put in at $38 billion levels all the years that I have served on the housing committee, since I first got here.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, first, a correction for the gentleman. We are in a world which everyone that has a point wants to identify the Speaker. I have not spoken to the Speaker on this issue. I have spoken to Secretary Cuomo. We have put in the administration-requested numbers.

The second point I would like to make, the gentleman is absolutely right. The former chairman of this committee put in higher numbers, but they have not gotten them. We are putting in numbers and we intend to get them.

The chairman of the subcommittee and I have fought very vigorously within the Republican caucus to insist that

public housing programs not be eliminated, and we have made a major personal time commitment. And I would say particularly the chairman of this subcommittee, and must tell the gentleman from Massachusetts that the implications of his words that the majority leadership and the Committee on Banking and Financial Services refuses to go and support the committee, unlike prior leadership of the Committee on Banking and Financial Services, is invalid.

Beyond that, I know of no committee at any time in this body that has not cooperated more with the department of jurisdiction on the area under control, controlled by another political party.

The CHAIRMAN. The Chair would point out that the gentlewoman from Texas [Ms. JACKSON-LEE] controls the time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me yield to the gentleman from Massachusetts [Mr. KENNEDY] and subsequently to the gentleman from North Carolina [Mr. WATT].

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. The chairman of the committee, who I have great respect for and recognize the independence that he brings to his job, but it is also true that under the leadership that he has served as chairman of the committee we have seen the most precipitous drop in the history of housing. We went from $28 billion to $20 billion overnight without a single hearing, without ever debating this issue whatsoever, and that is what happened, and that is the real record.

I do not care to condemn my friend from Iowa, because I know that he had very little to do with that particular policy, but that is the record of what has occurred while the gentleman has been chairman of this committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I yield to the gentleman from North Carolina [Mr. WATT], and I would also like to yield to the gentleman from Iowa [Mr. LEACH] if the gentleman from North Carolina [Mr. WATT] would make his point.

Mr. WATT of North Carolina. Mr. Chairman, I want to make my point quick, because I made this point in committee.

I do not doubt at all that our chairman has fought within the Republican Caucus for what we are talking about, but I do not know why we would not as a committee go on record in support of the Kennedy amendment that allows bipartisan support for this, both Republicans and Democrats. The gentleman from Iowa should not be fighting this battle in only the Republican Caucus. We should be taking this battle to the full House, and we should be doing it together. That is what I said earlier, everybody is saying the same thing, everybody agrees we need this money, and both sides ought to be saying it together, not just in a Republican Caucus.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has again expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman from Iowa [Mr. LEACH] so that he may respond.

Mr. LEACH. Mr. Chairman, let me respond in context, one is the context of restraint, the second is in the context of housing.

In the context of restraint, this committee has brought forth the administration's proposal. This side is marching in what might be considered surprising lockstep with the administration; the Democrat side is not.

The second point I would like to make that I think is very important, housing is a large issue, public housing is a subset issue. It is the belief philosophically of the Republican side that if we can constrain spending, reduce interest rates, we can expand housing in America. That is occurring. A higher percentage of Americans each year now are coming to own their own homes, putting a lower burden on the public side.

Now, we can take every single subset of Federal programs and make a case for increasing them. When we do that, the sum total of effect is an economy that dwindles. We on the Republican side are very conscious of the macroeconomic dimension of the need to restrain. Based on that, of all programs in America where the benefits become most clear-cut, it is housing. Homeownership in this country as a percentage is going up, and we are committed to continue to have that go up.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out that we have discussed the defense bill now and it sounds like we are back to supply-side economics.

The truth of the matter is I am in favor of a balanced budget. There is plenty of money in this budget, we just have to find out where we have to go spend it. All I am asking, all the gentleman from North Carolina [Mr. WATT] is asking, all the gentlewoman from Texas [Ms. JACKSON-LEE] is asking is that we go out and fight for money for the housing bill. Why go out and allow everybody else to grab the money? Go out and grab it with us, and we will help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was rejected.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer Amendment No. 31.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas: Page 120, line 2, strike ''and''.

Page 120, line 23, strike the period and insert a semicolon.

Page 120, after line 23, insert the following:

(3) in subsections (c)(1)(A) and (d)(1)(A), by striking ''make their best efforts,'' each place it appears and inserting ''to the maximum extent that is possible and'';

(4) in subsection (c)(1)(A), by striking ''to give'' and inserting ''give''; and

(5) in subsection (d)(1)(A), by striking ''to award'' and inserting ''award''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me acknowledge the leadership of the Chairman and ranking member on a very difficult process and a difficult piece of legislation with varying perspectives, and I have offered my own perspective on issues involving a large number of my constituents who are in public housing or assisted housing. Houston is the fourth largest city in the Nation. Interestingly enough, as a southern city, we confront many of the ills that we see our eastern and northern counterpart cities facing.

I rise to offer an amendment that I believe can move forward in a bipartisan manner, and that is to alter the language that would mandate public housing authorities, their contractors and subcontractors, to be considered or to consider employing residents on projects funded with HUD dollars.

This will open up the widest range of job opportunities for residents and would be advantageous to the national economy. Again, let me emphasize that the language is to be considered, it is not a mandate to hire.

According to the National Public Housing Authority, there are many public housing residents who are looking for employment. This amendment addresses the job scarcity that affects many residents of public housing.

In fact, I was in a discussion some weeks ago where, going through my public housing developments, their main question is, where is the work? We would like to work. I think my counterparts throughout the Nation have heard the very same request.

We have checked on this particular amendment and it has no CBO impact. It is a cooperative amendment. It has the contractors, the businesses, the housing authority, the residents, working together.

This amendment will not only provide jobs for residents of public housing, it will increase moneys paid in rent to the housing authorities which assess rent schedules by the annual income of the residents. This amendment will also drive down the number of individuals who earn salaries below the

average area mean. It will train young people in the housing developments. It will get families having a sense of pride and dignity as they work, to construct, to rehabilitate, to clean up, to landscape the areas of their housing and where they live. This will have a positive impact for public housing authorities, the Federal Government and the national economy.

Might I say that in my discussions with some of the contracting businesses, this is a positive for them. It is a positive for the unions. In fact, I might say that the unions have offered and wanted us to do more on job training in the housing developments so they could get more apprenticeships and have the individuals who live there, male and female, learn the building trades or learn landscaping.

So this is an amendment that says, let us make sure that those individuals who want to work, who live in housing developments, are considered for these very precious jobs.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

I want to compliment the gentlewoman from Texas [Ms. JACKSON-LEE] and announce that I am going to be supporting this amendment. I want to compliment the gentlewoman for her vision in terms of putting this amendment forward.

This amendment really does very much speak to one of the essential themes of this bill, which is to help recycle dollars, help to provide new opportunities for tenants, help to build skills; help to give people the kind of environment, even if they are of lower income, where they can transition back into the mainstream economy.

This amendment will help do that, I believe. I believe this sends a strong message out to public housing authorities throughout the country that this should be part of their mission, that they ought to be paying attention to their tenants, that they ought to be helping them build skills and they ought to be employing them, wherever possible.

So for these reasons, I am appreciative of the gentlewoman's amendment. I am happy to lend it my support, and I want to compliment her for the way she has handled it.

Mr. LEACH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I would simply say that sometimes we get involved in rhetorical debates. What the gentlewoman's amendment does is something that is very close to the self-sufficiency efforts that are underway as well, and I think it makes a great deal of common sense, as I think self-sufficiency efforts make a great deal of common sense, but this side does have to recognize that it is a slightly greater burden on the public housing authorities, but it is a burden worth putting on the public housing authorities.

□ 2115

That was the same point we were trying to make earlier with the self-sufficiency approaches. This tightens that up. It is complementary. It makes great sense.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's willingness to support this. We have disagreed on the self-sufficiency, but I really appreciate the fact that the gentleman realizes I am at a different level, but we are on common ground. That is that this gives dignity and self-esteem, but it also gives the ability for those individuals to get valuable training, job skills, that may be parlayed even beyond these contracts. I appreciate the housing authorities being willing to at least let those applicants, those residents, get to those potential employers and see what happens.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment as a substitute for amendment No. 50.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 152, line 2, strike ''and''.

Page 152, line 6, strike the period and insert ''; and''.

Page 152, after line 6, insert the following:

(7) how the agency will comply with the requirement under subsection (k)(3), if applicable.

Page 153, after line 15, insert the following:

(3) REPLACEMENT REQUIREMENT FOR PHA'S IN AREAS WITH PUBLIC HOUSING SHORTAGES.—

(A) IN GENERAL.—In the case only of public housing agencies described in subparagraph (B), such an agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides to the maximum extent that is possible an additional safe, clean, healthy, and affordable dwelling unit for each public housing dwelling unit to be demolished or disposed of. Such additional dwelling units may be provided for through acquisition or development of additional public housing dwelling units or as provided under paragraph (1).

(B) COVERED PHA'S.—A public housing agency described in this subparagraph is an agency whose jurisdiction includes any area within a metropolitan statistical area for which—

(i) the number of public housing dwelling units is less than 5,000 dwelling units.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, as I am presenting this amendment, say to the ranking member, I thank him for the discussions that we have had on this very important issue. If I may, to the ranking member, just for a moment, I am not going to ask him to comment right now, but I would like to lay this out. We have had some very good discussions, and I would like to lay this amendment out and enter subsequently into a colloquy on this issue dealing with a very special problem that I have seen not only in communities like Houston, but in communities around the Nation, if I might.

Mr. Chairman, I recognize that for a long period of time the leadership dealing with the housing issues have looked at this question called one-for-one replacement. I recognize that many of our major cities with large public housing agencies, with dwelling units over the 10,000, 25,000, 50,000 level, have faced consternation regarding the question of lack of flexibility in re-evaluating how best to serve those who need public housing.

Let me highlight that Houston and communities that have a small number of public housing dwelling units face a dissimilar problem or a problem that is very distinct and unique. That is, for example, Houston is a city with over 1.5 million, comparable to other cities around the Nation, but also equal to some of the problems that our rural communities have with respect to housing. In many instances, they have not had the necessity to demolish large numbers of units, or have the situation where they have units over 10,000.

In our community in particular, we had a certain housing structure that became the symbol for what happens when individuals believe that we cannot demolish and be constructive and go forward. It happens that Allen Parkway Village now has been partly demolished. There is an effort to rehabilitate a certain number of units and an effort now to replace a certain number of units.

The amendment that I offered was really a discretionary amendment. It simply said that if a particular community had less than 5,000 units and was planning on demolishing, they should make every maximum effort to provide healthy, clean, affordable public housing dwelling units, recognizing that this might help many of our rural communities, give them an incentive, if you will, to replace the housing units for those who most need it.

In my community we are presently looking at trying to replace the units for Allen Parkway Village. The difficulty is that now all of a sudden the properties around Allen Parkway Village have become lucrative for developers, and there is a falling back, if you will, a reneging, on the replacing of housing for my constituents and constituents who need it.

What I would simply offer to say, Mr. Chairman, is that I would hope, both with the ranking member and of course with the chairman, that we could work through this issue and determine that what we need most in the U.S. Congress is to assure affordable, clean, healthy housing for those who need public housing. Where there is a demolishing, if we can have a discussion that

makes sure that we do not go backward, but we go forward; that we enable, if you will, the individuals who need public housing to have good, clean public housing.

I would like to yield to the gentleman, because I am offering to withdraw this particular amendment, even as it has been softened, to be able to work further on the generic problem, and the generic problem is trying to get housing in communities that do not have 50,000 units, 25,000 units, 10,000 units or 5,000 units, but have under that, and through demolishing have lost the ability to serve those communities and individuals in those communities.

Mr. LAZIO of New York. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentlewoman from Texas. I appreciate the spirit with which we have been entering into discussions on the part of the gentlewoman. She has offered, and I appreciate that, to continue speaking with me and with members of my staff, the committee staff, rather, to ensure that we try and meet the needs of low-income people in terms of housing in rural areas. I understand that there is an equal need for housing in rural areas, and that we need to look to new tools to try and enhance what we have right now.

With respect to the gentlewoman's particular amendment, we are going to take a look at it, because we have no hearing record. I want to make sure that I understand the implications and consequences of the amendment, and then I hope we will have several different discussions about this, to see if we can explore some ways of trying to meet on mutual concerns to try and deliver more and better housing for low-income people in rural areas.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 30 additional seconds.)

Ms. JACKSON-LEE of Texas. I appreciate that, Mr. Chairman. I was hoping we could work in tandem and look at this issue so it could be represented in conference that there is a problem, not only with rural areas, I mentioned that, but cities that are not cities that have larger than 5,000 units.

In my instance, Houston is probably representative of some other cities that have less than that, or 2,500 units, who may have some problems on the replacement, and need to have that incentive to do so for those individuals.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the following Members be permitted to offer their amendments to title II, even after the reading has progressed beyond that title. That would be Mr. MORAN, printed amendment No. 51; the gentlewoman from New York, [Ms. VELAZQUEZ], printed amendment No. 43. That would preserve their rights to offer their amendments tomorrow.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Texas, [Mr. DELAY], also be protected, which is a correlary or related to the amendment of Mr. MORAN, and that he be permitted to offer his amendment to title II even after the reading has progressed beyond that title.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOYLE. Mr. Chairman, the Klink-Doyle amendment will provide the general public with a simple practical protection from overzealous bureaucratic decisionmaking. It amends the local cooperation provision of section 202 of the bill to ensure that public housing authorities notify and consult with potentially impacted local governments when initiating new public housing programs, including those which stem from an order, judgment, or decree of any court.

Current law does contain limited notification requirements, and H.R. 2 improves on these stipulations. Some might assume that such provisions are adequate to guarantee that communities receive expedient notification and consultation. However, based on experiences in Allegheny County, PA and in cities across the country, we feel that the clarification provided by this amendment is essential.

For 2 years now, the citizens of Allegheny County have been working to comply with the provisions of a consent decree designed to redistribute public housing throughout the county. As HUD and the housing authority began to implement the decree, towns and boroughs were often treated as if their interests and input were unnecessary and unwanted. Thousands of citizens and numerous councils of government were outraged by their nearly total exclusion from any part of the decisionmaking process.

To address this situation, I brought local officials in Allegheny County together into an intermunicipal working group. This group has come to stand together and demand the notification that the people deserve. Many citizens and elected officials in this group have worked tirelessly and have had some success in bringing more openness to the implementation process. Unfortunately, our extraordinary efforts have not been enough. The people need the force of law to guarantee that, at a bare minimum, public housing authorities will keep them apprised of their activities.

Usually, when a housing authority seeks funding from HUD for a new public housing initiative, they must gain some degree of local approval. However, because funding for compliance with a consent decree does not come through normal HUD channels, notification requirements do not have to be adhered to. In other words, housing authorities can and do legally turn a blind eye to local interests. Mr. Chairman, I believe that this is clearly a loophole which needs to be closed.

Regardless if a public housing initiative is the result of a bureaucratic decision or a judicial decree, the public should have the right to review proposals which will affect their communities. A judicial mandate should not provide a license to ignore the rights of citizens, or be used as a justification to avoid public scrutiny. We must insist these decisions and debates are taking place in the light of day, not behind closed doors, and this amendment does simply that. It guarantees the public's right to know. I thank the Committee for agreeing to include Amendment No. 47 in the en bloc amendment which was earlier today approved by voice vote.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. JENKINS) having assumed the chair, Mr. GOODLATTE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2, to repeal the U.S. Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 478, FLOOD PREVENTION AND FAMILY PROTECTION ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–88) on the resolution (H. Res. 142) providing for the consideration of the bill, H.R. 478 to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that Act in building, operating, maintaining, or repairing flood control projects, facilities, or structures, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–89) on the resolution (H. Res. 143) providing for consideration of the bill, H.R. 3 to combat violent youth crime and increase accountability for juvenile criminal offenses, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. COLLINS] is recognized for 5 minutes.

[Mr. COLLINS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AMERICA'S 39TH POET LAUREATE, ROBERT PINSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this fall, the acclaimed poet Robert Pinsky will take his place as America's 39th poet laureate.

I am very proud to point out to my colleagues that Mr. Pinsky was born and raised and graduated from the public high school in my hometown of Long Branch, NJ, a historic seashore community that was the inspiration for many of his poems.

Mr. Pinsky is truly the right poet laureate for our time in history. In announcing his appointment, the Librarian of Congress, James H. Billingham, noted that his accomplishments in translation, his interest in making poetry accessible through digital technology on the Internet, and his own probing poetry promise an exciting year for us in Washington.

He follows in the footsteps of many great poet laureates, including Robert Frost, Gwendolyn Brooks, Robert Penn Warren, and Conrad Aiken.

The duties of the poet laureate have traditionally included promoting poetry in this country through seminars, workshops, and speaking engagements. Judging from Mr. Pinsky's rich imagination and creative use of language in the computer, I am sure we can count on him to make his mark on the poet laureates' role in a significant and lasting way.

Mr. Speaker, Mr. Pinsky is the author of five collections of poetry, including his most recent publication, ''The Figured Wheel: New and Collected Poems 1965 to 1995.''

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He is the poetry editor of the weekly Internet magazine called Slate. In 1994, Mr. Pinsky translated Dante's ''Inferno'' from the Italian and won great national acclaim for the deep poetic talent displayed in this formidable task. The students at Boston University where he is a professor are certainly fortunate to have him teaching in their creative writing program.

I know that I reflect the views of my constituents when I express how proud I am that a native son of the Sixth Congressional District of New Jersey will hold the esteemed and historic title of Poet Laureate.

So at this time I would like to share with my colleagues a few of Mr. Pinsky's poems so that we might welcome him to Washington with a deeper appreciation of his outstanding poetry.

First of all, these are from the Figured Wheel which I mentioned. The first one, if I could read it briefly, Mr. Speaker, is about my home town of Long Branch, which is also Mr. Pinsky's home town, and he talks about the ocean, which we are all so very fond of since Long Branch is along the shore. It is called ''A Long Branch Song.''

Some days in May, little stars.
Winked all over the ocean. The blue
Barely changed all morning and afternoon.
The chimes of the bank's bronze clock;
The hoarse voice of Cookie, hawking
The Daily Record for 35 years.

I have to say, Mr. Speaker, that brings home to me because I remember Cookie who was hawking the Daily Record, our local newspaper, for a long time when I was growing up.

The next poem is also about Long Branch. It is a little longer but not much. I would like to read it, if I could, to my colleagues, Mr. Speaker. It is called ''Long Branch, New Jersey.''

Everything is regional,
And this is where I was born, dear,
And conceived,
And first moved to tears,
And last irritated to the same point.
It is bounded on three sides by similar places
And on one side by vast, uncouth houses.
A glum boardwalk and,
As we say, The Beach.
I stand here now
At the corner of Third Avenue and Broadway.
Waiting for you to come by in a car,
And count the red carlights
That rush through a fine rain
To where Broadway's two branches—North
Broadway and South Broadway—both reach
To the trite, salt, welcoming ocean.

I like to read that one, Mr. Speaker, because not only is Broadway near where I was born and grew up but it is also where my congressional office is, on Broadway.

The last one I would like to read, I hope there is time in the time I have allotted, is called ''To My Father, for Milford S. Pinsky,'' who I remember was Robert Pinsky's father, a local obstetrician in Long Branch.

The glazed surface of the world, dusk.
And three mallard that land
In the dim lake, each
Scudding in a bright oval . . .
What chance, man, for the thin
Halting qualities of the soul?
Call this, prologue to an explanation,
Something like the way Uncle Joe Winograd
With a carpenter's flat silence
Might act on some given stretch
Of Uncle Italo Tarantola's lifelong
Lawyerly expanding monologue.
What I wanted, was to dwell
Here in the brain as though
At my bench, as though in a place
Like the live ongoing shop—
Between kitchen and factory—
Of a worker in wood or in leather.
Implements ranged in sizes and shapes,
The stuff itself stacked up
In the localized purposeful clutter
Of work, the place itself smelling
Of the hide, sawdust or whatever.
I wanted the exact words;
I wanted the way to pronounce
Evenly the judgment which a man
Who was quiet holds back as distinct
But not final in the presence
Of a good talker. I a good talker
Ask you a quiet man to recall the inside
Of a shop, glassdust and lenses
Everywhere, broken eyeglasses, forms
And odd pieces of paper, voices
Like phones ringing, tools
Broken and whole everywhere, mail
Unread, the sign—''Milford S.'' or
''Robert''—hanging like a straight face . . .
Surface, tyranny of the world visible,
Images that spread outward
From the brain like lines crazing—
Or like brief silvery ovals
That glide over the dark,
Ethereal, yet each wingbeat
Firm in time, of more
Substance than this, this mothlike
Stirring of words, work or affection.

TRIBUTE TO MARTIN STRAUSER

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSOHF. Mr. Speaker, as you know, this is National Teacher Appreciation Week and today is National Teacher Day. I want to take time out to recognize the hundreds of men and women back home in Missouri's Ninth District whose dedication to educating our youth takes precedence over long hours and meager compensation. There are many who demonstrate such excellence within the classroom.

One shining example is Martin Strauser. For the last 30 years Mr. Strauser has taught at St. Clair High School. Just this past March Mr. Strauser was the proud recipient of the 1996 Educator of the Year Award. He was honored for his years of service, his contributions to the school system, and for helping thousands of young people throughout his lifetime.

According to his nomination letter, Mr. Strauser, quote, ''has served as a fine example for high school students throughout his career.'' Many former students have given testimonials about his positive leadership.

Mr. Strauser, an industrial arts teacher, insists that one of his goals is to teach students not only occupational skills which will help them find future employment, but also to provide opportunities to teach students lessons in life to be successful.

Martin Strauser is known for his honesty, dependability and dedication to his profession and his students.

Mr. Speaker, Martin Strauser not only helps his students build shop projects, but helps young adults build their lives. Congratulations are in order for teachers like Martin Strauser, a lifelong educator and mentor.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. VISCLOSKY] is recognized for 5 minutes.

[Mr. VISCLOSKY 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 Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

[Mr. HAYWORTH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO NANCY MCROBERTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SNOWBARGER] is recognized for 5 minutes.

Mr. SNOWBARGER. Mr. Speaker, it is appropriate that during Teacher Appreciation Week we pause to recognize the finest of those who have made positive differences in our lives and who likewise shaped the futures of our children and grandchildren.

It is my pleasure to recognize this evening a very special educator from my district, in fact from my home town of Olathe, KS. Nancy McRoberts is the 1997 Kansas Teacher of the Year. She was chosen as her district's nominee from among more than 30 teachers nominated by their staffs at their individual schools and was then selected Teacher of the Year from among 90 nominated teachers State-wide.

Nancy teaches family and consumer sciences at Olathe North High School. Her selection as Kansas Teacher of the Year recognizes her exemplary efforts in and out of the classroom during her more than 18 years as a teacher. She has also received the Superintendent's Personal Commitment to Excellence Award as well as her school's Faculty Eagle Award.

But Nancy's resume, as impressive as it is, cannot adequately convey the concern she shows for her students or the extraordinary commitment she has made to keeping pregnant teenagers and mothers in school. I had the pleasure of visiting with Nancy in the Capitol recently, and it was not hard to sense the fulfillment she gets from teaching. More importantly, her students sense it.

Nancy develops a close relationship with her students and quickly earns not only their trust but their respect. For instance, she has been known to call absent students at home to find out why they were not in school.

In addition to her normal classroom teaching duties, Nancy runs the Olathe school districts's Teens as Parents program, which endeavors to keep teen mothers and pregnant students in school until graduation. The program has been recognized as one of the best in the State and has earned the Kansas State Board of Education's Promising Practices Sunflower Award. Not only is she keeping students in high school, she also provides them with encouragement to continue their education beyond the 12th grade.

As a sponsor of the Future Homemakers of America Association, Nancy has organized students to purchase and donate bags of story books to young mothers they could read to their children, as well as to students in a local elementary school reading program. I might add that she is also a certified childbirth instructor and last summer interned at the Olathe Medical Center and Children's Mercy Hospital.

In one of the many newspaper articles written about this remarkable teacher, Nancy McRoberts said, ''I see education as a field where you can make your mark in the world.'' Well, Nancy, you have made your mark, and it will echo through the lives of the students you have so conscientiously taught over almost 2 decades of public service.

It is my pleasure to honor and to thank the 1997 Kansas Teacher of the Year, Nancy McRoberts.

TRIBUTE TO CATHY PRIEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. NEY] is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, just tonight I was talking to Rich Riley. He works for the Attorney General in Cleveland, OH. He has been a successful young man, and we were talking about his position. I was commending Rich on how well he has done service to the people of the State of Ohio. His comment, Mr. Speaker, was that he owes it, his success, to his teachers. That is what I am here about tonight. This week we celebrate National Teacher Appreciation Week.

As a teacher by degree, I know firsthand the work and dedication it takes to be an educator. That is why I would like to take a few minutes to commend one of the many great teachers in Ohio's 18th Congressional District.

Cathy Priest is in her 11th year at Coshocton High School in Coshocton, Ohio. Last year Cathy was named Ohio Teacher of the Year and Ohio University Educator of the Year.

As her representative in Congress, I would like to personally thank Cathy Priest for her wonderful accomplishments and service to her community and to her students.

Cathy teaches world history, American history, sociology, current events, and was student council advisor for 9 years.

In 1992, she began an ongoing video library project as a member of the technology committee for Coshocton High School. She is also a member of the video classroom resource team for the Discovery Channel and the Learning Channel. In the capacity of consultant and workshop facilitator, she provides professional development in the use of television to enhance curriculum, media literacy education, and online training.

Cathy has worked with media specialist Sandra Marvin to develop an extensive video library featuring cable in the classroom programming to meet curricular needs for grades K through 12. She also conducts staff development workshops designed to enhance the curriculum by using television as an instructional tool while also incorporating media literacy education.

Mrs. Priest received her BA in English and history from West Liberty State College in West Virginia, her Masters in social science from Ohio University, and is a graduate of the Harvard Institute of Media Education and the International Space Program. She also did postgraduate work at the University of Alabama and Ashland University.

Over the years, Cathy Priest has made a real difference in her community. She is a model teacher who inspires her students through dedication and hard work. In 1992, three of Mrs. Priest's students won a national academic contest sponsored by the Discovery Channel. As grand prize winners, she and her students traveled to Tanzania for an extended safari. In large part because of her hard work and belief in her students, they were able to take part in a truly exciting, life-changing experience.

Mrs. Priest is currently involved as a mentor for the Coshocton Youth Foundation. This first-of-its-kind organization is philanthropy by, with and for young people.

Recently Cathy has been chosen to represent the State of Ohio in the People's Republic of China for the U.S. China Conference on Education. This conference has been set up for educators to learn about one another's cultures, customs and country, as well as to forge educational partnerships for the 21st century. During the conference, Mrs. Priest will present a paper titled ''Technological Literacy, an Educational Goal.''

There is nothing more important, Mr. Speaker, to the future of our country than the opportunity for a high quality education for all Americans. I commend teachers all over the country who have chosen the important task of educating tomorrow's leaders. In order to build on and improve our education system, we need to emphasize what works; namely, back-to-basics education, parental involvement, safe and disciplined schools, and sending dollars to the classroom. If we work together as lawmakers, teachers and parents, I believe all of our children can reach the limits of their talents to exceed their ambitions and to progress beyond the dreams of their parents.

With a strong educational foundation and teachers like Cathy Priest, there is nothing our children can not do. For that, we will be forever indebted to our Nation's teachers.

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HONORING DR. ROBERT LASLEY

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the

House, the gentleman from California [Mr. ROGAN] is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, it is a great privilege for me to join my Republican colleagues tonight in recognizing Teacher Appreciation Week, and in doing so I want to recognize and pay special tribute to a teacher who does not live in my district and is one who in fact never even voted for me, but one that I love very deeply and one who has had a profound impact on my life. His name is Dr. Robert Lasley.

Let me tell my colleagues a little about Bob. First, he was born in Doud, IA, in 1930. His family moved to California in 1934 after his father's business failed as a result of the Depression. He had his first job when he was 4 years old picking prunes on a farm. He laughingly refers to his family as fruit tramps. They settled in Red Bluff, where he attended schools.

He first served his country in the United States Air Force when he enlisted in 1950. Then he transferred to the United States Army. He attended Officer Candidate School. He was commissioned as a second lieutenant in 1952. He served until 1956 and left the military as a first lieutenant with a wife and 3 children.

He entered City College of San Francisco in 1956 and became the first member of his family to attend college. He received his Bachelor's Degree in English in 1961, his Master's Degree in educational administration in 1971 and a Doctor of Education in 1983.

He married his present wife, Jerry, while he was teaching at Ben Franklin Junior High School in Daly City, CA. Between the two of them, they have 6 children. Now, when Bob was growing up, he was the first member of his family to attend college. Each one of Bob and Jerry's 6 children have college degrees, three of them have Master's Degrees.

Bob has taught at San Diego State University and Imperial Valley Campus. He served as a department chair in drama at San Francisco Community College and worked as a superintendent in the Hopeville, Gustine and Lamont School Districts.

But I want to go back to one of those assignments that I mentioned earlier, his tenure at Ben Franklin Junior High in Daly City, CA.

Mr. Speaker, in 1970 and 1971 I was an 8th grade student at Ben Franklin Junior High, and I had a rudimentary interest in government and politics and we had one elective class that we were allowed to pick, so I chose a class called Advanced Government, taught by Dr. Robert Lasley. There were three other boys in that class who were good friends of mine, one named Roger Mahan, one Clint Bolick, and one named Dan Swanson. It was an incredible class. For an entire year we had a model United States Congress, where we represented individual States.

Bob Lasley taught us parliamentary law. He taught us procedure, he taught us how to debate, he taught us how to introduce bills. Mr. Speaker, I still have my class notes from that 8th grade class, and the parliamentary law he taught me a quarter century ago still serves me well in this Chamber.

That class not only taught me an appreciation and a love for the institutions of government and particularly a reverence for this Chamber; it taught me how to be a better citizen and it taught every other child that went through that class how to be better Americans.

Bob did a good job in that class. Dan Swanson today is a senior partner at a prominent law firm in Los Angeles. Roger Mahan works for the United States House of Representatives serving as a consultant on the Committee on the Budget. Clint Bolick is one of the premier constitutional scholars and lawyers in the United States and is right down the street on Pennsylvania Avenue as the cofounder of the Institute for Justice.

I am the failure of the group, I am the one who went into politics and have the privilege of serving today in the Congress of the United States.

Those three friends and myself, if Bob were here, would offer him our heartfelt thanks for a life of public service and for what he has done for us. And if Bob is listening tonight, I want him to know that there are a generation of young people who have grown up under his tutoring and under his leadership. He has been a great teacher. He has been a role model. He has been truly an educator. He is a patriot and a very fine American, and so I salute him during Teacher Appreciation Week and I thank him from the bottom of my heart for all he has done for our community and for our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

[Mr. MICA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. SAM JOHNSON], is recognized for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, last Friday, Dr. Mike McKinney, head of the Texas Department of Health and Human Services, traveled to Washington. He had been invited by the Clinton administration to discuss a compromise to allow Texas to move forward with its welfare reform plan.

It has been 10 months since the administration promised Texas an answer. So everyone thought. They were ready to bring to the table a proposal that would give Texas the ability to move forward and start implementing its welfare reforms.

We were dead wrong. After a 2½ hour meeting with Clinton officials, Dr. McKinney left the meeting empty handed. The meeting was a charade, a scam, a total waste of time.

This just proves that the administration has no intention of ever granting Texas the authority to make reasonable changes to its welfare system.

The administration could care less about the parents and children who would benefit from these bold and innovative proposals. They only care about elections, money, labor, and power.

The President has lost sight of what the welfare bill he signed is all about. It is about flexibility, State control, and helping lift welfare recipients out of poverty into work and prosperity. It is for our children.

Now the President's Deputy Secretary of HHS, Kevin Thrum, said that the Texas plan violates certain Federal Law, lacks credibility. I guess the Secretary herself is unwilling to face the issue. The statement clearly contradicts an April 4th memo to the President from his boss, the Secretary of HHS, the Secretary of Agriculture, and the chief domestic policy adviser which allowed Texas far more leeway and discretion than he described.

It is simply amazing the political games that the administration is playing with the lives of welfare recipients and their children. The State of Texas simply wants to enter into a public-private partnership to streamline, integrate, and consolidate its welfare system into a one-stop center to help recipients and children receive benefits.

It has been estimated that this plan would save the Texas taxpayers over $10 million a month or $120 million a year. That is enough money to provide health care to an additional 150,000 children in Texas each year.

The administration's latest actions also continue to support the reported news accounts that the White House is beholden to the big labor union bosses. It seems that they own the White House. Their continued control of the President denies Texas the ability to help the poor and needy escape poverty.

The control is spelled out in plain English in the April 4th memo where a chart was drawn that lists three options. The first is the Texas proposal. The second is the union proposal. The third is a proposed administration compromise.

I wasn't aware—and I'm sure most Americans are not aware—that the welfare reform package signed by President Clinton called for union approval of welfare reform proposals.

Let me state once again, if the administration continues to put the unions' political agenda above the real concerns of the citizens of Texas, we will not hesitate, in both the House and Senate, to go forward with legislation to give Texas the approval it deserves.

Mr. Speaker, it is time for the President to do what's right. Our States are our most valued resource. Texas and any other State should have immediate approval so they can make welfare reform real and help the children and the needy families of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BRADY] is recognized for 5 minutes.

[Mr. BRADY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A SUCCESSFUL EDUCATIONAL PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, we hear a lot about programs that fail, and I have seen a lot of them, financed by Federal taxpayers. I would like to talk a little bit tonight about a program that appears to be successful.

During my career in teaching and counseling, I saw a lot of National Defense Education Act money poured down the drain, millions of dollars, billions of dollars, primarily because there was no plan. The money was there; we were told to spend it. I watched then as a principal a lot of well-meaning programs that were instituted during the sixties that failed also, because, again, no planning.

I can remember both as a principal and as a superintendent receiving title I money, chapter 1 money. Normally we were told that this money was available in about October. School had already started in September. No planning. Money wasted.

I finally said, as a superintendent, to my early child education expert, ''There must be something we can do with this Federal money to break the cycle of dependency, the cycle of illiteracy, the cycle of dropouts,'' because we pretty well knew which children were going to have trouble when they came to school because we had seen older brothers and sisters, we had seen parents all having trouble in school.

We decided that we have to look at the entire family, and I do not know why it took us 30 years since then to understand that nationally, that if you do not deal with the entire family, there is no way we can ever break the cycle of dependency on government, no way we can break the cycle of illiteracy.

And so she suggested that we work with the three and four-year-olds and their parents. So we began a program starting in the homes because we wanted to be in a position to help the parents learn the kind of parenting skills that are necessary so that the parent can become the child's first and most important teacher; so that the parent understands what it is you and I would normally do with our preschool children to help them become reading ready.

When I came to Congress, we introduced this as Even Start. Now, I am not here to tell my colleagues that all Even Start programs are successful in the country, just like so many other programs, but I am here to say that the most recent study would indicate that if the program is implemented the way it was supposed to be, if all four elements are part of that program, it appears to be quite successful.

What are those key elements? First of all, working with the parents, improving their literacy skills.

I remember an advertisement that was on television a year ago that drove the point home over and over again. The father was sitting on a chair and had his small child on his lap. What the father did not want the child to know was that he was, if not illiterate, functionally illiterate. So he was attempting to read to his child, which is what we hope every parent can do. The child, however, realized that the father was faking it and the child, even as small as he was, was correcting the father.

It was obvious that the father wanted to do what the father knew was right, and that was to read to his child and read with his child. But he could not. So the parenting skills and the literacy skills of the parent are very important.

The preschool program also deals with reading readiness, and it is part of this entire program. Many children will come to first grade. If there are 30 in a class, there may be 30 different reading levels. Some will not be ready to read until January or February. They are now a half year behind. If, unfortunately, they receive a social promotion at the end of the year, it is not long until they have dropped out, not physically because they are not allowed to, but have pretty well dropped out of any academic participation.

So those parenting skills, the early childhood reading readiness skills, the adult literacy skills are all part of the program, and then a period for parent and child interaction so that the parent can put to use what they have learned in the program.

We have recently had, as I indicated, an evaluation. They took 30 programs from about six or seven different States, 30 programs where they knew all four components were very effectively put into being as part of the program.

I have said many, many times that after 30 years we should know where every chapter 1 child is and what they are doing as adults. We should know where every Head Start child is, what they are doing. Has it made a difference in their life? This program has only been in effect since actually 1989 and we do have some important results, and I would like to point out some of those.

As I indicated, the study covered programs of excellence in Arizona, California, Kentucky, New York, Pennsylvania, and Texas. The charts that I will show will demonstrate how effective these programs have been.

I do want my colleagues to keep in mind that in 1993 a single parent with two children receiving average benefits from AFDC, food stamps, Medicaid, housing assistance, WIC, and school meals received about $17,209 in direct payments or benefits. If the parent had four children, that amount was $25,000. More than half of the adults described in this Even Start research study reported public assistance as the primary income of their family, a total of $5.2 million each year for 260 families based on 1993 rates.

Now, the important thing is the rate of reduction. The rate of reduction in dependence on welfare seen in these studies that I will show to other Even Start programs, approximately 45 percent of those adults would be off public assistance or would have significantly reduced assistance within 4 years, a reduction each year of $2.6 million for every 500 families enrolled. The program apparently does work.

The first chart, these are Even Start youngsters in the lightly shaded area in kindergarten, and in the dark shaded area are youngsters in kindergarten who did not have the Even Start experience. And we can see the whole way across the obvious benefits of those children who were in an Even Start program.

The first is academic performance. Considerably higher. The second was motivation to learn. Again, considerably higher. The third was family support. Very, very important, because when we started our program, when I was superintendent, these families did not participate. They were embarrassed to come to PTA meetings, they were embarrassed to come to parent-children conferences. Here they are, family support, way above those who did not have that experience.

Relationship with other students. Again, way above. Attendance. Above all other students. Behavior. Considerably above all other students. Self-concept. Way above. And the last, probable success.

□ 2200

These were the ratings given by their current kindergarten teachers, those in good Even Start programs, and I keep emphasizing that, and those without that benefit.

On the second chart, my colleagues will see something that is extremely important. In so many programs, we discover that there is not a lasting effect, that it all wears off in a short amount of time. This is third grade. These are students now who went through the Even Start Program but now are in third grade.

These are the percent of the children who are rated by their current third grade teacher as average or above. The first, academic performance; second, motivation to learn; third, family support; fourth, relationship with student; fifth, attendance; sixth, self-concept; and seventh, over here, probable success. That is third grade. As I indicated, so many times we discover that what we thought was a good concept and a good program really did not pay off in the long run.

Mr. Speaker, the next chart deals with findings from Even Start family literacy research, and it deals with the percent of children receiving grades of satisfactory or above. Again the lightly shaded area are those children who had Even Start experiences, and the dark-colored are those without.

The first is reading, way above. Second is language, even higher. And the

third is math. Again these are the percent of children receiving grades of satisfactory or above. And the Even Start youngsters, in good programs, the 30 that were chosen for this study, are doing exceptionally well.

Mr. Speaker, the next chart deals with percent of children having test scores at the level of average or above. Again, reading, language is almost off the chart, and math is way up.

Now some statistics about the children and their successes in their classes and the parents that are engaged in the schooling of their children. The percentage of the Even Start children rated average or above in their class by their current grade school teacher: 65 percent on overall academic performance, 77 percent on motivation to learn, 82 percent on support from parents, 87 percent on relations with other children, 88 percent on attendance, 82 percent on classroom behavior, 71 percent on self-confidence, 74 percent on probable success in school.

After participating in high quality Even Start family literacy programs, we have some good statistics about the adults, the parents who are participating: 62 percent of those parents that received their GED or some other high school equivalency certificate; 50 percent obtained a job or a better job; 40 percent are enrolled in some form of higher education or training; 45 percent reduced the amount of public assistance they received because of their improved employment; 3 percent no longer receive any public assistance.

What else have we found out about the adults that have participated in the program? Keep in mind, I mentioned these were parents and adults who were very reluctant to participate in anything in the community or participate at all in any school programs. What they have found among their accomplishments frequently identified through the interviews are, membership on school advisory committees, leadership roles in PTA or other school parent organization. They obtained their citizenship, they volunteer in schools. They volunteer in community libraries. They are teaching church classes. They register to vote and are voting. They are using community resources more effectively. They have established neighborhood development organizations and work actively in neighborhood improvement projects. They are tutoring other adults in programs or others who are seeking citizenship. They are helping the Even Start programs with recruitment. And they are practicing family planning. Those are the positive events or the positive results that we are finding in the Even Start programs that work.

So many times, we are quick to judge particularly public education and quick to badmouth public education.

Mr. Speaker, I want everyone to understand that the teachers did not ask for a prohibition to deal with unruly students. As a principal, I would last 30 seconds today, because everyone knew in the school that I was the authority figure. It was not the teachers who broke down the discipline that we once had in all schools. It was the parents. It was not the teachers who reduced or dumbed down academic achievement. Again, it was the parents.

Now my colleagues say: You have a lot of courage to make those kinds of statements. I also have a lot of experience. I saw my most talented teachers become very disillusioned. Why? Because parent after parent of a capable child would come to me, come to the teacher and say: Do you not realize my child is in football, basketball, a drum majorette, chorus, band and everything under the sun; and, therefore, they do not have time to do what you expect as a teacher.

A very demanding teacher, a teacher who believes that we must secure excellence from our students becomes very disillusioned when that happens.

It was not the teacher that brought that about. It was not the teacher or the administrator who brought about the decline in discipline in the schools. We should all recognize that, and we should all see whether there is not some way that we can join together and bring about a return to demanding quality, to demanding excellence and demanding behavior that is fitting for a public setting such as a school.

Even Start is a program, as I indicated, that apparently is working. The research is showing that to be true, if the program is run properly, if they demand excellence, and if they expect participation of parents and students.

I take my hat off during this week, which I am not allowed to wear on the floor of the House, incidentally, to those who are out there in the field doing their very best under very trying conditions to make sure that our children are ready for the 21st century so we can be a very competitive Nation; because what was will not be good enough in the 21st century. Those teachers and those administrators cannot do it alone. They need all parents, they need the community support, they need everybody pulling together.

NAFTA

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, a lot of attention has been focused on our relationship with Mexico, especially these last couple of days as the President prepared for his trip to visit Mexico and during his trip yesterday and today and his trip with Latin leaders in Central America, I believe tomorrow. He is in Mexico, the President, as we speak, meeting with President Zedillo on a number of important issues. They will be discussing drugs, they will be discussing immigration, and those are both very serious problems facing both of our countries. I wish them the best in trying to move a step or two closer to resolving those very difficult issues.

The drug issue, of course, is particularly disturbing, and it is a two-way street. We are both to blame for the problem with drugs affecting both of our people. Mexico is shipping it here. Seventy percent of the cocaine and 25 percent of the heroin coming into the United States comes through Mexico. We have created this insatiable unfortunate demand for it in this country. We need to work on both sides of the border to get this under control.

One of the problems with controlling it coming over here, of course, is the open border policy that we have with Mexico that was put into place during the North American Free Trade Agreement. And, of course, this open border policy allows trucks to pass over the border almost unimpeded, without inspection. In Texas there are about 11,000 trucks that will cross the border each and every single day from Mexico. One out of 200 get looked at, inspected, and one can read stories daily in the press of police finding trucks coming over the border once they are here, there was one story the other day in New York City where they opened up a truck that was carrying bananas and as they got into the cargo, they found cocaine, and it happens almost on a daily basis here in the United States. So this drug issue is a very serious one and we wish them all the best.

We had a serious debate as some of my colleagues may recall in this Chamber not too very long ago about drugs. There will be a serious discussion, as I say, in Mexico City. But one issue that is being just glossed over, just mentioned in passing, is the performance of the North American Free Trade Agreement, better known as NAFTA. We had, as my colleagues all remember, a very vigorous and a healthy and a strong and a deliberative debate on this issue 4 years ago. We are now into the 40th month of NAFTA. It was this same agreement that in effect economically married our two nations. We became almost one, because we broke down the barriers of trade. That is what free trade is all about, breaking down the barriers completely. I believe that this agreement deserves more than just a passing reference by our colleagues, by the national media, and by our two leaders.

I want to discuss on this floor tonight the issue of NAFTA and the prospects of expanding NAFTA, which by the way includes not only Mexico but Canada, expanding it to other Latin American countries, or the Caribbean Basin or most immediate and most discussed is expanding it to Chile.

I want to discuss in just a minute or two some of the things that NAFTA has done, some of the devastating things that NAFTA has done to the workers in this Nation. But before I do that, let me mention a few things that it has not done, because my colleagues will hear none of this in the talks they

have in Mexico this week or the media coverage of the President's trip. Above all else, the supporters of NAFTA said, 40 months ago, that it would create 200,000 jobs in the United States and, more importantly, they said, it would create this huge consumer market in Mexico, a country of approaching 100 million people. That is what NAFTA would do, create this market where we could ship all these goods to Mexico, because they would have a strong and vibrant and prosperous middle class.

□ 1015

Mr. Speaker, those of us who have examined closely NAFTA for 40 months know these claims just do not pass the test of time, and you know what? We have a right. We knew that you could not create a consumer market in the Nation where workers make a dollar an hour, in a Nation where business and Government and the official union annually agree to suppress wages through something called el pacto. It is an agreement between business, the government and the unions to keep wages low. Actually it is a broader agreement than just that. It is an agreement that the Government gives the business, the multinational corporations that come down to Mexico, that it will guarantee their investment by keeping wages low, by not leveling any taxes against these corporations, which by the way are needed in order to develop the infrastructure so that the people who live near the plant and work at the plant can live with clean air and clean water, which they do not now, and I will talk about that in a second.

So the corporations pay no taxes, they pay very low wages to people, but it is an agreement, it is a strategy that was put together by the Government and the leaders of the unions in the business community. And we knew that the multinational corporations wanted to use Mexico as a labor market, not as a consumer market. And what do I mean by a labor market?

Mr. Speaker, they wanted to use the inexpensive labor of a dollar an hour or less, and it is less now. It was a dollar an hour when we were discussing NAFTA. It is down to about 70 cents an hour or about five or six dollars a day for an 8-hour day, a productive day, by the way, because the Mexican workers are hard workers and good people. They have just got everybody against them. They have got the Government against them, they have got this phony union that works with the Government in the business community, and of course they have the multinationals against them, and they are all by themselves looking for someone to stand up and say:

We deserve the right to earn a decent wage, we deserve the right to assemble, we deserve the right to bargain for our bread, we deserve the right to collectively bargain, the right to strike, to withhold our work. But they do not have that right.

Now there is something called the maquiladora, and people when they hear that term used, ''What is a maquiladora?'' It is an area along the Mexican-American border from Texas to California. On each side of the border there is a strip of land. Maquiladoras refer to the Mexican area just across the American border in Texas, New Mexico, Arizona and California because workers in those maquiladora factories that line this border today, as I said, are no longer making a dollar an hour. They are making 70 cents a hour.

Mr. Speaker, the multinational corporations took full advantage of the economic crisis in Mexico which contributed to this drop in the wages. Some of you may recall when we argued NAFTA the gentleman from New York [Mr. LAFALCE] and myself and others got up and we said the peso is overvalued, it is going to crash, and when it crashes, the wages of the workers in Mexico will fall through the floor, there will be a financial crisis, and someone is going to have to bail out all these investors, these big shooters that invested because of NAFTA. Someone is going to have to take care of these big financial institutions.

And so we did; we guaranteed the money. We saved a collapse, a total collapse, which may or may not happen in the future because I think the peso is starting to be overvalued again. But nonetheless, the peso crashed, and we said it would crash, and it was one of the reasons we said we did not like that NAFTA because it was overvalued.

It was a huge financial crisis in Mexico, and people all over the country overnight had the value of their labor and their savings diminished by 40 percent. Now if you could imagine that, waking up tomorrow and knowing your life's savings, what you were earning that week, what you had saved, what you invested was 40 percent less, and that is what happened.

These corporations have expanded employment in the maquiladora by over 40 percent since NAFTA took effect, 40 percent. In Mexico the workers are not buying more consumer goods. On those wages it takes nearly a half a day's works to buy a carton of milk, and they work. They work hard. They do not last too long.

I visited 2 months ago the maquiladora down in Tijuana, and I went to the Hyundai plant and the Samsung plant and the Panasonic plant. You have got all these multinational large facilities, modern facilities. A lot. But you know you do not see any automobiles parked near there. Workers do not have the money to buy automobiles. You got an automobile factory in the maquiladora area. There are not any cars there. People do not have money to buy a car. What Henry FORD did in the early part of this century was say I am going to pay my workers a decent wage so they can buy the automobiles that they produce, and he dramatically increased their wages to $5 an hour.

Mr. Speaker, they take the opposite approach, the multinationals in Mexico. They keep wages at 70 cents an hour so you make five or six dollars a day. Try to buy milk on that because the milk is not any more expensive or any less expensive than it is here, believe me.

And you know, this is a remarkable fact. We sell more consumer goods to the small Nation of Switzerland, which is in the center of western Europe, small little country, a mountainous country, Switzerland, about 6 million people. We sell more goods to Switzerland than we do to the almost hundred million people in Mexico. But they are making more goods in Mexico and shipping them here. That is exactly what the maquiladoras in NAFTA were designed to do.

A surge in imports since NAFTA has exploded our trade deficit with Mexico. Before NAFTA, we were running about a $2 billion trade surplus with Mexico. We were selling them more, $2 billion worth more, of goods then they were selling us. Since NAFTA it is a $16 billion deficit.

One of the reasons are obvious. They do not have a class of people that can buy our goods if the value of their peso devaluated 40 percent and they are making 70 cents an hour. What are they going to buy? And the other reason of course is that these corporations are establishing their businesses right across the border and taking advantage of this inexpensive labor and then shipping the products right back here, right back here, and it does not take a PHD in economics to figure out that when you are buying things from Mexico that used to be made here you are losing jobs.

No, those 2,100 jobs have not materialized here as the NAFTA supporters said. What we do know is that nearly 120,000 American workers have been certified by the Government as loosing their jobs as a result of NAFTA, and using the same formula that NAFTA proponents used to estimate jobs gained in 1993 some people have suggested that we have lost up to 600,000 jobs.

So that is what NAFTA has done, and let me just say something about the people who lost their jobs because this is an interesting story.

People say, ''Well, you know you are talking about these job losses. I mean isn't the economy doing well, BONIOR? I mean the unemployment rate is down to 4.9 percent. I mean the economy and consumer confidence is up.''

Well, the fact of the matter is that those people who lost those jobs, they found other jobs here in this country, but studies that I have seen show that they have found those jobs at about two-thirds of what they were earning in their former jobs.

So what happens when that occurs? Well, they work a second job, or the other spouse goes to work, or they are working two or three jobs, and what happens when that occurs? The parents

are not home when their children come home from school. They are not there to see them play soccer. They are not there to go to their school activities. And then the whole social fabric of our society starts to unravel a little bit.

So wages have an impact not only on what you can take home and what you purchase and what you have in terms of security for yourself and your family, but they have a social consequence as well.

The sad thing is what NAFTA has done.

Mr. Speaker, we have discussed this before on this floor, and I want to discuss it again tonight. It is the issue of using NAFTA as a weapon, and I choose that word carefully, ''as a weapon,'' to dampen the efforts of workers here in America to earn a decent wage and seek the right to organize and collectively bargain, and I really want to focus on it tonight because I believe that this was the intention of NAFTA all along, to give corporations a license, in effect to pursue a race to the bottom strategy to drive down wages to bust unions and to move the living standard of Americans to a lower level.

And of course, as I say, Americans resist that. They will work two and three jobs in order to maintain that standard of living, but when they do that, they give up something else that is very precious to them, and that is time with their families. They give up their family life. They give up part of their spiritual life. They give up other things that create an atmosphere of community and caring and loving.

And I can tell you right now that we should not stand for this because our fathers and our mothers and our grandparents and our ancestors, they fought too hard and they fought too long over these past 100 years for the right to assemble, the right to organize, the right to collectively bargain, the right to earn a decent wage, the right to work in safe working conditions and on, and on, and on.

Corporations are now using NAFTA to erode these rights, not by changing the law in this case, but by pitting workers against each other and by threatening to move jobs to the lowest cost labor market available, and NAFTA gives them a license to do that because it protects their investment in Mexico. It does not require them to raise Mexican standards up to ours. It practically guarantees them that they will not be caught because NAFTA does not give workers a real voice in this decision. All it does is it says, ''Let's talk.'' If corporations are violating worker rights, no sanctions, no fines, no consequences; if you are lucky, maybe a little discussion.

NAFTA put a stamp of approval on all of this behavior, and it should be a crime what some of these corporations are doing since NAFTA took effect.

Downward pressure on wages; look at this chart right here. NAFTA puts downward pressure on U.S. wages. Sixty-two percent of U.S. employers threaten to close plants rather than negotiate with or recognize a union, implying or explicitly threatening to move jobs to Mexico.

This was a study that was done at Cornell University. Sixty-two percent, a study that was done which the Department of Labor refused to release, and you can understand why when you see these numbers.

☐ 2230

Basically this says that the corporations were going to the workers and saying, and I will demonstrate this vividly in just a second, you do not take a freeze in wages or a cut in wages or a cut in your health care benefits or your pension benefits; we are going south and you are not going to have any job at all. Yet, when workers in Mexico try to organize and try to form unions and try to fight for better pay and to try to take away this bargaining chip that the multinationals and corporations in this country are using on workers, what happens? I will tell my colleagues what happens. They get thrown in jail.

I was witness to a discussion with one of the leaders of the colonia, which is a village of workers who work in the Maquiladora in Tijuana, who told me that he got the line at this factory to stop. The workers protested because people were losing their fingers and their hands, and as a result of that, he got fired for organizing this work stoppage. And when he tried to organize an independent union because the union that was there is in cahoots with the government and the company, as are 95 percent of the unions in Mexico, when he tried to form an independent union he was arrested and thrown in jail.

Four years ago, we put our stamp of approval on the whole schematic that I have just developed here.

Mr. Speaker, let me read a passage from this Cornell study, because it will show our colleagues just exactly what NAFTA has done. This passage I am going to read discusses why companies, after an effort by workers to organize in the United States, have fled to Mexico at double the rates since NAFTA took effect than before NAFTA. I quote the study: The fact that the post-election plant closing rate has more than doubled, that is here, since NAFTA was ratified, suggests that NAFTA has both increased the credibility and the effectiveness of the plant closing threat for employers and embolden increasing numbers of employers to act upon that threat.

In fact, it goes on to say, in several campaigns the employer used the media coverage of NAFTA debate to threaten the workers. It threatened the workers with moving their plant to Mexico if the workers were to organize. In several campaigns the employers used the media coverage of NAFTA debate to threaten the workers that they were going to move their plant if the workers were to organize.

Mr. Speaker, let me now turn to a few examples of how corporations have used NAFTA to drive down wages in the United States, to do exactly what this Cornell study has suggested. Last week the gentleman from Ohio [Mr. KUCINICH] reminded us that one of the most dramatic examples took place in Michigan.

In 1994 workers were attempting to organize an ITT automotive plant in Michigan. The company was resisting. The company used the threat of moving to Mexico in a very blatant fashion. During the organizing campaign the management took apart an assembly line in the plant, shrink-wrapped it and loaded it on 13 flatbed trucks with bright pink signs that read, ''Mexico transfer jobs.'' Mexico transfer jobs.

The same company drew employees from the Mexican facility to videotape Michigan workers on a production line which the supervisor claimed they were considering moving to Mexico. So they bring these Mexican workers up here, they videotape the American workers working on the line. The American workers say, ''What is going on?'' They say, ''Well, we are videotaping the line because this production line is going to move to Mexico.''

That type of threat is still going on today, and of course, needless to say, the union lost the election in that plant.

Let me show my colleagues another chart here. Companies use NAFTA to drive down wages for American workers. Just 2 months ago, a company called NTN Bauer used this same exact flyer which can be seen trying to undermine an organizing drive in McComb, IL.

As my colleagues can see, the flyer makes a blatant threat. It says if the worker decides to join the UAW, their jobs may go south for more than just the winter. The leaflet notes there are Mexicans willing to do their job for $3 and $4 an hour. The free trade treaty allows this.

The fact of the matter is, these jobs are being done not for $3 or $4 an hour, they are being done for 70 cents an hour. This is perhaps one of the most blatant example of how companies are using NAFTA to stop the wages from going up, and benefits. It is happening every day and 62 percent of employers are doing the same thing.

The author of the Cornell study, professor Kate Rothenbrenner, concluded the following, and I quote. This is her conclusion: NAFTA has created a climate that has emboldened employers and terrified workers. I want to repeat that again: NAFTA has created a climate that has emboldened employers and terrified workers.

These same companies that promised to create jobs under NAFTA, but who are instead using it as a threat to drive down wages in this country, now want to expand into other nations without any protection for workers. This problem will only get worse because it is not only Mexico that is being used as a bargaining chip. NAFTA supporters, as I said earlier, would like to add next

Chile to NAFTA, but the nation of Chile is being used as a bargaining chip as well.

Mr. Speaker, some of my colleagues may be familiar with a recent strike of workers at Goodyear Tire & Rubber Co. More than 12,500 workers went on strike to demand decent wages and benefits and limiting outsourcing. That is when the company decided to produce parts in another country, and pretty soon we have this part and that part and we have the whole thing being produced elsewhere. Outsourcing of course is a major concern of workers in this country, especially in the manufacturing sector, in the industrial manufacturing sector.

Well, as I said, one of the major issues of that strike was the announcement by Goodyear that it was transferring production from its Akron, OH plant to Santiago, Chile, resulting in 150 lost jobs in order to lower labor costs. So this is a trend that will continue on and on and on unless we seriously address the issues of wages and workers' rights in our trade agreements.

People suggest to me, well, we cannot do that. We cannot address the environment and workers' wages and workers's rights in these agreements, and the reason we cannot do that is because the other countries that we are bargaining with will not allow it. If we just go along with them, and we improve their economies or we help improve their economies and their people become more prosperous and middle class, that will bring with it the freedoms that we cherish and have worked so hard for in this country. That is the other argument against the position that I and others take.

The fact of the matter is that history has shown that if we do not address these things in these agreements, they just do not get addressed at all; that there is no countervailing force in Mexico or in some of these countries to bring prosperity and to bring a rising middle class, and there is no historical proof that when this is done, democratization flourishes.

Democratization flourishes when people are allowed to assemble and bargain for their own bread and their own rights. The unions have brought depth and dignity to democracy in this country and in Western Europe and they can do it in Latin America, they can do it in Asia, as they are doing it now in Korea, by the way, they can do it in Africa and they can do it in other places, other developing countries. But they have to have the ability to come together without having the fear of being thrown in jail.

All we are asking our Government to do is to take these principles that made us so strong, that made us the envy of the world, that gave rise because of organized labor to the largest and most prosperous middle class the world has ever known, to allow those principles, those democratic principles to be used in Mexico and other developing countries in the world. That is what we are after, so that workers there and workers here can benefit. Not this insatiable race to the bottom, to the lowest standard.

NAFTA is a flawed agreement. It is not just about Mexico. It is about giving corporations a license to do this to workers.

It is unconscionable what they are doing on the border and the Maquiladora area, these multinational corporations, dumping their sewage and their plant effluents into the rivers that the people live right next to, bathe in, drink out of. The American Medical Association said that these corporations have created a cesspool of infectious disease. That is their words. They refuse to be taxed in order to provide an infrastructure to clean up this pollution.

These manufacturing jobs that pay a decent wage, allow workers to send their kids to college, talking about the jobs that we have here, buy a home, take a nice vacation, have a secure retirement with good health care, they are going to be gone unless the country wakes up and decides that it wants to export our worker values and principles, not our jobs, so that the workers in Mexico and in other places can have lives like we have developed over the last 100 years.

We are creating jobs in this Nation, but they are not the types of jobs that can sustain this economy. We are going to wake up one morning and we are going to hit a hollowed bottom, a hollowed bottom, where the top 20 percent or the top 25 percent in America are doing very, very well, but then they are going to discover the folks below them, their earning power is slipping and slipping and slipping and slipping, and they pretty soon will not have the wherewithal to purchase the products that they once made. In the not so distant future, clearly this is going to catch up to us.

Mr. Speaker, this debate we are engaged in tonight is not simply about tariffs, investment rules, and trade agreements, it is in essence about our economic future. It is about whether or not we as a nation will go forward with the bright and wonderful hope of exporting our principles of democracy and our right to organize and the right to collective bargaining, and all of those things that helped make us prosperous, or we are going to go backward and we are going to export greed that denies people the ability to come together in a community to better their own lives.

This is nothing more than a masquerade for greed. That is what we are dealing with here. I do not say that flippantly. I have thought about this and I have tried to rationalize it from the perspective of those who argue on the other side, and I have looked at the data and I have talked to the workers, both here and there, and I have come to the conclusion it is about greed.

Nobody will say no to the rapacious and inexorable march of the multinational corporations today, and it is very, very scary. There is no countervailing force. We have indifferent government, we have weakened, if nonexistent labor, and we have an economic, how should I describe it, intertwined media with the economic powers that be in this country, the multinationals, so that that independent message is very, very difficult to penetrate.

I must say, though, that I have sensed a little bit of hope. As we all remember during the NAFTA debate, at least I certainly remember, I suspect a lot of people do, but I certainly do, the New York Times was unabashedly in favor of NAFTA. There was an editorial board and a columnist there that I respect very much for their integrity, for their depth, their knowledge, but I really had a serious disagreement over this issue. I remember coming to the floor and railing against the New York Times, I was so mad one evening, and taking off on a little box they have in the left-hand top corner of the front page every day that says, ''All the news that is fit to print.''

But in the last several months, I have noticed that a few editorials in the Times are starting to address indirectly, not directly but indirectly, the question of poverty in Latin America.

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There was one, I think, that was just this morning that talked about how the wealth is not reaching them because of the growth in Latin America, which needs to grow. It needs to grow at a 6 or 7 percent clip to keep up with its population growth. But the wealth has been going to a select few. As I just described, in Mexico we have huge numbers of people, huge numbers of people that are falling further and further behind, who are working harder and harder to make ends meet.

So the wealth is just moving to the top, and we are exacerbating the problems of the poor and the working poor. I would take that argument a step further. The New York Times, in an editorial today, came up with a series of formulas to try to eradicate this problem and focus attention on the poor and working poor. But my suggestion to you is that until you get the governments and the multinational corporations dealing fairly and honestly and with integrity with the workers, that is not going to happen. It will not happen. They have enslaved, they have enslaved a generation of workers.

I hope they keep examining and looking at this, because I do not think that they can come to any other conclusion than that. There are a couple of people at the Times, Abe Rosenthal, Bob Herbert, wonderful people, Duke Collins, who I think share my view with respect to these trade agreements: That we need to have them, that they are helpful to all concerned if done well, but that what we have been doing is taking us back to the 19th century and not forward.

I regret to say that my President, who I respect so much on so many other different issues, we have such a difference of opinion on this one. I would like for him to go down to a maquiladora area. I would like for him to talk to the workers in those colonias, to see for himself what we are talking about here, to see the pollution, to see the despair, to see the hopelessness and the alienation.

Someone is going to have to lead an international effort, Mr. President, on wages, on labor rights, on environmental rights. It might as well be us. We have benefited more than anyone else in the world. We have, and our European cousins. We need to share that with the workers in Asia and Africa and Latin America and the Caribbean Basin. We have to hold the multinational-transnational corporations responsible.

In conclusion, Mr. Speaker, let me again at the end of my comments here wish President Zedillo and President Clinton and all the Latin leaders in Costa Rica tomorrow well in their discussions, and I look forward to a vigorous debate as we proceed to discuss this fast-track trade authority. With China, which will, I assume, follow that, or precede it, but certainly will be before us within the next 4 or 5 months, these trade issues are terribly, terribly important because of the globalization efforts underway, and tearing down borders, marrying our countries to each other economically, and creating a situation in which workers will have hopefully a fair and a decent ability to compete.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT) for today and tomorrow, Wednesday, May 7.

Mr. SCHIFF (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

Mr. KOLBE (at the request of Mr. ARMEY) for today and tomorrow on account of traveling to Mexico with the President.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. MICA, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, on May 13.

Mr. CANNON, for 5 minutes, on May 7.

Mr. SAM JOHNSON of Texas, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. BRADY, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. SCHUMER.
Mr. CAPPS.
Ms. DELAURO.
Ms. LOFGREN.
Mr. BONIOR.
Mr. KILDEE.
Mr. UNDERWOOD.
Ms. WOOLSEY.
Mr. KANJORSKI.
Mr. HASTINGS of Florida.
Mr. BARRETT of Wisconsin.
Mr. FROST.
Mr. DOYLE.
Mr. WAXMAN.
Mrs. LOWEY.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO.
Mr. WALSH.
Mr. SHUSTER.
Mrs. JOHNSON of Connecticut.
Mr. NEY.
Mr. LEWIS of California.
Mr. SHIMKUS.
Mr. ROGERS.
Mr. MCKEON.
Mr. EVERETT.
Mr. YOUNG of Florida.
Mr. BOB SCHAFFER of Colorado.
Mr. SOLOMON.
Mr. RILEY.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. SAM JOHNSON of Texas.
Mr. SNOWBARGER.
Mr. GOODLATTE.
Ms. NORTON.
Mrs. EMERSON.
Mr. CHRISTENSEN.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 6, 1997:

H.R. 968. An act to title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 7, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3130. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Rural Rental Housing (RRH) Assistance (Rural Housing Service) [Workplan Numbers 96–009 and 96–010] (RIN: 0575–AC15) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3131. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Processing Requests for Section 515 Rural Rental Housing (RRH) Loans (Rural Housing Service) [Workplan Number 95–001] (RIN: 0575–AB93) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3132. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Referral of Known or Suspected Criminal Violations [12 CFR Part 617] (RIN: 3052–AB33) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3133. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—1997 Marketing Quota and Price Support for Flue-Cured Tobacco [Workplan Number 96–053] (RIN: 0560–AF00) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3134. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Amendments to the Peanut Poundage Quota Regulations [Workplan Number 96–033] (RIN: 0560–AE82) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3135. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on Safe and Drug-Free Schools and Communities National Programs—Grants to Institutions of Higher Education, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3136. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on Safe and Drug-Free Schools and Communities National Programs—Federal Activities Grants Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3137. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Announcement of Proposal Guidelines for the Competition for the 1997 National Brownfields Cleanup Revolving Loan Fund Demonstration Pilots [FRL–5822–7] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3138. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes;

Minnesota [MN41–01–7266a; FRL–5820–8] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1))(A); to the Committee on Commerce.

3139. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Indiana [IN54–1a; FRL–5819–3] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3140. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Utah; Standards of Performance for New Stationary Sources [UT–001–0003a; FRL–5818–6] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3141. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Promulgation of Reid Vapor Pressure Standard; Michigan [MI50–01–7257; FRL–5819–5] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3142. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 192–0037a; FRL–5816–9] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3143. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cle Elum, Washington) [MM Docket No. 96–233, RM–8908] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3144. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grenada, Mississippi) [MM Docket No. 96–130, RM–8818] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3145. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Humboldt, Kansas) [MM Docket No. 96–217, RM–8880] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3146. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Amargosa Valley, Nevada) [MM Docket No. 96–180, RM–8863] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3147. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service [MM Docket No. 87–268] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3148. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service [MM Docket No. 87–268] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3149. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3150. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry [Docket No. 960223046–7086–02; I.D. 031897A] (RIN: 0648–ZA09) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3151. A letter from Director, Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Postsecondary Education Programs for Inmates (Bureau of Prisons) [BOP–1035–F] (RIN: 1120–AA35) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3152. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding the economic policy and trade practices of each country with which the United States has significant economic or trade relationships, pursuant to 15 U.S.C. 4711; jointly, to the Committee on International Relations and Ways and Means.

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. LINDER: Committee on Rules. House Resolution 142. Resolution providing for consideration of the bill (H.R. 478) to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures (Rept. 105–88). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 143. Resolution providing for consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses (Rept. 105–89). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT (for himself, Mr. ABERCROMBIE, Mr. STUMP, Mr. BONO, Mr. ROYCE, Mr. BROWN of California, Mr. HAYWORTH, Mr. HUNTER, Mr. CANADY of Florida, Mr. GILMAN, Mr. MCCOLLUM, Mr. BONILLA, Mr. BARR of Georgia, Mr. MICA, Mr. HYDE, Mr. GREENWOOD, Mr. MILLER of Florida, Mr. BILBRAY, Mr. SHIMKUS, Mr. SOLOMON, Mr. LEWIS of Kentucky, Mr. WATTS of Oklahoma, Mr. QUINN, Mr. WYNN, Mr. HOLDEN, Mr. GREEN, Mr. NORWOOD, Mr. BROWN of Ohio, Mr. MCKEON, Mr. SAXTON, Mr. LEWIS of California, Mr. SAM JOHNSON, Mr. GUTKNECHT, Mr. MANTON, Mr. BILIRAKIS, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. EVERETT, Mr. FROST, Ms. LOFGREN, Mr. COOKSEY, Mr. SMITH of New Jersey, Mrs. KELLY, Mr. GEKAS, Mr. ARMEY, Mr. RAMSTAD, Mr. SKELTON, Mr. MEEHAN, Mr. DOYLE, Mr. BISHOP, Mr. REGULA, Mr. VENTO, Mr. DICKS, Mr. FOLEY, Mr. ROHRABACHER, Ms. KAPTUR, Mr. THOMAS, Mr. ENSIGN, Mr. ROEMER and Mr. SMITH of Michigan):

H.R. 1532. A bill to amend title 18, United States Code, to create criminal penalties for theft and willful vandalism at national cemeteries; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1533. A bill to amend title 23, United States Code, relating to environmental improvements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY:

H.R. 1534. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 1535. A bill to amend the Public Law 99–548 to expand the right of the city of Mesquite, NV, to purchase certain public lands in the vicinity of the city; to the Committee on Resources.

By Mr. GOODLATTE (for himself and Mr. GOODE):

H.R. 1536. A bill to amend title 18, United States Code, to reduce the size of grand juries; to the Committee on the Judiciary.

By Mrs. MEEK of Florida:

H.R. 1537. A bill to amend subchapter III of chapter 13 of title 31, United States Code, popularly known as the Anti-Deficiency Act, to allow the United States to enter into contracts or obligations during a lapse in appropriations if the President determines that a sufficient appropriation is likely to be made for that purpose before the end of the fiscal year, and for other purposes; to the Committee on Government Reform and Oversight.

By Ms. NORTON:

H.R. 1538. A bill to direct certain Federal law enforcement agencies to enter into cooperative agreements with the Metropolitan Police Department of the District of Columbia to assist the department in crime prevention and law enforcement activities in the District of Columbia; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD (for himself, Mr. TURNER, Mr. OXLEY, Mr. DEAL of Georgia, Mr. KLINK, Mr. HASTERT,

Mr. BOUCHER, Mr. GILLMOR, Mr. WHITFIELD, Mr. GORDON, Mr. CRAMER, Ms. CARSON, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr. JENKINS, Mr. DUNCAN, Mr. OBERSTAR, Mr. MURTHA, Mr. RILEY, Mr. PETERSON of Minnesota, Mr. KINGSTON, Mr. KUCINICH, and Mr. DEFAZIO):

H.R. 1539. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce.

By Mr. PETERSON of Minnesota:

H.R. 1540. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. PRICE of North Carolina (for himself and Mr. HORN):

H.R. 1541. A bill to amend the Federal Election Campaign Act of 1971 to require that communications advocating the election or defeat of a candidate for election for Federal office contain specific information regarding the sponsor of the communication and whether or not the communication is authorized by the candidate involved; to the Committee on House Oversight.

By Mr. BURTON of Indiana (for himself, Mr. GILMAN, Mr. BUNNING of Kentucky, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. BORSKI, Mrs. MALONEY of New York, Mr. FOLEY, Mr. WOLF, Mr. EHRLICH, Mr. KING of New York, and Mr. MANTON):

H. Con. Res. 73. Concurrent resolution concerning the death of Chaim Herzog; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 74. Concurrent resolution concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea; to the Committee on International Relations.

By Mr. BEREUTER:

H. Res. 144. Resolution to express support for the bicentennial of the Lewis and Clark expedition; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. MARTINEZ, Mr. GOODE, Mr. PARKER, Mr. SAWYER, and Mr. ABERCROMBIE.

H.R. 38: Mr. PASCRELL, Mr. MICA, Mrs. MORELLA, Mr. WISE, and Ms. DELAURO.

H.R. 65: Ms. KAPTUR, Mr. MICA, Mr. CHAMBLISS, Mr. WISE, Mr. GORDON, and Mr. BROWN of California.

H.R. 66: Mr. WHITFIELD, Ms. WOOLSEY, Mrs. CUBIN, and Mr. SENSENBRENNER.

H.R. 76: Mr. HINCHEY, Mrs. EMERSON, Mr. SPRATT, Mr. OLVER, Mr. BROWN of California, Mr. LAMPSON, Mr. PALLONE, Mr. LINDER, Mr. CHAMBLISS, Mr. LATOURETTE, Mr. DIAZ-BALART, Mr. SANDERS, Mr. WEXLER, Mr. BOYD, Mr. NEY, Mr. ALLEN, Mr. COMBEST, Mr. WISE, Mr. TRAFICANT, and Ms. SANCHEZ.

H.R. 96: Mr. POMEROY and Mr. CHAMBLISS.

H.R. 107: Ms. KAPTUR, Mr. GEJDENSON, Mr. MCINTYRE, Mr. LEWIS of Kentucky, and Mr. CRAPO.

H.R. 124: Mr. WELDON of Florida.

H.R. 125: Mr. MANZULLO.

H.R. 145: Mr. SKELTON, Mr. STARK, Mr. HAMILTON, and Mr. WEXLER.

H.R. 192: Mr. WHITE, Mr. TRAFICANT, Mr. LIVINGSTON, Ms. SANCHEZ, and Mr. MCINNIS.

H.R. 197: Mr. CRANE, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, Mrs. KENNELLY of Connecticut, Ms. DUNN of Washington, Mr. CAMP, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, and Ms. LOFGREN.

H.R. 202: Mr. POSHARD and Mr. MALONEY of Connecticut.

H.R. 216: Mr. TIERNEY.

H.R. 230: Mr. WEXLER.

H.R. 303: Mr. DIAZ-BALART, Ms. KAPTUR, Mr. CHAMBLISS, Mr. WISE, Mr. GORDON, and Mr. BROWN of California.

H.R. 306: Mr. BONIOR, Mr. FAZIO of California, Mr. STUMP, and Mr. PASTOR.

H.R. 399: Mr. DAVIS of Virginia, Mr. KIM, Ms. WOOLSEY, Mr. FRANK of Massachusetts, and Mr. PETERSON of Minnesota.

H.R. 404: Mr. PASTOR, Mr. ENGLISH of Pennsylvania, Mr. PETRI, and Ms. STABENOW.

H.R. 407: Mr. HASTINGS of Florida, Ms. DEGETTE, and Mr. MURTHA.

H.R. 414: Mr. TALENT, Mr. TRAFICANT, Ms. SANCHEZ, and Mr. MCINNIS.

H.R. 446: Mr. MARTINEZ.

H.R. 475: Mr. KINGSTON.

H.R. 521: Mr. PORTER, Mr. TIERNEY, and Mr. ROGERS.

H.R. 531: Mr. KLECZKA, Mr. HERGER, Mr. LEWIS of Georgia, Mr. ENGLISH of Pennsylvania, Mr. NEAL of Massachusetts, and Mr. ENSIGN.

H.R. 532: Mr. LEWIS of Georgia, Mr. CALLAHAN, Mr. HEFLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACHUS, Mr. HOUGHTON, Mr. LAMPSON, and Mr. SESSIONS.

H.R. 556: Ms. ESHOO.

H.R. 577: Mr. ENGEL.

H.R. 641: Mr. PICKERING.

H.R. 650: Mr. PARKER and Mr. BORSKI.

H.R. 695: Mr. ROHRABACHER and Mr. COOKSEY.

H.R. 715: Mr. BAKER and Mr. DAVIS of Virginia.

H.R. 753: Ms. HOOLEY of Oregon, Mr. TORRES, Mr. TRAFICANT, Mr. RANGEL, and Mr. UNDERWOOD.

H.R. 754: Ms. LOFGREN, Mr. CLEMENT, Mr. DIAZ-BALART, Mrs. MEEK of Florida, Mr. ENGEL, Ms. DEGETTE, Mr. WISE, and Mr. MARTINEZ.

H.R. 768: Mr. KNOLLENBERG.

H.R. 804: Mr. BAKER.

H.R. 815: Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, and Mr. WELDON of Florida.

H.R. 866: Ms. DANNER.

H.R. 877: Mr. BACHUS, Ms. LOFGREN, Mr. FATTAH, Mr. LIPINSKI, and Mr. NETHERCUTT.

H.R. 880: Mr. SKEEN, Mr. BLUNT, Mr. CRAMER, Mr. BURTON of Indiana, Mr. STUMP, and Mr. SCHIFF.

H.R. 897: Mr. DOYLE.

H.R. 902: Mr. MARTINEZ, Mr. HANSEN, Mr. NETHERCUTT, and Mr. NEY.

H.R. 910: Mrs. ROUKEMA.

H.R. 916: Mr. SOLOMON, Mr. POMEROY, Mr. BOUCHER, Mr. BALDACCI, Mr. LAMPSON, Mr. PALLONE, Mr. OLVER, Mr. ISTOOK, Mr. REGULA, Ms. DELAURO, and Mr. CRAPO.

H.R. 947: Mr. HULSHOF, Mr. MARTINEZ, and Ms. WOOLSEY.

H.R. 950: Mr. CONYERS and Mr. CLAY.

H.R. 956: Ms. KAPTUR and Mr. SENSENBRENNER.

H.R. 965: Mr. BAKER.

H.R. 978: Mr. GUTIERREZ.

H.R. 986: Mr. DEAL of Georgia, Mr. TIAHRT, and Mr. SAM JOHNSON.

H.R. 991: Mr. SALMON.

H.R. 1022: Mr. HYDE.

H.R. 1023: Mrs. MCCARTHY of New York, Mr. HULSHOF, Mr. CALVERT, Ms. LOFGREN, Ms. DANNER, Mr. THOMPSON, Mr. ROTHMAN, Mr. PETERSON of Minnesota, Mr. CAPPS, Mr. LEACH, and Mr. OBERSTAR.

H.R. 1031: Mr. BAKER and Mr. BRYANT.

H.R. 1036: Mr. MILLER of Florida, Mr. PAUL, Mr. SOLOMON, Mr. GIBBONS, Mr. METCALF, Mr. COBLE, Mr. NEUMANN, Mr. LARGENT, and Mr. CHRISTENSEN.

H.R. 1054: Mr. BUNNING of Kentucky, Mr. WICKER, Mr. COOK, Mr. BONO, Mr. DOOLITTLE, and Mr. ROHRABACHER.

H.R. 1060: Ms. DANNER, Mr. COMBEST, Mr. DIAZ-BALART, Mr. BOUCHER, Mr. THORNBERRY, Mr. PACKARD, and Mr. GREENWOOD.

H.R. 1062: Mr. WHITFIELD and Mr. CRAPO.

H.R. 1070: Mr. GONZALEZ, Ms. KILPATRICK, Ms. PELOSI, Mr. KASICH, Mr. SCOTT, and Mr. MCGOVERN.

H.R. 1101: Mr. BUNNING of Kentucky, Mr. BISHOP, Mr. ENGLISH of Pennsylvania, Mrs. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. KUCINICH, Mr. GONZALEZ, Mr. WATTS of Oklahoma, Mr. YATES, Mr. FROST, Mr. UNDERWOOD, and Mr. HINCHEY.

H.R. 1102: Ms. NORTON, Mr. HILLIARD, Mr. CLYBURN, Mr. FORD, Ms. RIVERS, Mr. BROWN of California, and Mr. FROST.

H.R. 1104: Mr. HORN, Mr. QUINN, and Mr. FARR of California.

H.R. 1111: Mr. DEFAZIO, Mr. KUCINICH, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. MARTINEZ, Mr. ROTHMAN, Mr. PARKER, and Mr. MORAN of Kansas.

H.R. 1117: Mr. DELAHUNT, Mr. ROTHMAN, Mr. FROST, Ms. RIVERS, Mr. KUCINICH, and Mr. BOUCHER.

H.R. 1126: Mr. CAMPBELL.

H.R. 1130: Mr. TIERNEY and Mr. EVANS.

H.R. 1132: Mr. GONZALEZ, Mr. DEFAZIO, and Mr. TORRES.

H.R. 1134: Mr. CASTLE and Mr. MATSUI.

H.R. 1151: Mr. FALEOMAVAEGA, Mr. WEYGAND, Mr. CONDIT, Mr. COYNE, Mr. TORRES, and Mr. KOLBE.

H.R. 1161: Mr. PAPPAS, Mr. SAXTON, Mr. SAM JOHNSON, and Mr. BILIRAKIS.

H.R. 1162: Mr. BAKER.

H.R. 1169: Mr. WELDON of Pennsylvania, Ms. CHRISTIAN-GREEN, Mr. SAM JOHNSON, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY.

H.R. 1173: Mr. WEXLER, Mr. CLAY, Mr. WYNN, Mr. GONZALEZ, Mr. FROST, Mr. MCHALE, Mr. HILLIARD, Mr. MCGOVERN, Mr. OBERSTAR, Mr. FORD, Mr. RAHALL, Mr. DAN SCHAEFER of Colorado, Mr. GUTKNECHT, Ms. STABENOW, Ms. MCKINNEY, Mr. SHERMAN, Mr. RAMSTAD, Mr. SABO, Mr. CONDIT, Mr. MATSUI, Mr. BONIOR, Ms. MCCARTHY of Missouri, Mr. CRAMER, Ms. CHRISTIAN-GREEN, Mr. BARRETT of Wisconsin, Mr. WISE, Mr. BLUMENAUER, Mr. HINCHEY, Mr. VISCLOSKY, Mr. MCNULTY, Mr. EVANS, Mr. CARDIN, Ms. LOFGREN, Mr. DELAHUNT, Mr. ALLEN, Mr. STRICKLAND, Mr. FAZIO of California, Mr. LANTOS, Mr. BROWN of California, Mr. GREEN, Mr. NEAL of Massachusetts, Ms. FURSE, Mr. COBLE, Mr. WELLER, Mr. BERMAN, Mr. RIGGS, Mr. SMITH of New Jersey, Mr. MEEHAN, Mr. METCALF, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. BISHOP, Mr. STUPAK, Mr. HOYER, Mr. GORDON, Mr. FILNER, Mr. POSHARD, Mr. SCHUMER, Ms. DANNER, Mr. HALL of Ohio, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. MALONEY of Connecticut, Mr. MANTON, Mr. WALSH, and Mr. SCHIFF.

H.R. 1227: Mr. MCKEON, Mr. TALENT, Mr. CUNNINGHAM, Mr. LATHAM, and Mr. CRAPO.

H.R. 1259: Ms. KILPATRICK.

H.R. 1270: Mr. BALLENGER, Mr. JOHN, Mr. SENSENBRENNER, Mr. CALLAHAN, Mr. INGLIS of South Carolina, Mrs. MYRICK, Mr. LINDER, and Mr. BOYD.

H.R. 1295: Mr. LUTHER and Mr. LATHAM.

H.R. 1301: Mr. BARRETT of Wisconsin, Ms. SLAUGHTER, Mr. FATTAH, Mr. BALDACCI, Mr. WEYGAND, and Mr. BROWN of California.

H.R. 1311: Ms. STABENOW, Mr. HINCHEY, and Mr. MANTON.

H.R. 1323: Mr. LEWIS of Georgia and Mr. TIERNEY.

H.R. 1329: Ms. LOFGREN, Ms. PELOSI, and Mr. SANDERS.

H.R. 1348: Mr. ORTIZ, Mr. WELDON of Pennsylvania, Mr. SOLOMON, Mr. WATTS of Oklahoma, Mr. MCHALE, Mr. FORBES, Mr. HALL of

Texas, Mr. CHABOT, Mrs. FOWLER, Mr. COOKSEY, Mr. EVERETT, Mr. LEWIS of Kentucky, and Mr. TIAHRT.

H.R. 1350: Mr. BARCIA of Michigan.

H.R. 1353: Mr. TORRES.

H.R. 1354: Mr. BISHOP, Ms. DEGETTE, Mr. HINCHEY, Mr. RANGEL, and Ms. SLAUGHTER.

H.R. 1356: Mr. ENSIGN, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. BISHOP, Mr. BILBRAY, Mr. OLVER, and Mr. CHAMBLISS.

H.R. 1357: Mr. CHAMBLISS and Mr. TRAFICANT.

H.R. 1358: Mr. KLECZKA.

H.R. 1370: Mr. MALONEY of Connecticut.

H.R. 1375: Mr. MCDERMOTT, Mr. SKAGGS, Mr. REGULA, and Mr. BALDACCI.

H.R. 1378: Mr. PORTER, Mr. FRELINGHUYSEN, Mr. DEAL of Georgia, Mr. SPENCE, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. THORNBERRY, Mr. BAKER, Mr. SAM JOHNSON, and Mr. RYUN.

H.R. 1385: Mr. FATTAH.

H.R. 1398: Mr. PAPPAS and Mr. HOLDEN.

H.R. 1428: Mr. BAKER, Mr. LIPINSKI, Mr. WELDON of Florida, and Mr. ROHRABACHER.

H.R. 1464: Mr. HOUGHTON.

H.R. 1492: Mr. SENSENBRENNER.

H.R. 1496: Mr. WELLER.

H.R. 1503: Mr. BURR of North Carolina.

H.R. 1511: Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. FORD, and Mr. KNOLLENBERG.

H.J. Res. 54: Ms. ROS-LEHTINEN.

H.J. Res. 70: Mr. CALVERT and Mr. DAN SCHAEFER of Colorado.

H. Con. Res. 44: Mr. PORTER.

H. Con. Res. 52: Mr. FORD, Mrs. LOWEY, Mr. TORRES, and Mr. SNYDER.

H. Con. Res. 65: Mr. WHITFIELD, Mr. SAXTON, Mr. TORRES, Mr. NADLER, Mr. BLAGOJEVICH, Mr. GEJDENSON, Mr. KILDEE, Mr. MCCRERY, Ms. PELOSI, and Mr. MANTON.

H. Res. 132: Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, and Mr. MCGOVERN.

H. Res. 138: Mr. FATTAH, Mr. FLAKE, Ms. NORTON, and Mr. KILPATRICK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 478

OFFERED BY: MR. BOEHLERT

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Flood Prevention and Family Protection Act of 1997''.

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) does not delay flood control facility repairs that are required to respond to an imminent threat to human lives and property.

SEC. 3. AMENDMENTS TO ENDANGERED SPECIES ACT OF 1973.

Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following new paragraph:

''(5)(A)(i) Consultation and conferencing under paragraphs (2) and (4), with respect to a project to repair or replace a flood control facility located in any area in the United States that is declared a Federal disaster area in 1997, shall only be required in the same manner and to the same extent as would be required for that project if it were carried out in the area in California that is subject to the United States Fish and Wildlife Service Policy on Emergency Flood Response and Short Term Repair of Flood Control Facilities, issued on February 19, 1997.

''(ii) This subparagraph shall not apply to projects in a Federal disaster area after the earlier of—

''(I) the date the Assistant Secretary of the Army for Civil Works determines that all necessary emergency repairs to flood control facilities in the area have been completed; or

''(II) December 31, 1998.

''(B)(i) Consultation and conferencing under paragraphs (2) and (4), with respect to any project to repair a flood control facility in response to an imminent threat to human lives and property, shall only be required in the same manner and to the same extent as would be required under the policy referred to in subparagraph (A)(i) for a project that is substantially similar in nature and scope.

''(ii) This subparagraph shall not apply after December 31, 1998.

''(C) This paragraph shall not affect the authority of the President under section 7(p).''.

H.R. 478

OFFERED BY: MR. CAMPBELL

(Page and line numbers refer to H.R. 478 as introduced in the House)

AMENDMENT NO. 2: Page 3, after line 12, insert the following new line after the word 'authorization':

where necessary to protect human life or to prevent the substantial risk of serious property damage.

Page 4, after line 8, insert the following new line after the word 'authorization':

where necessary to protect human life or to prevent the substantial risk of serious property damage.

H.R. 478

OFFERED BY: MR. TAUZIN

AMENDMENT NO. 3: In section 3 of the bill, insert ''(where necessary to protect human life or to prevent the risk of serious property damage'') after ''operation of a project or a facility'' each place it appears.

H.R. 478

OFFERED BY: MR. TAUZIN

AMENDMENT NO. 4: On page 3, strike lines 10 through 15 and insert instead:

''(B) consists of maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility or structure; or

''(C) consists of the operation of a project or facility in accordance with a previously issued Federal license, permit or other authorization where necessary to protect human life or to prevent the risk of serious property damage.''.

On page 4, strike lines 7 through 12 and insert:

''(B) consists of maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility or structure; or

''(C) consists of the operation of a project or facility in accordance with a previously issued Federal license, permit or other authorization where necessary to protect human life or to prevent the risk of serious property damage.''.

H.R. 1469

OFFERED BY: MR. CRAPO

AMENDMENT NO. 1: At the end of title III, add the following new title:

TITLE IV

DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION LOCK-BOX LEDGER

SEC. 401. (a) Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''DEFICIT REDUCTION LOCK-BOX LEDGER

''SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the ''Director'') shall maintain a ledger to be known as the ''Deficit Reduction Lock-box Ledger''. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

''(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

''(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

''(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

''(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

''(d) DEFINITION.—An used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.''.

(b) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new items:

''Sec. 314. Deficit reduction lock-box ledger.''.

TALLY DURING HOUSE CONSIDERATION

SEC. 402. There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

DOWNWARD ADJUSTMENT OF SECTION 602(A) ALLOCATIONS AND 602(B) SUBALLOCATIONS

SEC. 403. (a) Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint

House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.''.

(b) Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.''.

PERIODIC REPORTING OF LEDGERS

SEC. 404. Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).''.

DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS

SEC. 405. The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: ''As required by section 6 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear.'' Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EFFECTIVE DATE

SEC. 406. (a) This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

(b) As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, MAY 6, 1997 No. 57

Senate

The Senate met at 10 a.m., and was called to order by President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, our lives are polluted with noise. The blaring sounds of a noisy society bombard our ears and agitate our souls. The television set is seldom turned off. We turn on our car radio at the same time we turn the ignition key. Music is piped into everywhere we go, from the grocery to the gym. On the streets, horns blare, tires screech, and tempers flare. Meanwhile, people around us talk constantly trying to find out what they want to say in the welter of words. It's so easy to lose the art of being quiet.

Even in this quiet moment, our minds are racing, our nervous systems are on red alert and we're like sprinters waiting for the starter's gun to go off. Calm us down, Lord, so we can work creatively today.

Lord, we hear Your voice saying, ''Peace, be still.'' We want the miracle of that stillness and accept it as Your gift. We breathe out the tension and breathe in the breath of Your spirit. In this time of prayer speak to us the whisper of Your love and assurance, grace, and guidance. Get us ready for a day in which we can be still inside while living in a noisy world. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator STEVENS, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, for the information of all Senators, this morning, the Senate will resume consideration of Senate bill 672, the supplemental appropriations bill. Currently, there is one pending amendment which will necessitate a rollcall vote. The leader will notify Senators as to the scheduling of the rollcall vote later this morning. In addition, we expect other amendments to the supplemental appropriations bill to be proposed today, and votes will be scheduled accordingly. Therefore, Senators can expect additional votes during today's session of the Senate.

As a reminder, a cloture motion was filed yesterday. Therefore, all first-degree amendments must be filed by 2:30 p.m. today to be in order. I remind all Senators that the Senate will recess from 12:30 to 2:15 today for the weekly policy luncheons to meet.

RESERVATION OF LEADER TIME

Mr. STEVENS. I ask unanimous consent that the leader time on both sides be reserved for later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized for 10 minutes as in morning business and that Senator GRAMM of Texas be recognized later this morning for 10 minutes as in morning business during the consideration of this bill.

The PRESIDENT pro tempore. Without objection, it is so ordered. The distinguished Senator from Massachusetts is recognized.

SEVEN QUESTIONS ABOUT THE BUDGET AGREEMENT

Mr. KENNEDY. Mr. President, last Friday, the President and the congressional leadership announced that they had reached an agreement to balance the budget. I support the goal of balancing the budget by 2002, and I commend the President's emphasis on improving education, expanding health coverage for uninsured children, and extending the solvency of the Medicare trust fund.

But as the administration and the congressional leadership continue to negotiate the specific provisions of the agreement, and as more information about the agreement becomes available, a number of questions arise about the agreement.

First, what is the distribution of the benefits in the tax package over the first 5 years? The new and expanded tax breaks in the agreement raise the most troubling questions in this regard. The only beneficiaries of the agreement's reductions in the estate tax are the top 1 percent of households. Three-quarters of the benefits of the capital gains provisions will go to households with incomes in excess of $100,000. According to one tax expert, as much as 40 percent of the benefits of the tax cuts will go to the top 1 percent of taxpayers.

We know that the wealthy will receive large tax breaks under this agreement. It is fair to ask, how much, if any, of the major sacrifices under this budget are the wealthy being asked to share? Are the wealthy corporations being asked to give up any of the massive subsidies they receive under the current spending and tax laws? I urge the administration and the congressional leadership to make a detailed analysis of the proposed tax cuts available as soon as possible, so that Congress and the country can judge their fairness.

Second, what is the distribution of benefits in the tax package in the second 5 years? Because the capital gains tax break initially generates revenues as wealthy investors sell their assets to take advantage of the lower tax rate, an accurate assessment of its cost and fairness must examine a longer period of time.

According to an analysis of the Senate Republican leadership's tax proposals introduced this January conducted by the Center on Budget and Policy

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Priorities, the Republican capital gains tax cut cost $33 billion in the first 5 years, and then nearly tripled to $96 billion in the second 5 years. And their estate tax provisions, which cost $18 billion in the first 5 years, ballooned to $48 billion in the second 5 years. We must do all that we can to ensure that Congress does not repeat the mistake of the excessive 1981 tax cuts that led to the massive Reagan-Bush budget deficits.

Third, what spending cuts will pay for these increased tax cuts in the second 5 years? If the cost of the tax cuts in years 6 through 10 far exceeds the cost in years 1 through 5, will Congress face the impossible choice of making severe and unacceptable reductions in social programs, or doing nothing and acquiescing in a new round of deficits as far as the eye can see?

Fourth, what are the even longer-term costs of the tax breaks? By one estimate, the net cost of the tax breaks will reach $45 billion a year by the 10th year. Projecting those rates into the second 10 years—years 2008 through 2017—the cost of these tax breaks could exceed half a trillion dollars for that period.

The great danger is that these pressures on the deficit will explode exactly at the same time that the country faces the severe budget pressures caused by the retirement of the baby boom generation. We already know that we face intense long-run problems with Social Security, Medicare, and Medicaid. The last thing that we should do in the current budget agreement is to make those long-run problems worse.

Fifth, can the country realistically accept the increasingly tight caps on domestic investments even in the first 5 years? President Clinton correctly resisted deeper cuts sought by Republicans. But the agreement slashes domestic investments by at least $60 billion below the level needed to maintain the current level of services. That is roughly a 10-percent cut in real terms. Discretionary spending has remained relatively flat since 1991, and is already at its lowest level as a share of the economy in 60 years. These dramatic cuts will mean less for vital investments in areas such as research and development funded by the National Institutes of Health and the National Science Foundation, less for crime prevention and police officers on the street, less for repair and upgrading of our Nation's highways and bridges, less for education, health and safety, and the environment.

Can the country afford to continue to shortchange the key public investments needed to keep our economy strong into the next century? It is only through investment that the Nation can sustain needed economic growth. Using the definition of public investment accepted by the General Accounting Office—including education and training, public infrastructure, and civilian research and development—public investment accounted for 2.5 percent of the economy under President Reagan. Today, it has fallen to 1.7 percent of the economy. How much lower is Congress prepared to see it go?

Sixth, what is the distribution of domestic discretionary spending cuts under this agreement? After protecting high-priority spending items, the agreement will force deeper cuts in the unprotected areas. The Center on Budget and Policy Priorities found that 34 percent of the cuts in nondefense discretionary spending in the last Congress came from programs for those with the lowest incomes, such as programs for fuel oil assistance, child care, senior nutrition and meals for senior shut-ins, vaccinations for children, school lunches, drug abuse prevention, and Head Start. Programs for low-income Americans have already borne a disproportionate burden of deficit reduction. They should not have to bear an unfair burden under this agreement.

Seventh, will defense spending be able to live within this agreement? The Secretary of Defense is conducting a quadrennial defense review of strategy, force structure, and modernization needs. Is the spending anticipated in this agreement sufficient to meet the commitments that the Department feels are essential? If the defense spending levels in the agreement are not adequate to meet future security needs, how can we ensure that defense increases are offset by reductions in the tax breaks, and not by further reductions in needed domestic investments?

Before we adopt this agreement as a budget resolution, we must do our best to obtain serious answers to these serious questions. Fairness is a fundamental issue. It will be fundamentally unfair if a handful of super-wealthy Americans benefit lavishly from this agreement, while millions of average Americans and their families take it on the chin. A fairly balanced budget is achievable. But a budget that fails to balance the Nation's basic needs will not be worth the paper on which it is printed.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to thank the senior Senator from Massachusetts for raising very profound, important questions about this budget agreement. I came to the floor of the Senate yesterday, and I said that I really believed that there is a quiet crisis in our Nation when we don't make the kind of investments in providing opportunities for all the children in our country and that I find this budget to be woefully inadequate when it comes to such a question.

Mr. President, an agreement is fine, but the question is: At what cost? We don't want to leave a whole class of citizens behind. Mr. President, as I look at this budget, I have two questions, and the senior Senator from Massachusetts raised these questions in a very eloquent and important way.

The first question: If, in fact, we are going to have these tax cuts, which, as we look over the first 10 years and beyond, accelerate and you have cuts in the capital gains tax and estate tax disproportionately flowing to the top 1 or 2 percent, then cuts in programs that are important to vulnerable citizens—nutrition, education, housing, you name it—really are harsh. This represents no standard of fairness to have tax benefits disproportionately benefiting the wealthy and at the same time eliminating opportunities for some of our most vulnerable citizens, especially children.

Second, Mr. President, I said yesterday that I really worry about the symbolic politics—and I speak only for myself here. I said it yesterday, and I say it one more time, I speak more to my own colleagues in the Democratic Party.

It is going to become very difficult for us to be talking about the early years, childhood development, the importance of investing in children, and the fact that for one out of every four children under the age of 3 and 4 in America, and for one out of every two children of color in America, it is going to be impossible to talk about our schools and the physical infrastructure when we have a budget that does not invest in these children. We don't have one cent invested now in the physical infrastructure in our schools. Rotting schools don't send children a very positive message about themselves.

We know—the medical evidence is compelling—that we have to do so much more on the nutrition front, on the health care front, on the child care front, on the intellectual development front if all of our children in our Nation are going to be prepared for school, much less prepared for life. And there is precious little by way of investment in children and in educational opportunities for these children in America.

So, Mr. President, I rise to just simply say to my colleagues that it is going to become very difficult for Democrats or, for that matter, all of us in the House and in the Senate to say that we are for children, that we are for opportunities, that we believe in our national values and the quality of opportunity when we do not make the investment.

Mr. President, this is a budget without a soul. This is a budget without a soul. This is a budget that leaves too many Americans behind. This is a budget that will further intensify the profound problem of two Americas. We should have one America. We should have one America where all of our citizens—and let's start with our children and grandchildren—each and every one of them have the opportunity to reach their full potential. This budget

doesn't make an investment in these children. This budget doesn't provide these children with these opportunities, and for the sake of tax cuts that in the main go to wealthy people, I don't see the standard of fairness. And I don't see the soul of this budget. I think we are making a terrible mistake.

So, Mr. President, as much as I respect colleagues—I see my good friend, Senator DOMENICI, on the floor—my work will be to try to raise the bar, have amendments, and improve this piece of legislation so that, as a matter of fact, we have a budget that represents an investment in the future. When I talk about an investment in the future, I talk about an investment in children. That includes poor children in America. I do not want to leave them behind.

Mr. President, I yield the floor.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER (Mr. SANTORUM). The Senate will resume consideration of S. 672, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Grams-Johnson amendment No. 54, to facilitate recovery from the recent flooding across North Dakota, South Dakota, and Minnesota by providing greater flexibility for depository institutions and their regulators.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a member of my staff, Sarah Neimeyer, be granted the privilege of the floor during consideration of the votes relating to S. 672.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I say to my colleague from Alaska that I have several amendments that I am ready to proceed with. I don't know exactly what his plan is, so I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator.

I would be prepared to discuss the amendments that Senator WELLSTONE has shown to the committee. We are awaiting the arrival of the distinguished Senator from West Virginia. But I believe that it would be in order, if the Senator wishes, to lay down the amendment and discuss the one pertaining to low-income home energy assistance. And I would be pleased to discuss that with the Senator—pending the arrival of the Senator from West Virginia with regard to accepting it, however.

Mr. WELLSTONE. Mr. President, I have several amendments that I would like to offer and I would be more than willing to wait for the Senator from West Virginia, Senator BYRD, to come to the floor, if the Senator from Alaska so desires.

Mr. STEVENS. He sent word to go ahead with regard to amendments that we have seen so far.

AMENDMENT NO. 57

(Purpose: To strike section 304)

Mr. WELLSTONE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes an amendment numbered 57.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 47, strike line 19 and all that follows through page 48, line 12.

Mr. WELLSTONE. Mr. President, I am going to lay this amendment aside and get to an amendment we may agree on. But I want to briefly mention the first two amendments that I have discussed with my colleagues.

Mr. STEVENS. Will the Senator yield?

Mr. WELLSTONE. Please.

Mr. STEVENS. Mr. President, we have only seen two of the Senator's amendments. We would like an opportunity to review them, if he would be so kind.

Mr. WELLSTONE. I would be pleased to. This is an amendment that has to do with brand name drugs for adults. I was going to simply offer it, lay it aside, and then go to the energy assistance amendment.

Mr. STEVENS. Mr. President, that is agreeable with the managers of the bill. I would like to have it laid aside and not be the pending amendment, if the Senator wishes. But we don't want to see a roadblock and have to get consent to move on to the other amendments.

Mr. WELLSTONE. I would be pleased to do that.

Mr. President, I ask unanimous consent that this amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 58

(Purpose: to make certain funds available, under the Low-Income Home Energy Assistance Act of 1981, to victims of flooding and other natural disasters)

Mr. WELLSTONE. I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes an amendment numbered 58.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters in Minnesota, North Dakota, and South Dakota, for fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

Mr. WELLSTONE. Mr. President, let me, first of all, say to my colleague from Alaska that I hope we will be able to eventually negotiate this out. We have been in contact with the Department of Health and Human Services to find out exactly what the need is in other States and see how we can make the best use of low-income energy assistance money to help people who have been the victims of floods.

So I thought, that while I know that my colleague is willing to perhaps take this, that I might start by explaining this amendment, unless my colleague has remarks which he wants to make at the moment.

Mr. STEVENS. Mr. President, if the Senator will yield, it would be my position that, if the Senator would delete the references to specific States, we would have no objection to the amendment. It is my understanding that the money is available and this would earmark $45 million for assistance under section 2604(g) of the Low-Income Home Energy Assistance Act. But there are other disaster areas that are covered by this bill. We see no reason why there should not be similar assistance in those areas.

There are some disasters from 1996 and some from the spring of 1997 covered by this bill. They are all within the assistance for fiscal year 1997. Being limited to the assistance that is in this bill for 1997, we would have no objection if it is not earmarked to specific States.

I don't know the extent of assistance that would be available outside of the three States mentioned, but I do believe there are circumstances that would warrant them because of the type of flooding that took place in the fall of 1996.

Mr. WELLSTONE. Mr. President, I say to my colleague, perhaps I will then lay out the rationale for this. The reason I hesitate is that perhaps we might need, in the agreement, to work on another number. In other words, the $45 million was based upon the very best advice that I received from Governors of our States about what we needed. It may be that we are going to talk about other States as well, which I am pleased to do, however, I just want to have some understanding of what the need is and whether or not this is enough funding. Altogether I think there is a contingency fund of

over $200 million that Health and Human Services has in the LIHEAP program.

So, if my colleague would not mind, I would like to explain why I have offered this amendment. First of all, I very much appreciate the offer from the Senator from Alaska.

I also want to say at the very beginning that both Senator STEVENS and Senator BYRD have—I want people in Minnesota to know this—really left no stone unturned when it comes to this effort to get the assistance to people. I thank them.

Mr. STEVENS. Will the Senator yield further, Mr. President?

The Senator's amendment mandates the Secretary to make this available from the moneys that the Senator has mentioned. The Secretary has current authority to do it. It is discretionary. The effect of his amendment is to mandate that, of the moneys that are there, at least $45 million shall be available immediately for the disaster victims. I believe that the fund itself is for general population assistance for LIHEAP projects. If the Senator will take out the reference to the specific States, what it means is that the $45 million is reserved for the purposes he seeks and, if there is additional money in there, for others. But we think this reserving money ought to be for victims of all disasters covered by the bill.

Mr. WELLSTONE. Mr. President, I again appreciate the Senator from Alaska and his wisdom on this matter. The Senator is quite correct.

A little bit of background about this: We have been working very hard with the administration over the last month to get them to release this contingency funding. I talked with the Office of Management and Budget and others about releasing some of this funding to the State of Minnesota. Under the best of all circumstances, you want to keep this contingency fund intact because you may need it for the summer cooling assistance. We don't normally think about that. But not too many summers ago we were faced with a tragic situation in our country where people actually died from the heat. I understand the need to keep some of that money in the contingency fund. It just so happens that this flooding and the extent of this devastation is unprecedented, and we are trying to take some of this fund to deal with an emergency—indeed, the emergency that confronts people in our States.

Let me, first of all, explain the reason for this amendment. This money is in a contingency fund to provide assistance to people who really need that assistance, who are really faced with an emergency situation, and that is the case in Minnesota and the Dakotas. But what we are faced with in Minnesota is the situation where many people are now going back to their homes and they are trying to rebuild their lives. This money, which can be delivered expeditiously and will help people repair their furnaces so that they can begin the process of rebuilding their lives by cleaning up and moving back into their homes.

If I could get both Senators' attention, if I could get the attention of the Senator from Alaska, I want to say to the Senator from Alaska and to the Senator from West Virginia that we will accept the very generous offer. We have now made some calls and this is fine with us.

Maybe I could summarize this amendment and we will be done with it, if that is OK.

Mr. President, in Minnesota alone, we have estimates of around $30 million to help people with their emergency energy needs. Once this amendment is accepted, and it will be and hopefully be part of this disaster relief bill, we are in a position, out in Minnesota, to deliver this assistance to people within a couple of weeks. We are talking about, roughly speaking, in Minnesota alone, about 16,000 households which will be eligible for this assistance.

So, I say to my distinguished colleague from Alaska, and I say to my distinguished colleague from West Virginia as well: Thank you. I want this assistance to help people in, not just three States, but other States as well. It sounds like this additional funding will really make a difference. It sounds like a small amount. I thank my colleagues, all of my colleagues, because, while it may sound like a small amount, given the context of the overall disaster relief bill, this will be a huge help. I have been receiving a lot of calls from State officials and from families in Minnesota saying: Look, we are going home. We are trying to rebuild our homes, trying to rebuild our lives. If you could get just a little bit of assistance to us to repair our furnaces, for example, this would make all the difference in the world.

I say to Senator STEVENS and Senator BYRD, you have helped make all the difference in the world for some families in Minnesota. I thank you and I am very pleased to have this amendment accepted.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, as Senator WELLSTONE has indicated, the effect of this amendment will be to dedicate a portion of the moneys that are available to the Secretary of Health and Human Services to make LIHEAP-type assistance available to victims of flooding and other natural disasters covered by the bill. It is moneys that are there and could be made available. This mandates making it available.

We believe under the circumstances that that is a proper thing to do. For this side, I am willing to accept the amendment.

Mr. President, I ask Senator BYRD if he is willing to accept the amendment.

Mr. BYRD. Yes, if the Senator will yield, I am happy to associate myself with the remarks of the distinguished Senator from Alaska.

Mr. STEVENS. I ask the Senator modify his amendment in accordance with our agreement by deleting the references to the States. Has he done that?

Mr. WELLSTONE. Mr. President, I say to the Senator from Alaska, I will so modify it.

The PRESIDING OFFICER. The Senator has a right to modify his amendment at this time.

Mr. STEVENS. As modified, it then reads ''natural disasters for the fiscal year 1997,'' is that correct?

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 58), as modified, is as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters for the fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

Mr. STEVENS. I am prepared to accept the amendment of the Senator and ask for a vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 58), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Does the Senator wish to proceed to other amendments?

Mr. WELLSTONE. I am ready, but in deference to both Senators, they had wanted me to lay aside the extension of the drug patent?

Mr. STEVENS. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 60

(Purpose: To make a technical amendment to language in the manager's amendment)

Mr. STEVENS. Mr. President, the Department of Transportation has provide us a technical correction to some language that is in the nonemergency title of the bill. The correction in no way changes the scope or intent of our committee action and it has been cleared, now, on both sides. I offer it, to bring about the technical correction that has been sought by the administration through the Department of Transportation.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 60.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 1, page 37 of the bill, after the colon, strike all through ''1997'' on line 15 of page 37, and insert the following:

''*Provided further,* That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996:

Provided further, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996''

Mr. STEVENS. Mr. President, I ask for immediate consideration of the amendment.

Mr. BYRD. Mr. President, this side is in agreement with the distinguished Senator from Alaska with reference to this amendment. We are willing to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 60) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, so there is no misunderstanding, I ask unanimous consent that amendment No. 60 that I offered on behalf of the Treasury Department to make a technical correction to the bill be considered original text for the purpose of amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, does the Senator from Minnesota wish to proceed now?

Mr. WELLSTONE. Mr. President, I am ready to speak about the bill, the disaster relief bill, and how important it is to Minnesota. I am waiting on the amendment for Senator HOLLINGS.

Mr. STEVENS. Mr. President, if the Senator wishes to address the bill in any way, it is his privilege.

Mr. WELLSTONE. Mr. President, I thank the Chair. I will, just for a minute, suggest the absence of a quorum, and then I will be right back on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Texas is recognized for 10 minutes as in morning business.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Appropriations Committee for giving me this time.

BUDGET DEAL

Mr. GRAMM. Mr. President, obviously, with the budget deal completed over the weekend, Members are trying now to look at the facts. What I would like to do in these 10 minutes is turn and look at the facts.

I know to many people in America, it may seem too good to be true to believe that we could give the President the largest increase in social spending that we have seen in America since the 1960's, in his own words, that we could give Republicans a tax cut and that we could give the American people a balanced budget all at the same time.

If all that seems too good to be true, it is for a simple reason: It is too good to be true. Let me begin by simply running through the budget very quickly.

Because the economy has been growing, this year we had an easier task of balancing the budget than we have had before. In fact, we only needed about $330 billion of deficit reduction in order to balance the budget. Let me outline how the budget agreement achieves that $330 billion of deficit reduction.

As many of you know, on Thursday night, at the very point where the budget agreement had reached an impasse, the budgeting arm of Congress, the Congressional Budget Office, miraculously discovered a revenue windfall where they reestimated, again, the rate of growth in the economy and the amount of taxes taken from the economy and, in the process, produced a revenue windfall that lowered the deficit by $225 billion. That one assumption of stronger economic growth provides 68 percent of the deficit reduction required to balance the budget.

The budget negotiators assumed a lower inflation rate which reduced the deficit by $15 billion, another 5 percent of the required deficit reduction. They assumed by balancing the budget, the economy will be stronger still, and we will get a balanced budget dividend with stronger economic growth, and they assumed that economic growth would provide $77 billion of additional deficit reduction, another 23 percent. In the final analysis, the deficit reduction in this budget can be divided in the following way: 96 cents out of every dollar of deficit reduction is simply assumed; 4 cents out of every dollar, $14 billion out of $330 billion comes from a change in public policy.

So why is the budget balanced in this budget? It is balanced because the negotiators assumed that it is balanced. Only $14 billion of the $330 billion of required deficit reduction comes from policy change.

What is very much real about the budget is discretionary spending. When the Speaker said this budget is the fulfillment of the Contract With America, I think if you go back and look at the 1996 budget that was passed by Congress, which embodied the Contract With America, you will see that over the 5 years of this current budget negotiation it spent $216 billion less on social spending than the budget deal that has just been completed. The budget we adopted last year spent $193 billion less on nondefense discretionary spending. The President's budget from last year spent $79 billion less on nondefense discretionary spending. And finally, if you take the President's budget as scored by CBO, with the across-the-board cuts in the last year, this budget agreement actually gives the President $5 billion more than he asked for in his own budget with the CBO adjustment and the automatic cut mechanism in the end.

In addition to this massive increase in discretionary spending, the budget entails a whole group of entitlements. It expands Medicaid in two different ways; it overturns welfare reform from last year and reinstitutes welfare benefits for illegal immigrants; it expands food stamps and, together with mandatory and entitlement programs, it spends roughly another $35 billion.

Then the major savings claimed in the budget is in Medicare, but virtually all these savings come from lowering reimbursement to doctors and hospitals, because what the negotiators did is they not only picked the number of $115 billion, but they committed to the Clinton policy. The only problem is that on a dozen occasions in the last 30 years, we have assumed a lower reimbursement rate for doctors and hospitals under Medicare, and each and every time this policy has not worked because the doctors and the hospitals have found ways around it. But we take every penny of that $115 billion of claimed Medicare savings and spend it on new entitlements and on new social programs.

Finally, we come to the tax cut which is funded by odds-and-ends, dogs-and-cats savings and by spectrum auction. This is selling the right to use spectrum. I remind my colleagues that the Appropriations Committee last year assumed $2.9 billion of spectrum broadcast auction to fund spending. When that auction actually occurred, it raised only $13.6 million, or, in other words, we got $1 for every $200 of spectrum auction we assumed last year.

But let me talk about the tax cut. We, in the budget, have an $85 billion net tax cut. Any tax cut beyond that we have to raise other taxes to pay for it. About $5 billion of that is offset by the lower CPI assumed in the budget

and its impact on taxes, and that gets the net real tax cut down to about $80 billion. We commit in the budget to fund the President's education priorities which takes another $35 billion, though it is unclear at this point whether this was a 5-year commitment or 10 years. So we are now down to a $45 billion net tax cut.

I remind my colleagues that the full Republican tax cut cost $188 billion. In fact, a $500 tax credit per child cost $105 billion over 5 years. Capital gains, the way it is scored by the budgeting arm of the Congress, cost $33 billion. Our death and estate tax relief cost $18 billion, and our IRA expansion cost $32 billion. The point is, if you read the newspaper, it is as if we got an agreement to cut capital gains taxes, to reform death taxes and give a $500 tax credit. The reality is the net tax cut available will not pay for a third of that policy. What we are going to end up with, invariably, is a $500 tax credit but excluding middle-income Americans from the tax cut. I don't know how you are going to end up fitting the rest of these items into that limited space.

Finally, let me conclude by saying, well, what about the question, Is this deal worse than nothing? Let me give you two reasons why I believe it is and why I am going to oppose it.

No. 1, it assumes a balanced budget and, in the process, convinces America that we have really done something about the deficit when we have not. I am very concerned that that is going to take pressure off Congress to control spending. We are seeing in this budget agreement itself the largest increase in social spending since the 1960's, and I am afraid that by convincing people we have balanced the budget when, in fact, we just assume it is balanced, that that is going to open the floodgates for spending.

No. 2, and of at least equal importance, in Medicare, we reduce reimbursement for doctors and hospitals. We take the fastest-growing part of Medicare, home health care, and transfer it out of the Medicare trust fund, something we Republicans denounced as a fraud only 2 or 3 months ago. By doing these things, we now claim that we have saved Medicare for a decade.

I am concerned that this is going to trample on the emerging bipartisan consensus to do something to save Medicare. I am concerned that we are going to let 2 or 3 years pass where we believe we have done something about Medicare, or at least claim we have, when, in fact, Medicare, when you look at the payment for hospitals and doctors, will be a $1.6 trillion drain on the Federal budget in the next 10 years. I am afraid that by claiming we have done things we have not done—balance the budget, save Medicare—that we are going to undercut those real efforts. Those are efforts that desperately need to be undertaken.

Obviously, many people will have many different views on this subject. I am a firm believer in the Jefferson adage that good people with the same facts are going to disagree. But I wanted my colleagues to understand that I am not here this morning speaking with passion about some priority I have that is not contained in the budget. What I am trying to do is to, basically, get people to understand that we assume the budget is balanced, we don't institute any policy to balance it; that we are granting a massive increase in spending for social programs that someday will have to be paid for; we are creating new entitlement benefits; and we are continuing to talk as if we are going to have this massive tax cut when we have only $45 billion net available to pay for it. Trying to get $188 billion of tax cuts into a $45 billion allowable space is going to be very, very difficult and, in the end, a lot of people are going to be disappointed.

Let me, again, thank the distinguished chairman of the Appropriations Committee for giving me an opportunity to speak for 10 minutes as in morning business. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, Senator DURBIN has asked for time to speak on the budget. I ask unanimous consent that he be permitted to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. I thank Chairman STEVENS for yielding this time in morning business.

AGREEMENT ON BALANCING THE BUDGET

Mr. DURBIN. Mr. President, it has only been a few weeks since this Chamber was the platform and the focus for a debate on amending the Constitution of the United States. Members of this Senate came to the floor, mainly Republican but some Democrats, and argued it was politically impossible for the leaders in this country to reach an agreement on a balanced budget absent an amendment to the Constitution which would require it, which would involve the Federal judiciary, which would have added language to the Constitution, binding language on future Congresses. And yet here we stand today, just a few weeks later, many of us in favor of, some opposed, but speaking to an agreement to balance the budget. Did it take a constitutional amendment? Of course not, it took leadership, leadership from both political parties.

I voted against that balanced budget amendment. I said then, as I say now, you do not need to amend the Constitution to meet your constitutional responsibility, and my responsibility is to make certain that we live within our means while our economy moves forward. And I am happy today that we can stand and discuss this balanced budget absent a constitutional amendment.

I want to acknowledge on the floor my colleague, Senator BYRD, of West Virginia. If you were to list his accolades, I think the one he would be proudest of is his role as guardian of the Constitution. He carries that Constitution in his pocket every day. He believes in it to his core that it embodies what America is all about. He does not take constitutional amendments very lightly, and he has effectively argued against the balanced budget amendment and others over the years.

Senator BYRD, this balanced budget agreement is a tribute to your tenacity and your commitment to the Constitution. History has proven you right again. A constitutional amendment was unnecessary. It took the will to bring about this agreement. And today we are debating such an agreement without a constitutional amendment.

On behalf of myself and those who really are grateful for the contribution you have made on behalf of the Constitution, I just want to acknowledge that today.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois for his more than gracious, more than charitable comments. I very much appreciate them.

Mr. DURBIN. You are certainly welcome.

How did we come to this day? Make no mistake, if the American economy were struggling, if we faced high unemployment, slow economic growth, few housing starts, businesses failing, trade accounts in the red, we would not be standing here with any kind of an agreement to balance the budget. But that is not the case.

What propels us into this debate is the good condition of the American economy. Yesterday, the Dow Jones index broke a record, I believe. I cannot keep up with it. Up and down, up and down, but it has generally been up. We have seen the lowest unemployment figures in two decades. We have seen jobs created. People are building homes and starting businesses. America is moving forward. We feel good about it.

How did we get here? Is this just a matter of good luck? I think it is more than that. I think it goes back to an action taken by Congress in 1993, and not a popular one, I might add, when the President stood up and said, ''I think we can move toward a balanced budget and keep the economy moving forward, and I want the support of Congress to do it.'' I was a Member of the House at that time. I joined the President, and I might tell you it was a partisan decision—not one single Republican vote in support of the President's plan, and yet we passed it. In the Senate it only passed when Vice President GORE cast the tiebreaking vote to enact the President's budget. We are lucky that he did because with that plan in 1993, we set the stage for this

debate to bring the budget into balance. We set the stage for economic expansion, which is creating more revenues, so that we can sit down and talk about tax cuts and more money being spent on education and environmental protection. Absent the President's leadership, absent the Democrats in Congress standing behind him, this day might never have come. And yet it has. And we can be proud of it.

So let us talk about this agreement for a moment. Is this an agreement I would have written? No. I would have changed a lot of provisions here. It is a compromise. It is a bipartisan compromise. There are things which many Republicans are proud of which I would not have included. There are things which were not included but I think should have been. But make no mistake, this is a good agreement. It is good for this country. It is a good bipartisan compromise. It is one which not only reaches a balanced budget but says we are going to do it in a responsible way.

First, under the Republican Contract With America, which Speaker GINGRICH and many Republican Senators supported, we were to cut out of Medicare $270 billion over 7 years—a massive cutback in Medicare. They said it was necessary; you had to do it. And if you did not do it, Medicare was in peril. The American people knew better.

That $270 billion went way beyond what was necessary to strengthen Medicare. It created funds for a tax cut for wealthy people. And that was not fair. The President stood up and said, ''I won't agree to it.'' When he threatened that veto, that particular proposal did not go forward. Where are we today?

The bipartisan compromise talks about a $115 billion cut over 5 years in Medicare and a guarantee to the American people that, for 10 years, Medicare will be solvent and strong. We have kept our word to the seniors in this country and those about to be seniors. They can rest assured that Medicare will be there. That is good. That is part of this agreement.

Medicaid. Medicaid is not just health insurance for poor people; it is health insurance for destitute elderly in nursing homes. That is where half the money in Medicaid goes. The elderly person in a nursing home who has spent down and has not a single thing left on Earth turns to Medicaid to keep them alive.

The Republican proposal originally to cut Medicaid was $160 billion over 7 years. We said it was too much. The President said it was too much. In this agreement it is down to $15 billion. We have brought it down to a manageable amount, one that will not endanger the health and security of the disadvantaged and elderly.

Education. My colleague from Texas, Senator GRAMM, got up a few minutes ago and talked about all this massive Federal spending. Well, let me tell you, America, families that get up every morning and wonder whether they can pay for their kids' college education expenses, this budget agreement will be a helping hand. We are going to allow you for the first time to deduct college education expenses on your income tax. Oh, it is still going to be expensive, but you are going to get a helping hand for the first time.

And, students, listen up. Get good grades, go to school, and there is a scholarship in here for you that will pay for most community colleges and some colleges and universities. Too good to be true? No. It is a commitment by the President that is embodied in this budget agreement that is good for this country.

Visit a couple with a new baby a couple days after the baby is born, and they are home and you go to visit them. You say, ''What a beautiful little baby. Looks just like his dad,'' or ''looks just like his mom. Is she sleeping at night? How is she taking her bottle?'' And then, after a few minutes, ''Have you thought about how you're going to pay for her college education?''

It is something we all think about. Next to our home mortgage, for most families in this country, this is what you worry about. ''How am I ever going to put this money together?'' This bill will help. It will not pay the whole thing, but it is going to help. It is responsive to the real needs that American families feel.

Middle-class tax relief. Not only when it comes to education to help working families pay for college and training expenses, but a child tax credit of $500 per child. What does it mean? Well, my daughter and her husband have a little baby boy, our grandson. We are so proud of him. He is going to be a year old in a few weeks.

My wife and I did not think much about this when we raised our kids, but my daughter and my son-in-law talk about day care. ''Dad, what are we going to do about day care? It's expensive. We don't want to put Alex anywhere that isn't safe, quality day care. How are we going to pay for it?'' They are lucky. They have two jobs, two incomes in their family. Some other families struggle with the same decision with fewer resources.

This child tax credit in here means a helping hand, $500 per child per year. It will not cover the cost of day care, but it will help. And shouldn't we help? Shouldn't we help working families? That is what this is all about.

We are finally responding to the real issues that real people talk about. I do not believe real American families sit around the family room and say, ''What about campaign finance reform? What's going on with the latest investigation in Washington?'' They do sit around and talk about paying for college, paying for day care. This budget agreement will address it.

The battle is not finished. There is another one before us. I hope we enact this budget agreement. Then we will address a tax bill. I think you are going to see some real differences in philosophy between Democrats and Republicans about whether the tax savings in that bill go to working families or wealthy people. I think they should go to working families.

I think we ought to, for example, give 100 percent deductibility of health insurance premiums for all self-employed people. All family farmers, all small businesses, those who are self-employed, should have the same benefits of hospitalization insurance deduction as the corporations do.

So, for American families, this agreement is a step forward. The President's leadership, a bipartisan compromise, has us on the road to a balanced budget in a responsible way.

I yield back my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS.) The Senator from Iowa is recognized.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. GRASSLEY. Mr. President, I would like to talk about our efforts to eliminate problem disbursements at the Department of Defense [DOD].

Problem disbursements are payments that were not matched with obligations before the bills were paid.

As we have learned in recent years, the failure to follow this very elementary internal control procedure leaves the Pentagon's financial accounts vulnerable to theft and abuse.

It leads to underpayments, overpayments, erroneous payments, and even fraudulent payments.

It leads to overdisbursed accounts.

That is when payments exceed available appropriations.

When that happens, you have a violation of the Anti-Deficiency Act. That is a felony.

Right now, Mr. President, the Defense Finance and Accounting Service [DFAS] Center at Columbus, OH, has about 2,700 contracts that are overdisbursed.

Those contracts have negative cash balances of $900 million-plus.

In a nutshell, the Pentagon's financial books are in a shambles.

Mr. President, that's not the Senator from Iowa talking.

That's coming straight from the horse's mouth—the DOD inspector general [IG] and the General Accounting Office [GAO].

That's what their audit reports say. They say: DOD's books are in such a mess that they can't be audited—as required by law—the Chief Financial Officers Act of 1990.

When the auditors can't conduct an audit, they issue a ''disclamer of opinion.''

Well, guess what?

DOD gets one disclaimer after another—year after year. It's a disgrace.

One way to clean up the books is to start matching disbursements with obligations before payments are made.

This is the stuff that's taught in basic accounting course 101 in college. It's square one, I know, but it's the right place to start.

And that's what the Senate has been telling DOD to do since 1994.

For 3 years now, we have been telling DOD to get on the stick and fix the problem.

This was done with the leadership and support of my friend from Alaska Senator STEVENS, and my friend from Hawaii, Senator INOUYE.

I thought we were really making progress—until I saw the new GAO report.

That's a May 1997 report. It says DOD is underestimating the dollar value of problem-disbursements by at least $25 billion.

DOD says it's an $18 billion problem.

That means we're really staring at a $50 billion problem—or worse.

Why would DOD grossly underestimate the problem like this, Mr. President?

We're looking at a classic bureaucratic trick. Blowing smoke to conceal the problem: Redefining the problem to make it look smaller.

This makes the Senate think the problem is getting fixed.

They want the Senate to ease up on the pressure. That's the goal, Mr. President, reduce the pressure.

Unfortunately, with problem disbursements at the $45 to $50 billion level, we right about where we started in 1994.

So this is no time to ease up on the pressure.

The unwanted pressure is being generated by our legislative initiatives.

We have gradually turned up the pressure in three successive appropriations bills as follows:

Fiscal year 1995 act—section 8137.

Fiscal year 1996 act—section 8102.

Fiscal year 1997 act—section 8106.

Mr. President, I ask unanimous consent to have printed in the RECORD those sections of the law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 103–335—SEPT. 30, 1994

* * * * *

SEC. 8137. (a)(1) The Secretary of Defense shall develop a plan for establishing and implementing a requirement for disbursing officials of the Department of Defense to match disbursements to particular obligations before making the disbursements. The Secretary shall transmit the plan to Congress not later than March 1, 1995.

(2) The Inspector General of the Department of Defense shall review the plan and submit the Inspector General's independent assessment of the plan to the congressional defense committees.

(b)(1) Not later than July 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $5,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $1,000,000 be matched to a particular obligation before the disbursement is made.

(c) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (b) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(d) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(e) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (b) be matched to a particular obligation before the disbursement is made.

PUBLIC LAW 104–61—DEC. 1, 1995

* * * * *

SEC. 8102. (a) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in the amount in excess of $5,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

PUBLIC LAW 104–208—SEPT. 30, 1996

* * * * *

SEC. 8106. (a) The Secretary of Defense shall require not later than June 30, 1997, each disbursement by the Department of Defense in an amount in excess of $3,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under section (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such section to that disbursement.

Mr. GRASSLEY. Mr. President, under the law, DOD was required to start making the matches on checks over $5 million, and then gradually ratchet the thresholds down to zero.

At the $5-million level, DOD is really just scratching the surface.

DFAS/Columbus is where it happens.

DFAS/Columbus writes fewer than 1,800 checks per year that are $5 million or more. So what's the big deal? Matchups on 1,800 checks should be a piece of cake.

But when it came time to start phase 2 and lower the threshold to the $1 million checks, DOD balked.

DOD said ''No''—even though it makes fewer than 11,250 payments over $1 million annually. DOD asked for more time.

Making the matchups on 11,250 checks ought to be Mickey Mouse stuff. Banks routinely do 500,000 to 1 million each day.

Mr. President, for 11,250 DOD checks versus up to 1 million checks for U.S. banks and DOD can't do it.

Why can't the Pentagon do it—with all its technological know-how?

Mr. President, I can't help but think that, maybe, the Pentagon bureaucrats don't want to clean up the books.

They like the mess. That way no one knows what is really going on, including them, and no one gets in trouble.

Well, thanks to the committee's determined leadership last year, our legislative reform effort is back on track. We regained some momentum.

DOD must now make matchups on all checks over $3 million, starting next month—June 30.

At the same time, DOD is supposed to be developing a detailed plan for moving first to the $1-million mark, and then on down to zero.

The IG is reviewing that plan right now and should be submitting an assessment to the committee soon.

After we study this report, we should be in a position to decide on how to proceed in the fiscal year 1998 bill.

I would like to mention one disturbing new development.

I was recently provided with evidence—DOD documents—that clearly indicates that DOD is not on board 100 percent with our effort.

This material pertains to program payments made at the DFAS/Columbus Center. It shows that DOD is using several random-allocation procedures for matching payments with appropriated moneys.

This procedure subverts the appropriations process and is guaranteed to create more unmatched disbursements—big time—along with a host of other legal problems.

I will have more to say on this later, once I have all the facts.

This new information tells me that we will need to apply more pressure to get the job done. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I am fully aware that my colleague from Minnesota has made a motion to strike——

Mr. STEVENS. Will the Senator yield for a moment for a housekeeping matter?

Mr. HOLLINGS. Certainly.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 54

Mr. STEVENS. Mr. President, I ask unanimous consent that at 2:15 today there be 5 minutes of debate equally divided between Senator GRAMS and the ranking member, and at the expiration or yielding back of the time, the Senate proceed to vote on the Grams amendment. That would make the roll-call vote at approximately 2:20 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator.

May I inquire, is there any indication between you and Senator WELLSTONE that we might have some timeframe on this?

Mr. HOLLINGS. I will check and inform the chairman.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Bill Pratt, a fellow assigned to Senator DASCHLE, be given floor privileges during the consideration of S. 672.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, momentarily, while we see what may or may not be worked out with respect to the particular amendment——

Mr. BOND. Mr. President, may I ask consideration of my colleague to interrupt for a procedural question?

Mr. HOLLINGS. Yes.

Mr. BOND. Mr. President, I have a number of technical amendments and things that I will need to insert, and I will need a brief time period sometime between now and lunch. I wondered if the distinguished colleague from South Carolina would indicate if there is a time when I may do that.

Mr. HOLLINGS. I will be very brief.

Mr. BOND. I thank the Senator.

SHAM BALANCING ACT

Mr. HOLLINGS. Mr. President, as some say, ''Eureka, I have found an honest man.'' Well, here, I have found an honest journalist. I don't know who wrote the editorial in USA Today on yesterday, but it is entitled ''Sham Balancing Act Hides True Scope of the Deficit.''

It is not my intent to come out and immediately take the so-called balanced budget plan and trash it. It moves in the right direction. But I want to be constant and persistent until we finally have not just the USA Today realize it has been a sham balancing act, but I want everyone to realize that it is in the law. Section 13301, signed by President Bush on November 5, 1990, says that thou shalt not in this Government use Social Security trust funds in any report of a so-called unified budget or unified deficit. It is the most fraudulent use of the word unified because, to the lay person, unified suggests it is net. In other words, the Government spends money and it also receives receipts or receives money. And the inference is, with unified budgets and deficits, that is the real net or true balance or true deficit. Totally false.

The truth of the matter is that we have been engaged in a sham now for several years respecting the use of trust funds. Right to the point, Mr. President, what we have is a list of these trust funds here that have been consumed and spent, not just borrowed. I have the March figures. As of the end of March—this is the most updated figure—Social Security will be owed $582 billion; Medicare, HI, $122 billion; SMI, $31 billion, for a total of $153 billion in Medicare.

Military retirees the land around, you should know they are spending your money, which has been set aside under the law for your retirement. That particular fund is $129 billion shy because of this deceit. Civilian retirement—all civil servants within the sound of my voice, remember, the civil service retirement trust fund has now been spent to the tune of $395 billion. Unemployment compensation that the small employer in America pays in regularly, as well as the large ones, that is shy some $51 billion, that particular savings amount. The highway trust fund—we borrowed that money, too, but not for highways. If anybody says a bridge is down, like in my backyard where we have been trying to get a river bridge that has been declared unsafe for 20 years now, that money is already spent to the tune of $22 billion. We can build a river bridge in each of the 50 States with the highway money used to obscure the size of the deficit, the debt, and the interest cost on that national debt. Airports and airways, $6 billion; railroad retirement, $18 billion; $63 billion in the Federal finance bank and the other particular trust funds, for a total of how much? $1.419 trillion. Now, we owe $1.419 trillion.

I have the updated figure just for Social Security as it relates to this particular editorial. I ask unanimous consent that this editorial be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, May 5, 1997]

SHAM BALANCING ACT HIDES TRUE SCOPE OF THE DEFICIT

Over exuberance isn't just a disease of the stock market. Just consider the expansive praise surrounding last week's budget deal between the White House and GOP congressional leaders.

''This balanced-budget plan is in balance with our values. It will help prepare our people for a new century,'' President Clinton declared of the five-year outline.

House Speaker Newt Gingrich was even more effusive: ''We spent four months (with) people saying, 'What are you going to do? * * * Well, my answer is balance the budget, cut taxes, reform entitlements.''

Not quite.

The deal, with $350 billion in spending reductions over five years, is a modest step forward. But it is more a product of good fortune than hard work.

The end of the Cold War has trimmed tens of billions from defense needs. And a high-employment, low-inflation economy has provided a $45 billion-a-year windfall in revenues.

Those factors alone have cut the budget balancers' work by about a third.

But good fortune takes second place to the budget tricks Clinton and Congress have performed and the blind eye they've given entitlement problems.

The fact is that the balanced budget in 2002 won't be balanced. Clinton and Congress avoided dealing with $450 billion worth of overspending over the next five years by simply counting surpluses borrowed from Social Security and other federal trust funds as income. In 2002, they rely on $100 billion borrowed from Social Security and other trust funds that year.

Worse, Clinton and Congress put off meaningful entitlement reform. The $23 billion a year in Medicare savings they agreed to will keep its trust fund solvent only until 2008—the year 76 million baby boomers begin flooding into retirement. Ignored totally was Social Security's need for an infusion of an extra $60 billion a year, starting now, to keep it viable.

Instead, Clinton and Congress passed out tax goodies that will sap $20 billion worth of revenue a year, with much of the benefit going to the rich.

The budget deal has its high points. It will trim the health-care bureaucracy and promote greater use of managed care. It cuts back some wasteful corporate welfare even as it invests more in a healthy start for kids that could provide savings later.

But tax giveaways promise to balloon the deficit when good economic times end, and lack of entitlement reform means the toughest budget work lies ahead.

Last week's deal thus earns some polite applause but no standing ovation.

Mr. HOLLINGS. Mr. President, it is another $456 billion that will be spent. So as of the year 2002, we look around at Social Security and everybody is saying, wait a minute, the baby boomers are going to come in 15 years, and the baby boomers will be in a foot race trying to get ahead of us politicians because we are way ahead of them spending this money. We will owe, in the year 2002, in excess of a trillion dollars. That is why this chart has been brought forward. Last year, when we said the annual deficit was $107 billion, the truth of the matter is, it was $261 billion. We borrowed, in order to make it $107 billion, or we spent from the various savings funds here at the Federal level, $154 billion. Why not borrow another $107 billion and call it balanced? That is the gamesmanship that is going on.

I went home over the weekend and they found $225 billion over at CBO. I have heard that my colleagues on the other side of the aisle were informed of this revenue before the Democratic negotiators were. They went back and forth with respect to OMB and CBO while knowing this extra money was available. You can see the gamesmanship involved. But the hard-core fact is

that they have projected, up until now, $360 billion in interest costs on the national debt. That is, while we are debating, we are increasing spending a billion dollars a day for absolutely nothing and adding it to the national debt. So that by the end of the 2002, the debt will exceed $6 trillion, and the interest costs on that will be in excess of $500 billion.

So what will occur is, at the end of this particular budget that we are all talking about as balanced, domestic spending, which is cut from current policy, defense, which is cut from current policy, will be exceeded by the interest costs on the national debt. The whole time we are going through this charade, they said ''sham balancing act'' in this particular editorial, they totally ignore section 13301 of the Budget Act and ignore the reality that we will have spent in excess of $2 trillion in trust funds when we get through.

Mr. President, what we really have is a disaster on our hands. While we are talking about waiting for the baby boomers 15 years out, Social Security is paid for. The taxes are there. We have a surplus, supposedly, of $581 billion. But that $581 billion is not in the desk drawer; it is a little old IOU. We have a surplus in Medicare right this minute, which they are talking about going broke; in Medicare we have a $153 billion surplus. That is paid for. But they are all talking about deficits. Why? Because we are spending it and using this subterfuge of a unified budget, a unified deficit. Until we sober up from that, Mr. President, we are going down, down, down, adding to the debt each year, adding then to the interest cost each year, and then adding to the automatic spending, the spending on automatic pilot at a billion dollars a day. That is spending for absolutely nothing.

If we had been responsible—interest payments were only $75 billion when President Reagan came to town; we have added over $285 billion in interest spending; that $285 billion is what all of the particular negotiating since January has been about—we could have taken defense, research, technology, education, the environment, and all of these particular needs.

Point: We are spending the trust fund money up here in Washington. We are telling the people we are not spending it. ''It is unified. Don't worry about it.'' And we are taking their savings fund and running away with it. And whoever is going to be around here on the bridge to the next century, remember. It is not going to be a bridge. We are going right straight over the cliff.

I yield the floor.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I extend my sincere thanks to the distinguished colleague and fellow Budget Committee Member from South Carolina.

Mr. President, as we begin the discussions today about the emergency supplemental appropriations measure, I thought it would be very important to touch on some of the important issues in this bill that reflect the spending items in the budget of the VA-HUD Independent Agency Subcommittee on which I serve.

The full committee appropriations recommendation includes for the emergency supplemental $3.5 billion for disaster relief for the Federal Emergency Management Agency, or FEMA. In the committee report we have recommended $2.5 billion more than the President's request of $979 million. The amount recommended represents FEMA's current estimate of what is needed to meet the requirements of all disasters currently on the books, and those disasters projected to occur in the balance of fiscal year 1997.

Approximately $1.1 billion of the funds provided are for disasters projected to occur based on the 5-year historical average cost of disaster relief.

The funds recommended, coupled with the $2 billion currently available in FEMA's disaster relief fund, would enable FEMA to meet fully all of the fiscal year 1997 and prior year commitments. Certainly our hearts go out to the people of North Dakota, South Dakota, Minnesota, and other areas stricken by disasters this year. I join with others in commending FEMA for the work that it has done to respond quickly to disasters. For those of us who live in States which have been struck by disasters, we sincerely appreciate the dedicated men and women of FEMA and their ability to respond quickly to those needs.

Having said that, I must notify my colleagues that FEMA's disaster relief expenditures are out of control. The subcommittee has been paying the price time and time again for FEMA's largess. It is as if we had a tanker truck that arrived to put out the fire. It puts out the fire but it leaves all of the valves open. So the water continues to spill out even after the fire is done, and that is what we are funding. We are filling up a tanker truck that still has the valves open. I commend the people for getting the truck there when the fire starts. But we need to get a handle on how much continues to run out after the fire is put out.

In the past 2 years, including this legislation before us today, we have cut almost $12 billion from other VA-HUD programs—principally low-income housing—to pay for FEMA disaster relief. Yet we have learned that these funds have gone to rebuild stadiums, golf courses, yacht harbors, and to replace fully, without any State cost share—partially damaged university hospitals, such as over $400 million in Federal repair costs by FEMA for the UCLA hospital because of the Northridge earthquake. Let me make that point again. Mr. President, we have spent $400 million in Federal repair costs for the UCLA hospital, a very important facility, a revenue-generating facility, and one which, frankly, has a lot more reserves than the U.S. Government.

In the past 2 years, hundreds of millions of dollars have paid for snow removal. There has not been a Federal disaster declaration for snow removal since 1979. I think there is little accountability in the program, and entirely too much discretion to waste taxpayers' dollars.

I also point out to my colleagues that we wouldn't need a supplemental for FEMA today if in 1996 the President's Chief of Staff had not recommended a $1 billion rescission from FEMA during the negotiations on the final bill last year. We knew these funds would be needed, but instead, following the administration's recommendation, Congress rescinded these funds to pay for administration priorities in other areas.

Moreover, equally disturbing is that to offset these FEMA costs, as well as an additional $100 million requested by the President for CDBG, community development block grant emergency funding, the bill would rescind over $4 billion from the programs and activities within the jurisdiction of the VA–HUD appropriations subcommittee, including $3.65 billion from unobligated HUD section 8 contract reserves.

The rescission of $3.65 billion in unobligated section 8 contract reserves places the renewal of section 8 contracts for fiscal year 1998 in jeopardy. As the people at HUD know full well, the cost of section 8 contracts will skyrocket over the next few years. In particular, the VA–HUD fiscal year 1997 Appropriations Act appropriated $3.6 billion to cover the cost of renewing expiring section 8 contracts for fiscal year 1997. The costs of renewing all section 8 contracts for fiscal year 1998, one year later, a total of $1.7 million expiring contracts, many of which are for the elderly and disabled, will require an appropriations of some $10.2 billion in budget authority for fiscal year 1998. The cost of expiring section 8 contracts rises to $11.9 billion in fiscal year 1999, $13.7 billion in fiscal year 2000; $15.l billion in fiscal year 2001, and $16.4 billion in fiscal year 2002.

Just to go back, in the current year we had to find budget authority for $3.6 billion. For the coming year, $10.2 billion, almost a threefold increase, going up to $11.9 billion, up to $13.7 billion, up to $15.1 billion, up to $16.4 billion.

My colleagues will have a right to ask. Are we paying out that much more because we have that many new section 8 contracts? The answer is no. The answer is no. The answer is that in the past we have provided multiyear contracts for the section 8 program, 20-year contracts, and they built in all of the budget authority—the commitment to spend—in prior years. Because of the

budgetary constraints, we have been shortening those. I think the direction from the Budget Committee is they want to get those down to 1 year. That means that we have to pick up the budget authority—the overall obligation to spend the money—in each appropriations cycle.

We have begun these ongoing programs that have built up. We have been spending the money on the programs. But the budget authority was appropriated in prior years. All that budget authority has expired. So we get almost a threefold increase in the budget authority required from the current year to that required for the next year just to keep the same people in the same section 8 houses.

We have done a great deal through this subcommittee working with the authorizing committee to reform HUD. Just recently HUD announced that they were carrying forward a demonstration program to deal with some very significant problems in excess subsidies for multifamily houses—the market-to-market portfolio reengineering process. We are doing all of that. But just to maintain our commitments requires new authority.

I am very pleased that the budget agreement recognizes—the President and the leaders of Congress recognize—that additional budget authority and some outlays have to go into section 8. But given all of that, we are looking at these tremendous increases in the section 8 requirements each year in the budget.

Yet, suddenly HUD, abruptly on April 17, found that it had $5.8 billion in unobligated and excess section 8 contract reserves. I think that is a rather cynical act. They know that we are going to have to spend all of this money. Yet, they offered up the budget authority that was in there already appropriated for them to fund FEMA obligations. When I met with Secretary Cuomo and his staff on March 12, they told me there was probably less than $1 billion in section 8 reserves on hand. The previous year, then Chief of Staff, Mr. Katz, testified that HUD estimated in fiscal year 1996 there was only about less than $.5 billion in excess section 8 contracts reserves.

Nevertheless, on April 17 of this year, in the middle of supplemental appropriations, HUD wakes up and finds not only $3.5 billion in excess unobligated section 8 reserves but it indicates that it will revise its section 8 contract reserve requirements so that there is in excess of $5.8 billion in unobligated reserves. It is a big jump from $460 million to $5.8 billion. That is a big problem, and, once again, it focuses our intention on the questions about management of HUD, an agency which the General Accounting Office has in the past designated as a troubled agency, the only department in the U.S. Government to have that dubious distinction.

The bottom line is that I still have little confidence in HUD's ability to estimate the amount of excess section 8 contract reserves, or its ability to manage the programs.

I do know, however, that there is a vital need to fund the section 8 program next year; that 1.7 million families are depending upon the renewal of section 8 contracts to preserve affordable and decent housing, and many of these are elderly and disabled. For that reason, the supplemental appropriations we are proposing would require HUD to recapture all excess unobligated section 8 reserves and preserve these funds in an account to help this committee fund the section 8 contract renewals next year. That, I think, is critical, Mr. President.

I honestly do not know how much section 8 assistance is unobligated in section 8 contract reserves, and, unfortunately, I don't believe HUD knows. I know that some PHA's, public housing authorities, have section 8 contract reserves and some don't. Mostly, I find it difficult to believe that HUD has audited 3,400 PHA's between March 12 and April 17 to determine, all of a sudden, that there was some $5.8 billion in excess reserves.

I have been a defender of HUD and a defender of the role of the Federal Government as a provider of housing and community development assistance. Yet, my support has been justified on the belief that the department is capable of reform and is capable of providing a meaningful contribution to housing and the community development needs of the Nation.

I will not belabor these issues today other than to say that we are confident that HUD has been shaken once again. We hope that the secretary and his new management team, with the assistance he is bringing in from the outside, will be able to implement a fiscal management system which will avoid these surprises and give the agency and the Congress some idea of how much is out there, what the obligations are, and how much we have built up.

I believe strongly that Federal commitment to section 8 housing must be preserved. Renewing these section 8 contracts is an existing commitment to low-income families in need of affordable, safe, secure housing. But HUD has to be reformed. We cannot find surprises of found money as Congress takes on the serious task of reforming the budget.

Mr. President, I said that we would have some technical amendments that we will offer before the 2:30 deadline. Those are currently being reviewed at the staff level. In consultation, we may be able to get an agreement on them. So I will not offer those at this moment. But we will submit those amendments as soon as they are ready, and prior to the 2:30 deadline.

I yield the floor.

I express my thanks to my distinguished colleague from South Carolina.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 57

Mr. HOLLINGS. Mr. President, I think the pending business is an amendment by our distinguished colleague from Minnesota, Senator WELLSTONE, to strike an amendment that was included in the markup of the urgent supplemental at the Appropriations Committee level. I had this included. I think others had it, too. But in my particular instance, it was at the request of a constituent, Hoffman-La Roche, an eminent drug manufacturer, in the city of Florence. They are constructing a facility there now. We are very proud to have them. They are very responsible folks.

This particular issue was dealt with in full debate on the floor of the U.S. Senate last year by the distinguished Senator from Utah, who dealt with the matter of copyright and patent legislation as the chairman of our Judiciary Committee. What really occurred—it is sort of complicated, but what really occurred is there are two different rulings with respect to the longevity of a particular patent. Under the regular law, a patent is granted for 17 years from the date of the issuance of the patent. In the early 1980's, all patents in existence at that time were granted 2 extra years as recognition that the approval process was resulting in much shorter usable life for the patented drugs. In this case the approval process took 11 years. Along came the GATT agreement. Trying to conform to the global competition and the global rule of 20-year patents, we passed a law which allowed a company to choose to operate under the current U.S. system or to operate a patent for 20 years from the date of the filing of the patent. The courts interpreted these two laws in a way that denied Hoffman-La Roche this choice. I, as well as many Members of the Senate including the chairman of the Judiciary Committee, Senator HATCH, know this ruling to be in contravention to the intent of the laws in question and this amendment simply sought to right this wrong.

The drug in question is Toradol. It is a remarkable drug. Of course, it is the pain killing drug with which you can retain total consciousness, and it was administered to the President with his particular knee operation. The patent is to expire on May 16, 1997. As you can guess, the generic drug folks are interested whenever a patent expires, and my intention was to address the generic drug problem. Many a time the generic drug folks, along with consumer organizations, will come and say, ''Oh, we can get it much cheaper.'' On that particular point, there is no question. The question is to not only make profits, but make enough for other reinvestments to make another miracle drug. So, while I have worked and defended the generic movement in our country, from time to time on close study you can see that the manufacturer himself has a cause and a case and it ought to be defended. That was the intent in this particular amendment.

Right to the point, everybody wants to either vote or dispose and move along with the underlying disaster supplemental measure rather than this one particular manufacturer and this one particular drug. Under the circumstances here on the floor, I have not been able to talk in caucus or to my colleagues about it. The fact is, I was told, when I came in this morning, it was being worked out.

Specifically, while we had taken care, I understand, of the drug administered orally with the generic drug folks and consumer groups that called with respect to it, the drug taken intravenously had not been cleared with the generic groups. While we have gone to great lengths to solve all the problems with and get this amendment cleared, we have not been able to do so. It was my hope that we could get the best of both worlds and provide a remedy for a company hurt by a misinterpretation of the law and also get generic competition onto the market faster than it would have without this amendment. That, I thought, was being worked out this morning, but I understand, now, the Senator from Minnesota has not agreed to that.

I will be prepared, under the circumstance here, to withdraw that amendment and not cause the colleagues to vote. But I do not think, technically or parliamentarily, you can withdraw a section of a bill. So I will be glad to go along with the Senator from Minnesota on a voice vote and vote along with him at this particular time, to see if we cannot get this straightened out.

The staff, floor and all, have been anxious. They are trying to move this particular bill. I know Senator STEVENS has been very anxious to do it. I appreciated being included in the Appropriations Committee version. I still think it is with absolute merit. But, under the circumstance, now I am prepared to go along with the motion of the Senator from Minnesota to strike and we will come back in at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

AMENDMENT NO. 67

(Purpose: To make technical and clarifying changes to title II, chapter 1 of the bill)

Mr. COCHRAN. Mr. President, I send to the desk an amendment to make technical and clarifying changes to title II, chapter 1 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 67.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 25, strike '', to remain available until expended'' after ''ters,'' and insert '', to remain available until expended'' after ''$18,000,000''.

On page 11, line 25, after ''disasters'' insert ''subject to a Presidential or Secretarial declaration''.

On page 11, strike all between the word ''similar'' on line 25 and the word ''to'' on line 26.

On page 12, line 4, strike ''the eligibility'' and insert in lieu thereof ''gross income and payment limitations''.

On page 13, line 13, strike ''cropland'' and insert in lieu thereof ''agricultural land''.

On page 13, line 13, strike ''cropland'' and insert in lieu thereof ''agricultural land''.

On page 16, line 2, strike ''$3,000,000,'' and insert in lieu thereof ''$6,500,000''.

Mr. COCHRAN. Mr. President, this amendment, as stated, makes technical and clarifying changes to the agriculture title to the supplemental appropriations bill. The changes have been approved by the ranking Democrat on the committee, Mr. BUMPERS, and the amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 67) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m., having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 54

The PRESIDING OFFICER. Under the previous agreement, the Senator from Minnesota is reserved 2 minutes 30 seconds.

Mr. GRAMS. Mr. President, we are going to be voting in a few minutes on the Grams-Johnson amendment that will help complement disaster relief efforts currently underway now in my home State of Minnesota, as well as North and South Dakota, by making it easier for farmers, homeowners, small businesses and local governments to help rebuild from the devastation that has been brought on by the floods.

Our amendment, simply put, will permit Federal regulators to provide temporary and targeted modifications to current banking regulations. It will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit. It will also help banks and credit unions to reopen their doors faster to serve their communities.

Also, Mr. President, the Grams-Johnson amendment is supported by the Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and also the National Credit Union Administration.

Mr. President, I ask unanimous consent that a letter from NCUA in support of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CREDIT UNION ADMINISTRATION,
Alexandria, VA, May 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for the opportunity to review the Depository Institution Disaster Relief Act of 1997 (S. 652). I want to applaud you and Senator Tim Johnson for introducing this disaster relief legislation and NCUA supports its quick passage.

The legislation is similar to bills passed by Congress in 1992 (P.L. 102–485) and 1993 (P.L. 103–76) to address the devastation wrought by natural disasters and make credit more easily available to farmers, homeowners and others through temporary exceptions in the Truth in Lending Act and Expedited Funds Availability Act, among others. Just last Friday, the NCUA Board took action to waive the requirement that natural person credit unions and corporate credit unions establish reserves on total loans of up to $50 million that will be made to members in disaster areas. We believe this policy change will enable credit unions to make loans at well below market rate.

The NCUA Board's recent action and already announced policy of postponing scheduled examinations, encouraging loans with special terms as well as reduced documentation and guaranteeing lines of credit through the National Credit Union Share Insurance Fund and the Central Liquidity Facility, dovetails your legislative efforts and hopefully will provide a measure of relief to credit unions and their members in Minnesota, North Dakota and South Dakota affected by the catastrophic flooding. Thank you again for the opportunity to comment on S. 652.

Sincerely,

NORMAN E. D'AMOURS,
Chairman.

Mr. GRAMS. Mr. President, the Grams-Johnson amendment has the

support of the Senate Banking Committee chairman and ranking member.

I ask unanimous consent that Senator D'AMATO, Senator DASCHLE, and Senator BOND be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, when I served in the House of Representatives, I authored similar legislation back in 1993 during the Mississippi River flooding. My legislation then received bipartisan support. It was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help those flooded communities rebuild in 1993, I urge my colleagues to support it today.

Mr. D'AMATO. Mr. President, I rise in support of the amendment offered by Senator GRAMS and Senator JOHNSON. I am pleased to be a cosponsor.

Mr. President, the Congress is moving swiftly to provide emergency assistance to the victims of the winter flooding in Minnesota, and North and South Dakota. The Supplemental is an appropriate and compassionate response by the administration and the Congress to the suffering of our fellow citizens.

Mr. President, this amendment addresses some of the important regulatory steps that can be taken to expedite overall efforts by communities, families, homeowners, farmers, and small businesses to recover from the devastation of the floods. This amendment would authorize the Federal financial regulators to make temporary exceptions to various Federal laws in order to maximize the availability of credit in these flood afflicted areas and expedite its delivery. The amendment will complement measures already instituted by some of the regulators to deal with financial stress in the flooded area. For example, the Federal Reserve Board has indicated that it may be appropriate for lenders to ease credit terms and restructure debts in certain cases. It is similar to legislation approved by Congress in 1992 and 1993.

Mr. President, I commend Senator GRAMS and Senator JOHNSON for developing this amendment and urge support for this helpful addition to overall flood relief efforts.

Mr. GRAMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Under the previous order, the Senator from Minnesota has 25 seconds remaining.

Mr. GRAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 54, offered by the Senator from Minnesota.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas [Mrs. HUTCHISON], is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Bingaman	Hutchison

The amendment (No. 54) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 57

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have an agreement on the floor. Let me thank especially Senator HOLLINGS from South Carolina for his assistance.

Mr. President, I want to give a little bit of context for this amendment because I think it is important for people to know what has happened and what had to happen. This is about Toradol, which is manufactured by the Hoffman-La Roche Co.

By the way, I would like to thank the company. We had a very good discussion in my office yesterday with my staff. I appreciate their coming by. I understand exactly what they have been trying to do.

Also, Mr. President, I want to make it clear that this went through the process. This was an effort that many people thought was a worthy one. So this is not a bashing on my part at all.

Mr. President, the problem is as follows: This drug is an anti-inflammatory drug; very important. It can be taken orally, or it can be injected—very important—dealing with, for example, postoperative pain. It is a very important medication for pain reduction. About two-thirds to 80 percent of the market was in the injectable form.

The effort in this supplemental appropriations bill was to go ahead with a 14-month patent extension, which would have been for 14 months of market exclusivity for Toradol, this one drug. That means there would have been only one drug available; no alternatives. There is every reason to believe that, as a matter of fact, there is a generic alternative which would have been the same kind of assistance for people but at much less cost.

Mr. President, when we were making some projections about this, we felt that, on the basis of looking at the data, this would have been about a $350 million cost for consumers. I felt as a Senator that the one party that was left out of the negotiations was the consumer. I could say with a twinkle in my eye, in many ways I have always tried to be a Senator that pushes hard on the consumer end. While I think the company—I want to make this clear—Hoffman-La Roche Company has made some important arguments about the delays in getting drug approval, about some of the problems it had with GATT, and all of the rest, the fact of the matter is—this was my perspective, and this is the consumers' perspective—a 14-month patent extension would have been maybe $50 million to $60 million—maybe it was the injectable part, two-thirds of that—in additional cost passed on to consumers. I think we ought to be doing our very best to make sure that we get this kind of medication to consumers in the most cost-effective way possible.

So, Mr. President, I think the only unfortunate part was—not the process; I think people worked hard, and they worked in good faith—but I don't think there was the representation for the consumers.

This amendment knocks out this patent extension. Senator HOLLINGS joins me in this amendment. We agreed. I believe that Senators on both sides of the aisle are now comfortable with this agreement. This amendment knocks out that patent extension. I think this is the right thing to do for consumers.

This was an amendment that I offered for consumers in Minnesota and consumers in the country. I am very pleased that now, after some negotiation and discussion, we have agreement on this on the floor of the Senate.

I understand the position of the pharmaceutical companies in this particular case. Again, I appreciate their work. But ultimately I think my job is to represent not so much the pharmaceutical companies but the consumers. On this point, I think there was divergent interest. I wanted to come down on the side of consumers. I am really pleased that Senator HOLLINGS and other Senators have joined in this effort.

Mr. President, with that, I yield the floor. We can go further. I think we can proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I apologize to the Chair. I had a discussion about further proceedings.

Which amendment did the Senator call up?

The PRESIDING OFFICER. Amendment No. 57 by the Senator from Minnesota.

Mr. STEVENS. Thank you, very much.

I now have a copy of it. It is my understanding that the Senator from South Carolina is not going to object to this at this time. I will not oppose the amendment either. But I do want to say that, as a result of the amendment of the Senator from South Carolina, there have been a series of pharmaceutical groups that contacted us concerning the inequities of the long delay in the processing of Federal permits for the pharmaceuticals in this country. I believe this is a matter that should be taken care of in the legislative proposal, but, if it is not, we will address it further this year in the Appropriations Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 57) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed that 110 amendments have been filed to this bill. We have assigned task forces from the staffs of the various subcommittees to review those amendments.

Mr. President, we will notify Members if we find amendments we would object to. But I ask all Members to notify us when they would like to call up their amendments. It is the leadership's hope that this bill will be finished by tomorrow evening. Obviously, with 110 amendments, it is going to be a long night. But I would appreciate it if we could have some idea of when those amendments would be called up. I am hopeful they will be called up soon.

AMENDMENT NO. 143

(Purpose: To provide for dredging and snagging and clearing of the Truckee and San Joaquin Rivers and the dredging of shoaling on the Chena River)

Mr. STEVENS. Mr. President, I ask the clerk to lay before the Senate amendment No. 143.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REID, proposes an amendment numbered 143.

On page 18, line 15, following ''fund:'' insert the following: ''*Provided*, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the federal Chena River Flood Control Facility:''.

Mr. STEVENS. Mr. President, this is a direct use of funds that are already available. There is no budgetary impact on it. It deals with issues that the corps has informed us it needs authority for in three States. It has been cleared on both sides.

I urge adoption of the amendment.

Mr. LAUTENBERG. Mr. President, we have no objection on the Democratic side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 143) was agreed to.

Mr. STEVENS. Mr. President, I want to state that this amendment is by the Senator from Nevada that I called up. So it is not my amendment.

The PRESIDING OFFICER. The RECORD will be corrected to show that the amendment just agreed to was offered by the Senator from Nevada.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move that that motion be laid on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Chair inform the Senator from Nevada what the pending business is.

The PRESIDING OFFICER. There is no pending amendment.

AMENDMENT NO. 171

(Purpose: To substitute for the Endangered Species Act waiver a provision agreed to in the House Appropriations Committee)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 171.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. STEVENS. I seek to inquire whether the Senator would be willing to enter into a time agreement on his motion to strike?

Mr. REID. Yes, I would. The ranking member of the committee wishes to speak. Other than that, I had no requests for time.

What does the manager of the bill suggest?

Mr. STEVENS. I am sure there are others interested in speaking. We have 110 amendments pending, so I will try to seek a time agreement on each amendment. I will defer this for a few moments until others involved are here. I would like to enter into a time agreement to vote on this amendment no later than 5:30, if possible.

Mr. REID. I will begin debate, I say to the distinguished chairman of the full committee, and while I am doing this, you will have the Cloakroom call to see how much time the ranking member and others wish to speak.

Mr. STEVENS. Mr. President, we will contact Members to talk about that.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRESIDENT OF THE COLOMBIAN NATIONAL SENATE

Mr. GRAHAM. Mr. President, I introduce to the Senate the President of the Colombian National Senate, Senator Luis Londono.

RECESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate stand in recess so Members might meet our friend from Colombia.

There being no objection, the Senate, at 3:59 p.m., recessed until 4:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 171

Mr. REID. Mr. President, during the quorum call, and others matters that have taken place in the last few minutes, I have had the opportunity to speak in some detail with the chairman of the Environmental and Public Works Committee. He indicates to me that in the last little while serious negotiations have been undertaken with the administration and others interested in this problem that is now before the Senate. As a result of that, the chairman of the committee feels that this matter can be resolved. That being the case, I will at this time indicate to the manager of the bill that I am not going to proceed further. I will leave my amendment pending with the anticipation that we can work something out. I hope so.

I also say to my friend that we will probably need an hour and a half on this side if, in fact, we can't resolve this matter. But we can worry about that at some later time. That being the case, unless the manager has something else——

Mr. STEVENS. Mr. President, I regret that we can't seem to get much going here. The administration now has the Endangered Species Act amendment under review, the amendment pertaining to the sense of the Senate is under review, and the amendment pertaining to S. 2477 is under review. I would like to find out what is going on down there in that three-ring circus so we might get this bill going. I understand the Senator wants an hour and a half, but we will have a cloture motion tomorrow, apparently. It will be this Senator's recommendation, if we can't get this bill going, let's go out and then come back tomorrow and vote cloture. I was told I am trying to hold up this bill. I was told that last week. We have been on the floor here for 2 days. I am perfectly willing to go ahead with amendments—amendments even to strike provisions we put in the bill. We are not holding up this bill.

If we need a cloture motion to limit all debate, then I say the Senate should vote cloture tomorrow and do that. I am not addressing this to my good friend from Nevada. I understand what he is doing. There is a substantial possibility that it may be worked out with the administration. But I am not sure the administration has the urgency we seem to want to have for this bill. Mr. President, my recommendation to the leader is that if we don't get going here this afternoon, let's go out at 5 o'clock and come back tomorrow and get cloture. Then I know amendments will be voted on in orderly sequence. If we don't get cloture, we will understand, and the people from the disaster area will understand who wants the bill and who doesn't. I am very disturbed about this delay, as a matter of fact.

Mr. REID. Mr. President, I say to my friend from Alaska, that is why I am here. I wanted to move this thing along. Nevada is one of the 22 States that benefits from this legislation. We had a very serious problem around the first of the year with flooding. So I acknowledge the seriousness of this.

I say to my friend from Alaska, if there were a cloture motion filed, I would vote to invoke cloture. I think that we do have to move this thing along, and that is the reason I am here. But with my having spoken to the chairman of the full committee, I think it is appropriate that I give him every opportunity he can to see if something can be worked out.

Mr. STEVENS. If the Senator will yield, I meant no inference to the Senator from Nevada. He has been most cooperative. We just adopted his amendment by a voice vote because he was so cooperative in working out the terms of that amendment. I am sure we can go forward with his presentation now. But, clearly, without regard to the two of us on the floor now, the delays are taking place off the floor. I think it is time that we get the word out that we are just not going to sit around all day waiting for people to come to the floor. We still have the prerogative of going to third reading and cutting off all amendments.

Mr. REID. Mr. President, if I could respond, I haven't managed nearly the number of bills that my friend from Alaska has, but I have managed some bills, being a member of the Appropriations Committee and in other responsibilities I have had. I acknowledge that there are very few things in life more frustrating than being here, having a lot of work to do, and nobody shows up here. So I understand the feelings of the manager of this bill, the chairman of the full Appropriations Committee. This is important legislation. If we can't resolve this endangered species matter, let's bring it up, vote on it and get on to something else.

Having said that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, my colleague on the Appropriations Committee, the Senator from Nevada, was on the floor just a few moments ago to discuss a provision on an amendment that the chairman and other members of the committee helped me place in this supplemental appropriations that really is a critical issue when it comes to dealing with flooded areas and flood victims, and the rebuilding of structures as it relates to floods along many of the rivers of our country.

What we are finding out in Idaho is that, in certain instances, it is very difficult to rebuild the levy to once again provide that critical barrier between the human species and his or her property and an endangered species, in this instance because agencies simply can't agree. And, as a result, we go into these extended periods of consultation when the flood waters may be rising again, and the dike or the levy simply doesn't get built because there is not the opportunity, vis-a-vis the Endangered Species Act, to act immediately and quickly and responsibly to deal with these issues. We have found that in Idaho.

I think the folks in North Dakota and the folks along the Ohio are going to be finding that out very quickly now as the flood waters recede and they begin to look at rebuilding along the rivers and making some of the corrections necessary, and doing so in a quick and timely fashion, in this instance potentially preparing for an additional runoff. That has happened in Idaho because we have had early floods in the first week of January. Several of my counties were subject to the 100-year flood. My hometown of Midvale was under 4 feet of water. Those communities and the Federal agencies responded very quickly to build back those levies immediately, and were able to do so in almost all instances. But in St. Mary's, ID, where a flood occurred in 1996 in the winter in February, here we had actual construction of a levy stopped by the U.S. Fish and Wildlife Service because they said that EPA and the community failed to respond to the Endangered Species Act.

It is also interesting that in the delta area of California, Senators from California asked the Assistant Secretary of Interior to waive certain provisions so that citizens in that area could respond immediately, and, of course, that was done. The frustration often comes then when the agencies then step in after the fact and require very, very expensive and extremely costly mitigation. For example, in the area of St. Mary's, the U.S. Fish and Wildlife Service is suggesting maybe $100,000 worth of mitigation, maybe 30-plus additional acres of habitat needing to be replaced, even though in all instances there appeared to be adequate habitat in the area.

My provision in this bill, that the Senator from Nevada speaks of and is attempting to strike, covers only natural disasters and threats to public safety that occurred in 1996 and 1997. It eliminates the lengthy and unnecessary delay to flood control efforts. It is designed to allow Federal agencies and local communities to respond to human safety, to protect human life and to protect private property, and to protect those as the first line of defense in a flood and in the aftermath of a flood.

Eligible flood control projects are not required to consult prior to emergency efforts. In other words, the Senator from Nevada was referring to a

provision that the House committee put in which said that, if it were a declared disaster—what I am suggesting is that, if the water is rising at an unprecedented rate and the local community and the flood control district think they needed to add another foot to the top of the levy, they can do so because it is an impending emergency. Right now it is impossible to do that, if by doing so they might damage habitat, or something that a Federal agency would declare to be a threatened habitat, or I should say a habitat that was threatened—obviously, an endangered species. What we are talking about is the ability to respond quickly. That is why this provision that I am talking about is in the bill.

My colleague, Senator KEMPTHORNE, has for the last good number of years worked overtime to try to produce a responsive reauthorization of the Endangered Species Act. He continues to do that. We are consulting now on adjustments and changes in this provision in the supplemental. My staff has met with JOHN CHAFEE's staff and Senator KEMPTHORNE's staff to try to work out these differences so that we can have this kind of timely response. It is critically necessary.

I cannot believe that the Senate of the United States would not say that human life and private property at a time of impending emergency or at the time of the declaration of emergency should not be protected and responded to in a timely fashion, and not to have to worry about an agency coming in afterwards, and saying, ''Well, now you are going to have to spend hundreds of thousands of dollars to mitigate.'' Communities will respond. They will want to assure that that habitat is sound. But, first and foremost, they ought to have the right that they have always had in this country to protect themselves and their property. I don't care. The area in North Dakota ought to have that right. They ought not have to call Washington, DC, and the Fish and Wildlife Service, and say, ''What may we do? We have private property and homes to protect, and we are going to ask you to spend 48 hours a week deciding what we may or may not do.'' That kind of time does not happen in an emergency environment.

I would also look at eligible flood control projects and allow them to perform restructuring and operation and maintenance directly related to the natural disasters or an imminent safety threat. That is what we are talking about here.

I will work, as we have. We spent yesterday and most of today with the chairman of the Environment and Public Works Committee, and the subcommittee chairman, Senator KEMPTHORNE, my colleague, to see if we can resolve this issue in the best interests. Certainly, I want to work with the Senator from Nevada on this issue to resolve it. But we are not going to create loopholes, nor are we going to let Federal agencies stand in the way of timely response to the private citizens and their need for protection of their person and their property. That is clearly the intent of the provision that is within the supplemental at this time. I cannot accept changes in that unless they have as their initial premise that very kind of thing. We just do not need to get at the business of a lengthy process here. That comes and always will come at a time when we can approach it much differently than the declared emergency, or the impending emergency that comes with the crisis.

We have so hamstrung the citizens of our country by laws that simply disallow them the right to protect themselves and to respond in a timely way. It is amazing to me—that very incident, in my opinion, that happened in the north end of my State in the last couple of months, as we knew we were headed into a runoff season of the year when that river and those dikes needed to be completed and, yet, we really saw a ho-hum attitude on the part of the agencies and a shutdown of operations that resulted in the dike not being prepared in a timely way.

That is the intent. Mr. President, we are working to resolve this issue. I hope we can do so. But for the time being, the language that is in the bill is important language and it meets the need that many in the House wanted, and that, obviously, many in the Senate believe are necessary also.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 56, AS MODIFIED

(Purpose: To authorize the Secretary of Defense to enter into a lease of property for the Defense Finance and Accounting Service at Lexington Blue Grass Station, Lexington, Kentucky)

Mr. STEVENS. Mr. President, yesterday we adopted an amendment that was presented by the Senators from Kentucky, Senators FORD and MCCONNELL.

Last evening that amendment was reviewed by the Department of Defense, and they have asked for one very technical correction. We have an understanding with them. It has been agreed to on both sides.

I send the modified amendment to the desk, and I ask unanimous consent that it be in order to present this amendment to be a substitute for the amendment that was adopted yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FORD and Mr. MCCONNELL, proposes an amendment numbered 56, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERMS.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purposes of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an opinion provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

Mr. STEVENS. Mr. President, this really deletes a provision, as I said, ''notwithstanding any other provision of law.'' It was technically not necessary, and the department did not wish that to be permanent law.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 56), as modified, was agreed to.

Mr. STEVENS. Have I substituted that completely for the amendment that was agreed to yesterday?

The PRESIDING OFFICER. Without objection, the amendment numbered 56 will be so modified.

Mr. STEVENS. We will delete the amendment that we agreed to yesterday?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 173

(Purpose: To make a technical correction to the fiscal year 1997 VA–HUD and Independent Agencies Appropriations Act concerning EPA State grants)

Mr. STEVENS. Mr. President, I have another amendment. It is a technical correction to the 1997 Veterans Administration and Housing and Urban Development appropriations bill as it relates to EPA State and tribal assistance grant account.

The language in this amendment ensures that should the EPA be required to take over a State environmental program grant, funds otherwise provided to the State would be available to EPA for administering the program.

This language represents no change in policy or procedure, and is deemed by the committee to be a technical amendment to existing law. It is an amendment presented in behalf of the chairman of the subcommittee, Mr. BOND.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BOND, proposes an amendment numbered 173.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title III, Chapter 10, add the following new section:

SEC. . The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to states and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal government of a program required by law in the absence of an acceptable State or tribal program.

Mr. STEVENS. I ask for the adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 173) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 174

(Purpose: To authorize the Environmental Protection Agency to make grants to the city of Bay City, Michigan, for environmental remediation, using funds previously appropriated for the Center for Ecology Research and Training)

Mr. STEVENS. Mr. President, I have another amendment which I shall send to the desk. It authorizes the EPA to make grants from funds previously appropriated for an EPA lab in Bay City, MI, all but 11 of which were rescinded in 1995, to the city of Bay City for environmental remediation after all claims are settled from the funds that are available.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM, proposes an amendment numbered 174.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title III, Chapter 10, add the following new section.

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

Mr. STEVENS. Mr. President, this is a technical amendment but does make available to the city of Bay City for environmental remediation the funds remaining available in the grant that was previously made.

Mr. ABRAHAM. Mr. President, today I join with Senator LEVIN to introduce an amendment which will help close the door on the canceled Center for Ecology Research and Training [CERT], and end a difficult chapter for the city of Bay City, MI.

In the late 1980's, the Environmental Protection Agency [EPA] was working to develop a new laboratory to study land and marine ecosystems. After much consideration, Bay City, MI, was ultimately chosen as the location for this facility, and Congress appropriated over $100 million for the center's construction.

EPA, however, moved slowly on the CERT construction. After 5 years, only a small portion of the appropriated funds had been spent. Thus, CERT was still a long way from realization and became an easy target when the fiscal year 1996 rescission was considered. After considerable congressional debate, the project was canceled and almost all the remaining funds were rescinded.

Today, approximately $5.2 million of the already appropriated funds remain. These moneys are set aside for the EPA to settle CERT-related claims. In addition, as part of the arrangement to settle claims, EPA verbally agreed to direct the moneys remaining after all claims have been settled to the city of Bay City in the form of environmental grants. At present, however, there is no language which directs EPA to carry out this pledge, and if EPA is not given explicit direction, it will likely reprogram the funds. This language is needed, therefore, to instruct the EPA as to how the remaining funds will be spent.

The amendment offered by Senator LEVIN and me will permit Bay City to clean and restore the area to a level acceptable to the Michigan Department of Environmental Quality. Mr. President, this legislation is very important to Bay City. The loss of CERT was a great blow to the city. Bay City needs to heal the wound that is this promised but unfinished facility. It is my hope that this legislation will bring closure to this unfortunate affair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 174) was agreed to.

Mr. STEVENS. I move to reconsider and I move the motion to reconsider be laid upon the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, those were amendments that were previously filed in the 110 that were filed for cloture. We have cleared those. We will clear amendments as they are brought to us if they are technical in nature, but those should be deleted from the amendments eligible for consideration after cloture.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I stated before that if we did not have a substantive amendment before the Senate before 5 o'clock, we would go into a period for morning business. After consultation with the leader, I announce that we will go into a period of morning business in just a few minutes. It will be the intention of the leadership to have a cloture vote at 9:30 a.m. tomorrow. We will proceed to see how we can move forward with this bill at that time.

It will be the policy of the leadership, and I support this policy, to not wait any longer for these amendments. There are too many side conferences going on, Mr. President, and there is no reason to wait all night for the possibility that we may have an amendment cleared for action this evening.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a

period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, the leader will determine at a later time today the actual time of convening tomorrow. But I am reminded that Members should have their second-degree amendments, to the amendments that have already been filed, filed before the 9:30 a.m. vote tomorrow. I announce on behalf of the leadership, there will be no further votes today.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DISTINGUISHED CITIZEN OF THE YEAR, DR. ERNEST TOMASI

Mr. LEAHY. Madam President, earlier this year, the Sunday Rutland Herald and Sunday Times Argus had an article about a fellow Montpelier neighbor, Dr. Ernest Tomasi. Dr. Tomasi was named the distinguished citizen of the year by the Montpelier Rotary Club.

Madam President, I have known Dr. Tomasi my whole life. And my parents knew him even before I did. He is a remarkable man, and probably one of the last examples of a country doctor, even though he has always practiced in our capital city.

Dr. Tomasi, a man very proud of his Italian heritage, as was my late mother, was one who would make sure that everybody who needed a physician received that physician's care.

So many times people would come to him telling him that they could not afford a doctor's care but needed a doctor's care. They always got it. It would be remarkable if somebody were able to tally up all the people of central Vermont who were cared for by him but never received a bill because they could not pay for it.

I also think of the number of times as a youngster seeing him going out making house calls, and then even in later years, even after I became a U.S. Senator, seeing Dr. Tomasi with his battered bag heading off for house calls.

It was my privilege to see him in 1994, when he went back for the 50th anniversary of D-Day. He had landed on Normandy as a young medic and, as he said, was one of the only ones who went ashore without guns. He also tells some pretty horrific stories of what happened to the people who were landing. It was a mark of his bravery that even though he earned the Silver Star, the Bronze Star, the Purple Heart, and a Presidential Citation, this was never a part of his conversation, and only reluctantly did he go back for the 50th anniversary.

My wife and I had a chance to talk with him on different occasions while he was there. He was one of the brave, brave people President Clinton and General Shalikashvili and others referred to at that celebration.

Madam President, I ask unanimous consent that the article ''Longtime Doctor Named Rotary's Citizen Of Year'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONGTIME DOCTOR NAMED ROTARY'S CITIZEN OF YEAR

(By Art Edelstein)

Dr. Ernest Tomasi's medical office on Barre Street could well be the setting for a Norman Rockwell painting: The suite of rooms does not sparkle in medicinal white, there are no secretaries behind glass partitions, and the examining tables are from a bygone era.

But Tomasi can be forgiven the lack of high technology. Now semi-retired, he has practiced medicine locally for 50 years, delivering at least 1,000 babies. Along the way, he raised six of his own children, treated many patients without taking a fee and contributed to innumerable volunteer efforts.

His career has not gone unnoticed. Earlier this month, Tomasi received the Montpelier Rotary Club's Distinguished Citizen of the Year award for his many years of service to the community.

Tomasi, who turns 83 at the end of February, is a cheery man who doesn't boast about his formidable medical career and his years in the armed services.

''I think the fact that he has continued to practice medicine and is an old-style doctor interested in his patients first made him a great candidate,'' said Rotary President Roderic Sherman. ''He is an outstanding example of good deeds.''

''He has been providing services to anyone needing medical help for 50 years,'' said David Pinkham, who chaired the selection committee. ''Dr. Tomasi provides services for barter, or free. He is an example of somebody doing something for others.''

A Montpelier native, Tomasi graduated from St. Michael's high school on Barre Street, and from the University of Vermont medical school in 1942. After interning for a year in Waterbury, Conn., where he met his wife, he joined the U.S. Army.

Tomasi doesn't like to talk much about his role as a member of the D-Day invasion force that landed on the Normandy coast of France on June 6, 1944. He said his team of medics were brave men. ''They were the only ones who went ashore without guns,'' he said.

Tomasi earned the Silver Star, Bronze Star, Purple Heart and the Presidential Citation.

Tomasi travelled back to France to celebrate the 50th anniversary of D-Day in 1994. The trip, paid for by his colleagues at the Central Vermont Hospital, brought back painful memories of his war years. ''It was so horrible. I saw a lot of soldiers die,'' he said.

''I didn't want to go back to Omaha Beach; there were too many bad memories.''

But there were some better memories of his tour of duty in Europe that he can smile about. In 1944, after the Allies began defeating the Germans, Tomasi and his unit liberated the first town on the German border near the Elbe River. There he delivered a baby girl. Years later he received a letter from that child when she became an adult.

''He doesn't talk much, especially about his trip to Europe in 1994,'' said his wife of 50 years, Barbara Tomasi. ''He landed and all these boys around him were killed. Going back to the beach and cemetery were emotional.''

While the war was an unpleasant experience, Tomasi did not shirk his responsibilities to his fellow veterans. He has been an active member of the American Legion and Veterans of Foreign Wars and has served as the Post doctor for 30 years.

After the war, Tomasi returned to Montpelier to practice medicine. He has witnessed many changes in the medical profession in his half-century of practice.

''It's all changing too fast,'' he said. ''I wish I could live long enough to see how it comes out.''

A surgeon, he no longer performs operations but continues to assist in them.

Tomasi began scaling back on his practice in 1994. Before then, his wife said, he kept a grueling schedule.

''He would work from 8 in the morning until 11 or midnight with a supper break,'' she said. ''He did this until three years ago when he cut back on patients. He still makes occasional house calls.''

Adera White, a friend and former nurse, said Tomasi is a special doctor.

''Through medicine, he's done much. He would treat people and not get paid; for years he never sent bills to any of his patients,'' she said. ''Whoever felt they could pay, paid him. He wasn't in it for the money, that's for sure.''

While Tomasi said he is thinking about retiring from medicine, his wife doubts he will quit his life's work.

''This is the only thing he has; he is devoted to his patients,'' she said. ''He loves sports, but never had any hobbies. * * * I don't think he will ever retire.''

TRIBUTE TO WALTER ''PEANUT'' KENNEDY

Mr. LEAHY. Mr. President, Walter ''Peanut'' Kennedy, the late Speaker of the House of Representatives came from the district of Chelsea, VT. They used a version of Vermont's old mountain rule. In a local form, mountain rule came from the town's unwritten agreement that State representatives alternate between the sides of the mountain that divided the town at every biennial election. It was about as good a reason for term limits as many I have heard argued on this floor in recent years.

It followed the real mountain rule in Vermont which alternated Governors from one side of the Green Mountains to the other side. Madam President, the Governor would come from the eastern side of the mountains in one election cycle and then from the western side in the next. Of course, they were all Republicans so it worked out very well throughout those years.

Since the town was overwhelmingly Republican and the candidate from either side of the mountain could not hope to succeed under any other party preference—the tradition more or less held until reapportionment of the legislature along the one man-one vote decision of the U.S. Supreme Court changed the nature of Vermont's system forever.

I preface my remarks today with this brief history so that you can appreciate the background from which this rough hewn, shrewd, humorous, and eminently fair gentleman rose to become a legislator, Speaker of the

House, and his party's candidate for Governor in 1974.

With Peanut Kennedy's passing, we close the book on a period in Vermont when character, common sense, and honesty were alone sufficient to insure personal triumph and political success.

Peanut sold used cars—and they weren't all good cars. He would tell his customers—especially enthusiastic young farm boys who were making their first major purchase with hard earned money—to look beyond the flashy chrome and white wall tires. If necessary, he would further curb their enthusiasm by suggesting the vehicle had an estimated lifespan of the distance to the grocery store a half mile down the road.

Those were cars he kept on the lot only to have the pleasure of selling them to folks like you and me who could afford a lesson in the perils of used car negotiations.

''You don't want this car,'' he would finally tell a local customer and move him toward another part of the lot.

Peanut, rising to the chairmanship of the House Highway Committee, then Speaker and finally rewarded as his party's gubernatorial candidate, was rarely addressed as Walter. He retained his earthy sense of humor and Yankee mannerisms, offensive to the few—loved by the many. He was an antecedent of political correctness—fixed in his ways, colorful in his language, and prone to startle constituents, legislators, Governors and lobbyists with the frankness of his responses.

He hated ad hoc committees which he said were merely ways for political leaders to transfer decision malting responsibility to another body.

''Ad hoc,'' he once challenged a leader of his own party on the House floor, ''Sounds like someone clearing his throat.''

He once publicly described a Governor, who was concerned over a prolonged and politically debilitating debate over enacting his proposal for a sales tax as ''nervous as a whore in church,'' over the prospects of passing his legislation. Kennedy never doubted the tax would be enacted, once the talking was over and the nervous legislators regained their courage to an unpopular, but necessary broad based tax to finance State government programs.

He was never a man to go off the record, he was never a man to go against his word.

When he ran for Governor in 1974 he traveled through southern Vermont extensively for the first time in years and became aware of the change taking place as a result of a revolution in transportation systems—many of which he had helped put in motion himself from Montpelier.

I think it was the first time he realized that Vermont was changing so dramatically from the community or farms and small, self-governing communities that settled problems at town meetings and pot luck suppers.

''It's not Vermont anymore,'' he told friends. The visit seemed to inhibit his candidacy and he failed to give Vermont a spirited campaign against a popular incumbent.

I traveled with Peanut Kennedy when he ran for Governor in 1974, and is probably an indication of the bipartisan nature of the man. Even though he was running for Governor on the Republican ticket, I for the Senate on the Democratic ticket, we would have occasions just because we wanted to be in each other's company that we would ride together from one function to another.

He had his big old black Imperial. I would hop in the car with him. Somebody would drive my car along behind. And I would be laughing so hard by the time I would get to the next place, I could barely remember my own lines as he would tell one story after another.

At home, with his wife Sylvia, he was a very private man and devoted husband. Vermonters shared his grief over the tragic death of his son in a fire. After the election in 1973, Kennedy returned to his business and quietly retired from the political arena which had taken him so far. But the State had changed and Peanut's beliefs and principles were too deeply ingrained.

Out State has lost a great public servant, and to those of us fortunate enough to have known him a great friend as well.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

UNANIMOUS-CONSENT AGREEMENTS—S. 672

Mr. STEVENS. Madam President, I wish to modify the previous statement I have made. And I now ask unanimous consent that the vote on the cloture motion take place at 10 a.m., tomorrow.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

Mr. STEVENS. Madam President, the Senate will be convening at 9:30—the majority leader will handle that part of it—but I ask unanimous consent that the time between the convening at 9:30 and 10 o'clock be divided equally between the Senator from West Virginia and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that second-degree amendments must be filed before the hour of 10 a.m., before the hour of the cloture vote, that is, the second-degree amendments to the amendments that have been filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. So we are clear, now we will stay in a period of routine morning business, Madam President, under the previous unanimous-consent agreement until the leader decides to go through the closing procedure.

But just to make certain, that is the order of the Senate now, that we are in morning business with Senators permitted to speak for up to 5 minutes each?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, would you indicate what the pending business is.

The PRESIDING OFFICER. The Senate is in morning business.

SUICIDE IN AMERICA

Mr. REID. Madam President, in the wrap-up, in the final business that will take place here today, Senate Resolution 84 will pass. This is a resolution that deals with suicide prevention. Currently, there are 31,000 suicides every year in the United States; 83 people a day kill themselves.

I made some remarks earlier today that will be in the RECORD of the Senate on this subject. I just want to express my appreciation to those that are sponsoring this resolution. It is a bipartisan resolution. Senator COVERDELL has been the lead Republican on this issue. Madam President, he is the lead sponsor on this because in his State there is a very courageous man, a man named Jerry Weyrauch. Jerry is leading a national effort in this country to draw attention to this issue. He is doing it after having gone through the trauma of losing his daughter by suicide.

Suicide is something that affects many people. As indicated, 31,000 people a year kill themselves in this country. In my Senate office here in Washington, about 2 months ago, during a period of 4 weeks, three of my employees had relatives that killed themselves. One was an 11-year-old boy that hanged himself.

Suicide is something we have learned can be avoided. I became vocal about suicide after having participated in a hearing before the Senate Aging Committee last year. Mike Wallace, a person those of us in Government hate to get a call from, appeared before our Aging Committee. The hearing was on senior depression. Mike Wallace, in my opinion, Madam President, showed a lot of courage when he came before our

committee and acknowledged—this very articulate TV personality appeared before our committee with a lot of humility—there were times in his life when he felt like he wanted to die, he was so depressed. The message he gave our committee was that there was no reason for him to feel this way. With a little bit of counseling and some medication, his life was changed.

It was at that hearing that I said to myself, and I indicated publicly, that it was time I acknowledged the fact that my father killed himself. It was something our family was embarrassed about, maybe even a little ashamed about. But with Mike Wallace talking the way he did, I thought it was something I should be more vocal about, and try to prevent others from going through the trauma that my family went through.

So, at that hearing, I said to the now Secretary of Defense, then Chairman Cohen, that I thought it would be a good idea if we held a hearing on senior suicide. We did. It was a remarkable hearing. We learned it is a problem. We learned, of course, with that hearing centering on senior suicide, what a tremendous problem it is across this country, especially in Nevada. Nevada leads the Nation in suicide and is twice—two times—the average for senior suicide. Nevada has a real problem.

We came to learn in that hearing that suicide cuts across all ages, it cuts across all economic lines, all social and economic boundaries. More people die from suicide in the United States than from homicide. That says a lot because there are tens of thousands of people, about 24,000 people a year in this country, who are murdered.

On an average day in this country, almost 2,000 adults attempt suicide. For young people, ages 15 to 24, suicide is the third leading cause of death, only behind unintentional injury and homicide. In 1992, more teenagers and young adults died from suicide than died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined. We can take all of the people age 15 to 24 who died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and lung disease, and they do not equal the number of young people that killed themselves. Suicide is the eighth leading cause of death in the United States.

One of the things we have learned in these hearings, Madam President, is we do not know the cause of suicide. Why are the 10 leading States in the Nation all Western States? We do not know why. We need to know why. Why do males commit suicide, at rates and numbers for suicides, four times more than females?

Elderly adults have rates of suicide more than 50 percent higher than the Nation as a whole. We also know that seniors are much more adept at killing themselves. We know a youngster is not very good. About every 1 in 200 who attempts suicide is able to be successful; yet, 1 in 4 seniors are successful. Suicide is preventable.

As I indicated, we learned from the Mike Wallace hearing that a little bit of counseling and a little bit of medication is all that is needed. Most suicidal persons desperately want to live; they are just unable to see alternatives to their problems. Understanding and identifying the risk factors for this phenomenon and evaluating potential suicide prevention interventions must become a public health priority. So we must do something about this preventable public health tragedy. It is irresponsible and insensitive to allow victims and families to suffer in silence or to nationally hide our heads in the sand.

Those of us who have had experience with suicide wonder, is there more we could have done? Why did he do it? Why did she do it? But I think the important thing is to recognize the progress that has been made. It wasn't long ago, Madam President, that someone that committed suicide could not be buried in a public cemetery. They simply would not allow it. There were many religious boundaries that the family of someone that committed suicide could not go beyond. Things are changing for the better. They will become better, and this resolution is really an outstanding step in that direction.

I have acknowledged Senator COVERDELL and I appreciate his support, along with the two Senators from Louisiana, BREAUX and LANDRIEU, Senator MURRAY, and Senator WELLSTONE, those who have cosponsored this legislation. The lead person in the House of Representatives is JOHN LEWIS from Georgia. I am grateful to him for taking the lead in this.

But the most important thing we can do is not be insensitive. Again, it is irresponsible and insensitive to allow families and victims to suffer in silence or to nationally hide our heads in the sand and pretend it doesn't exist. We have to acknowledge the problem and we need to take the critical first step in doing something about it.

Today the Suicide Prevention Advocacy Network—the organization Jerry Weyrauch formulated, sponsored and pushed—delivered over 20,000 signed petitions from 47 States calling for the action that was accomplished here today. It is time to lift the veil of secrecy and begin the effort to heal the wounds and take the steps to prevent unnecessary loss of life. It is time to continue the effort for mental health parity and to ensure that all those who need assistance get the assistance they need, without stigma.

The resolution I offered today, I hope, will be the first step in focusing awareness on the need for suicide prevention and addressing the need for a national strategy. No life should be lost when there is an opportunity to prevent its loss.

Not one of the nearly 31,000 lives lost to suicide annually is insignificant. These are the children, parents, grandparents, brothers, sisters, friends, coworkers, and neighbors of each and every one of us. There are some things, I repeat, that we don't know. We have multiple suicides in families—families that appear to be the normal families. We have fathers committing suicide and sons committing suicide. We need to know more about this. Few of us can say we don't know someone who has been touched personally by this tragedy.

In addition to this legislation, I am going to continue to offer legislation which will be vital in taking necessary steps by calling for the establishment of injury control research centers, which will deal exclusively with the subject of suicide. We need a focal point where we can develop expertise on suicide, both of seniors and of children, and share this expertise with others interested in getting involved.

I also intend to ask the National Institutes of Health to conduct research into the treatment of clinical depression and suicide generally.

Again, I express my appreciation to Members on both sides of the aisle for supporting this resolution. It will be, I believe, the first step in acknowledging suicide as a national problem.

Madam President, I ask unanimous consent that a statement from the American Association of Suicidology and the American Psychological Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN PSYCHOLOGICAL ASSOCIATION

Washington, DC, May 5, 1997.

Hon. HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: On behalf of over 150,000 members and affiliates of the American Psychological Association (APA), I am writing to express support and appreciation to you and Senators Murray, Wellstone and Coverdell for the introduction of a Senate resolution recognizing suicide as a national problem.

The APA shares your concern that suicide rates among the elderly, adolescents, and young adults have increased dramatically in recent years. Since the 1950s, suicide rates among youth have nearly tripled. Between 1980 and 1990, the suicide rate increased by 30% in the 10 to 19 year-old age group. For older Americans over 65, the suicide rate increased nine percent between 1980 and 1992. Elderly Americans make up about 13 percent of the country's population, but account for about 20 percent of all suicides.

Although the reasons for this sharp increase are unclear, depression, living longer with chronic illness, and increasing social isolation of the elderly may play a role in the growing numbers of elderly Americans who take their own lives. In addition, alcohol abuse and substance abuse can dramatically raise the suicide risk, especially among youth. Alcohol and drugs, separately or in combination, are potent disinhibiting agents that foster impulsive and dangerous acts.

As the suicide rate can clearly be reduced and as mental and behavioral disorders which lead to suicide are increasingly treatable, the APA strongly supports the resolution and recommends funding for additional

research, demonstration, evaluation, and intervention projects to reduce the rate of youth and elderly suicide.

Thank you again for your leadership on this critical issue.

Sincerely,

RAYMOND D. FOWLER, *Ph.D.*,
Executive Vice President and Chief Executive Officer.

AMERICAN ASSOCIATION OF SUICIDOLOGY,
Washington, DC, 5 May, 1997.

Senator HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: I am writing on behalf of the American Association of Suicidology in support of your thoughtful, timely, and compassionate resolution recognizing suicide as a national problem and suicide prevention a national priority.

For too long we in America have suffered from the imported burden of stigmatizing both those who are suicidal and those affected by suicidal deaths. Suicides are often wrongly considered to be volitional deaths; this in spite of the fact that they are motivated by mental disorders and irrational thinking. Until we better educate our population to what we know about suicide and make a more concerted effort to prevent these tragic, premature, and often preventable deaths, we will continue to needlessly devastate thousands of newly bereaved family members, friends, and colleagues annually. Moreover, we can seriously impact the associated cost and burden of suicide to the American economy which is estimated to run into the tens of billions of dollars each year.

The operative word here is needless. We need not suffer these losses. We can make a difference.

Your resolution has long been needed and represents the type of initiative Congress can make for the public health of our nation. We applaud your efforts.

Sincerely,

ALAN L. BERMAN, *Ph.D.*,
Executive Director.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 5, 1997, the Federal debt stood at $5,332,472,495,590.76. (Five trillion, three hundred thirty-two billion, four hundred seventy-two million, four hundred ninety-five thousand, five hundred ninety dollars and seventy-six cents)

Five years ago, May 5, 1992, the Federal debt stood at $3,880,040,000,000. (Three trillion, eight hundred eighty billion, forty million)

Ten years ago, May 5, 1987, the Federal debt stood at $2,277,361,000,000. (Two trillion, two hundred seventy-seven billion, three hundred sixty-one million)

Fifteen years ago, May 5, 1982, the Federal debt stood at $1,055,630,000,000. (One trillion, fifty-five billion, six hundred thirty million)

Twenty-five years ago, May 5, 1972, the Federal debt stood at $426,078,000,000 (Four hundred twenty-six billion, seventy-eight million) which reflects a debt increase of nearly $5 trillion—$4,906,394,495,590.76 (Four trillion, nine hundred six billion, three hundred ninety-four million, four hundred ninety-five thousand, five hundred ninety dollars and seventy-six cents) during the past 25 years.

TRIBUTE TO JACK BARRY

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a valued member of the Vermont community, and a true friend, John W. ''Jack'' Barry, who passed away last Sunday at the age of 70. I had the pleasure of working with Jack for over 20 years as he hosted numerous radio and television shows in Vermont. He was a consummate professional with an amazing knack for the interview. When I was on the other side of Jack's mike, I felt as though we were just chatting—kind of catching up on what I'd been up to in Washington. I wouldn't want to give any of my colleagues the impression that Jack didn't ask the tough questions because he did. He asked many of them but he passed no judgment on the answers.

Although some would say that Jack began his illustrious career in 1948 as a radio show host at WJOY in Burlington, it actually started at the age of 4 when ''Little Jackie Barry'' performed recitations for his hometown radio station, WDEV of Waterbury. Over the years Jack worked for numerous radio stations in Vermont and around the Nation, and served for 2 years as Press Secretary for U.S. Senator PATRICK LEAHY. In the early 1970's he joined the State's public television station to moderate a wide array of programs to include, ''Vermont this Week'', ''Vermont Report'' and ''Call the Governor''. During the last 3 years, Jack served in public office as a State senator from Chittenden County.

Among his many honors, Jack was named Vermont's Sportscaster of the Year in 1972, elected to the Vermont Association of Broadcasters' Hall of Fame, selected as the Rutland Herald's Vermonter of the Year in 1991 and 1995, as well as being chosen to receive the Vermont Association of Broadcasting Award in 1981.

True to his nature, Jack took the time to give back to the community by serving as a board member and trustee of several organizations to include the Medical Center Hospital of Vermont, the Vermont Special Olympics, the United Way and the national board of the American Heart Association among many others.

I extend my most sincere condolences to his wife Bunny, his three daughters; Kathy Yagley, Maureen Ravely, and Bridget Barry Caswell as well as the entire Barry family. Jack had the deepest feelings for Vermont and its people. He was always respectful of others and their differing beliefs. It didn't matter whether they were the frequent callers on his radio show or constituents from Chittenden County, he called them by name, heard them out and genuinely thanked them for expressing their views.

Jack Barry exemplified what we should all strive to achieve.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 33

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 Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 6, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

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–1793. A communication from the Attorney General, transmitting, pursuant to law, a report relative to electronic surveillance; to the Committee on the Judiciary.

EC–1794. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of an addendum to the Treasury audit plan; to the Committee on the Judiciary.

EC–1795. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule entitled ''Reinstatement of Exchange Visitors'' received on April 5, 1997; to the Committee on the Judiciary.

EC–1796. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report on cocaine and federal sentencing policy; to the Committee on the Judiciary.

EC–1797. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report relative to bankruptcy judgeships; to the Committee on the Judiciary.

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. REID:

S. 697. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 698. A bill to amend the Energy Policy and Conservation Act to authorize the Secretary of Energy, by lease or otherwise, to store in underutilized Strategic Petroleum Reserve facilities petroleum products owned by foreign governments or their representatives, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 699. A bill to suspend temporarily the duty on Diiodomethyl-p-tolylsulfone; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 700. A bill to provide States with greater flexibility in setting provider reimbursement rates under the medicaid program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. HELMS, Mr. D'AMATO, and Mr. DURBIN):

S. 701. A bill to amend title XVIII of the Social Security Act to provide protections for medicare beneficiaries who enroll in medicare managed care plans, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 702. A bill to amend the Individuals with Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders; to the Committee on Labor and Human Resources.

By Mr. ALLARD:

S. 703. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of expenses by a taxpayer in connection with the business use of the home; to the Committee on Finance.

By Mr. KOHL:

S. 704. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN:

S. 705. A bill to amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast station from analog to digital transmission consistent with the Federal Communications Commission's Fifth Order and Report, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 706. A bill to amend the Individuals with Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG:

S. 707. A bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others; to the Committee on the Judiciary.

S. 708. A bill to amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol; to the Committee on Labor and Human Resources.

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mrs. FEINSTEIN):

S.J. Res. 30. Joint resolution designating March 1, 1998 as ''United States Navy Asiatic Fleet Memorial Day,'' and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, and Mr. COVERDELL):

S. Res. 83. A resolution recognizing suicide as a national problem, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, Mr. COVERDELL, Mr. BREAUX, and Ms. LANDRIEU):

S. Res. 84. A resolution recognizing suicide as a national problem, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 697. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Labor and Human Resources.

THE EATING DISORDERS INFORMATION AND EDUCATION ACT OF 1997

Mr. REID. Mr. President, today I am introducing the Eating Disorders Information and Education Act of 1997. This legislation would establish a program, as part of the Public Health Service Act, to provide information and education to the public on the prevention and treatment of eating disorders. Eating disorders include anorexia nervosa, bulimia nervosa, and binge eating disorders. Further, my bill would provide for the operation of toll-free telephone communications to provide information to the public on eating disorders. Such communications shall be available on a 24-hour, 7-day basis.

Anorexia nervosa, bulimia nervosa, and compulsive overeating are all serious emotional problems that can have life-threatening consequences. An eating disorder refers to a set of distorted eating habits, weight management practices, and attitudes about weight and body shape. Further, it is these distorted eating related attitudes and behaviors that result in loss of self-control, obsession, anxiety, guilt, and other forms of misery, alienation from self and others, and physiological imbalances which are potentially life threatening.

Anorexia nervosa is an intense and irrational fear of body fat and weight gain, a determination to become thinner and thinner, and a misperception of body weight and shape to the extent that the person may feel or see themselves as fat, even when emaciation is clear to others. These psychological characteristics contribute to drastic weight loss and defiant refusal to maintain a healthy weight for height and age. Food, calories, weight, and weight management dominate the person's life.

Bulimia nervosa is characterized by self-perpetuating and self-defeating cycles of binge eating and purging. During a binge, the person consumes a large amount of food in a rapid, automatic, and helpless fashion. This may anesthetize hunger, anger, and other feelings, but it eventually creates physical discomfort and anxiety about weight gain. Thus, the person purges the food eaten, usually by inducing vomiting and by resorting to some combination of restrictive dieting, excessive exercising, laxatives, and diuretics.

Eating disorders arise from a combination of longstanding psychological, interpersonal, and social conditions. Feelings of inadequacy, depression, anxiety, and loneliness, as well as troubled family and personal relationships may contribute to the development of an eating disorder. Our culture, with its unrelenting idealization of thinness and the perfect body, is often a contributing factor. Once started, eating disorders become self-perpetuating.

The Federal Government has taken a role in research into eating disorders. The National Institutes of Health [NIH] is sponsoring research to determine the causes of anorexia, the best methods of treatment, and ways to identify who might have a high risk of developing the disorder. Further, NIH, through its Division of Researcher Resources, supports 10 general clinical research centers throughout the country

in which anorexia research is underway.

Researchers at the National Institute of Mental Health are studying the biological aspects and changes in brain chemistry which may control appetite. Although psychological or environmental factors may precipitate the onset of the illness, the study indicates that it may be prolonged by starvation-induced changes in body processes.

Althouth research into eating disorders is established and continuing, we need to provide help for those already trapped in the cycle of an eating disorder. That is why I offer my legislation today, to provide a resource to people who need help.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 698. A bill to amend the Energy Policy and Conservation Act to authorize the Secretary of Energy, by lease or otherwise, to store in underutilized strategic petroleum reserve facilities petroleum products owned by foreign governments or their representatives, and for other purposes; to the Committee on Energy and Natural Resources.

THE STRATEGIC PETROLEUM RESERVE REPLENISHMENT ACT

Mr. AKAKA. Madam President, today I am introducing the Strategic Petroleum Reserve Replenishment Act, a bill to purchase oil for the strategic petroleum reserve using revenue obtained from leasing SPR storage capacity. Senators BINGAMAN and LANDRIEU join me in sponsoring this measure.

The strategic petroleum reserve is the cornerstone of U.S. energy security. During an oil emergency, the SPR is America's insurance policy against oil price shocks and economic disruption.

However, our insurance policy is not providing the level of coverage we need. Because of declining U.S. oil production our dependence on imports is dangerously high, and the situation will grow worse in the coming decade. According to the Energy Information Administration, U.S. dependence on oil imports will rise from the current level of 50 percent to 60 percent in the year 2010. As oil imports increase, the strategic petroleum reserve will provide less and less energy security.

The logical response should be to stockpile more oil. Yet, exactly the opposite is occurring. Some $315 million in revenue from the Operation Desert Storm drawdown was diverted to pay operating expenses rather than purchase replacement oil. Annual purchases of crude for the SPR have been halted, and we have begun to sell oil from the reserve as a deficit reduction measure. During fiscal years 1996 and 1997, the Department of Energy sold $450 million barrels of oil for this purpose. Congress and the administration share the blame for the sale of these strategic assets.

The most alarming development of all, however, was last week's announcement by the Department of Energy that it is seeking public comment on the future of the strategic petroleum reserve. The first question on the DOE comment notice was ''Should the United States continue to maintain the SPR?'' That's like asking whether the Titanic should carry life boats. The strategic petroleum reserve provides an essential umbrella of energy security and the importance of this asset will increase as we become more dependent on oil imports.

Like many Federal programs, the strategic petroleum reserve has become a victim of the balanced budget process. Congress and the administration are unable to muster the political will, or the scarce Federal dollars, to maintain or expand our emergency reserve.

My colleagues and I on the Energy Committee have proposed a modest initiative to purchase new oil for the reserve. The bill we have introduced today would finance the purchase of oil for the SPR using revenue obtained from the lease of excess SPR storage capacity.

With its current inventory, the SPR has more than 100 million barrels of available, but unused storage. A number of foreign governments have expressed interest in storing oil in the U.S. reserve to meet International Energy Agency responsibilities. Storing oil in our gulf coast facility would be far less expensive for these countries than constructing new storage capacity. The cost of constructing new capacity exceeds $15 per barrel, whereas the annual operating cost at SPR facilities is less than 50 cents per barrel. All of the revenue generated from such leases would be dedicated to the purchase of crude oil for the U.S. reserve.

During consideration of last year's reconciliation bill, the Senate adopted a proposal I offered that was nearly identical to the legislation I have introduced today. The Clinton administration has a mixed response to this proposal. They support legislation giving DOE the authority to lease idle SPR capacity to foreign governments, but they have reservations about dedicating leasing revenue for the purchase of new oil.

The legislation I am introducing today is an essential first step toward a more rational energy security policy. As the Senate Energy Committee considers the reauthorization of the strategic petroleum reserve, I will work with my colleagues on the committee to ensure that this measure is included as an amendment.

Madam 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. 698

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 ''Strategic Petroleum Reserve Replenishment Act''.

SEC. 2. LEASE OF EXCESS STRATEGIC PETROLEUM RESERVE CAPACITY.

Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) is amended by adding at the end the following:

''SEC. 168. UNDERUTILIZED FACILITIES.

''(a) IN GENERAL.—Notwithstanding section 649(b) of the Department of Energy Organization Act (42 U.S.C. 7259(b)) and any other provision of this title, the Secretary, by lease or otherwise, for any term and under such other conditions as the Secretary considers necessary, may store in an underutilized Strategic Petroleum Reserve facility a petroleum product owned by a foreign government or its representative.

''(b) EXCLUSION FROM RESERVE; EXPORT.—A petroleum product stored under subsection (a)—

''(1) is not part of the Reserve;

''(2) is not subject to part C; and

''(3) may be exported from the United States.

''(c) USE OF FUNDS.—Funds resulting from the leasing or other use of a Reserve facility under subsection (a) shall be available to the Secretary, without further appropriation, for the purchase of petroleum products for the Reserve.''.

By Mr. BREAUX:

S. 699. A bill to suspend temporarily the duty on Diiodomethly-p-tolylsulfone; to the Committee on Finance.

TEMPORARY DUTY-FREE TREATMENT LEGISLATION

Mr. BREAUX. Mr. President, I rise today to offer legislation that would temporarily suspend, through the year 2000, the rate of duty applicable to imports of Diiodomenthyl-p-tolylsulfone, commonly referred to as ''DMTS.'' Commercially, DMTS is known by the brand name AMICAL 48. It is a fungicide/mildewcide that is used in caulks, adhesives, plastics, textiles, and for other purposes. The preservative is of indisputable benefit to a host of industries engaged in the production, storage, and use of products subject to microbial degradation.

The current rate of duty on DMTS is 10.7 percent ad valorem. Under the Uruguay Round, this rate is scheduled to decrease by 0.6 percent per year until 2004, when it will reach and remain at 6.5 percent. The proposed legislation would provide for duty-free treatment of imports of DMTS from the date of enactment through the last day of the year 2000, and it is estimated that if this legislation is enacted, the reduction in duty collection will be a de minimis amount of about $250,000 to $350,000 per year.

Furthermore, because there is no substitute domestic product currently benefiting from the present rate of duty on DMTS, no adverse impact on the domestic preservatives industry is anticipated. It may also be that such a temporary suspension in the rate of duty will result in savings being passed along to the consumers of AMICAL 48. I therefore urge my colleagues to support the passage of this bill.

By Mrs. HUTCHISON:

S. 700. A bill to provide States with greater flexibility in setting provider

reimbursement rates under the Medicaid Program; to the Committee on Finance.

LEGISLATION TO REPEAL CERTAIN MEDICAID PROVISIONS

Mrs. HUTCHISON. Mr. President, today I am introducing a bill to repeal the provider reimbursement requirements of the Boren amendment. This bill will provide States with greater flexibility in setting provider reimbursement rates under the Medicaid Program.

Under current law, States may set Medicaid payment rates at whatever level they choose for home and community-based services, but they must meet a minimum standard for nursing home and hospital reimbursement. This standard is prescribed by the Boren amendment, which requires that providers be reimbursed under rates the State ''finds and makes assurances satisfactory to the Secretary are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations and quality and safety standards.''

Although the law was designed to relax previous standards and increase flexibility, unfortunately the opposite has resulted. The use of vague and undefined terms in the amendment created problems, compounded by the Federal Government's decision not to issue regulations defining these terms. To add further confusion, the law, while requiring reimbursement rates to be ''determined in accordance with methods and standards developed by the State,'' also requires the Federal Government to be satisfied with the State-determined rates. Implementing this requirement means State Medicaid plans must include both State processes for determining rates and the rates themselves, which are then subject to approval by the Secretary of Health and Human Services.

Moreover, beyond this federally imposed regulatory nightmare we've created for the States, many States, including Texas, have had to deal with substantial litigation resulting from the vagueness of the statutory language and lack of regulatory definitions. Some courts have viewed the Boren amendment as a cost-based payment standard in which all cost incurred by the providers must be reimbursed. In these instances, States may be liable for significant sums to cover the retroactive rate increases ordered by the court for the group of providers involved in the suit, even if their rate schedule was approved by the Federal Government. In some cases, the additional payments made as a result of a court-ordered retroactive rate increase are not eligible for cost-sharing from the Federal Government.

For example, in 1993, the U.S. Court of Appeals for the Fifth Circuit found that the State of Louisiana Medicaid agency's findings on ''reasonable and adequate'' compensation for hospitals were inadequate, despite HCFA's approval of the State plan. In New York, the State's ''minimum utilization adjustment'' decreased reimbursement for psychiatric hospitals that operated at less than 75 percent capacity as a means to encourage ''efficiency and economy.'' In another New York case, however, despite recognizing the many strong policy reasons behind the adjustments, the U.S. District Court for the Southern District of New York determined the State did not meet the procedural requirements of the Boren amendment. The decision not only has resulted in unjustified reimbursement increases for under-used facilities, but has also tied up the State in continuing litigation over retroactive damages.

Returning to the States the flexibility to negotiate Medicaid reimbursement rates would allow them to avoid or mitigate large increases in spending because of such suits, and follow the example of private-sector purchasers of health care services by selectively contracting with hospitals and nursing homes on a competitive basis. California's Selective Provider Contracting Program [SPCP] is a good example of the economic benefits of this type of program. Because of rapid increases in inpatient hospital costs and a budget shortfall, California passed legislation in 1982 allowing its Medicaid Program [Medi-Cal] to negotiate contracts with providers. SPCP contains the overall expenditures for hospital services reimbursed by the Med-Cal Program and assures adequate access to quality services for beneficiaries through a competitive, rather than a regulatory process. The process saves California an estimated $300 million per year. Illinois had a similar program for several years and saved an estimated $100 million annually, but it was discontinued following a change in administrations and a switch to a different system of reimbursement. The average Medicaid cost per day in Illinois has since risen substantially.

Both California and Illinois officials have been pleased with the high quality of care under this type of system. In addition to relying on strict regulations already in place for hospitals, both States independently audit hospitals for quality of care. Illinois contracted for a 2-year period, which meant that hospitals had to compete often to win contracts while maintaining quality standards.

Mr. President, programs such as those in California and Illinois exemplify the efficiency and innovation offered within our Federal system. It is time to give other States free rein to experiment with similar programs, thus creating a more cost-effective and higher quality Medicaid system for their beneficiaries. I hope all my colleagues will join me in cosponsoring this legislation to take a significant step in the direction of true Medicaid reform.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. HELMS, Mr. D'AMATO, and Mr. DURBIN):

S. 701. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans, and for other purposes; to the Committee on Finance.

THE MEDICARE PATIENT CHOICE AND ACCESS ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today to offer bipartisan legislation to provide Medicare beneficiaries with the necessary tools and protections they need to choose the right health plan under the Medicare program for their individual health care needs. The bill I am introducing today, with my Democratic colleague, Senator CONRAD, whom I have had the pleasure to work with on many issues, is entitled the Medicare Patient Choice and Access Act of 1997. I am also joined by my Republican colleagues, Senator D'AMATO and Senator HELMS, and my Democratic colleague from Illinois, Senator DURBIN. Similar legislation has been introduced in the House by Representatives COBURN and BROWN. Representative COBURN'S bill currently has 91 cosponsors and has strong bipartisan support.

The bill I am sponsoring accomplishes a number of important objectives for Medicare beneficiaries and for the success of the Medicare program. We often talk about providing more choices of health plans for Medicare recipients, but we rarely discuss what they need to make the right choice. As Congress examines ways to encourage more options for Medicare beneficiaries through the growth of managed care, it is critical that there is a trusting relationship between Medicare enrollees and their health plans. Medicare is a Federal program. Therefore, it is our job to ensure that health plans participating in the Medicare program provide quality care to our Nation's elderly. Medicare recipients look to Congress to hold health plans accountable. The legislation I am introducing will encourage plans to compete based on the quality of care they provide and will give beneficiaries the necessary information they need make an informed choice.

The bill includes the following provisions: Provides beneficiaries with standardized consumer-friendly charts to compare health plans in their area (information such as disenrollment rates and appeals denied and reversed by plans are included in these charts); ensures that beneficiaries will receive fair treatment when health plans deny care by establishing a uniform and timely appeals process for managed care plans participating in Medicare; creates an atmosphere of trust between beneficiaries and their providers by prohibiting the use of gag clauses which restrict communications between providers and their patients; provides beneficiaries with the assurance that their health care provider

will refer to specialists, when medically necessary, by expanding Medicare's restriction on the use of financial incentives in managed care to include not just physicians but all providers; given patients, especially those individuals who require specialized care, the assurance they will be able to see a specialist, as medically necessary, when they are enrolled in a managed care plan; and offers beneficiaries more choices by guaranteeing they will have the option, at the time of enrollment, to select a plan with coverage for out-of-network services (point-of-service plans are the fastest growing health plans in the private sector).

Many of the provisions in this bill are supported by research conducted by the General Accounting Office [GAO] and the Institute of Medicine [IOM]. In the Senate Special Committee on Aging, which I chair, we recently held a hearing on the importance of detailed health plan information in holding health plans accountable and improving the quality of care delivered. We heard from large health care purchasers such as the California Public Employees Retirement System [CalPERS] and Xerox Corp. on ways Congress could improve the Medicare program by providing comparative, standardized, information on participating health plans. We heard from the GAO and the IOM about ways the Health Care Financing Administration could be more cost-efficient by requiring that health plans standardize their information. These witnesses highlighted the costliness of high disenrollment rates among health plans and how rates are significantly reduced when beneficiaries are given accurate and detailed comparative information on available health plans.

Most importantly, we heard from a recent Medicare beneficiary and a representative of a Medicare Insurance Counseling Assistance program on the lack of reliable, comparative information under the current Medicare program. The consistent theme from all these witnesses was the importance of trust between Medicare beneficiaries and their health plans. This trust in the program does not exist today, particularly in areas experiencing a rapid growth in managed care. However, by enacting the bill I am offering today which includes several incremental changes to the Medicare program, Congress can help to establish trust and rebuild confidence among our Nation's seniors in the Medicare program.

Many of the provisions in this bill are strengthening current law or providing beneficiaries protection in statute in addition to regulation. I believe it is the responsibility of Congress and administration to ensure that our Nation's elderly are getting quality, cost-effective care under the Medicare program. I urge my colleagues on both sides of the aisle to join me and Senator CONRAD in cosponsoring this very important bipartisan legislation.

Mr. President, I ask that a summary and full text of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 701

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 Patient Choice and Access Act of 1997''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There should be no unreasonable barriers or impediments to the ability of individuals enrolled in health care plans to obtain appropriate specialized medical services.

(2) The patient's first point of contact in a health care plan must be encouraged to make all appropriate medical referrals and should not be constrained financially from making such referrals.

(3) Some health care plans may impede timely access to specialty care.

(4) Some contracts between health care plans and providers may contain provisions which impede the provider in informing the patient of the full range of treatment options.

(5) Patients cannot make appropriate health care decisions without access to all relevant information relating to those decisions.

(6) Restrictions on the ability of health care providers to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and the ethical standards of the health care professions. Contractual clauses and other policies that interfere with communications between health care providers and patients can impact the quality of care received by those patients.

(7) Patients should have the opportunity to access out-of-network items, treatment, and services at an additional cost to the patient which is not so prohibitive that they are deterred from seeing the health care provider of their own choice.

(8) Specialty care must be available for the full duration of the patient's medical needs when medically necessary and not limited by time or number of visits.

(9) Direct access to specialty care is essential for patients in emergency and non-emergency situations and for patients with chronic and temporary conditions.

SEC. 3. PROTECTION FOR MEDICARE HMO ENROLLEES.

(a) IN GENERAL.—Section 1876 of the Social Security Act (42 U.S.C. 1395mm) is amended—

(1) in subsection (c)(1), by striking ''subsection (e)'' and inserting ''subsections (e) and (k)''; and

(2) by adding at the end the following:

''(k) BENEFICIARY PROTECTION.—

''(1) ASSURING ADEQUATE IN-NETWORK ACCESS.—

''(A) TIMELY ACCESS.—An eligible organization that restricts the providers from whom benefits may be obtained must guarantee to enrollees under this section timely access to primary and specialty health care providers who are appropriate for the enrollee's condition.

''(B) ACCESS TO SPECIALIZED CARE.—Enrollees must have access to specialized treatment when medically necessary. This access may be satisfied through contractual arrangements with specialized health care providers outside of the network.

''(C) CONTINUITY OF CARE.—An eligible organization's use of case management may not create an undue burden for enrollees under this section. An eligible organization must ensure direct access to specialists for ongoing care as so determined by the case manager in consultation with the specialty health care provider. This continuity of care may be satisfied for enrollees with chronic conditions through the use of a specialist serving as case manager.

''(2) OUT-OF-NETWORK ACCESS.—If an eligible organization offers to members enrolled under this section a plan which provides for coverage of items and services covered under parts A and B only if such items and services are furnished through health care providers and other persons who are members of a network of health care providers and other persons who have entered into a contract with the organization to provide such services, the contract with the organization under this section shall provide that the organization shall also offer to members enrolled under this section (at the time of enrollment) a plan which provides for coverage of such items and services which are not furnished through health care providers and other persons who are members of such a network.

''(3) GRIEVANCE PROCESS.—

''(A) IN GENERAL.—An eligible organization must provide a meaningful and expedited procedure, which includes notice and hearing requirements, for resolving grievances between the organization (including any entity or individual through which the organization provides health care services) and members enrolled with the organization under this section. Under that procedure, any member enrolled with the eligible organization may, at any time, file a complaint to resolve grievances between the member and the organization before a board of appeals established under subparagraph (C).

''(B) NOTICE REQUIREMENTS.—

''(i) IN GENERAL.—The eligible organization must provide, in a timely manner, to an enrollee a notice of any denial of services in-network or denial of payment for out-of-network care.

''(ii) INFORMATION REQUIRED.—Such notice shall include the following:

''(I) A clear statement of the reason for the denial.

''(II) An explanation of the complaint process under subparagraph (A) which is available to the enrollee upon request.

''(III) An explanation of all other appeal rights available to all enrollees.

''(IV) A description of how to obtain supporting evidence for the hearing described in subparagraph (C), including the patient's medical records from the organization, as well as supporting affidavits from the attending health care providers.

''(C) HEARING BOARD.—

''(i) IN GENERAL.—Each eligible organization shall establish a board of appeals to hear and make determinations on complaints by enrollees concerning denials of coverage or payment for services (whether in-network or out-of-network) and the medical necessity and appropriateness of covered items and services.

''(ii) COMPOSITION.—A board of appeals of an eligible organization shall consist of—

''(I) representatives of the organization, including physicians, nonphysicians, administrators, and enrollees;

''(II) consumers who are not enrolled with an eligible organization under this section; and

''(III) health care providers who are not under contract with the eligible organization and who are experts in the field of medicine which necessitates treatment.

Members of the board of appeals described in subclauses (II) and (III) shall have no interest in the eligible organization.

''(iii) DEADLINE FOR DECISION.—

''(I) IN GENERAL.—Except as provided in subclause (II), a board of appeals shall hear and resolve complaints within 30 days after the date the complaint is filed with the board.

''(II) EXPEDITED PROCEDURE.—A board of appeals shall have an expedited procedure in order to hear and resolve complaints regarding urgent care (as determined by the Secretary in regulations).

''(D) OTHER REMEDIES.—Nothing in this paragraph may be construed to replace or supersede any appeals mechanism otherwise provided for an individual entitled to benefits under this title.

''(4) NOTICE OF ENROLLEE RIGHTS AND COMPARATIVE REPORT.—

''(A) IN GENERAL.—Each eligible organization shall provide in any marketing materials distributed to individuals eligible to enroll under this section and to each enrollee at the time of enrollment and not less frequently than annually thereafter, an explanation of the individual's rights under this section and a copy of the most recent comparative report (as established by the Secretary under subparagraph (C)) for that organization.

''(B) RIGHTS DESCRIBED.—The explanation of rights under subparagraph (A) shall be in a standardized format (as established by the Secretary in regulations) and shall include an explanation of—

''(i) the enrollee's rights to benefits from the organization;

''(ii) the restrictions (if any) on payments under this title for services furnished other than by or through the organization;

''(iii) out-of-area coverage provided by the organization;

''(iv) the organization's coverage of emergency services and urgently needed care;

''(v) the organization's coverage of out-of-network services, including services that are additional to the items and services covered under parts A and B;

''(vi) appeal rights of and grievance procedures available to enrollees; and

''(vii) any other rights that the Secretary determines would be helpful to beneficiaries in understanding their rights under the plan.

''(C) COMPARATIVE REPORT.—

''(i) IN GENERAL.—The Secretary shall develop an understandable standardized comparative report on the plans offered by eligible organizations, that will assist beneficiaries under this title in their decision-making regarding medical care and treatment by allowing the beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with. In developing such report the Secretary shall consult with outside organizations, including groups representing the elderly and health insurers, in order to assist the Secretary in developing the report.

''(ii) CONTENTS OF REPORT.—The report described in clause (i) shall include a comparison for each plan of—

''(I) the premium for the plan;

''(II) the benefits offered by the plan, including any benefits that are additional to the benefits offered under parts A and B;

''(III) the amount of any deductibles, coinsurance, or any monetary limits on benefits;

''(IV) the identity, location, qualifications, and availability of health care providers in any health care provider networks of the plan;

''(V) the number of individuals who disenrolled from the plan within 3 months of enrollment and during the previous fiscal year, stated as percentages of the total number of individuals in the plan;

''(VI) the procedures used by the plan to control utilization of services and expenditures, including any financial incentives;

''(VII) the procedures used by the plan to ensure quality of care;

''(VIII) the rights and responsibilities of enrollees;

''(IX) the number of applications during the previous fiscal year requesting that the plan cover certain medical services that were denied by the plan (and the number of such denials that were subsequently reversed by the plan), stated as a percentage of the total number of applications during such period requesting that the plan cover such services;

''(X) the number of times during the previous fiscal year (after an appeal was filed with the Secretary) that the Secretary upheld or reversed a denial of a request that the plan cover certain medical services;

''(XI) the restrictions (if any) on payment for services provided outside the plan's health care provider network;

''(XII) the process by which services may be obtained through the plan's health care provider network;

''(XIII) coverage for out-of-area services;

''(XIV) any exclusions in the types of health care providers participating in the plan's health care provider network; and

''(XV) any additional information that the Secretary determines would be helpful for beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with.

''(iii) ONGOING DEVELOPMENT OF REPORT.—The Secretary shall, not less than annually, update each comparative report.

''(D) COMPLIANCE.—Each eligible organization shall disclose to the Secretary, as requested by the Secretary, the information necessary to complete the comparative report.

''(5) RESTRICTIONS ON HEALTH CARE PROVIDER INCENTIVE PLANS.—

''(A) IN GENERAL.—Each contract with an eligible organization under this section shall provide that the organization may not operate any health care provider incentive plan (as defined in subparagraph (B)) unless the following requirements are met:

''(i) No specific payment is made directly or indirectly under the plan to a health care provider or health care provider group as an inducement to reduce or limit medically necessary services.

''(ii) If the plan places a health care provider or health care provider group at substantial financial risk (as determined by the Secretary) for services not provided by the health care provider or health care provider group, the organization—

''(I) provides stop-loss protection for the health care provider or health care provider group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number (and type) of health care providers placed at such substantial financial risk in the group or under the plan and the number of individuals enrolled with the organization that receive services from the health care provider or the health care provider group; and

''(II) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the organization to determine the degree of access of such individuals to services provided by the organization and satisfaction with the quality of such services.

''(iii) The organization provides the Secretary with descriptive information regarding the plan, sufficient to permit the Secretary to determine whether the plan is in compliance with the requirements of this subparagraph.

''(B) HEALTH CARE PROVIDER INCENTIVE PLAN DEFINED.—In this paragraph, the term 'health care provider incentive plan' means any compensation arrangement between an eligible organization and a health care provider or health care provider group that may directly or indirectly have the effect of reducing or limiting medically necessary services provided with respect to individuals enrolled with the organization.

''(6) PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.—

''(A) IN GENERAL.—

''(i) PROHIBITION OF CERTAIN PROVISIONS.—Subject to subparagraph (C), an eligible organization may not include with respect to its plan under this section any provision that prohibits or restricts any medical communication (as defined in subparagraph (B)) as part of—

''(I) a written contract or agreement with a health care provider;

''(II) a written statement to such a provider; or

''(III) an oral communication to such a provider.

''(ii) NULLIFICATION.—Any provision described in clause (i) is null and void.

''(B) MEDICAL COMMUNICATION DEFINED.—In this paragraph, the term 'medical communication' means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to any of the following:

''(i) How participating physicians and health care providers are paid.

''(ii) Utilization review procedures.

''(iii) The basis for specific utilization review decisions.

''(iv) Whether a specific prescription drug or biological is included in the formulary.

''(v) How the eligible organization decides whether a treatment or procedure is experimental.

''(vi) The patient's physical or mental condition or treatment options.

''(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an entity from—

''(i) acting on information relating to the provision of (or failure to provide) treatment to a patient; or

''(ii) restricting a medical communication that recommends 1 health plan over another if the sole purpose of the communication is to secure financial gain for the health care provider.

''(7) ADDITIONAL DEFINITIONS.—In this subsection:

''(A) HEALTH CARE PROVIDER.—The term 'health care provider' means anyone licensed under State law to provide health care services under part A or B.

''(B) IN-NETWORK.—The term 'in-network' means services provided by health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

''(C) NETWORK.—The term 'network' means, with respect to an eligible organization, the health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

''(D) OUT-OF-NETWORK.—The term 'out-of-network' means services provided by health care providers who have not entered into a contract agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

''(8) NONPREEMPTION OF STATE LAW.—A State may establish or enforce requirements with respect to the subject matter of this

subsection, but only if such requirements are more stringent than the requirements established under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 1876 of such Act is amended—

(1) in subsection (a)(1)(E)(ii)(II), by striking ''subsection (c)(3)(E)'' and inserting ''subsection (k)(4)'';

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking subparagraph (E); and

(ii) in subparagraph (G)(ii)(II), by striking ''subparagraph (E)'' and inserting ''subsection (k)(4)'';

(B) by striking paragraph (4); and

(C) by striking ''(5)(A) The organization'' and all that follows through ''(B) A member'' and inserting ''(5) A member''; and

(3) in subsection (i)—

(A) in paragraph (6)(A)(vi), by striking ''paragraph (8)'' and inserting ''subsection (k)(5)''; and

(B) by striking paragraph (8).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed under section 1876 of the Social Security Act (42 U.S.C. 1395mm) after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 4. APPLICATION OF PROTECTIONS TO MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 1882(t) of the Social Security Act (42 U.S.C. 1395ss(t)) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following:

''(G) notwithstanding any other provision of this section to the contrary, the issuer of the policy meets the requirements of section 1876(k) (except for subparagraphs (C) and (D) of paragraph (4) of that section) with respect to individuals enrolled under the policy, in the same manner such requirements apply with respect to an eligible organization under such section with respect to individuals enrolled with the organization under such section; and

''(H) the issuer of the policy discloses to the Secretary, as requested by the Secretary, the information necessary to complete the report described in paragraph (4).''; and

(2) by adding at the end the following:

''(4) The Secretary shall develop an understandable standardized comparative report on the policies offered by entities pursuant to this subsection. Such report shall contain information similar to the information contained in the report developed by the Secretary pursuant to section 1876(k)(4)(C).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to policies issued or renewed on or after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 5. STUDY AND RECOMMENDATIONS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall conduct a thorough study regarding the implementation of the amendments made by sections 3 and 4 of this Act.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary shall submit a report to Congress that shall contain a detailed statement of the findings and conclusions of the Secretary regarding the study conducted pursuant to subsection (a), together with the Secretary's recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) FUNDING.—The Secretary shall carry out the provisions of this section out of funds otherwise appropriated to the Secretary.

SEC. 6. NATIONAL INFORMATION CLEARINGHOUSE.

Not later than 18 months after the date of enactment of this Act, the Secretary shall establish and operate, out of funds otherwise appropriated to the Secretary, a clearinghouse and (if the Secretary determines it to be appropriate) a 24-hour toll-free telephone hotline, to provide for the dissemination of the comparative reports created pursuant to section 1876(k)(4)(C) of the Social Security Act (42 U.S.C. 1395mm(k)(4)(C)) (as added by section 3 of this Act) and section 1882(t)(4) of the Social Security Act (42 U.S.C. 1395ss(t)(4)) (as added by section 4 of this Act). In order to assist in the dissemination of the comparative reports, the Secretary may also utilize medicare offices open to the general public, the beneficiary assistance program established under section 4359 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–3), and the health insurance information counseling and assistance grants under section 4359 of that Act (42 U.S.C. 1395b–4).

SUMMARY—MEDICARE PATIENT CHOICE AND ACCESS ACT OF 1997

The Medicare Patient Choice and Access Act of 1997 establishes certain standards and beneficiary protections for Medicare recipients enrolled in Medicare managed care plans. The legislation builds upon and strengthens existing law, which already provides some protections to Medicare beneficiaries. There is growing concern, however, that as more and more beneficiaries (currently 4.9 million Medicare beneficiaries with enrollment growth averaging 30% annually) enroll in managed care greater protections must be in place to ensure quality and access to care for seniors.

The bill would require the following:

Comparative Health Plan Information: Expands the consumer information that health plans must provide to beneficiaries under current law. Provides beneficiaries with standardized consumer-friendly charts to compare health plans. Requires the Health Care Financing Administration (HCFA) to include disenrollment data, which will contribute to greater competition among health plans. HCFA currently collects this data, but does not distribute it to beneficiaries.

Expedited Appeals Process: Provides an expedited appeals procedure, consistent with new regulations, and a 30 day resolution for grievances and appeals of health plan enrollees. Preserves current law allowing beneficiaries to appeal to the Secretary of the Department of Health and Human Services.

Prohibition of Gag Clauses: Prohibits gag rules, using the managed care industry's definition of ''medical communication.'' This is an expansion of HCFA's current regulation banning the use of gag clauses regarding treatment options.

Expansion of Restrictions on Financial Incentives: Expands the current Federal law which places certain restrictions on the use of financial incentives to manage care from applying to physicians only to covering all providers.

Point-of-Service Option: Expands choice of health plans by guaranteeing enrollees the option of choosing a point-of-service plan at the time they enroll in a Medicare managed care plan.

Timely and Appropriate Access to Specialists: Gives enrollees the assurance they will be able to see a specialist in-network, as medically necessary. Current law requires that managed care health plans provide access to the full range of Medicare health care services. The bill expands and strengthens this provision.

Mr. HELMS. Mr. President, I certainly am not alone in having strong feelings that the senior citizens of America must not be deprived of their right to choose their own doctors.

Senator GRASSLEY's Medicare Patient Choice and Access Act of 1997, which I'm cosponsoring today, ensures choice, access, and quality care for senior citizens by guaranteeing enrollees the option of choosing a point-of-service plan at the time they enroll in a Medicare HMO.

Five years ago, I had a close but fortunate encounter with some remarkable medical doctors in my home town of Raleigh. My heart surgery and the very effective subsequent rehabilitation made it clear that I had been cared for by some of the most capable people in the medical profession.

I was free to choose the surgeon who performed the operation. Senior citizens enrolled in Medicare should have the same choice, and the bill I'm cosponsoring today will enable senior citizens who join HMO's to preserve their right to choose their doctor.

America's senior citizens depend on the health care coverage provided by the Medicare system, and those of us in Congress have a duty to make sure they will not be forced to give up their right to choose their doctors.

Mr. President, the Health Care Financing Administration—which, of course, administers Medicare—is now the largest purchaser of managed care in the Nation, accounting for about 18 million Americans. As of February 1997, 5 million Medicare beneficiaries were enrolled in managed care plans. This represents a 108-percent increase in managed care enrollment since 1993. Increased migration of the elderly into health maintenance organizations, and other types of managed care plans, will surely lower the costs of operating the vast Medicare system. And citizens who belong to a Medicare-supported HMO may increase their benefits for prescription drugs, eyeglasses, and hearing aids coverage not available through fee-for-service plans.

Without some moderating legislation, however, senior citizens could very well find themselves locked into coverage that limits them to services provided by HMO-affiliated doctors, other professionals and hospitals. No longer would senior citizens have the freedom to choose their own doctor.

Mr. President, consider, if you will, the predicament of a patient who requires heart surgery, and whose HMO will not approve the cardiologist with whom the senior has built up a longstanding relationship. Should that patient be required to wait for a year's time to change to a plan that will cover the cardiologist whom the patient knows and trusts?

We must provide a safety valve to protect seniors who find themselves in that position. A point-of-service option

would enable patients to see physicians and specialists inside and outside the managed care network. If senior citizens are satisfied with the care they receive within the network, they will feel no need to choose outside doctors and specialists. Without such options, however, these senior citizens will be locked into a rigid system which may, or may not, give them the health care they need from people they most trust to provide it.

Mr. President, most Americans, whether their health is insured by private firms or by Medicare, enjoy their freedom to decide which medical professional will provide their care and treatment. According to polls I have seen, patients are willing to pay a little more for the ability to go out of network to be assured of seeing the doctors of their choice. As many as 70 percent of Americans over 50 years old declared in one poll that they would be unwilling to join a Medicare managed plan that denied them the freedom to choose their own physicians.

Building a point-of-service option into all health plans under Medicare will not interfere with the plan's ability to contain cost, nor will it limit their efforts to encourage providers and patients to use their health care resources wisely. It simply will ensure that health plans put the patient first.

The CBO indicated that a built-in point-of-service feature would not increase the cost of Medicare. In testimony before the Senate Budget Committee, CBO stated that:

> the point of service option would permit Medicare enrollees to go to providers outside the HMO's panel when they wanted to, and yet it need not increase the benefit cost to HMO's or to Medicare * * *

The Medicare Patient Choice and Access Act also includes patient protections and provisions ensuring Medicare participants' timely access to specialists and provides an expedited appeals process which requires patient grievances to be resolved within 30 days. Lastly, this bill expands the consumer information which must be provided to beneficiaries to help patients compare health plans. Unfortunately, although the Health Care Financing Administration collect vast amounts of data, virtually none of it is currently accessible to consumers.

So, Mr. President, I urge Senators to support the Medicare Patient Choice and Access Act, which will provide senior citizens with real patient protections and real choice in health care.

By Mrs. BOXER:

S. 702. A bill to amend the Individuals With Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders; to the Committee on Labor and Human Resources.

SPECIAL EDUCATION FOR VIOLENT CRIMINALS LEGISLATION

Mrs. BOXER. Mr. President, today I introduce legislation to ensure that children across the country will not lose special education funds provided by the Individual With Disabilities Education Act or IDEA. My legislation will fix a loophole in IDEA that threatens to cut off special education funding to children in California and as many as 24 other States.

IDEA guarantees all children a ''free and appropriate public education.'' Unfortunately, the Department of Education has interpreted this requirement with a bizarre twist. It has insisted that ''all children'' includes those felons who, because of the particularly violent nature of their crimes, are serving time in adult State prisons. The Department of Education has even insisted California provide special education classes to two murderers on death row. If California refuses to comply, it stands to loss all Federal funding for special education—over $330 million, which helps educate close to 600,000 children.

I believe California is correct to protest these guidelines.

To hold special education children hostage to juvenile murderers and rapists in the State's adult prison system is unconscionable. The $5 to $20 million it would cost to provide specialized classes for these violent felons would clearly be better spent on law-abiding citizens.

My colleagues should be aware that California is not alone in this predicament. Twenty-four other states have been cited for noncompliance with IDEA's prison mandate, and they may lose Federal special education aid if they fail to change their policies.

My bill would amend IDEA to clarify that those juveniles sent to adult prisons because of the violent nature of their crimes would not be subject to the IDEA special education requirement. Young adults housed in juvenile detention facilities will not be affected in any way.

This bill will not prohibit or hinder in any way a State's ability to provide special education to adult prisoners. It will only remove the Federal mandate requiring States to provide special education to juveniles remanded to adult prisons. Deciding which rehabilitation programs to provide to State prisoners properly rests with lawmakers in each State. States such as California should not have to fear the loss of critical Federal aid because they prefer to allocate scarce resources to educate noncriminals.

Mr. President, this is a commonsense proposal, and I hope the Senate will act on it expeditiously.

I ask unanimous consent that the full text of the bill be printed in the RECORD. I ask unanimous consent that a newspaper article on this subject also be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 702

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

SECTION 1. CLARIFICATION ON THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO CHILDREN WITH DISABILITIES WHO ARE CONVICTED OF FELONIES.

Section 612(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(1)) is amended by adding at end the following: ''The State is not required under the policy to assure a free appropriate public education to a person with a disability who is convicted of a felony and as a result of such a conviction, is incarcerated in a secure correctional facility.''.

(b) DEFINITIONS.—Section 602(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)) is amended by adding at the end the following:

''(28) The term ''secure correctional facility'' means any public or private residential facility that—

''(A) includes construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in such facility; and

''(B) is used for the placement, after adjudication and disposition, of an individual convicted of a criminal offense.''.

[From the Los Angles Times, Apr. 18, 1997]

STATE SHOULD GIVE PRISONERS SPECIAL EDUCATION, U.S. SAYS

(By Richard Lee Colvin)

The federal government wants California to provide special education services to some imprisoned felons, including those serving life terms or on death row. And, to pressure the state to do so, the U.S. Department of Education is threatening to withhold $332 million that now goes to pay for the same services for public schoolchildren.

The issue arises from an Education Department interpretation of the 1975 law that requires schools to ensure that students with physical, emotional and learning disabilities receive a ''free, appropriate public education'' in return for federal aid.

The law does not specifically require that prisoners receive such services. Indeed, many other states do not provide them. Neither does the federal prison system.

Yet, because California extends services such as tutoring and vocational and speech therapy to juveniles until they turn 22, the federal government says prisoners up to that age cannot be discriminated against—even if they are behind bars for crimes including murder and rape or awaiting execution.

Privately, federal education officials acknowledge that withholding money from programs for schoolchildren to pressure the state would be highly unpopular and that they would be reluctant to go through with it.

Nonetheless, federal officials have continued to press the state to comply.

The Wilson administration has resisted the order, saying that screening inmates and creating an individualized plan for serving each of them would pose daunting logistic, financial, security and legal problems. State officials have been lobbying Congress to change the law.

In testimony before a congressional committee looking into the issue, Gregory W. Harding, the Department of Corrections chief deputy director, questioned the ''appropriateness and wisdom of expending precious resources'' on individuals who have ''committed felonious and, in many instances, heinous crimes.''

Harding also warned that inmates or their parents ''would merely use this process to make unreasonable demands or to bring frivolous lawsuits against staff.''

The state prisons house roughly 10,000 inmates between the ages of 16 and 21. No one

knows for sure how many of those prisoners might have disabilities qualifying them for special education. Estimates have ranged between 10% and 25%. Cost estimates also range widely, from $5 million to $20 million annually.

Those numbers pale next to the $3.4 billion spent annually in California to provide special education for 590,000 students.

But the possibility of shifting any money to prisoners rankles educators because the federal government requires the states to provide special education to disabled children, but has never come close to providing its full share of the programs' cost. The law originally said the federal government could cover up to 40% of the cost of special education, but Washington has never put up more than 12% of the money and has now dropped its share to roughly 8%—draining money from local school district budgets.

''Our position is that we don't want to see any public education dollar—state or federal—be siphoned off to provide special education service . . . to youth in prison,'' said Lou Barela, a special education administrator in Solano County who has testified on the issue on behalf of a statewide administrators group.

Barela said it would be more expensive to provide services in prisons than in schools because of security risks. She said the state already has a huge shortage of trained special education teachers, and it will be even more difficult to find ones willing to work in prisons.

It is not uncommon for federal officials to threaten to withhold special education funding in order to get a state or a local school district to comply with a ruling. In 1994, the Los Angeles Unified School District was threatened with the loss of its special education funding if it did not revamp its procedures for assessing students' needs in a timely fashion. In the end, no money was withheld.

Federal education officials have scheduled a public hearing for next month in Sacramento to discuss when the state will begin to provide the services. That hearing will also consider a compliance agreement under which the state would have as long as three years to change its program.

The issue of providing special education services to inmates is one of many that have complicated action to extend the life of the landmark 1975 law, now known as the Individuals With Disabilities Act.

Last fall, after working on the reauthorization bill for two years, Congress adjourned without taking action. Among the other issues stalling the bill were questions about how federal money for the program is distributed and how students served by the program can be disciplined.

Representatives of both parties in the Senate and House and from the Clinton administration are in the middle of negotiations on the reauthorization bill and are expected to come up with a compromise in the next few weeks. In an effort to keep those negotiations on track, the parties, including those from the Department of Education, have agreed not to talk about whether they are making progress.

Repubican Rep. Frank Riggs of Windsor heads one of the subcommittees dealing with the reauthorization and has vowed in the past to change the law to exempt California from the order to serve prisoners.

''It is utterly unfair to take precious special education dollars away from students in the public schools to give those dollars to muggers, murderers and rapists,'' said Beau Phillips, Riggs' spokesman.

''For the U.S. Department of Education to threaten the special ed grant for the entire state of California because the state won't provide special education to 19- and 22-year-old killers is insane.''

By Mr. ALLARD:

S. 703. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of expenses by a taxpayer in connection with the business use of the home; to the Committee on Finance.

HOME OFFICE TAX LEGISLATION

Mr. ALLARD. Mr. President, today I am introducing legislation to fully restore the home office tax deduction. This legislation is necessary because a recent Supreme Court decision and subsequent IRS regulations have made it impossible for many small business entrepreneurs to use the home office tax deduction.

During my service in the House of Representatives I introduced this legislation in both the 103d and 104th Congresses. We made great progress in the 104th, and even included a full home office tax deduction in the Contract With America tax legislation. Unfortunately, that tax legislation was vetoed.

However, by the end of the last Congress we were able to reach agreement with the President on a number of small business tax changes, and among them was a restoration of the tax deduction for home space used for the storage of product samples. This year we should finish the job and restore the full home office tax deduction.

Increasingly, it is the little guy who gets squeezed by the tax system. While large corporations can rent space and deduct office and virtually all other expenses, many taxpayers who work out of their home are no longer able to deduct their office expenses.

Traditionally, the Tax Code has permitted individuals who operate businesses within their homes to deduct a portion of the expenses related to that home. However, over the past 20 years Congress, the courts, and the IRS have reduced the scope and usefulness of the deduction.

The most serious blow came in 1993 when the Supreme Court's ruling in the Soliman decision effectively eliminated the home office deduction for most taxpayers. Under the Supreme Court's new interpretation of ''principal place of business'' a taxpayer who maintains a home office, but also performs important business related work outside the home is not likely to pass IRS scrutiny.

This change effectively denies the deduction to taxpayers who work out of their home but also spend time on the road. Those impacted include sales representatives, caterers, teachers, computer repairers, doctors, veterinarians, house painters, consultants, personal trainers, and many more. Even though these taxpayers may have no office other than their home, the work they perform will often deny them a deduction.

According to the IRS, 1.6 million taxpayers claimed a home office tax deduction in 1991. While not all of these taxpayers were affected by the Court's decision, many were. Clearly, any taxpayers who operate a business out of their home must review their tax situation.

There are many reasons why a broad home office tax deduction is important. The deduction is pro-family. It helps taxpayers pursue careers that enable them to spend more time with their children. The deduction helps cut down on commuting and saves energy. The deduction recognizes the advances of technology—computer and telecommunciations advances mean that more and more individuals will be able to work for themselves and maintain a home office.

The deduction is a boost to women and minorities who are increasingly starting their own businesses. In fact, over 32 percent of all proprietorships are now owned by women entrepreneurs, and Commerce Department data reveal that 55 percent of these women business owners operate their firms from their home. In addition, there are now well over 1 million minority-owned small businesses and a good number of these are operated out of the home.

Finally, the home office tax deduction helps our economy. It benefits small businesses and entrepeneurs who develop new ideas, and create jobs. Many of America's most important businesses originated out of a home.

Small business is increasingly the engine which drives our economy. With large firms downsizing, entrepeneurs must pick up the slack. The importance of this trend is demonstrated by the job shift that occurred during the slow recovery from the most recent recession. During the period of October 1991 to September 1992 large businesses cut 400,000 jobs while small business created 178,000 new jobs. During the boom years of the 1980's, the vast majority of the 20 million new jobs created were in the small business sector.

It is critical that recent assaults on the home office tax deduction be reversed. That is why I plan to work hard to see that this change in law is enacted as soon as possible.

By Mr. KOHL:

S. 704. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE JAIL IMPROVEMENT ACT

Mr. KOHL. Mr. President, I rise today to introduce the Juvenile Jail Improvement Act of 1997.

We face a growing and frightening tide of juvenile violence. And that tide is threatening to swamp our rural sheriffs. It is increasingly common for

rural sheriffs to face a terrible dilemma every time they arrest a juvenile—they either have to release a potentially violent juvenile on the street to await trial or they have to spend invaluable time and manpower chauffeuring the juvenile around their State to an appropriate detention facility. Either way, the current system makes little sense and needs to be changed.

Let me explain how this dilemma works. In most rural communities, the only jail available is built exclusively for adults. There are no special juvenile facilities. But sometimes, the community can create a separate portion of the jail for juveniles. However, under current law, a juvenile picked up for criminal activity can only be held in a separate portion of an adult facility for up to 24 hours. After that, the juvenile must be transported—often across hundreds of miles—to a separate juvenile detention facility, often to be returned to the very same jail 2 or 3 days later for a court date. This system often leaves rural law enforcement crisscrossing the State with a single juvenile—and results in massive expenses for law enforcement with little benefit for juveniles, who spend endless hours in a squad car. Such a process does not serve anyone's interests.

And that is not all that rural sheriffs face. Even qualifying for the 24-hour exception can be a nightmare. That's because juveniles can be kept in adult jails only under a very stringent set of rules. Keeping juveniles in an adult jail is known as collocation. It can only be done if there is strict sight and sound separation between the adults and the juveniles as well as completely separate staff. For many small communities, making these physical and staff changes to their jails is prohibitively expensive.

So sheriffs faced with diverting officers to drive around the State in search of a detention facility may choose to let the juvenile go free while awaiting trial. This prospect should frighten anyone who is aware of the growing trend in juvenile violence.

Today, I am introducing legislation that is designed to cure this problem. My legislative solution is simple, straightforward and effective. It extends from 24 to 72 hours the time during which rural law enforcement may collocate juvenile offenders in an adult facility, as long as juveniles remain separated from adults. It also relaxes the requirements for acceptable collocation. After taking a hard look at how collocation rules have worked—and in what ways they have failed—this legislation comes to a reasonable compromise.

Mr. President, one of our most important goals in assuring that any changes to these rules do not sacrifice the safety and welfare of arrested juveniles. In addition to the growing fear about juvenile violence, we have witnessed a growing anger and frustration at juveniles. This frustration should not lead us to forget the painful lessons we learned many years ago about abusive and dangerous treatment of delinquent children. Twenty years ago, we learned about kids who were thrown in jail where they were victimized and abused by adult prisoners; or where, without proper supervision, they committed suicide; or, where, guarded by people who only had experience with adult prisoners, they were disciplined savagely. When we give into the temptation to throw juveniles in jail and teach them a tough lesson, we are often ill rewarded. So even as we loosen these collocation requirements, we must bear in mind that the juvenile justice system still has its principle goal rehabilitation not harsh retribution.

My conversations with administrators, sheriffs, and juvenile court judges have led me to conclude that we must bring greater flexibility—and less redtape—to the Juvenile Justice Act. It is my hope that this legislation—which offers greater flexibility while retaining important protections regarding the separation of juveniles from adults—will meet with strong support from the Senate. Thank you.

By Mr. McCAIN:

S. 705. A bill to amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast station from analog to digital transmission consistent with the Federal Communications Commission's fifth order and report, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE DIGITAL TELEVISION CONVERSION ACT

Mr. McCAIN. Mr. President, I am pleased to introduce the Digital Television Conversion Act. This legislation codifies the rules and policies recently adopted by the Federal Communications Commission to govern the transition of the over-the-air television system from analog to digital broadcasting.

Mr. President, every American has a stake in the speedy and successful implementation of new digital broadcasting technology. Those of us who like to watch TV will benefit from crisper, larger video, CD-quality audio, and more channels of video programming choices. Even better, those of us who would prefer to interact with TV will find that the convergence of digital television and computer technology will make exciting new interactive video service offerings possible. The economy will benefit from the new jobs created by manufacturing new digital television receivers. The television broadcasting industry stands on the threshold of a transformation that will assure that over-the-air broadcasting isn't relegated to the slow lane on the digital information superhighway.

To enable this all to happen, the $100 billion television industry will be given extra channels of broadcast spectrum valued at up to $70 billion for free. In return, each television licensee will only be required to incur the cost of installing digital broadcasting equipment—a cost, I assure you, far below the estimated value of the new digital spectrum each broadcaster will be given—and, when the transition is complete, return the analog channels they now occupy, to be auctioned for other uses.

The new and improved services that will come from digitial television, plus whatever revenue is derived from auctioning the analog channels, is what the American people will get from the television industry in return. It is therefore absolutely imperative, Mr. President, to guarantee that this transition to digital takes place as quickly as conditions will reasonably allow. Put another way, Mr. President, it is incumbent upon us to make sure, on behalf of the American people, that the television industry actually crosses the digital threshold upon which it now stands.

And that is the reason I am introducing this legislation today. For the rules recently adopted by the Federal Communications Commission do not establish firm timetables and deadlines to govern the television industry's critically important digital conversion. For example, although the FCC set out target dates for television stations in each market to convert to digital, this conversion schedule is not binding on more than 90 percent of all television stations, and the Commission has not adopted any way to verify licensee's compliance with the nonbinding conversion schedule. Likewise, there is no rule requiring that television licensees return their current analog channels by any given date so they can be auctioned.

Given the tremendous promise that digital broadcasting holds for television licensees, why not simply rely on broadcasters to voluntarily implement a rapid transition out of their own best interests? The answer, Mr. President, is that different licensees may see their own best interests in different ways.

Some may see their own best interests served by delaying the conversion to avoid the added expenditure, at least until a majority of other stations take the plunge. This could produce a classic ''chicken-and-egg'' problem, especially in smaller markets: Local stations wait to convert until the cost comes down and until local viewers buy digital sets or converter boxes—but the cost won't come down and consumers won't buy digital sets or converter boxes because local stations aren't broadcasting in digital. It would be unfortunate that viewers in smaller markets, who probably stand to benefit the most from the diverse array of new services that digital broadcasting can provide, are most likely to fall victim to these perverse incentives.

And of course, Mr. President, there is that element of self-interest that any broadcaster, regardless of market size, might have: the perfectly understandable interest in retaining both the old

analog and the new digital channel for as long as possible. But this, of course, would doubly enrich television licensees, who would already have been given their digital channel for free. It would also delay the ability to use the returned analog channels for different telecommunications services from which the public would benefit. Moreover, any delay in returning the analog channels would also affect the revenues realized from auctioning them. This has now become an especially important consideration with the bipartisan agreement between Congress and the White House to balance the budget by the year 2002: Revenues from the auction of these channels have been scored and included in the estimates on which this bipartisan budget agreement is based.

To be sure, many station licensees are apparently eager to get on with the job of conversion, although they sometimes foresee practical difficulties beyond their control getting in the way. In recognition of these potential problems, this legislation also codifies the FCC's standard for waiving the conversion schedule on a case-by-case basis. And in codifying the FCC's nonbinding analog channel giveback dates, the bill also recognizes the special circumstances faced by noncommercial broadcasters, and codifies the more liberal analog channel giveback target dates the FCC provided for these licensees.

Nor am I concerned, Mr. President, that some markets could lose over-the-air television if analog channel reversion deadlines are codified but, for some unforeseen reason, digital broadcasting does not take hold. Codifying the digital conversion timetables will assure that as many stations as possibly can convert to digital, will. And it is simply preposterous to think that, even if digital broadcasting somehow fails to take hold during the next 9 years notwithstanding this bill's legislative impetus for it to do so, further legislation extending the date for the give back of the analog channels would not swiftly be enacted.

In sum, Mr. President, those televisions broadcasters who are willing and eager to convert to digital will not be hurt in any way by codifying the deadlines and the waiver standard. It is only those licensees who, for whatever reason, might be less than anxious to make the transition who will have their feet held to the fire. Is this fair? You bet it is. We cannot be lax in our duty to guarantee, to the greatest extent we can, that consumers enjoy both the telecommunications benefits of digital television and the economic benefits of the analog channels' auction revenues.

By Mr. BOND:

S. 706. A bill to amend the Individuals With Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes; to the Committee on Labor and Human Resources.

THE SCHOOL SECURITY IMPROVEMENT ACT OF 1997

Mr. BOND. Mr. President, today I am introducing the School Security Improvement Act of 1997. This legislation will make some needed reforms to the Individuals With Disabilities Education Act [IDEA]. The goal of this act is to preserve the rights of students with disabilities while granting local school districts more flexibility to discipline violent and disruptive students. This legislation also focuses on reducing litigation and unnecessary attorneys' fees.

Last week, I traveled through my home State of Missouri to discuss this measure with school district superintendents, principals, school board members, special education directors, and parents. The top two concerns mentioned, without exception, were safety and discipline of all students in the public school system. The rising incidences of school violence and current inflexible Federal mandates have made IDEA reform a high priority issue for educators and parents around the country. Current law prohibits removal of a disabled child from the classroom for more than 10 days—even if he or she becomes violent, commits a crime, or threatens other children—unless permission is granted by a parent. IDEA has created a separate category of students that are not bound by the rules of conduct required of their students, even when their behavior is not related to their disability.

My primary concern is creating a safe learning environment for all children. In attempting to provide good education services to disabled students, which I fully support, we have unfortunately created a situation where some kids can hide behind their disability in displaying some outrageous behavior. For instance, I know a case where a young man who sold drugs at school was still in the classroom a year later, even though his crime was not related to his disability. What does that say to other kids, particularly when for them the same crime would bring an automatic 1-year expulsion? In another horrendous case, a student stabbed a classmate with scissors and was back in the classroom in just 10 days.

The School Security Improvement Act of 1997 will eliminate the double standard that currently exists between special education and general education children. All students, disabled or not, should receive the same discipline for the same behavior. I believe this is appropriate when the behavior of the child is not related to their disability. Children must learn that there are consequences for violating the rules. Good education demands discipline and standards of conduct.

In an effort to ensure that the students, teachers, and school employees remain safe within the educational environment, this bill requires schools to include in the records of a child with a disability a statement of disciplinary action taken against the student and allows intrastate and interstate transfer of records from one district to another. The records issue has been brought to the forefront because of several instances when disabled students have caused serious problems and school officials were unaware that the student had a record of similar activities in other schools.

I believe that all students with disabilities need and deserve access to educational services to meet their individual needs. However, in those occasional circumstances when a student becomes so violent or dangerous, and their behavior significantly disrupts the educational process and they become a danger to themselves or others, or create an environment in which learning cannot occur, then the rights of others in the school to have a safe and effective learning environment must take precedence.

The School Security Improvement Act of 1997 will enable school administrators, those who are closest to the problem, to remove dangerous students with disabilities who pose a threat to the safety of others from the classroom and make temporary alternative placements to ensure the safety of all students until a more appropriate placement is determined. When these students are able to behave appropriately, they will be returned to the classroom.

The current IDEA provision requiring local school districts to reimburse attorneys' fees incurred by parents who elect to initiate litigation has had the predictable result of encouraging such litigation and of driving up special education costs. The dispute-resolution procedures has become extremely adversarial and costly. Studies have found that the amount of special education litigation has dramatically increased in recent years. Sadly, some parent attorneys seem encouraged to use due process, as a fishing expedition or to threaten districts with protracted litigation over non-issues as a tactic to force school districts to comply with parental demands.

This practice only serves to reduce district funds available to meet the needs of students with disabilities. Clearly, we need reasonable reforms to the dispute-resolution process to ensure that scarce educational funds are used for educational services for our children.

I firmly believe that children with disabilities must be guaranteed a free appropriate education. Yet no school district should have to cut services to any student so it can pay attorneys'

fees. But, because of the explosion of litigation in this area, educational services for all students are being endangered.

Under the School Security Improvement Act of 1997, local school districts will be permitted to provide alternative educational placement for children who threaten the safety of others. For some children, it is absolutely appropriate to swiftly and permanently remove them from the regular classroom setting. The law should not prohibit local school officials from acting on their own authority to discipline dangerous and unruly students.

The School Security Improvement Act will give local school districts the authority and flexibility to ensure that the students and the personnel are provided educational and working environments that are safe and orderly.

Mr. President, when the Federal Government enacted IDEA, it promised to fund 40 percent of the national average per pupil expenditure. Today, the Federal Government funds only 7 percent. My bill contains a provision expressing a sense of the Senate that the Federal portion of educating students with disabilities should be fully funded. In recent years, costly regulations have dramatically increased, placing a tremendous strain on local school districts. The time and money spent on Federal mandates must be reduced, so that more time and resources can be spent in the classroom on school children. This money will help students by easing the financial burden on local school districts.

I know the feelings run high on this issue. We have a difficult job when it comes to balancing the needs of those with special needs with our responsibility to educate all children in the classroom, free of violence and disruption. I look forward to the upcoming reauthorization of IDEA and working with my colleagues in this effort to come up with a commonsense approach to improve our Nation's schools.

By Mr. LAUTENBERG:

S. 707. A bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others; to the Committee on the Judiciary.

THE CONCEALED WEAPONS PROHIBITION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Concealed Weapons Prohibition Act of 1997, that would prohibit individuals from publicly carrying a handgun.

The bill includes exceptions for certain people authorized to carry handguns under State law, such as law enforcement personnel and duly authorized security officers. States also could provide exemptions in individual cases, based on credible evidence of compelling circumstances warranting an exemption, such as a woman being stalked by someone who is threatening her. A simple claim of concern about generalized risks would not be sufficient to warrant an exemption; there would have to be a specified, credible threat.

Mr. President, common sense tells us that there are more than enough dangerous weapons on America's streets. Yet, incredibly, some seem to think that there should be more. These people want to turn our States and cities into a modern version of the old wild west, where everyone carries a gun on his or her hip, taking the law into their own hands. This is a foolhardy and dangerous trend.

Mr. President, this country is already drowning in a sea of gun violence. Every 2 minutes, someone in the United States is shot. Every 14 minutes, someone dies from a gunshot wound. In 1994 alone, over 15 thousand people in our country were killed by handguns. Compare that to countries like Canada, where 90 people were killed by handguns that year, or Great Britain, which had 68 handgun fatalities.

Mr. President, the Federal Centers for Disease Control and Prevention estimate that by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury-related deaths in the United States. In fact, this is already the case in seven States.

Mr. President, given the severity of our Nation's gun violence problem, we need to be looking for ways to reduce the number of guns on our streets. Yet, instead, many States recently have enacted laws to do the opposite, by making it easier for people to carry concealed weapons.

Unfortunately, Mr. President, concealed weapons make people less, not more, secure. In fact, there is near-unanimous agreement among law enforcement groups that concealed weapons laws are bad policy. These groups understand that when more people carry weapons on the streets, more routine conflicts escalate into deadly violence.

Mr. President, every day people get into everything from traffic accidents to domestic disputes. Maybe these arguments lead to yelling, or even fisticuffs. But if people are carrying guns, those conflicts are much more likely to end in a shooting, and death.

Concealed weapons laws also are likely to make criminals more violent. Think about it, Mr. President. If a criminal thinks that you might be carrying a concealed weapon, common sense tells you that he is much more likely to simply shoot first, and ask questions later.

Mr. President, another dangerous side-effect of having private citizens carry concealed weapons is the impact these unseen guns will have on law enforcement officers. Police officers would become reluctant to conduct even routine traffic stops if they knew that large numbers of citizens could be carrying concealed weapons.

You do not need to take my word for this, Mr. President. Just ask the men and women in law enforcement. In fact, the Police Executive Research Forum did just that. In their 1996 survey, they found that 92 percent of their membership opposed legislation allowing private citizens to carry concealed weapons. The most cited reason for this opposition was public safety.

Mr. President, the police of this country understand that the public carrying of handguns increases the likelihood of gun violence. Also, concealed weapons increase the chances that incompetent or careless handgun users will accidently injure or kill innocent bystanders. Unfortunately, States increasingly are allowing individuals to carry concealed weapons with little or no training in the operation of firearms. This means that many incompetent people are putting the public at risk from stray bullets.

Mr. President, although the regulation of concealed weapons has been left to States, it is time for Congress to step in to protect the public. All Americans have a right to be free from the dangers posed by the carrying of concealed handguns, regardless of their State of residence. And Americans should be able to travel across State lines for business, to visit their families, or for any other purpose, without having to worry about concealed weapons.

Congress has the constitutional authority to provide this protection, Mr. President, and there is a strong Federal interest in ensuring the safety of our citizens. Beyond the human costs of gun violence, crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation whose workers, suppliers, and customers are adversely affected by gun violence. Moreover, to ensure its coverage under the Constitution's commerce clause, my bill applies only to handguns that have been transported in interstate or foreign commerce, or that have parts or components that have been transported in interstate or foreign commerce. This clearly distinguishes the legislation from the gun free school zone statute that was struck down in the Supreme Court's Lopez case.

Mr. President, the bottom line is that more guns equals more death. This legislation will help in our struggle to reduce the number of guns on our streets, and help prevent our society from becoming even more violent and dangerous.

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 707

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 ''Concealed Weapons Prohibition Act of 1997''.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) crimes committed with handguns threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the Nation and its people;

(2) crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation whose workers, suppliers, and customs are adversely affected by gun violence;

(3) the public carrying of handguns increases the level of gun violence by enabling the rapid escalation of otherwise minor conflicts into deadly shootings;

(4) the public carrying of handguns increases the likelihood that incompetent or careless handgun users will accidently injure or kill innocent bystanders;

(5) the public carrying of handguns poses a danger to citizens of the United States who travel across State lines for business or other purposes; and

(6) all Americans have a right to be protected from the dangers posed by the carrying of concealed handguns, regardless of their State of residence.

SEC. 3. UNLAWFUL ACT.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(y)(1) Except as provided in paragraph (2), it shall be unlawful for a person to carry a handgun on his or her person in public.

''(2) Paragraph (1) shall not apply to the following:

''(A) A person authorized to carry a handgun pursuant to State law who is—

''(i) a law enforcement official;

''(ii) a retired law enforcement official;

''(iii) a duly authorized private security officer;

''(iv) a person whose employment involves the transport of substantial amounts of cash or other valuable items; or

''(v) any other person that the Attorney General determines should be allowed to carry a handgun because of compelling circumstances warranting an exception, pursuant to regulations that the Attorney General may promulgate.

''(B) A person authorized to carry a handgun pursuant to a State law that grants a person an exemption to carry a handgun based on an individualized determination and a review of credible evidence that the person should be allowed to carry a handgun because of compelling circumstances warranting an exemption. A claim of concern about generalized or unspecified risks shall not be sufficient to justify an exemption.

''(C) A person authorized to carry a handgun on his or her person under Federal law.''.

By Mr. LAUTENBERG:

S. 708. A bill to amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol; to the Committee on Labor and Human Resources.

THE DEADLY DRIVER REDUCTION AND MATTHEW P. HAMMELL MEMORIAL ACT

Mr. LAUTENBERG. Mr. President, today I am introducing the Deadly Driver and Matthew P. Hammell Memorial Act, which would establish national minimum penalties for alcohol-related motor vehicle violations. It is a companion to S. 412, the Safe and Sober Streets Act, which I introduced last month along with Senator MIKE DEWINE of Ohio, a bill intended to make .08 blood alcohol content the national standard for impaired driving. I am proud to sponsor this legislation and when it is adopted, many lives will be saved.

However, Mr. President, we can also reduce fatalities and serious injury caused by drunk driving by having tougher penalties. Driving while intoxicated, or DWI, is one of the most prevalent crimes in this country. In 1992, more people were arrested for DWI—1.6 million—than for any other reported criminal activity including larceny or theft, or for drug abuse violations. By even reasonable standards this could be considered a kind of epidemic. And we need to start treating this epidemic.

A shocking number of DWI convictions are repeat offenders. When the National Highway Traffic and Safety Administration studied this issue, it found that about one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders. One study in California demonstrated the extent of this problem over the long term. It found that 44 percent of all drivers convicted of DWI in California in 1980 were convicted again of DWI within the next 10 years.

In my State of New Jersey, the problem is exacerbated by the fact that DWI offenses are treated as traffic violations as opposed to crimes. Unfortunately, Mr. President, too many people share this view of drinking and driving, with the result being that those who are charged with DWI often drink and drive again. While in New Jersey new laws and programs have been implemented to address the drunk-driving problem, and DWI arrests and convictions have declined, the problem of repeat offenders persists. Between 1994 and 1995 the number of two-time offenders actually increased from 4,495 in 1994 to 4,731 in 1995.

The danger of these repeat offenders is illustrated by the fact that drivers with prior DWI convictions are overrepresented in fatal crashes. These drivers have a 4.1 times greater risk of being in a fatal crash, as do intoxicated drivers without a prior DWI, and the risk of a particular driver being involved in a fatal crash increases with each DWI arrest.

Mr. President, it is time that we take this problem of repeat offenders seriously. The first time a driver is convicted of DWI, he or she must understand the severity of the crime which has been committed. If a person continues to ignore the law, and continues to drink and drive, the courts need to treat that person with the full force of the law, both to punish that person, and to protect the public at large.

That is why I am introducing the Deadly Driver Reduction and Matthew P. Hammell Memorial Act. This bill requires States to adopt mandatory minimum sentences for DWI offenders within 3 years or otherwise lose a portion of their Federal highway funding. The sentencing requirements are as follows: For a first-time conviction of a person operating a motor vehicle while under the influence of alcohol, their license is revoked for 6 months. A second conviction requires a 1-year suspension, and a third conviction for the crime of driving while impaired by alcohol results in the permanent revocation of that person's license.

If a State fails to adopt these minimum sentences by October 1, 2000, 5 percent of that State's Federal highway funds will be withheld. If a State fails to adopt these minimum sentences after another year, that State would then lose 10 percent of its allocated Federal highway funds.

Mr. President, sanctions work. In too many States, and in too many courts in this country, drunk driving is not taken seriously enough. We want to make sure that those who disobey the law by drinking and driving both understand the severity of their offense and are prevented from driving if they continue to break the law. These mandatory minimum penalties will meet these challenges.

When we talk about drunk driving, too often we talk about it in statistical terms. But there are real people attached to those statistics. In the spring of 1995, a young man, from Tuckerton, NJ, full of goodness and potential, was struck down by a drunk driver while he and his friend were in-line skating. Matthew Hammell was exceptional. All those who knew him talk about being touched by his kindness and caring. Like so many American boys, at one point he dreamed of being a baseball player, but as he matured he knew he wanted to be a missionary. His dream became living a life of helping others. But this dream, this young man, was taken away from all of us much too early when Robert Hyer, drunk and driving, struck Matthew with his car while passing another vehicle. Robert Hyer should not have been on the road. Not only was he drunk, but he had a history of driving drunk. Before this fateful incident, Hyer had been charged with DWI six times, though he was convicted only twice. Hyer lost his license in New Jersey in 1984, but somehow he obtained a North Carolina license just 2 years later. He was a habitual offender who kept bucking the system. A system which kept letting him go. A system which, in the end, was too late in responding.

Mr. President, it may be too late for Matthew Hammell, and all of the other Matthew Hammells whose spirits are taken from us too early, but it is now that we must become serious about drinking and driving. So, in his honor, and in the memory of all of our loved ones who do not get to achieve their potential due to the actions of drunk drivers, we have named this bill the Deadly Driver Reduction and Matthew P. Hammell Memorial Act. While I will be the first to admit that this bill is not enough, at least it is a start. Let us

work together now so that such memorial acts are unnecessary in the future.

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. 708

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 ''Deadly Driver Reduction and Matthew P. Hammell Memorial Act''.

SEC. 2. MINIMUM PENALTY FOR AN INDIVIDUAL WHO OPERATES A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 162. National minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol

''(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

''(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum penalty consistent with the following:

''(i) In the case of the first offense of an individual of operating a motor vehicle while under the influence of alcohol, revocation of the individual's driver's license for at least 180 days.

''(ii) In the case of the second offense of an individual of any alcohol-related offense while operating a motor vehicle (including operating a motor vehicle while under the influence of alcohol), revocation of the individual's driver's license for at least 1 year.

''(iii) In the case of the third or subsequent offense of an individual of any alcohol-related offense while operating a motor vehicle (including operating a motor vehicle while under the influence of alcohol), permanent revocation of the individual's driver's license.

''(B) TERMS OF REVOCATION.—A revocation under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

''(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

''(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

''(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse or, in the case of funds apportioned under section 104(b)(5)(B), shall lapse and be made available by the Secretary for projects in accordance with section 118.

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5)(B), shall lapse and be made available by the Secretary for projects in accordance with section 118.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''162. National minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol.''.

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mrs. FEINSTEIN):

S.J. Res. 30. A joint resolution designating March 1, 1998 as ''United States Navy Asiatic Fleet Memorial Day,'' and for other purposes; to the Committee on the Judiciary.

U.S. NAVY ASIATIC FLEET MEMORIAL DAY

Mr. WARNER. Mr. President, I rise today to introduce legislation to recognize the sailors and marines who served in the U.S. Asiatic Fleet throughout the Far East. During the Asiatic Fleet's existence from 1910 to 1942, the fleet was an instrumental component of American national security and diplomacy.

The U.S. Asiatic Fleet, the successor to the old Asiatic Station and precursor to today's 7th Fleet, maintained an important presence throughout Southeast Asian waters. Initially operating between coastal China and the Philippines, the fleet's activities expanded to include operations in Russian waters and the straits and narrows encompassing Malaysia and Indonesia.

In these critical regions, the fleet's men and women supported American security interests and the safety of citizens abroad during civil wars and international conflicts. During one of the greatest natural disasters, the Yangtze flood of 1931, which killed 150,000 people, the fleet rendered aide and assistance to Americans and Chinese. Through these actions, the fleet demonstrated the commitment of the United States to an important area of the world during a dynamic period in history.

During the last years of Asiatic Fleet operations, sailors and marines courageously distinguished themselves by defending against the tidal wave of Japanese aggression. Facing the modern Japanese armada were the fleet's 3 cruisers, 13 WWI-vintage destroyers, 29 submarines and a handful of gunboats and patrol aircraft. Against overwhelming odds, the fleet defended the Philippines until the evacuation was ordered and fought the continued expansion of the Japanese throughout the South Pacific. Many of those defenders were captured or killed in these heroic battles.

It is important that we pause to remember the valor and spirit of these dedicated servicemen. For that reason, I am introducing a resolution which will designate March 1, 1998, the 56th anniversary of the sinking of the Asiatic Fleet's flagship, the U.S.S. *Houston*, by Japanese Imperial Forces, as ''United States Navy Asiatic Fleet Memorial Day.'' I invite my colleagues to support this resolution.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 61

At the request of Mr. LOTT, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 191

At the request of Mr. HELMS, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 191, a bill to throttle criminal use of guns.

S. 193

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 202

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 239

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 335

At the request of Mr. WARNER, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 335, a bill to authorize funds for construction of highways, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma [Mr. INHOFE], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 449

At the request of Mr. WYDEN, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 449, a bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 460

At the request of Mr. BOND, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Texas [Mrs. HUTCHISON], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 575

At the request of Mr. DURBIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 575, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 652

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 652, a bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 687

At the request of Mr. JEFFORDS, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 687, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 691

At the request of Mr. MURKOWSKI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 691, a bill entitled the ''Public Land Management Participation Act of 1997''.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. BOND], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as ''National Character Counts Week''.

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. HARKIN], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. CLELAND], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. DORGAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. JOHNSON], the Senator from Illinois [Mr. DURBIN], the Senator from Virginia [Mr. ROBB], the Senator from Oregon [Mr. SMITH], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Nebraska [Mr. KERREY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 71, a resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to

the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Resolution 79, a resolution to commemorate the 1997 National Peace Officers Memorial Day.

SENATE RESOLUTION 83—RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 83

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

Mr. REID. Mr. President, I come to the floor today to submit a Senate resolution which I hope will raise national awareness to the problem of suicide and one that recognizes suicide as a national public health problem needing attention.

I am pleased to have as cosponsors of this resolution Senators MURRAY, WELLSTONE, and COVERDELL. Their courage and leadership on this issue is appreciated.

Currently there are nearly 31,000 suicides annually in the United States—83 suicides per day; or 1 suicide every 17 minutes—with 12 of every 100,000 Americans taking their own lives.

Suicide cuts across all age, economic, social, and ethnic boundaries.

More people die from suicide than from homicide in the United States.

On an average day in this country, an estimated 1,900 adults attempt suicide.

It is estimated that there are 750,000 suicide attempts annually.

In 1994, the latest year for which we have statistical data, the 10 highest suicide rates, averaging twice those of the mid-Atlantic region, were found in States within the intermountain region of the west.

Unfortunately, my State of Nevada leads the Nation in this public health tragedy.

Mr. President, suicide is the eighth leading cause of death in the United States.

Males commit suicide at rates and numbers of suicides three to four times those of females.

Firearms are currently the most often utilized method of suicide by essentially all groups—that is males, females, young, old, white, nonwhite—and the rates are increasing.

Suicide rates have traditionally decreased in times of wars and increased in times of economic crises.

Rates of suicide are highest among the older adult population above 65. Last year I was pleased to call for a Senate Special Committee on Aging hearing which addressed this issue.

Elderly adults have rates of suicide more than 50 percent higher than the Nation as a whole and the young—15 to 24.

Youth—15 to 24 years of age—suicide rates increased more than 200 percent from the 1950's to the late 1970's. Following the late 1970's the rates for youth have remained stable or slightly lower, although current rates are also approximately 200 percent higher than in the 1950's.

For young people 15 to 24 years old, suicide is the third leading cause of death, behind unintentional injury and homicide. In 1992 more teenagers and young adults died from suicide than died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia and influenza, and chronic lung disease combined.

The risk for suicide among young people is greater among young white males; however, from 1980 through 1992, suicide rates increased most rapidly among young black males. Although suicide among children is a rare event, the dramatic increase in the rate among persons 10 to 14 years of age underscores the urgent need for intensifying efforts to prevent suicide among persons in this age group.

Although there are no official statistics on attempted suicide, it is generally estimated that there are at least 8 to 20 attempts for each death by suicide.

Risk of attempted suicide is greatest among females and the young. Females have generally been found to make 3 to 4 times as many attempts as males. Estimate of the ratio of young attempted suicides to suicidal deaths have generally ranged between 100 to 1 and 200 to 1.

Mental health diagnoses are generally associated with higher risk of suicide. Groups/diagnoses at particular risk are the depressed, schizophrenics, alcoholics, and those with panic disorder.

Feelings of hopelessness—that is ''there are no solutions to my problem''—are found to be more predictive of suicide risk than diagnoses of depression per se.

The socially isolated are generally found to be at high risk for suicide.

The vast majority of those who are suicidal display clues and warning signs.

It is estimated that at least 4.0 million Americans today are survivors of a loved one's suicide.

Mr. President, suicide is preventable. Most suicidal persons desperately want to live. They are just unable to see alternatives to their problems.

Understanding and identifying the risk factors for this phenomenon and evaluating potential suicide prevention interventions must become a public health priority.

Most suicidal persons give definite warnings of their suicidal intentions, but others are either unaware of the significance of these warnings or do not know how to respond to them.

We can and must do something about this preventable public health tragedy. It is irresponsible and insensitive to allow families and victims to suffer in silence or to nationally hide our heads in the sand.

By acknowledging the problem, we take the critical first step to doing something about it.

This week in Washington one such survivor, Mr. Jerry Weyrauch, who lost his 34-year-old physician daughter to suicide, is taking his personal loss and turning it into an opportunity for all Americans.

He has formed a group called the Suicide Prevention Advocacy Network [SPAN] which calls for a national suicide prevention strategy. While in Washington his group will deliver over 20,000 signed petitions from 47 States to Members of Congress calling for action.

His efforts are a classic American story of how one person with a cause can make a difference. I am pleased to see democracy work in such a commendable manner. This is indeed how our Government was set up to work and I am pleased to support his efforts, and those of SPAN, on behalf of so many Americans.

It is time to lift the veil of secrecy and begin the effort to heal the wounds and take the steps to prevent unnecessary loss of life.

It is time to continue the effort for mental health parity and ensure all who need assistance, get the assistance they need, without stigma.

The resolution I submit today with my colleagues I hope will be the first step in focussing awareness on the need for suicide prevention and addressing the need for a national strategy. No life should be lost when there is an opportunity to prevent its loss.

Not one of the nearly 31,000 lives lost to suicide annually is insignificant. These are the children, parents, grandparents, brothers, sisters, friends, coworkers, and neighbors of each and every one of us.

Few of us can say we do not know someone who has been personally touched by this tragedy.

I lost my father to suicide many years ago. I also know of several others who have just recently experienced the loss of a loved one to suicide.

Mr. President, I am honored to submit this resolution today and hope my colleagues will join me in taking the first step to making a difference in this very preventable public health tragedy.

I intend to offer legislation this session which will be vital in taking a necessary first step by calling for the establishment of injury control research centers which will deal exclusively with the subject of suicide. We need a focal point where we can develop expertise on suicide and share this expertise with others interested in getting involved.

I am pleased to lend my voice to this worthy cause and I am very happy to have Senator's MURRAY, WELLSTONE, and COVERDELL joining me in this effort.

I would also like to thank Jerry Weyrauch from SPAN and Dr. Lanny Berman from the American Association of Suicidology and Dr. Jane Pearson from the National Institute of Mental Health for their leadership in this field.

I also want to acknowledge the countless professionals and volunteers across America who staff the crisis call lines; facilitate the workshops and support groups determined to help survivors go forward after such a loss; organize and implement prevention programs; conduct the research and evaluation to understand the causes of suicidal behavior; provide the treatment and support; and the many brave families and survivors who go on helping others to put the pieces back together again.

Mr. President, we have before us today an opportunity to take the critical first step. I hope my colleagues will join me by overwhelmingly supporting this Senate resolution.

SENATE RESOLUTION 84—RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, Mr. COVERDELL, Mr. BREAUX, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS ACT

WELLSTONE AMENDMENT NO. 57

Mr. WELLSTONE proposed an amendment to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; as follows:

Beginning on page 47, strike line 19 and all that follows through page 48, line 12.

WESSSTONE AMENDMENT NO. 58

Mr. WELLSTONE proposed an amendment to the bill, S. 672, supra; as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters in Minnesota, North Dakota, and South Dakota, for fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

BYRD AMENDMENT NO. 59

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 81, beginning with line 1, strike all through page 85, line 9.

STEVENS AMENDMENT NO. 60

Mr. STEVENS proposed an amendment to the bill, S. 672, supra; as follows:

On line 1, page 37 of the bill, after the colon, strike all through ''1997'' on line 15 of page 37, and insert the following: ''*Provided further*, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996''

FAIRCLOTH AMENDMENT NO. 61

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. 326.(a)(1) Notwithstanding any other provision of law, the Federal Communications Commission shall grant to Orion Communications of Asheville, North Carolina, a temporary authorization to operate an FM radio station in the vicinity of Asheville, North Carolina.

(2) Subject to subsection (b), the scope of the temporary authorization under this subsection shall be identical to the scope of the temporary authorization of Orion Communications to operate the radio station that was rescinded as a result of the actions taken by the Commission upon the remand of Bechtel v. Federal Communications Commission, 10 F.3d 875 (D.C. Cir. 1993).

(b) The temporary authorization granted under subsection (a) shall expire 6 months after the date of enactment of this Act.

HUTCHISON (AND GRAMM) AMENDMENT NO. 62

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENROLLMENT FLEXIBILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical, and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) REQUEST FOR OFFERS DESCRIBED.—A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

HUTCHISON AMENDMENT NO. 63

(Ordered to lie on the table)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) LISTING.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

''(C) AGREEMENTS.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

''(i) conservation agreement;

''(ii) pre-listing agreement;

''(iii) memorandum of agreement;

''(iv) memorandum of understanding; or

''(v) any other agreement designed to promote the conservation of any species;

agreed to by the Secretary and any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.''.

(b) RECOVERY PLANS.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

''(6) AGREEMENTS.—The Secretary shall—

''(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—

''(i) conservation agreement;

''(ii) pre-listing agreement;

''(iii) memorandum of agreement;

''(iv) memorandum of understanding; or

''(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

''(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.''.

BUMPERS AMENDMENT NO. 64

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by himself to the bill, S. 672, supra; as follows:

On page 50, strike lines 1 through 11.

WARNER (AND OTHERS) AMENDMENT NOS. 65–66

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. GRAHAM, and Mr. ABRAHAM) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 65

On page 39, strike ''and fiscal'' on line 12 and all that follows through line 18 and insert ''income statement not been understated prior to the revision on December 24, 1996: *Provided further,* That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):''.

AMENDMENT NO. 66

At the appropriate place add the following: ''Notwithstanding any other provision of this act, the language on page 39, lines 12 through 18 is deemed to read, ''had the Highway Trust Fund fiscal year 1994 income statements not been understated prior to the revision on December 24, 1996: *Provided further,* That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):''.

COCHRAN AMENDMENT NO. 67

Mr. COCHRAN proposed an amendment to the bill, S. 672, supra; as follows:

On page 9, line 25, strike '', to remain available until expended'' after ''ters,'' and insert '', to remain available until expended'' after ''$18,000,000''.

On page 11, line 25, after ''disasters'' insert ''subject to a Presidential or Secretarial declaration''.

On page 11, strike all between the word ''similar'' on line 25 and the word ''to'' on line 26.

On page 12, line 4, strike ''the eligibility'' and insert in lieu thereof ''gross income and payment limitations''.

On page 13, line 13, strike ''cropland'' and insert in lieu thereof ''agricultural land''.

On page 16, line 2, strike ''$3,000,000,'' and insert in lieu thereof ''$6,500,000.''

WELLSTONE AMENDMENT NO. 68

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 16, between lines 10 and 11, insert the following:

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For additional amount to carry out the special supplemental nutrition program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $76,000,000, to remain available through September 30, 1998: *Provided,* That notwithstanding subsections (g) through (i) of that section, the Secretary shall allocate the amount through the formula in existence on the date of enactment of this Act or any other method the Secretary considers necessary.

BINGAMAN AMENDMENT NO. 69

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follow:

On page 48, strike lines 13 and 14.

JOHNSON (AND DASCHLE) AMENDMENT NO. 70

(Ordered to lie on the table.)

Mr. JOHNSON (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 19, line 6, before the period, insert the following: '': *Provided further,* That, of the funds appropriated under this paragraph, $10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128)''.

GREGG AMENDMENTS NOS. 71–72

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 71

At the appropriate place, insert the following:

SEC. . MODIFICATION OF REQUIREMENTS REGARDING RECOMMENDATIONS TO ENSURE THE SOLVENCY OF THE SOCIAL SECURITY TRUST FUNDS.

Section 709(a) of the Social Security Act (42 U.S.C. 910(a)) is amended—

(1) by striking ''for any calendar year'' and inserting ''for any of the succeeding 75 calendar years'';

(2) by striking ''recommendations for statutory adjustments'' and inserting ''recommendations for specific statutory provisions''; and

(3) by inserting ''in each of the succeeding 75 calendar years'' after ''not less than 20 percent''.

AMENDMENT NO. 72

On page 57, between lines 3 and 4, insert the following:

SEC. 326. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1)(A) the officers of the Federal Government and the members of the European Union have had lengthy negotiations with regard to the establishment of a mutual recognition agreement with respect to good manufacturing practice (GMP) inspections of medical devices and pharmaceuticals and the processes of approving medical devices;

(B) in December 1996, the President urged the officers of the Federal Government and the members of the European Union to resolve the issues with respect to the negotiations, and enter into and implement the mutual recognition agreements;

(C) the officers of the Federal Government and the members of the European Union have not resolved the issues;

(D) the mutual recognition agreement would enhance the trade relationships between the United States and the European Union and generate regulatory savings with respect to medical devices and pharmaceuticals; and

(2) the harmonization of international standards is also necessary to facilitate commerce between the United States and foreign countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1)(A) the officers of the Federal Government and the members of the European Union should, on an expedited bases, conclude negotiations, enter into, and implement a mutual recognition agreement with respect to—

(i) good manufacturing practice inspections for medical devices and pharmaceuticals; and

(ii) the processes of approving medical devices; and

(B) the Secretary of Health and Human Services, in consultation with the Secretary of Commerce and other appropriate agencies, should facilitate the conclusion of negotiations between the members of the European Union and the officers of the Federal Government and accept the mutual recognition agreement;

(2) the Secretary of Health and Human Services should regularly participate in meetings with foreign governments to discuss and reach agreement on methods and approaches to harmonize key regulatory requirements and to utilize international standards; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process, established by the Secretary of Health and Human Services and foreign countries, to harmonize international standards is continuous and productive.

HOLLINGS AMENDMENTS NOS. 73–74

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 73

At the appropriate place, insert the following: ''*Provided further* that $400,000 be appropriated to renovate thirty-three miles of open channel and repair access road in the Willow Swamp Watershed caused by extended periods of heavy rainfall.''.

AMENDMENT NO. 74

At the appropriate place insert the following:

''FOOD AND CONSUMER SERVICES

''The Emergency Food Assistance Program Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $99,600,000.''.

CHAFEE AMENDMENT NO. 75

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 50, line 15, strike all through page 51 and insert the following:

''The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing the emergency provisions of the Endangered Species Act (16 U.S.C. 1531) and applying to 46 counties in California that were declared Federal disaster areas shall apply to—

''(a) all counties nationwide heretofore and hereafter declared Federal disaster areas at any time during 1996 or 1997, and

''(b) repair activities on flood control facilities in response to an imminent threat to human lives and property at any time during 1996 or 1997,

and in each instance shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.''.

SPECTER AMENDMENTS NOS. 76–78

(Ordered to lie on the table.)

Mr. SPECTER submitted three amendments intended to be proposed by him to the bill, S. 672, surpa; as follows:

AMENDMENT NO. 76

At the appropriate place, insert the following:

SEC. . COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

AMENDMENT NO. 77

At the appropriate place, insert the following:

SEC. . BASIC FORMULA PRICE.

Section 143(a) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)) is amended by adding at the end the following:

''(5) BASIC FORMULA PRICE.—In carrying out this subsection and section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall use as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary—

''(A) the price of feed grains, including the cost of concentrates, byproducts, liquid whey, hay, silage, pasture, and other forage; and

''(B) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.''.

AMENDMENT NO. 78

Ordered to lie on the table to be printed Amendment intended to be proposed by Mr. SPECTER

At the appropriate place, insert the following:

SEC. . COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR CHEESE, BUTTER, AND NONFAT DRY MILK.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) REPORTING.—The Secretary may require dairy product manufacturing plants in the United States to report to the Secretary on a weekly basis the price they receive for cheese, butter, and nonfat dry milk sold through spot sales arrangements, forward contracts, or other sales arrangements.

(c) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsections (a) and (b) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

COATS AMENDMENT NO. 79

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. IMPLEMENTATION OF RATING SYSTEMS FOR TELEVISION PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 337. RATING SYSTEMS FOR TELEVISION PROGRAMMING.

''(a) SYSTEM REQUIRED FOR GRANT OR RENEWAL OF BROADCAST TELEVISION LICENSE.—The Commission shall not grant or renew a license for a broadcast television station unless the person applying for the license submits to the Commission with the application evidence of—

''(1) in the case of an application for the grant of a license, a plan for the implementation of a system for rating the content of television programming to be broadcast by the station under the license; or

''(2) in the case of an application for the renewal of a license, evidence of the implementation as of the date of the application of a system for rating the content of television programming broadcast by the station.

''(b) SYSTEM REQUIRED FOR ASSIGNMENT OF TRANSITIONAL DIGITAL TELEVISION FREQUENCIES.—The Commission shall not assign transitional digital television frequencies to a broadcast television station unless the person licensed to operate the station submits to the Commission with the request for assignment evidence of the implementation as of the date of the request of a system for rating the content of television programming broadcast by the station.

''(c) RECOVERY OF CERTAIN TRANSITIONAL FREQUENCIES.—The Commission shall require a person assigned transitional digital television frequencies before the date of enactment of this section to surrender such frequencies to the Commission if the person does not submit to the Commission, before commencement of the use of such frequencies, evidence of the implementation of a system for rating the content of television programming to be broadcast using such frequencies.

''(d) SYSTEM ELEMENTS.—

''(1) IN GENERAL.—Each system for rating the content of television programming under this section shall provide a rating of the specific content of each pre-recorded program broadcast by the television station concerned.

''(2) SPECIFIC ELEMENTS.—The rating of a television program under such system shall—

''(A) include information regarding language content, sexual content, violent content, and any other element that the person implementing the system considers appropriate; and

''(B) be broadcast so as—

''(i) to appear in both visible and audible form;

''(ii) to appear at the beginning of the program, and every 30 minutes thereafter in the case of a program in excess of 30 minutes in length; and

''(iii) to permit the automatic blocking of display of the program using a feature to block display of programs with a common rating required under section 303(x).

''(e) REVIEW BY COMMISSION.—

''(1) PURPOSE OF REVIEW.—The Commission shall review each system for rating the content of television programming submitted under this section solely for the purpose of assuring that such system meets the requirements of subsection (d).

''(2) SCOPE OF AUTHORITY.—Nothing in this section may be construed to authorize or require the Commission to establish or require a specific system for rating television programming.

''(3) APPLICABILITY OF CONTENT-BASED STANDARDS.—Nothing in this section may be construed to limit the applicability to television programs covered by a system for rating television programming under this section of any content-based standards otherwise applicable to such programs under any other provision of law.

''(f) DEFINITION.—As used in this section:

''(1) ADVANCED TELEVISION SERVICES.—The term 'advanced television services' has the meaning given such term in section 336(g)(1).

''(2) TRANSITIONAL DIGITAL TELEVISION FREQUENCIES.—The term 'transitional digital television frequencies' means television frequencies allotted by the Commission for use by broadcast television stations for the transition of such stations from the broadcast of analog television services to the broadcast of advanced television services.''.

SNOWE (AND KERRY) AMENDMENT NO. 80

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . DISENTANGLEMENT OF MARINE MAMMALS.

Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and ''to free a marine mammal from entanglement in fishing gear or debris,'' after ''self-defense''.

SNOWE AMENDMENTS NOS. 81–82

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

AMENDMENT NO. 81

At the appropriate place, insert the following:

SEC. . TAKE-REDUCTION PLAN.

(a) Notwithstanding any other provision of law, or any decision by a Federal court to the contrary, the Secretary of Commerce may not issue a regulation to implement a take-reduction plan for Atlantic Large Whales pursuant to section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387) before May 1, 1998, except as provided in subsection (b) and (c).

(b)(1) The Secretary may, after consultation with the fishing industry, the States, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement a take-reduction plan for Atlantic large whales before May 1, 1998, if that plan is limited to any combination of the following—

(A) a program designed to obtain information on the movements and distribution, and on the incidence of fishing gear entanglement, injury, or mortality, of Atlantic large whales;

(B) a program providing for the disentanglement of Atlantic whales that have been entangled in fishing gear;

(C) a program to inform and educate the fishing industry and the public about the current status of Atlantic large whales, the threats of injury and mortality to such whales, including ship strikes, voluntary actions that can be taken by the fishing industry and the public to reduce the risk of fishing gear entanglement, injury, and mortality of such whales, and any other information that the Secretary deems appropriate;

(D) research on modifications to fishing gear, and new types of fishing gear, that reduce the risk of entanglement, serious injury, and mortality to Atlantic large whales, and the development and testing of prototypes of such fishing gear;

(E) the marking of fishing gear to identify the type of fishing gear involved in the entanglement of a marine mammal, and the location in which the gear was fished;

(F) the inspection of gear for the purpose of determining compliance with any gear marking requirement approved under subparagraph (E); and

(G) a program to reduce inactive fishing gear that poses a significant risk of entanglement, serious injury, or mortality to Atlantic large whales.

(2) For the purposes of this subsection, the term ''inactive fishing gear'' means fishing gear that remains in the waters of the United States but is no longer used in a viable fishing operation.

(c) the Secretary may, after consultation with the fishing industry, the states, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement that part of a take reduction plan for Atlantic large whales covering only areas designated as critical habitat for the Northern Right Whale before May 1, 1998. The issuance of a regulation under this subsection shall not constitute the implementation of a take reduction plan for the purposes of Section 118(f)(2) and 118(f)(5).

(d)(1)(A) Notwithstanding any other provision of law, the Secretary of Commerce shall, within 30 days after the enactment of this Act, reconvene the take-reduction team for Atlantic large whales.

(B) In reconvening the team referred to in subparagraph (A), the Secretary shall ensure that the membership of the team adequately reflects any significant regional differences in operating conditions within commercial fisheries and gear types that incidentally take Atlantic large whales, including, if necessary, the appointment of additional members to the team to reflect such regional differences.

(2)(A) Not later than 4 months after the date that the take-reduction team for Atlantic large whales has been reconvened, the team shall submit a draft take-reduction plan to the Secretary, consistent with the other provisions, of section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387).

(B) The take-reduction team shall meet no less than 4 times before the end of the 4-month period referred to in subparagraph (A).

(C) After the take-reduction has been reconvened, the team and the Secretary shall follow the procedures set forth in section 118(f)(7) of the Marine Mammal Protection Act.

(e) A permit pursuant to section 101(a)(5)(E) of the Marine Mammal Protection Act (16 U.S.C. 1371) shall be deemed granted for commercial fisheries interacting with Atlantic Large Whales, and listed under section 118(c), until May 1, 1998.

(f) Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and ''to free a marine mammal from entanglement in fishing gear or debris,'' after ''self-defense''.

AMENDMENT NO. 82

At the appropriate place, insert the following:

SEC. . TAKE-REDUCTION PLAN.

(a) Notwithstanding any other provision of law, or any decision by a Federal court to the contrary, the Secretary of Commerce may not issue a regulation to implement a take-reduction plan for Atlantic Large Whales pursuant to section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C.

1387) before February 1, 1998, except as provided in subsection (b).

(b)(1) The Secretary may, after consultation with the fishing industry, the States, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement a take-reduction plan for Atlantic large whales before February 1, 1998, if that plan is limited to any combination of the following—

(A) a program designed to obtain information on the movements and distribution, and on the incidence of fishing gear entanglement, injury, or mortality, of Atlantic large whales;

(B) a program providing for the disentanglement of Atlantic large whales that have been entangled in fishing gear;

(C) a program to inform and educate the fishing industry and the public about the current status of Atlantic large whales, the threats of injury and mortality to such whales, including ship strikes, voluntary actions that can be taken by the fishing industry and the public to reduce the risk of fishing gear entanglement, injury, and mortality of such whales, and any other information that the Secretary deems appropriate;

(D) research on modifications to fishing gear, and new types of fishing gear, that reduce the risk of entanglement, serious injury, and mortality to Atlantic large whales, and the development and testing of prototypes of such fishing gear;

(E) the marking of fishing gear to identify the type of fishing gear involved in the entanglement of a marine mammal, and the location in which the gear was fished;

(F) the inspection of gear for the purpose of determining compliance with any gear marking requirement approved under subparagraph (E); and

(G) a program to reduce inactive fishing gear that poses a significant risk of entanglement, serious injury, or mortality to Atlantic large whales.

(2) For the purposes of this subsection, the term ''inactive fishing gear'' means fishing gear that remains in the waters of the United States but is no longer used in a viable fishing operation.

(c)(1)(A) Notwithstanding any other provision of law, the Secretary of Commerce shall, within 30 days after the enactment of this Act, reconvene the take-reduction team for Atlantic large whales.

(B) In reconvening the team referred to in subparagraph (A), the Secretary shall ensure that the membership of the team adequately reflects any significant regional differences in operating conditions within commercial fisheries and gear types that incidentally take Atlantic large whales, including, if necessary, the appointment of additional members to the team to reflect such regional differences.

(2)(A) Not later than 3 months after the date that the take-reduction team for Atlantic large whales has been reconvened, the team shall submit a draft take-reduction plan to the Secretary, consistent with the other provisions, of section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387).

(B) The take-reduction team shall meet no less than 4 times before the end of the 3-month period referred to in subparagraph (A).

(C) After the take-reduction has been reconvened, the team and the Secretary shall follow the procedures set forth in section 118(f)(7) of the Marine Mammal Protection Act.

(d) A permit pursuant to section 101(a)(5)(E) of the Marine Mammal Protection Act (16 U.S.C. 1371) shall be deemed granted for commercial fisheries interacting with Atlantic Large Whales, and listed under section 118(c), until February 1, 1998.

(e) Section 101(e) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and ''to free a marine mammal from entanglement in fishing gear or debris,'' after ''self-defense''.

FEINGOLD AMENDMENTS NOS. 83–84

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 83

On page 7, line 24, insert before the period, the following: ''*: Provided further*, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after September 30, 1997''.

AMENDMENT NO. 84

On page 9, between line 2 and 3, insert the following:

(c) PROHIBITION.—(1) Congress makes the following findings:

(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force (known as IFOR) would terminate in one year.

(B) The President declared the expiration date of the mandate for IFOR to be December 20, 1996.

(C) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that IFOR would complete its mission in one year.

(D) The exemplary performance of the United States Armed Forces has significantly contributed to the accomplishment of the military mission of IFOR, and the courage, dedication, and professionalism of such personnel have permitted the separation of the belligerent parties to the conflict in Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in Bosnia and Herzegovina.

(E) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the President to delay the removal of the United States Armed Forces personnel from Bosnia and Herzegovina until March 1997 for operational reasons.

(F) Notwithstanding the assurances given to Congress by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff of their resolve to end the mission of United States Armed Forces in Bosnia and Herzegovina by December 20, 1996, the President in November 1996 announced his intention to further extend the deployment of the United States Armed Forces in Bosnia and Herzegovina until June 1998 to participate in the multinational military Stabilization Force (known as SFOR).

(G) Before the announcement of the new policy referred to in subparagraph (F), the President did not request authorization by Congress of the policy that would result in the further deployment of United States Armed Forces in Bosnia and Herzegovina until June 1998.

(H) Although the cost of the United States Armed Forces deployment in Bosnia and Herzegovina was initially estimated at $2,000,000,000, the estimate has been revised upward to $6,500,000,000, more than three times the initial projected cost.

(I) Unless an end date for the deployment of United States Armed Forces in Bosnia and Herzegovina is established, the length of the deployment and the cost of the operation is likely to continue to increase.

(2) No funds appropriated or otherwise made available by this or any other Act for the Department of Defense or any other agency of the Federal Government may be obligated or expended for the deployment of the Armed Forces of the United States on the ground in Bosnia and Herzegovina after September 30, 1997.

(3) The prohibition in paragraph (2) does not apply to obligations and expenditures necessary to support the safe and timely withdrawal of the Armed Forces from Bosnia and Herzegovina.

(4) If requested by the President and authorized in a law enacted after the date of the enactment of this Act, obligations and expenditures otherwise prohibited under paragraph (2) after the date specified in that paragraph may be made during the 90-day period beginning on the day after that date.

HOLLINGS AMENDMENTS NOS. 85–87

(Ordered to lie on the table.)

Mr. HOLLINGS submitted three amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 85

On page 47, strike lines 14 through 18 and insert the following:

SEC. 303. (a) None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling in taking the 2000 census in a manner that cannot be reversed should Congress determine that only a direct enumeration 2000 census may be performed;

(b) The Senate Committee on Governmental Affairs shall review the current plans of the Bureau of the Census for conducting the decennial census in the year 2000 and it shall report back to the Senate not later than July 15, 1997, on the accuracy, objectivity, and cost effectiveness of employing statistical sampling in the conduct of the decennial census.

AMENDMENT NO. 86

On page 47, strike lines 14 through 18 and insert the following:

SEC. 303. None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling in taking the 2000 census in a manner that cannot be reversed should Congress determine that only a direct enumeration 2000 census may be performed.

AMENDMENT NO. 87

On page 47 of the bill, strike lines through 18.

GRAHAM AMENDMENT NO. 88

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 75, strike line 11 and all that follows through page 80, line 22, and insert the following:

TITLE VI—SOCIAL SECURITY ADMINISTRATION—SUPPLEMENTAL SECURITY INCOME

None of the funds appropriated or otherwise made available by this Act or any other Act for the Social Security Administration for fiscal year 1997 may be used to implement any termination or suspension of benefits under the supplemental security income program under title XVI of the Social Security

Act (42 U.S.C. 1381 et seq.) pursuant to section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)).

DASCHLE AMENDMENTS NOS. 89–91

(Ordered to lie on the table.)

Mr. DASCHLE submitted three amendments intended to be proposed by him to the bill. S. 672, surpa; as follows:

AMENDMENT NO. 89

At the appropriate place, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT FOR THE CONSTRUCTION OF A PIPELINE TO CONNECT THE TOWN OF GETTYSBURG, SOUTH DAKOTA, TO THE MID-DAKOTA RURAL WATER SYSTEM

For the funding of a grant to the town of Gettysburg, South Dakota, to be used to pay the Bureau of Reclamation of the construction of a pipeline to connect the town to the Mid-Dakota Rural Water System, $1,500,000.

DEPARTMENT OF AGRICULTURE

CONSOLIDATED FARM SERVICES AGENCY

For the funding of an emergency community water assistance grant to the town of Gettysburg, South Dakota, under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a), $1,500,000.

AMENDMENT NO. 90

At the appropriate place, insert the following:

UNITED STATES FISH AND WILDLIFE SERVICE PARTNERS FOR WILDLIFE PROGRAM

For the Partners of Wildlife Program of the United States Fish and Wildlife Service, $5,000,000 to pay private landowners for the voluntary use of private land to store water in restored wetlands.

AMENDMENT NO. 91

At the appropriate place, insert the following new section:

SEC. . EMERGENCY ASSISTANCE FOR THE CROW CREEK SIOUX TRIBE.

(a) DEFINITIONS.—In this section:

(1) BAD NATION COMMUNITY.—The term ''Bad Nation Community'' means the Bad Nation Community of the Crow Creek Indian Reservation, South Dakota.

(2) FORT THOMPSON COMMUNITY.—The term ''Fort Thompson Community'' means the Fort Thompson Community of the Crow Creek Indian Reservation, South Dakota.

(3) TRIBAL ADMINISTRATION BUILDING.—The term ''Tribal Administration Building'' means the administration building of the Tribe.

(4) TRIBAL FARM.—The term ''Tribal Farm'' means the Crow Creek Tribal Farm, located in the Crow Creek Indian Reservation, South Dakota.

(5) TRIBE.—The term ''Tribe'' means the Crow Creek Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

(b) EMERGENCY ASSISTANCE.—

(1) IN GENERAL.—In addition to the amounts appropriated under this Act for the Bureau of Indian Affairs of the Department of the Interior, there are appropriated to the Department of the Interior for use by the Bureau of Indian Affairs $1,200,000. The amount appropriated under this paragraph shall be used for the emergency response activities specified in paragraphs (2) through (5) to address damage to the Crow Creek Indian Reservation, South Dakota, caused by natural disasters.

(2) ROAD REPAIRS.—Of the amount appropriated under paragraph (1), $725,000 shall be used for road repairs, of which—

(A) $125,000 shall be used to make repairs to roads that service the Fort Thompson Community; and

(B) $600,000 shall be used to make repairs to roads that service the Bad Nation Community.

(3) MONITORING AND CLEANUP OF SEWAGE.—Of the amount appropriated under paragraph (1), $40,000 shall be used for the monitoring and cleanup of sewage discharges.

(4) TRIBAL FARM.—Of the amount appropriated under paragraph (1), $350,000 shall be used to repair damage to the irrigation pump on the Tribal Farm.

(5) TRIBAL ADMINISTRATION BUILDING.—Of the amount appropriated under paragraph (1), $85,000 shall be used to repair the Tribal Administration Building.

LEAHY AMENDMENT NO. 92

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 68, below line 24, add the following:

SEC. 406. Notwithstanding any other provision of law, funds appropriated for Dual Use Applications Programs in Public Law 104–208 (110 Stat. 3009–84) under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' may be obligated by the Secretary of Defense for the Commercial Operations and Support Savings Initiative.

REID (AND BAUCUS) AMENDMENT NO. 93

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

REID AMENDMENT NO. 94

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall—

(1) apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997; or

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect for the purposes of paragraphs (1) and (2) until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

KERREY (AND DORGAN) AMENDMENTS NOS. 95–96

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 95

On page 55, strike lines 11 through 13 and insert in lieu thereof the following new language: ''within that other contiguous country; (B) that exempts similar categories of flights operated by citizens of the United States and (C) the total amount to be collected in FY 1998 and each year thereafter from overflight fees is at least $50,000,000 per year.''

AMENDMENT NO. 96

On page 55, strike lines 3 through 13 and insert in lieu thereof the following:

SEC. 320. (a) Section 45301(a)(1) of title 49, United States Code, is amended by—

(1) striking ''government or of a foreign government'' and inserting ''government, a foreign government, or general aviation aircraft''.

(b) Section 45301 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

''(d) REBATES TO CERTAIN AIRLINES.—Out of the Airport and Airways Trust Fund, the Administrator shall make funds available to make payments to airlines providing domestic air service originating or terminating in States other than the 48 contiguous States of the United States that are charged overflight fees by a foreign country contiguous to the United States. The payments to any air carrier shall not exceed the amount such carrier was charged for overflight rights by that foreign country. The total payments made per year to airlines by the Administrator under this subsection shall not exceed $3,000,000.''.

BUMPERS (AND OTHERS) AMENDMENT NO. 97

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BOND and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place add the following new section:

''SEC. . EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.

''Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking 'September 30, 1996' and inserting 'September 30, 1997'.''

GRAHAM AMENDMENT NO. 98

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. 326. It is the sense of the Senate that funds provided by this Act for highways

should be distributed in a manner that ensures fairness and equity.

WELLSTONE AMENDMENT NO. 99

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 33, line 22, strike ''$58,000,000'' and insert ''$76,000,000''.

MOSELEY-BRAUN AMENDMENT NO. 100

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

On page 40, line 21, after the word ''County'', insert the following: '': *Provided further,* That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois''.

McCAIN AMENDMENTS NOS. 101–113

(Ordered to lie on the table.)

Mr. McCAIN submitted 13 amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 101

SEC. . Sections 4041(c)(3)(B), 4081(d)(2)(B), 4091(b)(3)(A)(1)(ii), 4261(g)(1)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 are each amended by striking ''September 30, 1997.'' and inserting ''the date on which the Secretary and the Secretary of Transportation jointly determine that the aviation-related taxes imposed under section 4041, 4081, 4091, 4261, and 4271 of this title have been replaced by an alternative funding system.''.

AMENDMENT NO. 102

SEC. . Section 4091(a)(3)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) The rate of tax specified in paragraph (1) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997.''.

(b) Section 4081(d)(2) of such Code is amended to read as follows:

''(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997.''.

(c) Section 4041(c)(3) of such Code is amended to read as follows:

''(3) APPLICATION.—The rate of the taxes imposed by paragraph (1) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997.''.

(d) Section 4261(g) is amended—

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

''(1) IN GENERAL.—The taxes imposed by this section shall apply to transportation beginning after the seventh day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 and amounts paid for transportation beginning after that day.''; and

(2) by striking ''under paragraph (1)(B)'' in paragraph (2).

(e) Section 4261(d) is amended—

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

''(1) IN GENERAL.—The tax imposed by subsection (a) shall apply to transportation beginning after the seventh day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 and amounts paid for transportation beginning after that day.''; and

(2) by striking ''under paragraph (1)(B)'' in paragraph (2).

AMENDMENT NO. 103

On page 41, strike lines 1 through 18.

On page 47, strike lines 6 through 13.

AMENDMENT NO. 104

On page 25, on line 11, strike all that appears after the phrase ''as amended'', through line 16, and insert in lieu thereof''.''.

AMENDMENT NO. 105

On page 37, strike lines 4 through 18.

AMENDMENT NO. 106

On page 36, starting on line 18, strike all that appears through page 37, line 3.

AMENDMENT NO. 107

On page 39, starting on line 22, strike all that appears after ''1997'' through page 40, line 21, and insert in lieu thereof''.''.

On page 42, starting on line 11, strike all that appears through page 43, line 4.

AMENDMENT NO. 108

On page 32, strike lines 1 through 18.

AMENDMENT NO. 109

On page 15, beginning on line 11, strike all after the phrase ''as amended'' through line 16, and insert in lieu thereof''.''.

AMENDMENT NO. 110

On page 50, before the period at the end of line 11, add the following new provisos: ''*Provided,* That, within 60 days of the date of enactment of this Act, the Secretary of the Interior, in consultation with State and local government officials, shall submit to Congress a proposal to establish a process for recognizing and determining the validity or management of any right of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932).''

AMENDMENT NO. 111

Strike title VII of the Act, and insert in lieu thereof the following:

''SEC. 701. SHORT TITLE.

This title may be cited as the ''Government Shutdown Prevention Act.''.

SEC. 702. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

''(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

''(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

''(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

''(B) the last day of such fiscal year.

''(d) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(c) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, rural development, and related agencies programs.

''(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

''(3) The Department of Defense.

''(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

''(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

''(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

''(7) Energy and water development.

''(8) Foreign assistance and related programs.

''(9) The Department of the Interior and related agencies.

''(10) Military construction.

''(11) The Department of Transportation and related agencies.

''(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

''(13) The legislative branch.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations.''.

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 703. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1998.

AMENDMENT NO. 112

On page 81, line 19, strike ''98'' and insert in lieu thereof ''100''.

AMENDMENT NO. 113

Beginning on page 50, strike line 12 and all that follows through page 51, line 25, and insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service that implements emergency provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and applies to 46 California counties declared by the President to be major disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall—

(1) apply to all counties nationwide with respect to which such a declaration is made at any time during 1997;

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect until the Assistant Secretary of the Army having responsibility for civil works determines that 100 percent of emergency repairs have been completed, except that the policy shall not remain in effect after December 31, 1998.

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 114

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. . MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct does-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

BOXER AMENDMENT NO. 115

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

Strike title VI and insert the following:

TITLE VI—EXTENSION OF SSI FOR CERTAIN ALIENS

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Subject to subsection (d), in the case of the specified Federal program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Act (8 U.S.C. 1612(a)(3)(A)), section 402(a)(2)(D)(i) of such Act (8 U.S.C. 1612(a)(2)(D)(i) is applied—

(1) in subclause (I), by substituting ''September 30, 1997'' for ''the date which is 1 year after such date of enactment''; and

(2) in subclause (III), by substituting ''September 30, 1997'' for ''the date of the redetermination with respect to such individual''.

(b) NOTICE AND REDETERMINATION.—The Commissioner of Social Security shall notify any individual described in section 402(A)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)), as applied by subsection (a), who, on or after August 22, 1996, has been determined to be ineligible for the specified Federal program defined in section 402(a)(3)(A) of such Act (8 U.S.C. 1612(a)(3)(A)) solely on the basis of the application of section 402 of such Act (8 U.S.C. 1612), as in effect on the day before the date of enactment of this Act, that the individual's eligibility for such program shall be redetermined, and shall conduct such redetermination in a timely manner. Subject to subsection (d), any benefits that such an individual should have received under any such program during the period beginning on the date of the determination described in the preceding sentence and ending on September 30, 1997, were it not for the enactment of the Personal Responsibility and Work Opportunity Reconciliation act of 1996, shall be restored to that individual.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for payment of benefits resulting from the application of subsection (a) an amount not to exceed $125,000,000 for fiscal year 1997, to remain available without fiscal year limitation.

(d) LIMITATION OF APPLICATION.—If the total amount of additional benefits to be paid as a result of the application of subsection (a) exceeds the amount appropriated pursuant to subsection (c), then the benefits payable to each individual made eligible by the application of subsection (a) shall be reduced on a pro rata basis.

GRAMM AMENDMENTS NOS. 116-119

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 116

At the appropriate place, insert the following:

SEC. 501. (a) Notwithstanding any other provision of this Act, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act only that portion of non-defense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

AMENDMENT NO. 117

At the appropriate place, insert the following:

SEC. 501. Notwithstanding any other provision of this Act or only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) if the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

AMENDMENT NO. 118

At the appropriate place, insert the following:

SEC. . (a) Notwithstanding any other provision of this Act or any other law, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

AMENDMENT NO. 119

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

FEINSTEIN (AND COVERDELL) AMENDMENT NO. 120

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . CUSTOMS INSPECTIONS OF CERTAIN CARRIERS.

(a) DEFINITIONS.—In this section:

(1) CARRIER.—The term ''carrier'' includes every description of carriage or other contrivance used, or capable of being used, as a means of transporting cargo on land, but does not include automobiles or aircraft.

(2) HARD NARCOTIC.—The term ''hard narcotic'' means—

(A) a depressant or stimulant substance as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

(B) marihuana as defined in section 102(16) of such Act (21 U.S.C. 802(16));

(C) a narcotic drug as defined in section 102(17) of such Act (21 U.S.C. 802(17)); and

(D) an immediate precursor to a hard narcotic described in subparagraph (A) or (C), as defined in section 102(23) of such Act (21 U.S.C. 802(23)).

(3) PERSON.—The term ''person'' includes partnerships, associations, and corporations.

(4) RELATED PERSON.—A person is related to another person if—

(A) the person bears a relationship to such other person specified in section 267(b) or 707(b)(1) of the Internal Revenue Code of 1986; or

(B) the person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986).

For purposes of subparagraph (A), ''10 percent'' shall be substituted for ''50 percent'' in applying sections 267(b)(1) and 707(b)(1) of such Code.

(b) LIST OF CARRIERS, SHIPPERS, AND IMPORTERS.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of the Treasury shall compile a list of all persons (including all related persons) who are carriers, shippers, or importers and with respect to whom property or funds have been seized by or otherwise forfeited to the United States in connection with hard narcotics-related activity within the 10 years preceding publication of the list.

(2) UPDATES.—The Secretary of the Treasury shall update the list described in paragraph (1) every 30 days.

(c) INSPECTION BY CUSTOMS.—The Commissioner of Customs shall direct customs officers to conduct inspections of all carriers and cargo entered into the customs territory of the United States if—

(1) the carrier, shipper, or importer of such cargo is a person who is on the list compiled pursuant to subsection (b); or

(2) after consultation with the Administrator of the Drug Enforcement, the carrier, shipper, or importer of such cargo is a person whom the Administrator determines warrants inspection.

FEINSEIN AMENDMENT NO. 121

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPORT AND CERTIFICATION REQUIRED.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall not approve the application of any Mexican motor carrier of property to provide service across the United States-Mexico international boundary line or by a Mexican owned or controlled enterprise established in the United States to transport international cargo in foreign commerce, until the report and certification described in subsection (b) are submitted to Congress and a joint resolution described in subsection (c) is enacted into law.

(b) REPORT AND CERTIFICATION DESCRIBED.—

(1) REPORT.—The report described in this subsection means a written statement submitted to Congress not later than September 1, 1997, by the President describing the following:

(A) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(i) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(ii) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(iii) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(iv) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(v) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(vi) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(vii) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(viii) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(ix) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(x) The augmentation and strengthening of bilateral cooperation.

(B) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(i) implementing a comprehensive antidrug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(ii) implementing a comprehensive international drug interdiction and enforcement strategy; and

(iii) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208).

(2) CERTIFICATION.—The certification described in this subsection means a written statement submitted to Congress by the Secretary of Transportation certifying that—

(A) the operating authority described in subsection (a) shall not be granted to any Mexican motor carrier, driver, enterprise, or broker unless such carrier, driver, enterprise, or broker is aware of and is complying, while operating in the United States, with the Federal motor carrier safety rules;

(B) the Department of Transportation or the States in which the carrier will operate have in place a full-time enforcement program with respect to the requirements described in subparagraph (A); and

(C) the Department of Transportation or the States in which the carrier will operate have in place an on-going program of monitoring and evaluating the requirements described in subparagraph (A).

(c) JOINT RESOLUTION DESCRIBED; PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—For purposes of subsection (a), a joint resolution is described in this subsection if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: ''That Congress authorizes the Secretary of Transportation to approve applications submitted by Mexican motor carriers of property, drivers, enterprises, and brokers to operate across the United States-Mexico international boundary line and by Mexican owned or controlled enterprises to transport international cargo in the United States, if

the Secretary is satisfied that the carrier, driver, enterprise, or broker, as the case may be, meets United States safety, health, and operating standards, and any other applicable standard, for such operations.''.

(2) PROCEDURAL PROVISIONS.—The requirements of this subsection are met if Congress adopts and transmits the joint resolution described in paragraph (1) to the President at any time after Congress receives the report and certification described in subsection (b).

HUTCHISON AMENDMENTS NOS. 122–125

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted four amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

AMENDMENT NO. 122

Beginning on page 76, line 7 strike ''0.2'' and insert ''0.1''.

AMENDMENT NO. 123

Beginning on page 76, line 7 strike ''0.2'' and insert ''0.05''.

AMENDMENT NO. 124

Beginning on page 75, strike line 17 and all that follows through page 78, line 15 and insert the following:

''(a) STATE ENTITLEMENT.—

''(1) IN GENERAL.—In addition to any other payment under this title, subject to the amount appropriated under subsection (g) for a fiscal year and paragraph (3), each State described in paragraph (2) shall, for the purpose of providing assistance to an eligible individual, as defined in subsection (e)(1), be entitled to a grant under this section for that fiscal year in an amount that bears the same ratio to the amount appropriated under subsection (g) as the number of individuals described in subsection (e)(1) bears to the total number of such individuals in all such States as of June 1, 1997, as determined by the Secretary.

''(2) STATE DESCRIBED.—A State described in this paragraph is a State in which at least 5000 noncitizens received benefits under the Federal program described in subsection (e)(2) in December 1996, according to the census population estimate as of July 1, 1996.

''(3) PRO RATA REDUCTIONS.—If the amount appropriated pursuant to subsection (g) is insufficient to pay the total amount of funds required to be paid to a State described in paragraph (2) under this section, then such funds shall be reduced on a pro rata basis.

''(4) REDISTRIBUTION.—

''(A) IN GENERAL.—With respect to any fiscal year, if the Secretary determines (in accordance with subparagraph (B)) that amounts under any grant awarded to a State under this section for such fiscal year will not be used by such State during such fiscal year, the Secretary shall make such amounts available in the subsequent fiscal year to 1 or more States described in paragraph (2) which apply for such funds to the extent the Secretary determines that such States will be able to use such additional amounts for the purpose of providing assistance to an eligible individual, as defined in subsection (e)(1). Such available amounts shall be redistributed among such States in the same manner as funds are distributed under paragraph (1).

''(B) TIME OF DETERMINATION AND DISTRIBUTION.—The determination of the Secretary under subparagraph (A) for a fiscal year shall be made not later than the end of the first quarter of the subsequent fiscal year. The redistribution of amounts under subparagraph (A) shall be made as close as practicable to the date on which such determination is made. Any amount made available to a State from an appropriation for a fiscal year in accordance with this paragraph shall be regarded as part of such State's payment for the fiscal year in which the redistribution is made.

AMENDMENT NO. 125

At the appropriate place, insert the following:

SEC. . AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) LISTING.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

''(C) AGREEMENTS.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

''(i) conservation agreement;

''(ii) pre-listing agreement;

''(iii) memorandum of agreement;

''(iv) memorandum of understanding; or

''(v) any other agreement designated to promote the conservation of any species;

agreed to by the Secretary and any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.''.

(b) RECOVERY PLANS.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

''(6) AGREEMENTS.—The Secretary shall—

''(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—

''(i) conservation agreement;

''(ii) pre-listing agreement;

''(iii) memorandum of agreement;

''(iv) memorandum of understanding; or

''(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

''(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.''.

CONRAD (AND DORGAN) AMENDMENT NO. 126

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. (a) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the National Defense Panel established under section 924 of Public Law 104–201 (110 Stat. 2626), shall take immediate action to ensure that a thorough assessment of the capabilities of all 94 of the B–52H bomber aircraft in active service in fiscal year 1997 is conducted.

(b) The report required by paragraph (1) of section 924(e) of Public Law 104–201 (110 Stat. 2627) shall include the assessment of capabilities required by subsection (a). The Secretary of Defense shall include the Secretary's views, and the views of the Chairman of the Joint Chiefs of Staff, on the assessment in the submission required by paragraph (2) of that section.

COVERDELL (AND FEINSTEIN) AMENDMENTS NOS. 127–128

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mrs. FEINSTEIN) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 127

At the appropriate place in the bill, add the following:

TITLE —COUNTERDRUG ACTIVITIES

SEC. . REPORT ON COOPERATION BETWEEN UNITED STATES AND MEXICO IN COUNTERDRUG ACTIVITIES.

Not later than September 1, 1997, the President shall submit to Congress a report describing the following:

(1) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(A) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(B) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(C) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(D) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(E) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(F) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(G) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(H) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(I) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(J) The augmentation and strengthening of bilateral cooperation.

(2) The extent of any significant and demonstrable progress made by the Government of the United States during the period

beginning on March 1, 1997, and ending on the date of the report in—

(A) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(B) implementing a comprehensive international drug interdiction and enforcement strategy; and

(C) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208).

SEC. . REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 128

At the appropriate place in the bill, add the following:

TITLE ___—COUNTERDRUG ACTIVITIES

SEC. ___. REPORT ON COOPERATION BETWEEN UNITED STATES AND MEXICO IN COUNTERDRUG ACTIVITIES.

Not later than September 1, 1997, the President shall submit to Congress a report describing the following:

(1) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(A) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(B) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(C) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(D) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(E) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(F) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(G) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(H) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(I) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(J) The augmentation and strengthening of bilateral cooperation.

(2) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(A) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(B) implementing a comprehensive international drug interdiction and enforcement strategy; and

(C) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208).

SEC. ___. CUSTOMS INSPECTIONS OF CERTAIN CARRIERS.

(a) DEFINITIONS.—In this section:

(1) CARRIER.— The term ''carrier'' includes every description of carriage or other contrivance used, or capable of being used, as a means of transporting cargo on land, but does not include automobiles or aircraft.

(2) HARD NARCOTIC.—The term ''hard narcotic'' means—

(A) a depressant or stimulant substance as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

(B) marihuana as defined in section 102(16) of such Act (21 U.S.C. 802(16));

(C) a narcotic drug as defined in section 102(17) of such Act (21 U.S.C. 802(17)); and

(D) an immediate precursor to a hard narcotic described in subparagraph (A) or (C), as defined in section 102(23) of such Act (21 U.S.C. 802(23)).

(3) PERSON.—The term ''person'' includes partnerships, associations, and corporations.

(4) RELATED PERSON.—A person is related to another person if—

(A) the person bears a relationship to such other person specified in section 267(b) or 707(b)(1) of the Internal Revenue Code of 1986; or

(B) the person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986).

For purposes of subparagraph (A), ''10 percent'' shall be substituted for ''50 percent'' in applying sections 267(b)(1) and 707(b)(1) of such Code.

(b) LIST OF CARRIERS, SHIPPERS, AND IMPORTERS.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of the Treasury shall compile a list of all persons (including all related persons) who are carriers, shippers, or importers and with respect to whom property or funds have been seized by or otherwise forfeited to the United States in connection with hard narcotics-related activity within the 10 years preceding publication of the list.

(2) UPDATES.—The Secretary of the Treasury shall update the list described in paragraph (1) every 30 days.

(c) INSPECTION BY CUSTOMS.—The Commissioner of Customs shall direct customs officers to conduct inspections of all carriers and cargo entered into the customs territory of the United States if—

(1) the carrier, shipper, or importer of such cargo is a person who is on the list compiled pursuant to subsection (b); or

(2) after consultation with the Administrator of the Drug Enforcement, the carrier, shipper, or importer of such cargo is a person whom the Administrator determines warrants inspection.

SEC. ___. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments

on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

COVERDELL AMENDMENTS NOS. 129–130

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 129

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 130

On page 66, line 15, replace ''$2,000,000'' with ''$1,600,000''.

BIDEN (AND OTHERS) AMENDMENTS NOS. 131–133

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. REID, and Mr. ROTH) submitted three amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 131

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) shall be provided by the Secretary of the Interior.

(b) IMMEDIATE CONTRIBUTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall make a contribution to each of the Delaware River Basin Commission and the Susquehanna River Basin Commission for fiscal year 1997 an amount of funds that bears the same proportion to the amount of funds contributed for fiscal year 1996 as the number of days remaining in fiscal year 1997 as of the date of enactment of this Act bears to the number 365.

AMENDMENT NO. 132

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) shall be provided by the Secretary of the Interior.

AMENDMENT NO. 133

On page 48, strike lines 15 through 23.

MURRAY AMENDMENT NO. 134

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. . Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(a) inserting in subsection (a) after ''necessary, and'', ''except as provided in subsection (j),'' and

(b) inserting a new subsection (j) as follows—

''(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A state agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding 31 U.S.C. 3302(b), payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

''(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to,

eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

''(3) A State agency shall not issue benefits under this subsection—

''(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

''(B) in any area of the State where an electronic benefit transfer system has been implemented.

''(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

''(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

''(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

''(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).''.

CONFORMING AMENDMENT

Sec. . Section 17(b)(I)(R)(iv) of the Food Stamp Act of 1977 is amended by—

(a) striking ''or'' in subclause (V);

(b) striking the period at the end of subclause (VI) and inserting ''; or''; and

(c) inserting a new subclause (VII) as follows—

''(VII) waives a provision of section 7(j).''.

DEWINE AMENDMENT NO. 135

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 34, between lines 2 and 3, insert the following:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

ANIMAL DAMAGE CONTROL UNIT

For an additional amount for the eradication of rabies in the State of Ohio, $1,000,000.

MCCAIN AMENDMENT NO. 136

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 39, line 23, strike ''shall'' and insert ''may''.

On page 40, line 1, strike ''shall'' and insert ''may''.

On page 40, line 3, strike ''shall'' and insert ''may''.

On page 40, line 7, strike ''shall'' and insert ''may''.

On page 40, line 16, strike ''shall'' and insert ''may''.

On page 40, line 19, strike ''shall'' and insert ''may''.

COVERDELL AMENDMENT NO. 137

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—SAVANNAH RIVER DEEPENING

SEC. 801. SAVANNAH RIVER DEEPENING.

Nothwithstanding section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231), the Secretary of the Army shall use amounts made available for fiscal year 1998 for the Federal share of the costs of the feasibility study for the project for deepening of the Savannah River, Georgia, to reimburse the State of Georgia for amounts expended by the State to carry out the study at such time as the Secretary of the Army approves the feasibility report.

KEMPTHORNE AMENDMENTS NOS. 138–139

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 138

At the appropriate place, insert the following:

''(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing shall not be required under section 7(a)(2) or section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure, if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility, or structure to a condition that will provide for public health and safety.

''(b) MITIGATION.—In the event that the Secretary determines that an action to repair a flood control project, facility or structure under subsection (a) will result in the incidental take of an endangered species of fish or wildlife otherwise prohibited under section 9 of the Endangered Species Act, or a threatened species to which the incidental take prohibition of section 9 has been applied by regulation, the Secretary may propose reasonable and prudent measures to mitigate the impact of the action on the species. Any reasonable and prudent measures proposed under this subsection shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action.''

AMENDMENT NO. 139

At the appropriate place, insert the following:

''(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure, may be deferred until after the completion of the action if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility, or structure to a condition that will prevent an imminent threat to public health or safety.

''(b) MITIGATION.—Any reasonable and prudent measures proposed under section 7 of the Endangered Species Act to mitigate the impact of an action taken under this section on an endangered species, or a threatened species to which the incidental take prohibition of Section 9 has been applied by regulation, shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action.''

BYRD AMENDMENT NO. 140

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 28, line 8, strike the words ''in the Northern Plains states'' and insert ''in September 1996, and ''.

FORD AMENDMENT NO. 141

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) AUTHORITY TO ENTER INTO LEASE.—Notwithstanding any other provision of law, the Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) *LIMITATION ON CERTAIN ACTIVITIES.*—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in the such fiscal year.

HOLLINGS (AND OTHERS) AMENDMENT NO. 142

(Ordered to lie on the table.)

Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Protection from Violent Programming Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) are readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Age-based ratings systems do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(10) If programming is not rated specifically for violent content and therefore cannot be blocked solely on the basis of its violent content, then restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(11) Studies show that warning labels based on age restrictions tend to encourage children's desire to watch restricted programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming based on the age of the child and not on the violent content of the programming.

(13) Absent the ability to block programming based specifically on the violent content of the programming, the channeling of violent programming is the least restrictive means to limit unsupervised children from the harmful influences of violent programming.

(14) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, or unable to afford the costs of technology-based solutions.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 718. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

''(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

''(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

''(1) may exempt from the prohibition under subsection (a) programming (including new programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

''(2) shall exempt premium and pay-per-view cable programming; and

''(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

''(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately revoke any license issued to that person under this Act.

''(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

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

''(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

''(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.''.

SEC. 4. ASSESSMENT OF EFFECTIVENESS.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures undertaken under section 718 of the Communications Act of 1934 (47 U.S.C. 718) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives,

within 18 months after the date on which the regulations promulgated under section 718 of the Communications Act of 1934 (as added by section 2 of this Act) take effect, and thereafter as part of the biennial review of regulations required by section 11 of that Act (47 U.S.C. 161).

(b) ACTION.—If the Commission finds at any time, as a result of its assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall initiate a rulemaking proceeding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 718 of the Communications Act of 1934 (47 U.S.C. 718), or in regulations under that section, has the meaning as when used in that section or in those regulations.

SEC. 5. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 6. EFFECTIVE DATE.

The prohibition contained in section 718 of the Communications Act of 1934 (as added by section 2 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

REID (AND STEVENS) AMENDMENT NO. 143

Mr. STEVENS (for Mr. REID for himself and Mr. STEVENS) proposed an amendment to the bill, S. 672, supra; as follows:

On page 18, line 15, following ''fund:'' insert the following: ''*Provided*, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the Federal Chena River Flood Control Facility:''.

DOMENICI (AND OTHERS) AMENDMENT NO. 144

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, add the following:

SEC. . TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking ''June 30'' and inserting ''August 31''; and

(2) in subsection (e)(9), by striking ''August 30'' and inserting ''August 31''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. . DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking ''January 1, 1998'' and inserting ''January 1, 1999''.

SEC. . TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. . HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).''.

SEC. . DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''expenditure,'' after ''revenue,''; and

(B) by striking the semicolon and inserting a period;

(2) by striking ''the Secretary'' and all that follows through ''shall use'' and inserting ''the Secretary shall use''; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

STEVENS (AND OTHERS) AMENDMENT NO. 145

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. CHAFEE, Mr. D'AMATO, Mr. DEWINE, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

''JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the '','' the following: ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.''

On page 46, after line 25, insert the following:

''Public Law 104–208, under the heading titled ''Education For the Disadvantaged'' is amended by striking ''$1,298,386,000'' and inserting ''$713,386,000'' in lieu thereof.''

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

''TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

''SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(A) IN GENERAL—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''the date which is 1 year after such date of enactment'' and inserting in lieu thereof ''September 30, 1997''; and

(B) in subclause (III), by striking ''the date of the redetermination with respect to such individual'' and inserting in lieu thereof ''September 30, 1997''; and

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).''

SANTORUM AMENDMENT NO. 146

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

SEC. . REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE. SENSE OF THE SENATE.

The Senate shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

DORGAN (AND OTHERS) AMENDMENTS NOS. 147–148

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. GRAMS, Mr. CONRAD, Mr. WELLSTONE, Mr. DASCHLE, and Mr. JOHNSON) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 147

On page 30, line 11, strike ''$100,000,000'' and insert ''$400,000,000''.

On page 72, line 10, strike ''$3,650,000,000'' and insert ''$3,950,000,000''.

On page 72, line 13, strike ''$5,800,000,000'' and insert ''$6,100,000,000''.

On page 72, line 13, strike ''$5,800,000,000'' and insert ''$6,200,000,000''.

AMENDMENT NO. 148

On page 16, line 20, strike ''$54,700,000'' and insert ''$154,700,000''.

On page 30, line 11, strike ''$100,000,000'' and insert ''$400,000,000''.

On page 72, line 10, strike ''$3,650,000,000'' and insert ''$4,050,000,000''.

DORGAN AMENDMENTS NOS. 149–151

(Ordered to lie on the table.)

Mr. DORGAN submitted three amendments intended to be proposed by him to the bill, S. 672, supra, as follows:

AMENDMENT NO. 149

On page 30, line 11, strike ''$100,000,000'' and insert ''$400,000,000''.

On page 31, line 13, strike ''$3,500,000,000'' and insert ''$3,200,000,000''.

On page 31, line 17, strike ''$2,500,000,000'' and insert ''$2,200,000,000''.

AMENDMENT NO. 150

On page 30, line 11, strike 1''$100,000,000'' and insert ''$400,000,000''.

On page 72, line 10, strike ''$3,650,000,000'' and insert ''$3,950,000,000''.

On page 72, line 18, strike ''$2,150,000,000'' and insert ''$1,850,000,000''.

AMENDMENT NO. 151

At the appropriate place, insert the following:

SEC. . EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority

to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

DORGAN (AND OTHERS) AMENDMENTS NOS. 152–153

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 152

At the appropriate place, insert the following:

SEC. . NONAPPLICABILITY TO EMERGENCY LOANS OF PROHIBITION ON LOANS FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.

Section 373(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h(b)(1)) is amended by inserting after ''loan under this title'' the following: ''(other than subtitle C)''.

AMENDMENT NO. 153

On page 10, between lines 10 and 11, insert the following:

For guaranteed loans made to federally recognized Indian tribes under the business and industrial loan program established under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) for the replacement of livestock lost during storms occurring during the winter season of 1995 and 1996 and the winter season of 1996 and 1997:

(1) For additional gross obligations for the principal amount of the guaranteed loans, to be available from funds in the Agricultural Credit Insurance Fund, $50,000,000.

(2) For the additional cost of the guaranteed loans (including the cost of modifying loans (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)), $465,000.

FOOD AND CONSUMER SERVICE

EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)), the amount available for allocation under that section for fiscal year 1997 shall be $99,535,000.

DORGAN AMENDMENT NO. 154

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, after line 11, add the following:

TITLE VIII—ABATEMENT OF INTEREST ON UNDERPAYMENTS BY CERTAIN TAXPAYERS

SEC. 801. ABATEMENT OF INTEREST ON UNDERPAYMENTS BY TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.

(a) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 (relating to abatements) is amended by adding at the end the following:

''(h) ABATEMENT OF INTEREST ON UNDERPAYMENTS BY TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—

''(1) IN GENERAL.—If the Secretary extends for any period the time for filing income tax returns under section 6081 and the time for paying income tax with respect to such returns under section 6161 for any taxpayer located in a Presidentially declared disaster area, the Secretary shall abate for such period the assessment of any interest prescribed under section 6601 on such income tax.

''(2) PRESIDENTIALLY DECLARED DISASTER AREA.—For purposes of paragraph (1), the term 'Presidentially declared disaster area' means, with respect to any taxpayer, any area which the President has determined warrants assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters declared after December 31, 1996.

CONRAD (AND OTHERS) AMENDMENTS NOS. 155–157

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. GRAMS, Mr. DORGAN, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON) submitted three amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 155

On page 16, line 20, strike ''$54,700,000'' and insert ''$154,700,000''.

On page 30, line 11, strike ''$100,000,000'' and insert ''$400,000,000''.

On page 31, line 13, strike ''$3,500,000,000'' and insert ''$3,100,000,000''.

On page 31, line 17, strike ''$2,500,000,000'' and insert ''$2,100,000,000''.

AMENDMENT NO. 156

On page 16, line 20, strike ''$54,700,000'' and insert ''$154,700,000''.

On page 31, line 13, strike ''$3,500,000,000'' and insert ''$3,400,000,000''.

On page 31, line 17, strike ''$2,500,000,000'' and insert ''$2,400,000,000''.

AMENDMENT NO. 157

On page 16, line 20, strike ''$54,700,000'' and insert ''$154,700,000''.

On page 72, line 10, strike ''$3,650,000,000'' and insert ''$3,750,000,000''.

On page 72, line 13, strike ''$5,800,000,000'' and insert ''$5,900,000,000''.

CONRAD (AND DORGAN) AMENDMENTS NOS. 158–159

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 158

On page 45, between lines 7 and 8, insert the following:

For an additional amount under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)'', $10,000,000, which shall be for making payments under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) to pay for emergency expenses resulting from the flooding in the upper Midwest and other natural disasters in fiscal year 1997, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That the $3,500,000,000 and $2,500,000,000 amounts under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under the heading ''INDEPENDENT AGENCY'' in chapter 6 of title II of this Act shall each be reduced by $10,000,000.

AMENDMENT NO. 159

At the appropriate place, insert the following:

SEC. . FLOOD INSURANCE.

Section 1306(c)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1)) is amended by striking ''30'' and inserting ''15''.

CONRAD (AND OTHERS) AMENDMENT NO. 160

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 13, line 15, strike ''$10,000,000'' and insert ''$20,000,000''.

CONRAD (AND OTHERS) AMENDMENT NO. 161

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. WELLSTONE, Mr. JOHNSON, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding at the end the following:

''TITLE VIII—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS

''SEC. 801. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS.

''(a) ASSISTANCE.—

''(1) AUTHORITY.—The Director of the Federal Emergency Management Agency may provide the assistance described in paragraph (2) in any case in which the Director determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary school or secondary school age) that—

''(A) the agency serves in whole or in part an area with respect to which a major disaster has been declared by the President under section 401;

''(B) the Governor of the State in which the agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of the State, or of any political subdivision thereof, for the same or similar purposes with respect to the disaster;

''(C) the agency is utilizing or will utilize all State and other financial assistance available to the agency for the purpose of meeting the cost of providing free public education for the children attending the schools of the agency, but as a result of the disaster the agency is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least $10,000 or 5 percent of the agency's current expenditures during the fiscal year preceding the fiscal year in which the disaster occurred, whichever is less; and

''(D) in the case of any such disaster to the extent that the operation of private elementary schools and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by the disaster, the local educational

agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in the private elementary schools and secondary schools may attend and participate, except that nothing contained in this section shall be construed to authorize the making of any payment under this section for religious worship or instruction.

''(2) ASSISTANCE.—The assistance referred to in paragraph (1) is the assistance the Director determines necessary to pay the costs of emergency operating expenses incurred by the local educational agency in educating students in public and private elementary schools and secondary schools who have been displaced by the disaster, including—

''(A) providing transportation costs for busing students to alternative sites;

''(B) replacing instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of the disaster, making minor repairs, and leasing or otherwise providing (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily the facilities which have been made unavailable as a result of the disaster; and

''(C) providing educational services to children who, as a result of damage to schools that the children attended prior to the disaster, were required to attend other schools.

''(3) DURATION.—The Director may provide a local educational agency with assistance under this section for the period beginning on the date the disaster is declared by the President under section 401 with respect to an area served by the local educational agency and ending 18 months after the date.

''(4) PAYMENTS TO OTHER LOCAL EDUCATIONAL AGENCIES.—A local educational agency may use funds received under this section to make a payment to another local educational agency for the costs of emergency operating expenses incurred by such other local educational agency in educating students who are displaced by the disaster.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Director is authorized to expend (without regard for subchapter II of chapter 15 of title 31, United States Code) from any funds appropriated to the Federal Emergency Management Agency and at that time available to the Director, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence—

''(1) shall be reported by the Director to the Committees on Appropriations and Education and the Workplace of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of the expenditure; and

''(2) shall be reimbursed from the appropriations authorized by the first sentence of this subsection.

''(c) REPORT.—The report required under subsection (b)(1) shall constitute a budget estimate within the meaning of section 1109 of title 31, United States Code.

''(d) APPLICATION.—No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Director in accordance with the regulations prescribed by the Director. In determining the order in which such applications may be approved, the Director shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. The Director shall complete action of approval or disapproval of an application within 90 days of the filing of an application.

''(e) PAYMENTS.—Amounts paid by the Director to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Director may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

''(f) SPECIAL RULE.—Funds available to carry out this section for any fiscal year shall also be available to carry out section 403 with respect to assistance for public and private elementary schools and secondary schools.

''(g) BUREAU FUNDED SCHOOLS.—The Director may provide assistance to the Bureau of Indian Affairs for Bureau funded schools that are located in an area with respect to which a major disaster has been declared by the President under section 401 in a manner similar to the manner in which local educational agencies receive assistance under this section.

''(h) DEFINITIONS.—In this section:

''(1) BUREAU FUNDED SCHOOL.—The term 'Bureau funded school' has the meaning given the term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

''(2) CURRENT EXPENDITURES.—The term 'current expenditures' has the meaning given the term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

''(3) DIRECTOR.—The term 'Director' means Director of the Federal Emergency Management Agency.

''(4) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State educational agency' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).''.

CONRAD AMENDMENT NO. 162

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the end of title II, insert the following:

CHAPTER 6

COMMITTEE ON SMALL BUSINESS

SMALL BUSINESS INVESTMENT COMPANY ACT OF 1958 FEES

(a) IN GENERAL.—For fiscal year 1997 and 1998, $4,800,000, to pay fees required under section 503(b)(7)(A) and paragraphs (2) and (3) of section 503(d) of the Small Business Investment Act of 1958 in connection with assistance authorized under title V of that Act of a borrower located in an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries.

(b) CDC AND BORROWER EXEMPT FROM FEES.—For fiscal years 1997 and 1998, no borrower or certified development company shall be required to pay fees under section 503(b)(7)(A) and paragraphs (2) and (3) of section 503(b) of the Small Business Investment Act of 1958 that are paid by the funds appropriated under subsection (a) of this section.

CONRAD (AND DORGAN) AMENDMENT NO. 163

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 10, between lines 10 and 11, insert the following:

For an additional amount for the ''Agricultural Credit Insurance Fund Program Account'' for the additional cost of providing assistance under the interest rate reduction program established under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) to agricultural producers that have been substantially affected by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), to remain available until expended, $10,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $10,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress: *Provided further*, That the amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of that Act (2 U.S.C. 901(b)(2)(D)(i)).

MURRAY AMENDMENT NO. 164

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

On page 17, between lines 13 and 14, insert the following:

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount to continue the assistance implemented by the National Oceanic and Atmospheric Administration in Washington, Oregon, and California (commonly referred to as the ''Northwest Economic Aid Package'') to provide disaster assistance under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (relating to the transition to sustainable fisheries) to salmon fishers that continue to suffer from a fishery resource disaster, $25,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $25,000,000, that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

On page 72, line 10, strike ''$3,650,000,000'' and insert ''$3,675,000,000''.

On page 72, line 13, strike ''$5,800,000,000'' and insert ''$5,825,000,000''.

D'AMATO (AND CHAFEE) AMENDMENT NO. 165

(Ordered to lie on the table.)

Mr. D'AMATO (for himself and Mr. CHAFEE) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

Strike title VI and insert the following:

TITLE VI—EXTENSION OF SSI AND FOOD STAMPS FOR CERTAIN ALIENS

SEC. 601. EXTENSION OF SSI AND FOOD STAMP REDETERMINATION PROVISIONS.

(A) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)), as amended by section 510 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–673), is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''the date which is 1 year after such date of enactment'' and inserting ''September 30, 1997''; and

(B) in subclause (III), by striking ''the date of the redetermination with respect to such individual'' and inserting ''September 30, 1997''; and

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking ''April 1, 1997,'' and all that follows through ''1977.'' and inserting ''October 1, 1997, to an alien who received benefits under such program on the date of enactment of this Act.''; and

(ii) by striking ''August 22, 1997'', and inserting ''September 30, 1997''; and

(B) in subclause (III), by striking ''the date of recertification'' and inserting ''September 30, 1997''.

(b) NOTICE AND REDETERMINATION.—The Commissioner of Social Security, in the case of the specified Federal program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(3)(A)), and the State agency, in the case of the specified Federal program defined in section 402(a)(3)(B) of such Act (8 U.S.C. 1612(a)(3)(B)), shall notify any individual described in section 402(a)(2)(D) of such Act (8 U.S.C. 1612(a)(2)(D)), as amended by subsection (a), who, on or after August 22, 1996, has been determined to be ineligible for any such specified Federal program solely on the basis of the application of section 402 of such Act (8 U.S.C. 1612), as in effect on the day before the date of enactment of this Act, that the individual's eligibility for such program shall be redetermined or recertified (as the case may be), and shall conduct such redetermination or recertification in a timely manner. Any benefits that such an individual should have received under any such specified Federal program during the period beginning on the date of the determination described in the preceding sentence and ending on September 30, 1997, were it not for the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, shall be restored to the individual.

(c) RESCISSION OF JOBS FUNDS.—

(1) IN GENERAL.—Of the funds made available under the heading ''JOB OPPORTUNITIES AND BASIC SKILLS'' in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

(2) CONFORMING AMENDMENT.—Section 403(k)(3)(F) of the Social Security Act (42 U.S.C. 603(k)(3)(F)) (as in effect on October 1, 1996) is amended by inserting ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),'' after ''year,''.

(d) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

D'AMATO (AND OTHERS) AMENDMENT NO. 166

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. CHAFEE, Mr. DEWINE, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the '','' the following: ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled).''.

On page 46, after line 25, insert the following:

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

Title VI—Supplemental Security Income Amendment

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''the date which is 1 year after such date of enactment'' and inserting in lieu thereof ''September 30, 1997''; and

(B) in subclause (III), by striking ''the date of the redetermination with respect to such individual'' and inserting in lieu thereof ''September 30, 1997''; and

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

BOND (AND OTHERS) AMENDMENT NO. 167

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. LEVIN, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

BOND AMENDMENTS NOS. 168–169

(Ordered to lie on the table.)

Mr. BOND submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 168

In Title III, Chapter 10, add the following new section.

SEC. . The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to states and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal government of a program required by law in the absence of an acceptable State or tribal program.

AMENDMENT NO. 169

In Title III, Chapter 10, add the following new section.

SEC. . The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out ''on not more than 12,000 units during fiscal year 1996'' and inserting in lieu thereof: ''on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997.''.

DASCHLE AMENDMENT NO. 170

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, s. 672, supra; as follows:

AMENDMENT NO. 170

At the appropriate place, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT FOR THE CONSTRUCTION OF A PIPELINE TO CONNECT THE TOWN OF GETTYSBURG, SOUTH DAKOTA, TO THE MID-DAKOTA RURAL WATER SYSTEM

For the funding of a grant to the town of Gettysburg, South Dakota, to be used to pay the Bureau of Reclamation for the construction of a pipeline to connect the town to the Mid-Dakota Rural Water System, $1,500,000.

REID (AND BAUCUS) AMENDMENT NO. 171

Mr. REID (for himself and Mr. BAUCUS) proposed an amendment to the bill, S. 672, supra; as follows:

AMENDMENT NO. 171

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on

flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

D'AMATO (AND OTHERS) AMENDMENT NO. 172

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Ms. SNOWE, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. DOMENICI, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, Mr. BIDEN, Mr. INOUYE, Mr. MURKOWSKI, Mr. DODD, Mr. KERREY, Mr. HATCH, Mr. GREGG, Mr. SMITH of New Hampshire, and Mr. FORD) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

TITLE ____—WOMEN'S HEALTH AND CANCER RIGHTS

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Women's Health and Cancer Rights Act of 1997''.

SEC. ___2. FINDINGS.

Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

SEC. ___3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

''SEC. 713. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

''(a) INPATIENT CARE.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

''(A) a mastectomy;

''(B) a lumpectomy; or

''(C) a lymph node dissection for the treatment of breast cancer.

''(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

''(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

''(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

''(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

''(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

''(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

''(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

''(2) as part of any yearly informational packet sent to the participant or beneficiary; or

''(3) not later than January 1, 1998;

whichever is earlier.

''(e) SECONDARY CONSULTATIONS.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

''(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

''(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

''(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

''(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

''Sec. 713. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

''SEC. 2706. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTION SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

''(a) INPATIENT CARE.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician,

in consultation with the patient, to be medically appropriate following—

''(A) a mastectomy;

''(B) a lumpectomy; or

''(C) a lymph node dissection for the treatment of breast cancer.

''(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

''(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

''(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

''(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

''(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

''(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

''(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

''(2) as part of any yearly informational packet sent to the participant or beneficiary; or

''(3) not later than January 1, 1998;

whichever is earlier.

''(e) SECONDARY CONSULTATIONS.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

''(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

''(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

''(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

''(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

''(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

''SEC. 2752. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

''The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. ___6. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan portability, access, and renewability requirements) is amended by redesignating sections 9804, 9805, and 9806 as sections 9805, 9806, and 9807, respectively, and by inserting after section 9803 the following new section:

''SEC. 9804. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

''(a) INPATIENT CARE.—

''(1) IN GENERAL.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

''(A) a mastectomy;

''(B) a lumpectomy; or

''(C) a lymph node dissection for the treatment of breast cancer.

''(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

''(b) RECONSTRUCTIVE SURGERY.—A group health plan that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

''(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

''(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

''(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

''(d) NOTICE.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

''(1) in the next mailing made by the plan to the participant or beneficiary;

''(2) as part of any yearly informational packet sent to the participant or beneficiary; or

''(3) not later than January 1, 1998;

whichever is earlier.

''(e) SECONDARY CONSULTATIONS.—

''(1) IN GENERAL.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or

refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

''(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

''(f) PROHIBITION ON PENALTIES.—A group health plan may not—

''(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

''(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

''(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (e).''.

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking ''9805'' each place it appears and inserting ''9806''.

(2) The heading for subtitle K of such Code is amended to read as follows:

''Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements''.

(3) The heading for chapter 100 of such Code is amended to read as follows:

''CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS''.

(4) Section 4980D(a) of such Code is amended by striking ''and renewability'' and inserting ''renewability, and other''.

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

''Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.''.

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking ''and renewability'' and inserting ''renewability, and other''.

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code is amended by striking ''and renewability'' and inserting ''renewability, and other''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

BOND AMENDMENT NO. 173

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to States and federally recognized tribes for multimedia or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

BOND (AND OTHERS) AMENDMENT NO. 174

Mr. STEVENS (for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, to conduct a markup on S. 462, the Public Housing Reform and Responsibility Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, to conduct a hearing to examine the issues surrounding the shredding of Holocaust era documents by the Union Bank of Switzerland.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 6, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 9:30 a.m. The Purpose of this hearing is to consider the nomination of Elizabeth Anne Moler to be Deputy Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Protecting Public Health: CDC Project Grants for Preventable Health Services during the session of the Senate on Tuesday, May 6, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence by authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold an open confirmation hearing on the nomination of George J. Tenet to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Committee on the Judiciary be authorized to meet during the session of the

Senate on Tuesday, May 6, 1997, at 2 p.m. to hold a hearing on Fixing a Broken System: A Review of OJJDP Mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FRANKLIN DELANO ROOSEVELT

● Mr. FEINGOLD. Mr. President, in the fall of 1940, Franklin Delano Roosevelt was attempting something audacious, unprecendented in American history—running for a third term as President. His opponent, Wendell Wilke of Indiana, a man with whom he would attempt to forge an alliance 4 years later, was gaining momentum. Roosevelt had waited until October to begin his formal campaign, but when he hit the trail, he did with characteristic gusto.

''I am an old campaigner,'' he told cheering audiences, ''and I love a good fight.''

Mr. President, it was the love of the fight, not in the sense of carrying a chip on one's shoulder, but more in the manner of relishing a challenge to one's ideas and abilities, that marked Franklin Roosevelt's character. That spirit motivated him in his fight against polio, sustained him during many a dark hour in the White House during the Depression and the Second World War and infused itself into his concept of a government that shrugged off old models of action—or inaction—and engaged in bold, persistent experimentation, seeking the best solutions for the pressing problems of the Nation.

His administration did many things considered audacious in Washington, including the creation of then-radical programs like Social Security. It is well-documented that one of the sources for some of Roosevelt's bold experimentation was the Progressive tradition in Wisconsin, which pioneered unemployment insurance and workers' compensation.

Mr. President, Franklin Roosevelt sometimes succeeded gloriously. Sometimes he failed. Sometimes he was helped by a fortuitous turn of events; other times, events frustrated his purposes. Through it all, however, he kept trying, kept experimenting, fueled by a restless intellect, guided by the constitutional responsibility of government to promote the general welfare of the people, and supported by a bedrock conviction that an honest attempt would, at the very least, yield a useful lesson and might well solve the problem.

Mr. President, last week we dedicated the Franklin Delano Roosevelt Memorial, a celebration of his memory, his accomplishments and, perhaps most importantly, his spirit. He was a man of enormous complexity and energy who embraced life and encouraged others to follow his example. His philosophy of encouraging boldness and creativity in the service of the common good and his insistence on an inclusive, not exclusive politics will serve us well in any time.●

TRIBUTE TO JOSHUA GAGNON FOR BEING NEW HAMPSHIRE'S CHAMPION ACROSS AMERICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 10-year-old Joshua Gagnon from Merrimack, NH, for being chosen the New Hampshire champion by the Champions Across America Program of the Children's Miracle Network.

These champions are children who have triumphed over life-threatening health problems. Joshua, along with champions from other States, will represent the 7 million children treated at children's hospitals each year.

Joshua was only 3 years old when his family discovered his illness. An MRI revealed that he suffered from the Dandy Walker syndrome, which required an extensive shunt that extended from his brain to his stomach. In the past 7 years the shunt, which is susceptible to clogging, has required three replacements.

Another surgery Joshua had undergone was to correct a condition known as Streeter's dysplasia. The Genesis fund, which funds the National Birth Defects Center, made it possible for Joshua's webbed fingers and toes to be reshaped by a plastic/reconstructive surgeon. Even though he only has use of his ring finger and his pinky finger on his right hand, Joshua writes very well and loves to assemble model airplanes and cars.

Like any other boy his age, Joshua has many hobbies, such as reading, riding his mountain bike and playing basketball. He is very inquisitive and his sense of humor gives his mother many reasons to laugh.

Mr. President, I want to call attention to the uniqueness of children's health care and the importance of nonprofit hospitals for children. Joshua is an inspiring example for children and their families to fight the battle and beat the odds. He and the other champions show children in New Hampshire and across the Nation how to pursue a happy life, despite their illness. I am proud to represent Joshua in the U.S. Senate.●

DR. NAN S. HUTCHISON BROWARD SENIOR HALL OF FAME INDUCTEES

● Mr. GRAHAM. Mr. President, today I would like to recognize and congratulate a group of outstanding citizens from Broward County. These men and women have each given a great gift to their communities—they have given of themselves.

Samuel Bonier, of Sunrise, has spent the last 4 years volunteering at the Daniel D. Cantor Senior Center. His activities include serving as an assistant bookkeeper, mail clerk and needed friend to the center's residents. Samuel is also concerned about the community's children and has donated his time to help feed and bathe children in the Ann Storch Center. For his selfless actions Samuel was awarded the Volunteer of the Month Award in 1994 by the Cantor Center.

Pearl Canady, of Fort Lauderdale, imparted her wisdom to countless students as a teacher for over 30 years in the Broward County School System. Pearl continues to serve her community as a member of the Area Agency on Aging's Advisory Council. Pearl's generous spirit has enhanced the lives of many.

Daniel D. Cantor, of Tamarac, is one of Broward County's leading Jewish community leaders. Daniel has been active in countless Jewish organizations, including the Jewish National Fund, Israel Bonds and United Jewish Appeal. He was indispensable in the campaign to help resettle Russian Jewry in Israel and in the United States.

Marie Antoinette Capazzi, of Plantation, has served as Social Director for the Senior Club of Plantation for over 20 years. Marie has also worked with the Red Cross distributing food to the needy. Because of her service to the community, May 11, 1983 was declared Marie Capazzi day by the city of Plantation. Marie was also acknowledged as 1996 Citizen of the Year by the Plantation Elks Club.

Chris Franklin, of Pompano Beach, has been a tireless advocate for the elderly. Chris has been extremely active with the Florida Silver-Haired Legislature to insure that the rights of the elderly are protected. Later this year Chris will be a delegate to the National Congress of Silver-Hairs.

Rickey Pine Garber, of Tamarac, works to improve relations between seniors and the police. She is involved in several organizations including Seniors and Lawmen Together and the Citizens Observation Patrol. Rickey also works with the Area Agency on Aging assisting both seniors and the young who are experiencing financial and social distress.

Nat Geier, of Sunrise, volunteers his time to several organizations throughout Broward County. As a result of his efforts in the Area Agency's Seniors for Seniors Dollar Drive, Nat has raised over $700 every year. In addition, Nat was instrumental in securing the first computers for Piper High School and Village Elementary.

David J. Mears, of Coral Springs, was instrumental in the founding of the city of Margate. David has been called the founding father of Margate because of his active role in developing the eastern section of the city. He has served as honorary mayor of Margate and is presently president of the Gold Coast Chapter of the National Association of Industrial and Office Parks.

Angelo Quatrociocchi, of Cooper City, is an active volunteer at Memorial Manor, a residential home for seniors. His activities include transporting residents to activities, assisting with meals, and playing his accordion and harmonica for the residents. Angelo continued to volunteer even after his wife, Josephine, died. His commitment to the community is unwavering.

Herman Small, of Hallandale, is an advocate for the community's elderly. For the past 10 years, Herman has been developing fundraising concepts for the Area Agency on Agency. Herman also educates the community's elderly on legislation that directly affects them.

Bertha Walker, a resident of Broward County for over 50 years, devotes her time to improving the community. She chaperoned local students on field trips and has been recognized by the YMCA for her dedication to the community's youth. Her contributions to the area's youth are appreciated by all.

Benjamin Wermiel, of Coconut Creek, has been contributing his time and energy to the community for 15 years. As secretary of the elderly interest fund, Benjamin raised $400,000 for the organization's Medivan Program. Benjamin is also the Broward coalition's representative to the Florida Health Care Campaign which seeks to provide universal health care to all Floridians. Benjamin has improved the lives of many residents in Broward County.

Florida and Broward County are fortunate to have these inspiring senior citizens who give so much to their communities. I congratulate them today and wish for them many more productive and healthy years.

MAJOR LEAGUE BASEBALL PLAYERS SAY ''NO'' TO SPIT TOBACCO

• Mr. DURBIN. Mr. President, for far too long, tobacco and baseball have been almost synonyous. Dipping or chewing tobacco has been one of the rituals of baseball. Batters stepping out of the batters box to spit, fielders checking the pouch or tin tucked in their hip pocket, bullpen personnel having spitting contests—the fabric of baseball has been colored by the mix of tobacco juice and spit that accompany the use of smokeless tobacco.

Unfortunately, even major league baseball superheroes can't avoid the consequences of tobacco use. Players have found themselves addicted. What seemed to be a colorful and harmless ritual turned out to have a deadly undertow. Many ballplayers have had to deal with serious oral health problems caused by tobacco use. Some have lost a jaw when oral cancer invaded. Some have lost their life.

Fortunately, the tide is turning. I was involved in an effort several years ago to discourage the use of tobacco by ballplayers. It led to the banning of smokeless tobacco use in the field and in the clubhouse at the collegiate level and throughout the minor leagues.

Only the major leagues remain open to smokeless tobacco use, and even there the glorification of tobacco is subsiding. What the players and owners have been unwilling to mandate is gradually happening through education and the example of ballplayers who have been willing to take a stand. Smokeless tobacco use is on the decline.

Equally important, ballplayers are beginning to use their positions as role models for our Nation's youth to deliver the important message that you don't have to chew or dip to be successful on the field.

I attended this year's opening day game at Comiskey Park, home of the Chicago White Sox, and was pleased to see a full-page color ad with an important message. Beneath the pictures of one star from each major league team was this message: ''We Agree! Chew, Dip, or Snuff Aren't Part of Our Game. Don't Make Spit Tobacco Part of Yours! Just Play the Game.''

This message was brought to the fans at Comiskey Park as a public service by the Chicago White Sox and the National Spit Tobacco Education Program, a program sponsored by ''Oral Health America.''

The National Spit Tobacco Education Program, or NSTEP, is a multimedia, multiyear campaign to communicate to the American public that spit tobacco is not a safe alternative to cigarettes. This year, the initiative includes television and radio public service announcements during baseball broadcasts, an educational outreach to broadcasters and writers, in-stadium outreaches to the fans including scoreboard video messages, and intervention efforts to help current players who need assistance in quitting their use of spit tobacco.

This program is desperately needed. Spit tobacco leads to nicotine addiction, gum disease, and tooth loss, as well as mouth and throat cancer. Oral cancer is diagnosed in 30,000 people annually and kills approximately 8,000 people annually.

While spit tobacco used to be used primarily by older men, boys and young men are now the primary consumers of this deadly product. In Illinois, 10 percent of junior high and high school boys have used smokeless tobacco in the past month. Across the country, nearly 20 percent of high school boys are current users of spit tobacco, and the average age at which children first try the product is under age 10.

Moreover, the link between baseball and tobacco exists not only in the major leagues, but in the little leagues as well. According to a study by the Illinois Department of Public Health, 70 percent of children who report regular use of smokeless tobacco are members of organized sports teams.

The NSTEP program is an important part of the effort to reverse this trend and help our youngsters and budding all-stars to get off to a healthy tobacco-free start in life.

I would also like to commend the Chicago White Sox for their refusal to permit tobacco advertising at Comiskey Park.

The tobacco companies have used stadium billboards for two purposes: to promote their products to the fans in the seats and to get around the television advertising ban to pitch their products to the millions of fans sitting at home watching the game on television. Obviously, many of those fans are children —the very people the tobacco industry needs to hook on its products to maintain a steady base of customers.

Every year, the tobacco companies lose 2 million American customers. Four hundred thousand die of tobacco-related diseases and the rest quit smoking or die of other causes. To replace those smokers, dippers, and chewers, they must turn to our children, because very few adults start the dangerous practice of tobacco use.

The decision by the White Sox to forego the profits associated with tobacco advertising is an important step that helps reduce the barrage of marketing that reaches our Nation's children. Both that decision and the ballplayers' campaign against spit tobacco send an important message: that baseball and tobacco don't mix.

I applaud these actions by the players and the team, and I encourage every player and every team to follow these good examples.•

TRIBUTE TO ARTHUR AND ROENA MOSES ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Arthur and Roena Moses from Sanbornton, NH, on the celebration of their 50th wedding anniversary.

Arthur and Roena were united in marriage on March 2, 1947, in a double ring ceremony at the Congregational Church in South Danbury, NH. After a motor trip honeymoon around New England, the couple made their home in Sanbornton and have lived there for the past 50 years.

Arthur and Roena raised four children, Eugene, Gail, Jeffrey, and Barry Moses. Roena Moses grew up in South Danbury. She attended local schools and graduated from Franklin High School in 1945. She worked in the Franklin Public Library, and then for Cormier Hosiery until she retired in 1985. Today she spends her time knitting garments for newborn babies, and enjoys doing puzzles, camping, playing games, and visiting with all her friends. Roena has also contributed to the arts and crafts program at the Shaker Village in Canterbury, NH.

Arthur has lived his whole life in Sanbornton. He grew up at a farm and was a farmer for 40 years. He also worked for the New Hampshire Department of Transportation [DOT] in the maintenance division 3. Arthur retired in 1985 after working for 25 years at the same Tilton DOT location.

Arthur and Roena both enjoy camping. For the last several years Roena

has been elected president and trail boss of the North American Family Campers Association [NAFCA] where she and her husband are charter members. Their journeys have taken them all over the United States, making friends wherever they go.

On March 2, 1997, Arthur and Roena celebrated their 50th wedding anniversary in the vestry of Sanbornton's First Baptist Church.

Mr. President, Arthur and Roena Moses provide an inspiring example of the joys of marriage. I am pleased to congratulate them on the celebration of their 50th wedding anniversary and I wish them luck and happiness in the years to come.●

TRIBUTE TO PATRICK H. WINDHAM

● Mr. ROCKEFELLER. Mr. President, I wish to pay a tribute to an individual who, in his service as a staff member in the U.S. Senate, has exemplified the qualities we all look for in a public servant, colleague, and human being. Patrick H. Windham just completed well over a decade of service in the Senate, always in some association with the Senator of South Carolina, Senator HOLLINGS, whom he holds in such obvious and deep esteem. Pat and his family are relocating to California to begin new professional opportunities. He will be sorely missed here by a wide range of admirers and colleagues in the Senate, the Clinton administration, and the extensive circle of people and organizations concerned with the issues that Pat has been so intensely involved with.

Educated at Stanford and Berkeley, and dubbed the ''Godfather of Science and Tech'' by colleagues, Pat began his public service career in 1982 as a legislative assistant to Senator HOLLINGS. Two years later, Pat was assigned to the Subcommittee on Science, Technology and Space and since has served as a invaluable senior advisor on this extensive range of issues to various members of the committee. Over the years, Pat has served with strong loyalty to the Senate and dedication to the public policy interests of the country as a whole.

My relationship with Pat stems from my own service as a member of the Senate Commerce Committee, and when I became chairman of the Science Subcommittee. With Pat assigned to the subcommittee, we have worked closely for years on legislative endeavors and the issues that fall in this jurisdiction. No one matches Pat's breadth of expertise, professional dedication, and personal commitment. I feel highly fortunate to be the beneficiary of his extensive talent and contributions.

Pat Windham's involvement in science and technology policy and legislation could fill volumes. Pat was instrumental in the 1988 conversion of the National Bureau of Standards [NBS] into the National Institute of Standards and Technology [NIST]. He strongly advocated expanding the mission of the old NBS. Thanks in large part to Pat Windham, NIST's mission now explicitly includes enhancing the competitiveness of American companies by providing appropriate governmental support for industry's development of precompetitive generic technologies and diffusing Government-developed technological advances to use in all segments of the American economy. Pat has tirelessly continued his involvement in framing NIST's role in U.S. policy in today's era of cutbacks.

Pat also contributed heavily to the development of The Advanced Technology Program [ATP] and the Manufacturing Extension Partnership [MEP]. Each of these programs grew out of real concerns over the competitiveness of American companies in the global marketplace. Created by the Omnibus Trade and Competitiveness Act of 1988, ATP encourages public and private cooperation in the development of precompetitive technologies with broad application across industries. Pat argued fiercely for retaining this successful program in the face of last Congress' attempt at eliminating this public-private industrial partnership. His dedication to these issues certainly contributed to the President's support of the ATP program, and its continued success. The Clinton administration's strong support of a program led to an increase in ATP funding in fiscal year 1997. And, today, the ATP awards almost 300 public-private partnership projects.

Pat Windham's contributions do not end here. He has been involved in technology-related projects including efforts promoting national metric conversion. He has steadfastly encouraged and promoted the translation of Japanese scientific and technological documents for use by scientists and engineers across the globe. His public policy concerns also have included legislative efforts to ensure that foreign-component parts meet U.S. standards for quality.

The Senate, and that includes me in particular, will miss Pat and his superb abilities as we address the vital issues in which he has been part. His dedication and loyalty have served as a role model for all those around him. On behalf of my own staff and myself, I offer good wishes to him and feel confident Pat will continue making a vital contribution to his fellow citizens and the country in his next chapter.

CONGRATULATING STUDENTS FROM OUR LADY OF LOURDES ACADEMY IN MIAMI, FL

● Mr. MACK. Mr. President, I rise today to congratulate some very bright and promising students from the State of Florida who visited our Nation's Capitol last week to participate in the ''We the People * * *'' nationwide championship on the U.S. Constitution and Bill of Rights. I am pleased to announce that students attending the Our Lady of Lourdes Academy in Miami finished in first place.

At the 3-day competition, students demonstrated their knowledge of the Constitution, U.S. history, and current issues facing our Nation. Their diligent preparation and impressive demonstration of their knowledge propelled them to first place.

Led by their teacher, Rosie Hefferman, the following students competed on behalf of the Our Lady of Lourdes Academy: Melissa Alvarez, Sonia Borell, Jackie Chisholm, Annette Comas, Caroline DePosada, Dania Fyffe, Vanessa Harries, Jaqui Lage, Carolina Latour, Alicia Llosa, Giselle Perez, Jennifer Rodriguez, and Caroline Ulvert. I would also like to recognize the district coordinator, John Doyle, and the State coordinator, Annette Boyd Pitts.

I extend my sincere congratulations to these fine students, their families, and their teachers. They worked hard to achieve this impressive goal. Their parents and teachers long realized that education is an investment in our future and critical to our Nation's growth, and these students have acted on that sentiment. Students around the country should view their accomplishment as an inspiration as they seek to achieve their own goals.

I hope the students from Our Lady of Lourdes Academy enjoyed their experience while visiting Washington, DC, and that they will continue striving to excel in their studies. I wish them all the best in their future endeavors.●

JAMES R. THOMAS, JR.

● Mr. SARBANES. Mr. President, it gives me great pleasure to recognize James R. Thomas Jr., a civil engineer from Salisbury, MD, which I am proud to say is my hometown. Jim, who commands universal respect as a leader in both his profession and his community, will be installed on May 14 as president of the American Consulting Engineers Council.

As managing partner of the Salisbury engineering and architectural firm, George, Miles & Buhr, Jim's reputation as a dynamic and capable, yet modest, leader precedes him as he assumes the helm of the Nation's largest professional association focusing on the business interests of consulting engineers.

ACEC is comprised of 52 State and regional member organizations and represents 5,500 independent firms, which employ almost 200,000 professionals nationwide.

No stranger to ACEC, Jim served as a national director, then vice president, prior to his selection last year as president-elect. He has advanced steadily through the ranks of the organization, first with the Consulting Engineers Council of Maryland [CEC/MD], where he served in all the leadership posts, from secretary to president. His strong commitment to these professional organizations is clearly evident.

Jim has spent the last 28 years at George, Miles & Buhr, the largest civil

engineering firm on the Delmarva Peninsula. The firm, which employs about 50 people, specializes in water and wastewater treatment systems and devotes 80 percent of its time to engineering projects. In 1993, George, Miles & Buhr received Engineering Excellence Awards from both ACEC and CEC/MD for its design of a biological nutrient removal demonstration plant at the Back River Wastewater Treatment Plant in Baltimore.

In addition to his professional achievements, Jim is a most dedicated and effective public servant.

His pro bono work on a crisis center for battered spouses earned him the honor of Rotarian of the Year in 1995. He is currently a director of the Salisbury Area Chamber of Commerce. In addition, Jim has served as president of the board at Trinity United Methodist Church and as a member of the boards of the Peninsula Regional Medical Center, the United Way of the Lower Eastern Shore, and the Salisbury-Wicomico Economic Development Corp. He has also been a long-time supporter of the Holly Center Foundation for the severely retarded.

As a parent and strong supporter of the public school system, Jim has served as president of the PTA's of both Fruitland Elementary and Bennett Middle Schools, where he and his wife, Kaye, sent their three children Andy, Tricia, and Betsy. For his efforts, the Maryland PTA gave Jim the Gold Seal Award.

Jim also has been honored by the Governor's Salute to Excellence. Both the United Way of the Lower Eastern Shore and the Holly Center Foundation have named him Volunteer of the Year. These honors are only a sampling of the many he has received in a lifetime of stellar community service.

A native of Cambridge, MD, and a graduate of the University of Maryland, College Park, where he earned his B.S. in civil engineering, the Salisbury community is truly fortunate to have claimed Jim Thomas for its own.

As ACEC's next president, Jim follows in the footsteps of another Marylander, Andrew J. Parker Jr., who was ACEC president from 1990–91. Likening the ACEC position to that of CEO of a large corporation—without the pay—Parker praised the leadership abilities of his Salisbury colleague last week.

Mr. President, in a newspaper interview, Jim Thomas said that his activism in ACEC is rooted in a desire ''to give something back'' to the profession. Clearly, he has already done so and, now, as president of the ACEC, he will have a further opportunity to make a contribution. It is gratifying to see him accorded this national recognition. I wish him continued success in this, and all of his future endeavors.●

TRIBUTE TO GERALDINE SYLVESTER ON HER RETIREMENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Geraldine Sylvester of Dover on her retirement after 25 years of service to Dover and the State of New Hampshire. Geraldine has ended a distinguished career as a State health leader, city councilor, businesswoman, educator and mother.

Gerry has been my friend for more than a decade. She grew up in Milton and graduated from Nute High School. She and her husband Bob raised 5 daughters and 2 sons and now have 16 grandchildren.

Geraldine served seven consecutive terms as a Dover city councilor beginning in 1970. In 1974–75 she also served as mayor. Geraldine officially retired as director of New Hampshire's Office of Alcohol and Drug Abuse Prevention in December 1996, which was the single State authority for substance abuse problems in New Hampshire. Geraldine was appointed for this post in 1983 by former Gov. John Sununu, and continued her service under Governors Judd Gregg and Steve Merrill.

Gerry is a woman of many talents who approaches any challenge with determination. She served in miscellaneous local, State, and Federal positions, such as the National Advisory Committee on Alcohol and Drug Abuse and Mental Health Problems. In 1980 she was a delegate to the National Republican Convention, chairwoman of the New Hampshire Small Business Advisory Council in 1978, and from 1976 to 1981 she became trustee of the New Hampshire Youth Development Center.

Gerry and Bob are also humanitarians. Their compassion is illustrated in the fact that, for 12 years, the Sylvester home was a group home for physically and emotionally distraught minors in the seacoast of New Hampshire.

Gerry and Bob founded GFS Manufacturing in 1971 in the garage of their house. Through the energy, dedication, and drive of Gerry and her family, the business grew and prospered. In 1978 they were named citizens of the year by the Greater Dover Chamber of Commerce.

Mr. President, Geraldine Sylvester has dedicated her time, talent, and energy to serving the residents of Dover in an exemplary way. I am proud to honor her outstanding community commitment, which is so important to the future and prosperity of Dover. We are indeed indebted to Gerry for her efforts. I thank her for her 25 years of dedicated service, commend her for an extraordinary job and say that I am privileged to call her my friend. I wish her every happiness and health for the years to come as she embraces retirement.●

THE GOOD WORK OF FOUR BIG TIMBER GRADE SCHOOL STUDENTS

● Mr. BAUCUS. Mr. President, I am very proud today to tell my colleagues in the Senate about four students from my home State of Montana: Ariel Overstreet, Amber Overstreet, Lindsey Hauge, and Taylor Gray. These young Montanans won first place in two separate NASA-sponsored national contests. Ariel took first place in the Intergalactic Art Contest in which she had to draw an original piece of art. Amber, Lindsey, and Taylor made up a team that took first place in the Future Aircraft/Spacecraft design competition. I congratulate them on their achievements.

These students have proven what most of us in Montana have known all along. Montana students are some of the brightest and best educated students in the country. And while we are proud of our students, we know that a lot of the credit must go to devoted teachers like Rolland Karlin and concerned parents like Anne Overstreet. These are the people behind the scenes who make sure that the education our children receive is top-notch.

Ariel, Amber, Lindsey, and Taylor are now visiting Washington, as part of their award. I was pleased to have a chance to meet them. They are fine representatives of Montana and their community of Big Timber.

Later on in their trip, these four youngsters will be visiting NASA's space camp. I hope that the opportunity to view NASA technology up close will feed their active minds.

Congratulations Ariel, Amber, Lindsey, and Taylor. I hope you enjoy your trip. And that you never lose your desire to achieve your dreams.●

ORDER FOR MEASURE TO BE PRINTED—S. 104

Mr. LOTT. Mr. President, I ask unanimous consent that S. 104, the Nuclear Waste Policy Act of 1997, as passed by the Senate on April 15, 1997, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 84, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 84) recognizing suicide as a national problem, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 84

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognize suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

Mr. LOTT. Mr. President, for the information of all Senators, Senate Resolution 84 recognizes suicide as a national problem, and it has been submitted by Senators REID, MURRAY, WELLSTONE, and COVERDELL.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–6 AND TREATY DOCUMENT NO. 105–7

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following two treaties transmitted to the Senate on May 6, 1997, by the President of the United States: Agreement with Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, Treaty Document No. 105–6, and Agreement with Hong Kong for the Transfer of Sentenced Persons, Treaty Document No. 105–7.

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification. I transmit herewith the Agreement Between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (hereinafter referred to as ''the Agreement''). I transmit also, for the information of the Senate, a related exchange of letters, with attached forms, signed the same date, and the report of the Department of State with respect to the Agreement.

The Agreement is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Agreement should be an effective tool in our continued cooperation with Hong Kong after its reversion to the sovereignty of the People's Republic of China on July 1, 1997, to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, ''white-collar'' criminals, and terrorists. The Agreement is self-executing.

The Agreement provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Agreement includes: (1) taking evidence, testimony, or statements of persons, (2) providing information, documents, records, and items; (3) locating or identifying persons or items; (4) serving documents; (5) transferring persons in custody and others to provide assistance; (6) executing requests for search and seizure; (7) confiscating and forfeiting the proceeds and instrumentalities of crime and otherwise assisting in relation thereto; (8) delivering property, including lending exhibits or other items; and (9) and other form of assistance not prohibited by the law of the Requested Party.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to ratification so that the Agreement can enter into force no later than July 1, 1997, when Hong Kong reverts to the sovereignty of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Between the Government of the United States and the Government of Hong Kong for the Transfer of Sentenced Persons signed at Hong Kong on April 15, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Agreement.

At present, transfers of sentenced persons between the United States and Hong Kong (in either direction) are conducted pursuant to the 1983 multilateral Council of Europe Convention on the Transfer of Sentenced Persons, which is in force for both the United States and the United Kingdom, and which the latter has extended to Hong Kong. Effective July 1, 1997, however, when Hong Kong reverts to the sovereignty of the People's Republic of China, the Council of Europe Convention will no longer provide a basis for such transfers.

The agreement signed on April 15, 1997, will provide a basis for such transfers to continue after Hong Kong's reversion. The agreement is modeled after both the Council of Europe Convention and other bilateral prisoner transfer treaties to which the United States is a party. It would establish essentially the same procedures as are now followed with respect to transfers of prisoners between the United States and Hong Kong, and would continue the requirement that all transfers be consented to by the sentencing state, the sentenced person, and the receiving state. When the sentenced person has been sentenced under the laws of a State of the United States, the consent to the authorities of that State will also be required.

I recommend that the Senate of the United States promptly give its advice and consent to the ratification of this Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1997.*

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

Mr. LOTT. Mr. President, before I go to the closing statement, I want to talk a little bit about where we are on the supplemental appropriations bill.

We began the debate on the supplemental appropriations bill on Monday, yesterday, and we have been on it today. We did have one recorded vote at about 2:30 this afternoon, I believe it was, and I expected that we would continue then to work through the amendments, with some recorded votes being

required throughout the afternoon and even now late in the afternoon.

I understand some of the amendments are efforts to strike language in the bill. Perhaps they have been worked out and we will have some accommodation, perhaps, on the census issue. I understand the amendment of Senator WELLSTONE was worked out in some way or the other, and he is not going to offer his.

Then I received word that the Democrats decided they were not going to offer any more motions to strike, amendments to strike, or any amendments, until something was worked out with regard to the emergency continuing resolution.

Mr. President, I say to the ladies and gentlemen of America, this is supposed to be emergency supplemental appropriations. This is a piece of legislation, appropriations, to provide funds for our troops in Bosnia—and the funds that are involved there have been offset in this bill—and to provide disaster assistance to States all across America that have disaster needs.

What has happened? No. 1, the Democrats say, ''We're not going to offer any more amendments until we get our way. We want to change the bill that was reported out of the Appropriations Committee, and unless it is changed to suit our desires, we won't come forward with any more amendments.''

Then, we have before the Senate 109 amendments—109 amendments. Now, are we serious about this supplemental emergency appropriations or not? I do not believe there are 109 problems existing in this supplemental appropriations bill. That is certainly not the way to get this legislation moving quickly.

We will have a vote in the morning on cloture, I guess at 10 o'clock, to accommodate a request from the Democratic side. If we get cloture, then there will be 30 hours left on the supplemental. Under the rules of the Senate, you can have up to 1 hour on an amendment. That is only 30 amendments. There are 109 pending. I presume some of those will be wiped off the board if we get cloture.

I want to move the legislation. I am willing to work with the Democrats and with the White House on the issues where they have concerns, as we have on the census issue that has been before us.

But I want to serve notice now—and I am sending word to the Democratic leader—that we are going to have a cloture vote in the morning, but I am not filing another cloture motion tonight. I am not going to try to cut off debate on this supplemental. We need to get this work done. If we do not get the cloture motion passed tomorrow, if we do not invoke cloture and stop what appears to be sort of a slowdown filibuster, then we will just go to other issues or we will stay on this bill as long as it takes.

I have been told that we need to pass it right away because there are thousands of farmers and other people, small businesses in States in the Midwest and in the Dakotas, and my own State of Mississippi, that are going to need this help. It is throughout the country—in the Midwest, in the South, in the Far West. And yet now we are ready to go. It has been reported out of the Appropriations Committee last Thursday—or maybe it was Wednesday—but we only had 1 day go by legislatively before we brought this bill to the floor.

I want to emphasize, Republicans are ready to move this disaster relief bill now. We can complete it tomorrow. We should complete it tomorrow so that we can then go on to the comp time/flextime bill and do a little something to help the working mothers of America before we have Mother's Day. But we are prepared to work on the disagreements.

The way it works is the Senate acts, the committee acts, and then the Senate acts. The House, by the way, has to complete their work before we can pass the supplemental anyway. We go to conference and we continue to work out the disagreements.

The way it does not work is, if you do not get your way you stop, you know, offering amendments and you slow down the process.

So we will have the cloture vote tomorrow, and hopefully we will have an agreement to cut off the filibuster and we can move this bill through. But I want to talk a minute about what the problem is.

The President has indicated that he does not want legislation included in the bill that would prevent or avert another Government shutdown. This is not something that just was discovered last year. We have had problems over the years of getting to the end of the fiscal year and Presidents or Congresses not being satisfied with the state of the situation, and the President would veto a bill or the Congress would not send a bill to the President. We would run out of funds, and you would have these shutdowns.

We had them during the Reagan years. We had them during the Bush years. And now we have had them during the Clinton years. I think this is an irresponsible way to do business. We need to work through the process, but we should not endanger the people with the threat of a manmade disaster, which is what happens at the end of the fiscal year.

It does not have to be in this bill and it does not have to be a specific way, but what we need to do is to make sure that the American people know that we are working together on a budget agreement, we are going to be working together on the appropriations, each one of the 13 that comes through, and that they will know what they can count on.

If you are in education, you want to know what part the Federal Government is going to pay on it; if you want to visit a national monument, you would like to know that it is going to be open; if you are a private business man or woman, and you do business with some Federal facility, you would like to know that it is going to be open.

So all we want is some process that makes sure when we get to the end of this fiscal year that the numbers we have agreed to will be honored. But in the process we are not going to go through these, what I consider to be very irresponsible games, whether or not the Government is open or shut down.

So I hope that when we have—I am not going to file a cloture motion. I reiterate that. Generally speaking, if I do not have to file a cloture motion, that is well received. What I am saying is, we are ready to go. We need to work on a number of amendments that are still pending—amendments to change the bill, amendments to pay for the cost of the bill, amendments to strike various and sundry sections in the bill.

I think we have a good supplemental here the way it came out of committee. Probably nobody would say it was perfect. But it is time that we work out the disagreements, have debate, have votes, and move to final passage. We can do that tomorrow, or we can do it Friday, or we can do it some other time. But I want to make it clear that we are ready to go and we are ready to have the debate and have the votes, and then we will go on from there.

Mr. President, before I go to the closing script, would the Senator from South Dakota like to make some comments on these eloquent remarks I have been trying to deliver on this occasion?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the chance to respond to the eloquence of my friend, the majority leader. And indeed his remarks are eloquent, although misinformed. And so I felt the need to come to the floor to clarify for the Record and for his information our position with regard to the bill.

First of all, there is no Democratic position with regard to not offering amendments. I do not know where that information was generated, but I must tell you our hope is to expedite consideration of the bill.

The current amendment offered by the Senator from Nevada, Mr. REID, is being negotiated, as the majority leader indicated, and he was asked by Members on his side not to press for a vote until this can be negotiated. So in compliance with the request from the Republicans, we have not pursued a vote. But our desire is to offer amendments, to lay this one aside if the need may be, but, regardless, to move the bill along.

If a cloture motion is filed, I will encourage every member of our caucus to support it. And my expectation is they

will. So we want to work with the majority leader in getting this legislation passed.

I share his concern about the large number of amendments. I urge our colleagues to be prudent in offering amendments. I must say, some people did not have the same opportunity as those in the committee to offer extraneous legislation. And that extraneous legislation is the source of some concern to many of us. I am hopeful that negotiations can lead ultimately to a successful elimination of many of these matters prior to the time we reach final passage.

I do not want to shut the Government down either. We have been through some very difficult times in the past Congress with regard to shutting the Government down. If that were the only concern, I do not think we would have a problem.

Our concern is the degree to which deep cuts are made in investments that we have already negotiated. And really it renders null and void the very budget agreement that I have enthusiastically endorsed that has culminated from our discussions last week. To say we are going to agree to certain levels of investments, and then deeply cut those in the very year that they were agreed upon, is not keeping very good faith. That would be the first concern we have with regard to this particular automatic continuing resolution provision.

The second concern was addressed by some of our colleagues on the other side, as reported in Inside Congress on April 18. It says Republicans support the automatic continuing resolution because it, would remove President Bill Clinton's upper hand in this year's budget talks and remove his ability to influence current appropriations bills. Those kinds of statements cause us to be very wary, frankly, about what the real motivation is here. We do not want to put the Congress on automatic pilot. We do not want to cut out the role the President ought to have as he negotiates with us what levels of investments we make in many of these areas. I do not know if there are political considerations here or not.

The best way with which to have a debate about this very important piece of legislation is to do it outside an emergency spending bill. I know the majority leader is working in good faith to see if we can find a reasonable compromise. I hope we can work together to make that happen.

As to the bill itself, nothing could be more important than for us to successfully conclude consideration of this legislation early this week and to get it off to the President as quickly as possible. The bill ought to enjoy the support of every Member of this body. The sooner we can get it off to the President, the better. The only way we can get it off to the President, without a veto, is to successfully conclude some negotiation with regard to the continuing resolution and these other very sticky issues that were not added on the floor but were added in the committee, even though they are extraneous to this particular bill. We would not be in the delay that we are now in were they not added in the first place. Because they were added, we now have to deal with that. They knew they were controversial when they were added, but they were added anyway. Now we have to contend with it. We are doing our best to work with the majority leader to do so successfully.

I thank the majority leader for his statement today and hope he will recognize that there is no delay on our side with regard to the consideration of this bill, and we will work with him as best we can under these circumstances to get it done as quickly as possible.

I yield the floor.

Mr. LOTT. Mr. President, I have to say I am very pleased to hear the Democratic leader say they are not delaying and they do not intend to delay. In this body, if you have one Senator who prefers not to vote for a while, he can pretty much make that happen. But if it is the Democratic leadership's intent not to delay, that is good news, and I am glad to hear that.

I presume, then, that based on that we will probably pass cloture tomorrow, and we can move on to dispense with the amendments that are pending in a reasonable time.

I think the Senator probably has the list of amendments that have been filed. As a matter of fact, there are only about 9 or 10 that state any purpose at all. Most of them have no statement of purpose on file.

Mr. DASCHLE. There are 54 Republican amendments out of the 120 amendments filed.

Mr. LOTT. I thought it was 61 Democrats and 48 Republicans.

The point I am making is I have a list here, 10 amendments indicated by 1 on our side, with no statement of purpose, and on the next page, 10 by your side. I think there is a lot of positioning and placeholding, and we understand that is the way it happens around here. I think if we could get cloture passed tomorrow and then work through the amendments that are still legitimately filed and we are concerned about, we can get those done tomorrow and bring this to a conclusion. If not tomorrow, at a reasonable time on Thursday so we can move on to other legislation. Of course, another thing, obviously, we would like to still hold the final passage until the House has acted. We may not actually be able to completely have the final passage until Thursday if the House has not acted by Wednesday, but we could complete everything and then have final passage on Thursday.

Now, with regard to the quote about not wanting the President to have the upper hand, that is right. I do not want him to have the upper hand. What we need to have is for nobody to have the upper hand. We need to have coequal positions: Congress has a certain responsibility, and the President has a certain responsibility and advantages. We need to find a way to work through that, where neither side can hold the other hostage, neither side. I am hoping we will find a way to do that over the next 24 hours or next 2 days.

With that, Mr. President, I am prepared to go to close.

ORDERS FOR WEDNESDAY, MAY 7, 1997

Mr. LOTT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, May 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to consideration of S. 672, the supplemental appropriations bill, and that there be 30 minutes equally divided between the chairman and ranking member. I further ask unanimous consent that following the 30 minutes of debate, the Senate then proceed to a vote on the motion to invoke cloture on S. 672, with the mandatory live quorum waived.

Mr. DASCHLE. Reserving the right to object, I will not object, but I only ask my dear friend, the majority leader, whether he has prepared some time this week to take up the legislation he and I have discussed on occasion having to do with legislating on appropriations. That is a matter he and I have agreed to try to resolve at the earliest possible date, by rollcall vote. We would hope legislatively we could address it this week. We would not have this problem if we were not legislating on appropriations. We are doing that.

I know the majority leader shares my view because he said publicly on the floor this was a mistake. We are living with that mistake right now. The sooner we can expedite consideration of that particular legislative initiative, I think it would be very helpful, and it would solve a lot of his problems, reduce his headaches, and get us back to where we should be with regard to the appropriations process.

Mr. President, I have no objection to the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. If I could comment briefly on that. I have said here before, last year, and I actually started working on that a couple of months ago, and as the Senator is probably aware, I met resistance on both sides of the aisle, on both sides of the Capitol, to a large extent from the appropriators, members of the Appropriations Committee. I do not want to put the blame just on them, but I, personally, think this has been abused over the years and is being abused now. This legislating on appropriations bills is not the way to do business.

However, as long as it is allowed under the rules, unless we can find

some way to modify or change that, I am sure it will be used with great vigor on both sides of the aisle. That is not the way I think business should be done.

PROGRAM

Mr. LOTT. For the information of all Senators, there will be a cloture vote on the supplemental appropriations bill tomorrow morning at 10 a.m. In addition, Senators are reminded that all second degree amendments must be filed prior to the 10 a.m. cloture vote. If cloture is invoked, it is my intention to continue consideration of the supplemental appropriations bill and complete action, if not tomorrow—hopefully tomorrow—or as early Thursday, if possible, if it goes to the next day.

Senators who intend to offer amendments to this legislation should be prepared to offer their amendments during Wednesday's session. I urge them to come to the floor during the daylight and offer their amendments, because we have a job to do here, and if we cannot make good progress tomorrow, then we will be here tomorrow night on this bill. Senators should be aware there are a number of amendments filed to the supplemental, so Senators should expect a busy voting day tomorrow. We could have several votes during the day, and we will notify Senators as soon as possible with respect to the exact times of the rollcall votes occurring during the session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, May 7, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1997:

EXPORT-IMPORT BANK OF THE UNITED STATES

JAMES A. HARMON, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001, VICE MARTIN A. KAMARCK, RESIGNED.

JACKIE M. CLEGG, OF UTAH, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001, VICE MARTIN A. KAMARCK.

DEPARTMENT OF STATE

RICHARD SKLAR, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

EXTENSIONS OF REMARKS

COMMEMORATING THE HOLOCAUST

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. MANZULLO. Mr. Speaker, I am honored to be able to take this opportunity to commemorate the more than 8 million people—6 million of whom were Jewish—who a little more than a half century ago were brutally, deliberately, and systematically exterminated in a state-sponsored effort to annihilate their religious, cultural, and ethnic existence. All across the United States, Americans are commemorating Yom Ha'Shoah—Remembrance Day for those who a couple of generations ago were exterminated in the death camps of Nazi Germany.

Today, I join millions of my fellow Americans and people all over the world in remembering the victims of the Holocaust. I also unite with those from around the country, including my constituents of the Jewish Federation of Greater Rockford, IL, to recognize those who risked their lives and those who died trying to intervene and save those who were targets of systematic extermination.

The Jewish Federation of Greater Rockford is commemorating Yom Ha'Shoah by paying tribute to the ''Righteous Gentiles,'' those non-Jews who risked death to help save the lives of Jews and others from Hitler's killing machine. These courageous people acted out of a conviction that they simply could not stand by and witness so great an injustice, so horrific a crime perpetrated against fellow human beings. In my district, I am privileged to have one of the surviving Righteous Gentiles, Irene Opdyke, addressing the Jewish Federation of Greater Rockford. Her presence alone is a testament to human compassion in the face of grave personal danger. Yet, her words of wisdom as she relates her personal experiences at saving lives will remind us of what courageous and conscientious people can do and should do when injustice is acted out on a grand scale.

We all admire the actions of the Righteous Gentiles. For it was through their courageous efforts to save those condemned to the gas chambers and firing squads that a remnant survived to preserve for us the memory of those who perished, as well as a personal account of the atrocities of that time. In essence, we are all survivors of the Holocaust. Although most of us never experienced its horrors first hand, we carry with us the knowledge and memory of those who did. We subscribe to the common value that human life is precious and abhor the evil committed by the perpetrators of the Holocaust. Therefore, as survivors we must rededicate ourselves to the proposition that we can never again allow the Holocaust to recur. We must never forget our sense of duty—bravely exemplified by the Righteous Gentiles and others—nor neglect our sense of compassion for the welfare of our fellow man. In the words of Elie Wiesel, Holocaust survivor and honorary first chairman of the Holocaust Council, [We cannot] allow anyone or anything to deprive [us] of the great, great miracle which renders a human being sensitive to others.''

Mr. Speaker, 1997 marks the 3,300th year of the establishment of the city of Jerusalem. This year is also the 30th anniversary of the reunification of Jerusalem after the Six-Day War. While there will be ceremonies recognizing these events, we must not forget to pause again this year in solemn remembrance of Yom Ha'Shoah. I urge all of us to take time out to remember those who died in the Holocaust and I commend those such as the Jewish Federation of Greater Rockford and Irene Opdyke who remind us of our obligation to never forget.

CHIEF MASTER SERGEANT DIX RETIRES FROM AIR FORCE AFTER 24 YEARS; A DISTINGUISHED CAREER IN ACTIVE DUTY, RECRUITING AND RESERVES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. WALSH. Mr. Speaker, I rise today to congratulate Chief M. Sgt. Ronald W. Dix upon his retirement and to ask my colleagues to join me in thanking Chief Dix for his 24 years of service and for his symbolic representation of all that is good about our Armed Forces, and particularly those of the U.S. Air Force and Air National Guard.

Chief Dix was on active duty with the Air Force from September 5, 1961 to September 4, 1965, serving as protocol NCO at Wheelus AFB, Tripoli, Libya and at Lindsay Air Station, Weisbaden, Germany. During this time, Chief Dix was also a member of the 37th Air Defense Missile Squadron at Kinchloe AFB, Sault St. Marie, MI.

In January 1978, he joined the Air National Guard, accepting an assignment in the Base Preparedness Office. In 1981, he was reassigned to active duty as a recruiter. Chief Dix was instrumental in attracting and inspiring young men and women to join the Air Guard in service to their country. In 1984, he was assigned as training NCO in the Civil Engineer Squadron of the 174th Fighter Wing and participated in many overseas deployment.

During his final time with the New York Air National Guard, Chief Dix served as the facilities manager for the entire Hancock Field Air National Guard Base. Some of his decorations for meritorious service include: The Air Force Good Conduct Medal, the Air Force Achievement Medal with four devices, the Air Reserve Meritorious Service Medal with five devices, the National Defense Service, the Armed Forces Expeditionary Medal, the Air Force Outstanding Unit Award, the Air Force Overseas Long and Short Tour Ribbon, the Air Force Longevity Service Award, the Small Arms Expert Marksmanship Ribbon, the New York State Commendation Medal and the New York Conspicuous Service Cross.

Upon completion of such exemplary service to our Nation, I commend Chief Dix and wish him well in retirement.

TRIBUTE TO THE DEDICATION OF THE BAUMGARTNER HOUSE HISTORICAL DESIGNATION PLAQUE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BONIOR. Mr. Speaker, the history of the United States is one of a colorful patchwork, stitched by people of diverse backgrounds and cultures. Today, the Fraser Historical Commission with the people of the town of Fraser, will celebrate their history by decorating the Baumgartner House with a Michigan historical marker.

In 1856, John Christian Baumgartner, a native of Bavaria, became one of the first landowners in Fraser when he purchased 80 acres of land. With his wife and children, Mr. Baumgartner erected a magnificent farm house with outbuildings.

The architecture of the home is German rundlborgenstil, meaning round-arched windows. Windows are the focal point of the home and are surrounded by corbelling. The house is a perfect symmetrical square, made entirely of brick. This type of architecture is rare in Michigan but was popular in the United States from the 1840's to the 1860's.

This unique home, complete with a grain farm, orchard, and outbuildings was inhabited by the Baumgartner family until 1907. Four families dwelled in the home until in 1981 when the city of Fraser purchased the home and converted it into a museum.

It is important that monuments to our past are preserved for future generations to witness. I would like to congratulate the people of Fraser for their commitment to preserving our past for our future.

AWARDING CONGRESSIONAL GOLD MEDAL TO FRANK SINATRA

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SNOWBARGER. Mr. Speaker, I rise perhaps in lone opposition to H.R. 279, authorizing up to $30,000 for a congressional gold medal for Frank Sinatra. While I have no doubt that the resolution will be approved by a majority of the House, I cannot in good conscience join in support of this extravagance at

a time when we are asking all Americans to join in the effort to balance the Federal budget.

Although I have long admired Mr. Sinatra's talent and enjoyed his work, I do not believe this is an appropriate use of $30,000 of tax money—an amount higher than the per capita personal income in my district.

THE CITY OF DUBOIS, 125 YEARS OF HISTORY AND VITALITY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SHUSTER. Mr. Speaker, I rise today in recognition of the 125th anniversary of the founding of one of the great cities in my congressional district, the city of DuBois in Clearfield County, PA.

DuBois is a prosperous community, rich in history and spirit. Located on a scenic plateau at the top of the Allegheny Mountains where the Eastern Continental Divide marks the flow of its waters, the DuBois region first attracted Native Americans who used its rich forestry and streams for hunting and fishing. The land became open to settlement after the Indian purchase of 1783. John Rumbarger purchased 250 acres in 1865, and he later laid out the town site in 1872. About the same time, John DuBois constructed his lumber mills, and by 1876 the name of the town was changed to DuBois. His lumber operation flourished because of the area's dense virgin timber, numerous streams, and easy access to the railroads. Shortly after the mills opened, coal veins were discovered in the west end of town. DuBois lumber and coal, along with Titusville oil, became the principal freight for the railroad for many years. In the words of resident historian Jason Gray, ''It was the lumbering that started DuBois and it was mining and railroading that kept it moving.''

DuBois has continued to prosper over the past 125 years, by virtue of its prime location and its people's strong work ethic. The town has remained an attractive location for business and industry, continuing in its historical role as a commercial center because of its proximity to Interstate 80 and PA Routes 119 and 219. The DuBois-Jefferson County Airport is also located nearby and serves as a gateway to Pittsburgh and other international airports. Though ideally located for such industries as trucking and interstate commerce, the area has also become a solid leader in such major industries as powdered metals, glass, and meter and spring manufacturing.

Nevertheless, there is more to a town than its commerce and economy. A community's character is also vital to those seeking an exceptional quality of life. True to form, DuBois does not disappoint in this category either. The beauty and serenity of the surrounding hills truly make it an ideal place to live. Each season distinctly enhances the town's natural beauty, whether it be the colorful fall foliage or the peaceful blanket of winter's snow. Recreation and other activities abound within the area. Ethnic festivals, parades, fireman's fairs, church suppers, and youths sports are embraced by the community as a whole and evoke a sense of hometown atmosphere to native residents and newcomers alike. Visitors are not viewed as strangers as is so often the case today, but treated as family. I know this from personal experience for the residents have gone out of their way to make me feel at home during each of my visits.

Mr. Speaker, I am indeed privileged to serve such a idyllic and distinguished community. I urge you and all of our colleagues to join me in wishing the citizens of DuBois a very happy 125th anniversary with positive outlook for another 125 years of continued growth and prosperity.

TRIBUTE TO ROBERT R. SMITH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. LOFGREN. Mr. Speaker, I rise today in tribute to Robert R. Smith, of Morgan Hill, CA, who will be honored May 31, 1997, by the Santa Clara Valley Water District and others on the occasion of his retirement. I ask that you and the other Members of this distinguished body join me to pay special tribute to his important achievements in the area of water management.

Bob has been helping to manage the Santa Clara Valley Water District's Water Utility Enterprise over the last 7 years, which includes design, construction and operations programs involving groundwater recharge, importation of water from the U.S. Bureau of Reclamation and the State of California, water treatment and reclamation. His contributions to western water management span a career of over 33 years, 15 of which have been in management at the Santa Clara Valley Water District.

A native of Michigan, Bob is a graduate of Michigan Technological University. He began his career at the Los Angeles County Flood Control and Water Conservation District in a variety of civil engineering positions in the areas of hydraulics and project management. During the course of his distinguished career, Bob served as superintendent of the water operations and maintenance at the northern Colorado Water Conservancy District and manager/district engineer at the Monterey County Flood Control and Water Conservation District, before joining Santa Clara Valley Water District. Bob first served as flood control manager at Santa Clara then was appointed in 1990 as assistant general manager of the water utility.

Bob Smith's leadership has been central to the successes the district has achieved in addressing the flood control needs and water supply challenges of Santa Clara County. His expertise and thoughtful approach to both management and technical issues continue to manifest themselves in the breadth and quality of the district's programs and projects.

Bob Smith provided a major contribution to the successful implementation of the district's ongoing planning, design, and construction of its $500 million flood control program featuring Federal assistance from both the U.S. Army Corps of Engineers and the Federal Natural Resources Conservation Service. He worked closely in negotiations with numerous Government agencies, and in collaborative discussions with State and Federal agencies in developing district solutions. His work with the district's congressional delegation over the years set the tone and standard for an emerging new era of cooperation and Federal involvement in our county. His vision and personal efforts in the establishment of State and Federal water policy at the administrative and legislative levels have been tremendous, including his participation in the resolution of the diverse issues relative to the Sacramento-San Joaquin Bay Delta.

Bob Smith epitomizes the best of a public agency executive. The high regard in which he is held throughout the California water resources establishment and in private industry marks Bob as one of our most effective and respected water leaders. He is known throughout the State for his technical expertise and insightful leadership. He has inspired and mentored many executives, and is a highly respected role model for many young managers.

Mr. Speaker, one of Bob Smith's best qualities is his love and tremendous support for his family. Bob and Lolly and their children Leeanne and her husband Fred, and Robbin and her husband Oke, have built a warm family life in Morgan Hill and now the grandchildren Merideth, Miranda, and Conner are nearby, which makes life that much sweeter. While Bob and Lolly will now have more time to spend with family at their second home in Montana, we hope we can call on Bob in the future to seek his counsel on water policy matters. He will be missed tremendously at the district and in the county and State water circles. Please join me in wishing Bob and his family well and in thanking him for his outstanding service to the district and to the community.

IN HONOR OF NINIAN SMART

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. CAPPS. Mr. Speaker, as the world becomes smaller, and as globalization becomes more and more a fact of life, it behooves us to know as much as we can about a multiplicity of cultures and the religious traditions that inform them. Today, May 6, 1997, the University of California, Santa Barbara, is celebrating Ninian Smart Day to recognize the extraordinary achievements of one of its faculty members in stimulating, extending and deepening cultural and religious understanding.

During a lifetime of service to academic communities on virtually every continent on the globe, Professor Smart has worked proficiently and diligently to increase knowledge about the nature and function of religion in human experience. Professor Smart is the only person to have served as a department chair in exemplary universities in both the United States (the University of California) and in England (Lancaster University). In addition, he has probably trained more Ph.D.'s serving throughout the world than any other scholar. And the books he has written, together with his television documentaries, have been widely acknowledged and highly praised. Mr. Speaker, Ninian Smart's contribution to scholarship as well as his personal contribution to increased religious understanding is truly remarkable.

On this day, his 70th birthday, greetings will come his way not only from appreciative colleagues and students within the United States,

but also from Great Britain, Europe, Asia, Australia, and Africa. Today, on his birthday, I too wish to pay my respects to him, thank him for his superlative work and continuing friendship, and trust that he has some sense of all that he has done to bring the religious and cultures of the world together in a manner that is harmonious, constructive, and congruent with a hopeful human future. On this special day, I too wish to sing happy birthday to my esteemed and dear friend.

TRIBUTE TO THE DAUGHTERS OF ISABELLA 100TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BONIOR. Mr. Speaker, today I would like to honor the Daughters of Isabella who will celebrate their 100th anniversary this month. This group of extraordinary women have dedicated their time, talent, and devotion to God to improve the welfare of people around the world.

In 1897, in New Haven, CT, the Daughters of Isabella were founded upon the principles of unity, friendship, and charity. Like their patroness, Queen Isabella of Spain, the Daughters of Isabella have been known for their philanthropic contributions and their devotion to God and the Catholic Church. Over the years, their membership has grown to 38,000 members in 22 States and 42,400 members in the provinces of Canada.

Together as sisters, the women have combined resources and energy to bring aid and sympathy to those who need it. Over the years the Daughters of Isabella have participated in social, charitable, spiritual, and international programs. Their vision has included support for programs such as St. Elizabeth's Home for unwed mothers, support for refugees in the Holy Land, Make a Wish Foundation, Babies with AIDS, and Hospice of Michigan.

For 100 years, the Daughters of Isabella have been an indispensable member of the Catholic Church and their communities. Their efforts have touched the lives of many individuals and families around the world. I ask my colleagues to join me in congratulating the Daughters of Isabella on their historic anniversary and the celebration of their future.

CONGRESSMAN DALE E. KILDEE HONORS PONTIAC CENTRAL/DELPHI FIRST TEAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. KILDEE. Mr. Speaker, I rise today to recognize the continued collaboration of some remarkable students with dedicated members of the private sector. This collaboration has resulted in national recognition and a renewed commitment to high academic success.

One year ago, I had the privilege of standing before you on behalf of a group of students from Central High School, located in Pontiac, MI, and the staff of Delphi Interior and Lighting of Troy, MI. These people created a team to compete in the Fifth Annual FIRST [For Inspiration and Recognition of Science and Technology] national competition. Their efforts resulted in the award for best new team. This year, they returned to competition and were honored with the competition's highest award, the Chairman's Award for overall excellence. Rewarding their efforts, President Clinton has invited them to the White House to demonstrate their winning entry.

Under the supervision of Central faculty members Birta Allen, Michael Martus, Michael McIntyre, Robert Rich, and Arthur Williams, the student team includes: Glynn Gooch, Travis Hilliard, Myder Ly, Tanea Andrews, Kristy Bell, Brandon Breault, Steven Carpenter, Alfredo Cobos, Armand Collins, Katie Curran-Morris, Modesto De La O, Tabitha Durham, Balam Embarcadero, David Goldsmith, Jessica Golem, Benjamin Graham, Regina Griffin, Janine Harper, Alicia Harris, Danielle Harvey, Hmong Her, Betty Kelley, Chong Lee, Moua Lee, Misty Lewis, Ronnitrea Pilgrim, Bianca Potter, David Potter, Angela Soldan, Paul Taylor, Natalie Walker, Houa Yang, Lisa Yang, Mary Yang, and Pa Yang.

Members of the Delphi engineering team include: Dr. Joseph Johnson, Hassan Anahid, Mike Aubry, Craig Blanchard, Robert Brooks, Michael Ciavaglia, Norm Cooper, Fred Conlon, Joe Cranston, Ken Katterheinrich, Saundra Marion, Mark Nicholas, Randy Poole, William Priest, Lloyd Rogers, Charles Salmonowicz, David Sedlak, Ken Siegfried, Ronald White, Ronald Wilde, Kimberley Will, and Joe Ottenbaker.

Mr. Speaker, at a time when the future of our young adults is a constant concern, I am happy to honor these exemplary individuals. This team is a perfect example of what can be accomplished through a strong partnership between our students and the community, and only by encouragement and reinforcement will they truly success.

A TRIBUTE TO ANTHONY H. EVANS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Anthony H. Evans of San Bernardino, CA. Dr. Evans is retiring after a long and distinguished career including the last 15 years spent as the president of California State University, San Bernardino.

Dr. Evans became the second president of Cal State University, San Bernardino, in 1982. As president and professor of history, he has led one of California's newest public 4-year institutions located in one of California's fastest growing areas. With an undergraduate and graduate enrollment totaling 12,500 students, the university is comprised of five schools including business; education; social and behavioral sciences; humanities; and natural sciences.

Cal State, San Bernardino, has thrived under Dr. Evans' leadership. The university's physical space more than doubled between 1986 and 1995 with a $100 million building program. The campus population has more than doubled since 1982 with over 12,000 students, 435 faculty, and 627 staff now calling the university home. The academic program has expanded from 47 bachelor's and master's degrees and 14 teaching credentials to 62 total degrees and 18 teaching credentials in 15 years.

Prior to coming to Cal State, Dr. Evans was the provost and vice president for academic affairs at Eastern Michigan University. In addition to serving as the chief academic officer and teaching in the department of history, he also served for 1 year as acting president and executive vice president of the university.

Dr. Evans' diverse background also includes a stint at the Department of State where he was a specialist in Far East affairs. He worked for 2 years in Thailand in the economic development program and for 2 years in South Korea as the Director of Programs for the Peace Corps. He also worked for 3 years in Washington, DC, as the Director of Planning for the Peace Corps, coordinating operations and programs in 69 developing countries. Dr. Evans, who holds a Ph.D. in U.S. history from the University of California at Berkeley, has also been active in numerous professional and civic organizations at the local, State, and Federal level.

Mr. Speaker, Dr. Evans has made, and continues to make, a tremendous difference in the lives of countless people throughout southern California. I ask that you join me and our colleagues in recognizing the remarkable achievements of this gifted gentleman and wishing Dr. Evans and wife, Lois, many more years of health and happiness.

HONORING THE WHITLEY COUNTY BOARD OF EDUCATION'S ANTI-DRUG CAMPAIGN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. ROGERS. Mr. Speaker, I rise today to commend the Whitley County Board of Education and the students of Whitley County, KY, on their remarkable campaign to fight illegal drugs.

Last week, I met with school officials and students from Whitley County. They briefed me on their aggressive campaign to discourage drug use and protect their children from drug dealers. I was very impressed with their grassroots effort to bring this issue to the forefront in their county.

The citizens of Whitley County are clearly behind this campaign—and I have the evidence to prove it. I recently received a petition with over 17,000 signatures from concerned citizens in Whitley County who want to protect our families from illegal drugs. This effort is a clear sign that the people of Whitley County are charting the course for a brighter future.

This petition was sent to local, State, and national officials to emphasize their concern on this issue. Their petition states:

> We hereby declare that the cultivation, manufacturing, and trafficking of illegal substances in our community is having an extremely negative impact on our youth. We request that you expand the education efforts relative to prevention of substance

abuse and to include teaching criminals, through their arrest, conviction and imprisonment, that we do not want drugs sold to our children.

I am very proud of the people of Whitley County and their effort to protect our children from the destructive forces of illegal drugs. I would also like to thank the superintendent of schools, Lonnie Anderson, for his dedication to this campaign. Furthermore, I would like to thank the drug-free schools coordinator, Cathy Stout, for her hard work on this issue.

Mr. Speaker, America's future is seriously jeopardized by illegal drug use. Winning this battle is essential to make our Nation a better place. The citizens of Whitley County have set a strong example for the rest of us to follow and I commend them for their hard work to protect their community.

HONORING THE LEGACY OF JACKIE ROBINSON

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. UNDERWOOD. Mr. Speaker, as a lifelong Dodger fan, it gives me extreme pleasure to pay tribute to one of America's great heroes, Jackie Robinson.

Jackie Robinson demonstrated amazing athletic ability as a young man. We all know of his greatness on the baseball field, but what many forget is that while he was a student at UCLA, Robinson lettered in four sports; football, basketball, track, and, or course, baseball. Ironically, it is widely believed that baseball was actually his weakest sport.

Robinson made significant contributions to America's pastime as a ball player. But more lasting than those are his contributions to our Nation by the man he was both on and off the field. This young ball player challenged America's preconceptions about African-Americans and helped break the sterotypes of inferiority which were pervasive in white America 50 years ago.

In the April 15, 1997, edition of the Washington Post, Michael Wilbon describes a historic bridge between Jackie Robinson and Tiger Woods and goes on to say that, ''this isn't just about sports, however, the venue is sports, and, as is often the case, sports is the earliest setting for significant social change.''

The most radical thing Robinson may have ever done was simply walk out onto the field. Because the moment he stepped onto Ebbets Field, he was on equal footing with his teammates and his opponents. The rules of segregated America no longer applied and America got just a glimpse of equality—an equality we haven't yet reached. But the athletic field is ultimately one of the few places—like the battlefield—where one's talents and abilities cannot be mitigated. They can keep you from playing—as people afraid of equality will try. But once you get on the field, equality and all its blessings begin to manifest themselves. Once Jackie took the field, there was no turning back. It was not because there weren't those who tried to turn back, it was not because everyone wanted to move forward, but it was because of Jackie's unshakable faith in equality and his incredible athletic ability that moved us all forward.

And all of us moved forward 50 years ago when Jackie put on his cleats—all of us, white and black, those of us who are neither, and most especially those of us who weren't even born yet.

It is for this reason that I am concerned that today's America, despite some social progress and despite the great interest in sports as a venue for social advancement as well as entertainment, does not fully appreciate his efforts. It is striking that so many young people do not fully appreciate the legacy of Jackie Robinson, not for the generation that endured that time in America's history, but for today's generation and for generations yet to come.

His unique combination of courage, grace, intelligence, athletic ability and tenacity marks Jackie Robinson as a great human being. He turned his cleats into weapons for social change as well as stealing bases. He used his bat for justice as well as base hits. He used his glove not just to catch baseballs—or even catch hell, which he certainly did—but as a way to turn the hard heads of bigotry into respectful, even admiring minds. It reminds one of the smoothness of turning a hard grounder into a quick but graceful double play.

I thank you Jackie Robinson for making baseball the great game that it is. But I thank you more for helping America challenge itself to be a greater nation and to be true to its promise for democracy and opportunity for all.

We are all part of the great American project to perfect democracy for each and every generation. It is clear that Jackie Robinson did more than his share. In fact, he carried the load of an entire generation.

TRIBUTE TO ABEL SCHRADER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SHIMKUS. Mr. Speaker, I rise today to commend a young man who exemplifies the hard work and dedication of the people of the 20th District of Illinois. This individual has worked extremely hard for the past 3 years in order to earn himself a spot among the best Class A basketball players in the best basketball State in America.

This young man is Abel Schrader, of Okawville, IL. Mr. Speaker, Abel has demonstrated the all-around ability, leadership, and attitude it takes to lead the Okawville Rockets to 20 wins and only 5 losses this past season.

As a 3-year starter on the varsity squad, Abel has led the team in 3-point shots, rebounds, assists, steals, blocked shots, and free throws. He scored almost 50 percent of the teams's total points in the past season, he ranks among the top three scorers ever in Okawville history, and he holds the record for the highest scoring average in a season.

He also averaged over 27 points per game this past season earning second team All-State honors and the honor of being named the Belleville News-Democrat's Class A Player of the Year.

Mr. Speaker, I would like to congratulate Abel Schrader and all of the Okawville Rocket basketball team on a job well done

CONGRATULATING LISA-ANNE FURGAL OF LARGO, FLORIDA FOR RECEIVING THE ''PRUDENTIAL SPIRIT OF COMMUNITY AWARD''

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor an outstanding high school student from Largo, FL. Lisa-Anne Furgal has been awarded the Prudential Spirit of Community Award for her outstanding volunteer service to her community. She will represent the State of Florida here in Washington, DC at a national event honoring those high school and middle school students who have shown a deep commitment to their communities and to helping others.

Lisa, a student at Largo High School, founded an organization called YOUTH which stands for Youth Out To Help, and informs people in her community about volunteer opportunities. Twenty-five to forty hours of her busy week are dedicated to meeting with board members, planning a newsletter, and collecting donations. YOUTH also publishes a booklet of nonprofit organizations where other students can volunteer their time or direct their donations. In Lisa's own words, ''Volunteering enables you to make a positive impact on the world.''

The sacrifice Lisa has made to serving others should be an example to us all. Many times it seems our responsibilities make free time more scarce than we would like. But taking a minute away from our business, and looking for ways we can volunteer, can make a significant difference in another person's life at a time when they need help. I hope that young and old alike take notice of the needs that many have in our country. And if we can pull together, one community at a time, with the exceptional leadership of individuals like Lisa-Anne Furgal, we will see positive changes in the lives of the people who are in need.

TRIBUTE TO THOMAS DENEWITH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BONIOR. Mr. Speaker, I rise today to congratulate Thomas Denewith, principal at L'Anse Creuse High School North. The Michigan Association of Secondary School Principals has recognized Mr. Denewith as Macomb County Principal of the Year.

Mr. Denewith's career began as a teacher and coach in the 1960's. He taught high school at his alma mater, St. Mary's in Mt. Clemens. The many triumphs and obstacles of teaching taught him how to work with students, parents, and the community. In 1974, Mr. Denewith brought his knowledge and experience to L'Anse Creuse Public Schools.

He began his tenure at L'Anse Creuse Schools as an assistant principal of L'Anse Creuse High School. In 1980, Mr. Denewith became principal of L'Anse Creuse High

School North. His talents and vision have created a safe haven for learning. His drive to improve the high school through numerous programs has resulted in the school earning National Exemplary School status in 1994-96.

The secret to Mr. Denewith's success is what he calls ''teacher empowerment'', a program designed to create a healthier, more open work environment. The idea behind the program is to give each person on staff an equal voice concerning the issues of the school. The teachers are given a positive role in how the school is run and communication is kept open.

Mr. Denewith is also committed to creating an environment where diverse groups can work together and resolve conflict. He initiated a ''communications training camp'' designed to help students deal with disputes. Each fall, 65 students from diverse backgrounds are sent to camp to learn nonviolent alternatives for settling a conflict. The program teaches students to accept different cultures and communicate with each other, a skill they can take back to their classmates and use throughout their life.

Mr. Denewith understands that parents play a critical role in the education of our youth. He has established a parent organization which discusses the importance of building relationships between students, parents, and school staff. Knowing that learning does not start or stop in the schools, Mr. Denewith has been committed to strengthening the bond between home and school.

I am pleased to honor Principal Denewith for the determination and respect that he has given to his students, staff, and community everyday. Over the years, Mr. Denewith's dedication to learning has not wavered. Many of us can learn from the lessons he teaches to our next generation of leaders.

HONORING DR. GERALD TIROZZI FOR HIS CONTRIBUTIONS TO THE FIELD OF EDUCATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. DELAURO. Mr. Speaker, on May 9, 1997, my good friend, Dr. Gerald Tirozzi, is being honored by the Farnam Neighborhood House for his years of service to the city of New Haven. I am very pleased to recognize Dr. Tirozzi's extraordinary career in the field of education.

As a nation, nothing should be a higher priority than the education of our kids. How and what our children learn in school will have direct repercussions for the future of our country. Talented, energetic, and dedicated educators are the best way to ensure our kids have a strong beginning. Gerry Tirozzi has devoted his life and career to making certain our kids have every opportunity to succeed. Born and raised in New Haven, CT, Gerry began teaching science in a New Haven school in 1959.

His career has now taken him far from that school but his heart remains in the classroom. In the past 35 years, he has held a number of positions of leadership in the field of education and has an exceptional record of accomplishments. He has always focused on raising the expectations we have of our students. Gerry truly believes that all our kids have the ability to excel and, while serving as Connecticut's commissioner of education, instituted reforms that significantly raise academic standards for students. Every parent wants their child to have the best education and Gerry's work in this State has helped make that possible.

On January 19, 1996, Gerry was appointed Assistant Secretary for Elementary and Secondary Education at the U.S. Department of Education by President Clinton. This appointment has given Gerry the opportunity to serve not only the city of New Haven and the State of Connecticut, but to have an impact on kids in every community in the country. A tireless advocate, Gerry has used this position to continue his lifelong goal of improving education for all children.

Gerry's contributions to education at the local, State, and national level will be honored by Farnam Neighborhood House with the Community Service Award. Located in New Haven, Farnam is a community center which runs social and educational programs for children through seniors. A terrific asset to the New Haven community, Farnam brings people together and gives kids a positive way to spend time. As a child, Gerry was a member of Farnam and worked as a game room supervisor there during his college years. I commend Farnam Neighborhood House and I applaud Gerry's association with this great organization.

Dr. Tirozzi's work has touched countless children and made significant improvements in the quality of their education and their lives. I am proud to rise today on his behalf.

INTRODUCTION OF THE GRAND JURY REDUCTION ACT OF 1997

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. GOODLATTE. Mr. Speaker, today I am introducing legislation—the Grand Jury Reduction Act of 1997—to reduce the size of the Federal Government by reducing the size of Federal grand juries.

In our effort to streamline the judicial process and cut wasteful Federal spending, we cannot afford to leave any stone unturned. A good place to begin is with the size of Federal grand juries. In fact, the Judicial Conference recommended a reduction in grand jury size as long ago as 1974.

Currently, grand juries consist of at least 16 to a maximum of 23 jurors. Indictments may be found only upon the concurrence of 12 or more jurors. According to the Administrative Office of the U.S. Courts, in fiscal year 1992 the average number of grand jurors sitting on a grand jury in session was 19.8. And some grand juries sit with only 16 jurors, the number necessary for a quorum under present law.

A panel of 23 is administratively unwieldy, costly, and unnecessary. In fiscal year 1992 total grand jury payments totalled $16,526,275—that's $67 per day per juror. By reducing the size of Federal grand juries to a minimum of 9 and a maximum of 13, as proposed by the Judicial Conference Committee on the Administration of Criminal Law 20 years ago, we will see significant cost savings as well as a necessary streamlining of the judicial process.

The Grand Jury Reduction Act is a practical, as well as a fiscal, reform. In a 1977 hearing on this issue, the Counsel of the Administrative Office of the U.S. Courts testified: ''our experience is that it is easier to summon a smaller panel than a larger one from throughout the larger districts.'' Therefore, reducing the size of grand juries will make the grand jury process more efficient.

The Grand Jury Reduction Act amends 18 U.S.C. 3321 to reduce the number of grand jurors necessary for a grand jury to be impaneled, and reduces the number needed to produce an indictment. Under this legislation, grand juries will consist of a minimum of 9 jurors, and a maximum of 13, with 7 required to indict. The bill does not in any way change the process or the standards required for grand juries—it only affects their size.

The Judicial Conference Committee on Court Administration and Case Management will be addressing this issue at its meeting next month, and the full Judicial Conference is likely to take a formal position on the legislation this year. I remain confident that, after reviewing the issue, the Conference will endorse the Grand Jury Reduction Act of 1997.

I am pleased to have my good friend and colleague, VIRGIL GOODE—D–VA—join me in this effort to streamline the judicial process and reduce the size and cost of government. I urge each of my colleagues to support the Grand Jury Reduction Act.

TRIBUTE TO THE LATE DR. RICHARD RIOUX

HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. MCKEON. Mr. Speaker, I rise today in tribute to a special friend and dedicated public servant whom we lost April 28, 1997, in Santa Clarita, CA.

Dr. Richard Rioux was the executive director of the Los Angeles County Antelope Valley Rehabilitation Centers in Acton and Warm Springs where he worked hands-on with more than 22,000 residents recovering from alcohol and drug addiction. Here he pioneered the development of an innovative literacy training program which has helped thousands of people attain the skills and knowledge necessary to be productive and responsible citizens.

Born in Fall River, MA, Richard moved to California in 1958, where he later became a Fulbright Scholar and student at California State University Northridge. Having earned his bachelor's degree, he then moved onto his doctorate in history from the University of Southern California.

Along with his accomplishments as an award-winning photographer, columnist, and author, Richard served as the founder and first president of his beloved Stevenson Ranch Town Council. In addition he was an avid sports enthusiast, having run 26 marathons and having climbed Mt. Whitney seven times. Most importantly, Richard was a devoted husband to his wife, Suzanne and father to Regina, Stephanie, Natasha, and Jeremy.

Known as ''Doc Rioux,'' Richard could often be found in old town Newhall helping local merchants, seniors, and students. His warm smile and constant fellowship inspired others

to embrace life's hardships and successes with remarkable strength and courage. Let me today join with his family and friends in remembering Richard Rioux and thanking him for the encouragement and love he gave our community. May the Lord bless him and keep him well. We will miss him and cherish his memory.

HONORING THE ACHIEVEMENT OF THE MONTGOMERY ACADEMY FORENSICS TEAM

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. EVERETT. Mr. Speaker, I am proud to bring to the attention of this House the accomplishments of a fine group of students from my congressional district. On March 22, 1997, the Montgomery Academy Forensics Team garnered the State forensics championship at the Alabama Forensic Educators Association State Tournament.

This represents the third such title in a row for Montgomery Academy and is quite an achievement when you consider that the Montgomery Academy Forensics Team has only been in existence since 1991. The school's enthusiasm for and dedication to forensic excellence can be measured in the growth of its forensic team's membership, from 15 to 140 in just 6 years.

I wish to congratulate all the members of the Montgomery Academy Forensics Team for their achievements and adherence to the highest standards. They can be proud of their work and we can be proud to know that forensic medicine will be enhanced through the contributions of outstanding Alabama young people such as these.

TRIBUTE TO REV. HOWARD L. RICE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to a remarkable scholar, spiritual leader and individual, Rev. Howard Rice. Reverend Rice is being honored for his outstanding career in the Presbyterian Church. I wish I could join his family, friends, and colleagues in celebrating his accomplishments and now his retirement.

Reverend Rice graduated from Caroll College in Waukesha, WI. After leaving Wisconsin, where he was born and raised, he attended the McCormick Theological Seminary in Chicago. While there, he realized a passion for inner-city ministry. Following graduation from McCormick, Howard served as a pastor in Minneapolis. He was then asked to return to Chicago where he successfully merged three small and struggling congregations into one interracial and bilingual church. In 1968, he was called to the San Francisco Theological Seminary to serve as professor of ministry. In this position, he was successful in coordinating student internships and vocational counseling program. During his career, he was also a strong advocate of women in the ministry, demonstrated by the number of women graduates contributing to church and social work across the Nation.

Howard Rice's career as a minister is both distinguished and admirable. In 1986 he was the recipient of the McCormick Theological Seminary Distinguished Alumnus Award. He also received honorary doctor of divinity degrees from Carroll College and Whitworth College in Spokane, WA.

Mr. Speaker, it is with great pleasure and pride that I pay tribute to Rev. Howard Rice. Throughout the course of his outstanding career, he has had a positive influence on many lives. I extend my congratulations and best wishes on his retirement. And I wish his wife Nancy, and their family, the best.

HONORING RAOUL WALLENBERG

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor an outstanding individual who is credited with saving thousands of lives in the face of Nazi tyranny and under the threat of certain death. Raoul Wallenberg belongs—or belonged—to one of the most famous families in Sweden, the large Wallenberg family. It is a family that has contributed Sweden with bankers, diplomats, and politicians during several generations.

Raoul's father, Raoul Oscar Wallenberg, was an officer in the navy, and cousin to Jacob and Marcus Wallenberg, two of Sweden's most famous bank and industrial men during half a century. Raoul was born August 4, 1912, 3 months after his father's death. His mother, Maj Wising Wallenberg, remarried Fredrik von Dardel in 1918.

Raoul's grandfather, Gustav Wallenberg, took care of Raoul's education. The plan was for him to continue the family tradition and become a banker, but he was more interested in architecture and trade.

In the year 1930 Raoul Wallenberg graduated with top grades in Russian and drawing. After his army service he traveled to the U.S.A. in 1931 to study architecture at the university in Ann Arbor, MI. In 1935 he received his bachelor degree in science and returned back to Sweden. But the market for architects was small in Sweden. Instead his grandfather sent him to Cape Town in South Africa where he practiced at a Swedish firm selling building materials. After 6 months his grandfather arranged a new job for him at a Dutch bank office in Haifa, Palestine—now Israel.

It was in Palestine he first met Jews that had escaped Hitler's Germany. Their stories of the Nazi persecutions affected him deeply. Maybe not only because he had a very humane attitude to life, but also because he owned a drop of Jewish blood—Raoul's grandmother's grandfather was a Jew by the name of Benedicks whom arrived to Sweden by the end of the 18th century—after his return from Haifa in 1936 Raoul Wallenberg resumed his old interest for business.

Through Jacob Wallenberg's good contacts in the business world Raoul was eventually brought together with Koloman Lauer, a Hungarian Jew. He was a director of a Swedish based import and export company specializing in food and delicacies.

Thanks to Raoul Wallenberg's excellent language skills, and thanks to his freedom of movement in Europe, he was a perfect business partner for Lauer. Within 8 months Raoul Wallenberg was a joint owner and international director of the Mid-European Trading Company.

Through his trips in Nazi occupied France and in Germany itself, Raoul quickly learned how the German bureaucracy functioned. He had also made several trips to Hungary and Budapest, where he visited Lauer's family. Hungary was still a relatively safe place in a hostile surrounding.

RAOUL WALLENBERG—BACKGROUND TO HIS MISSION

During the spring of 1944 the world had awoken and realized what Hitler's final solution to the Jewish problem meant. In May 1944 the first authentic eyewitness report reached the Western World of what happened in the extermination camp at Auschwitz. It came from two Jews who managed to escape the German gas chambers.

Hitler's plans for total extermination of the Jews of Europe became known. In Hungary, which had joined Germany in the war against the Soviet Union in 1941, there still lived an estimated 700,000 Jews at the beginning of 1944.

When the Germans lost the battle of Stalingrad 1943, Hungary wanted to follow Italy's example and demand a separate peace. Hitler then called the Hungarian head of state Miklós Horthy and demanded continued solidarity with Germany. When Horthy refused to meet the demands, Hitler invaded Hungary on March 19th 1944. Soon after that the deportations of Jews started. The destination was Auschwitz-Birkenau in southern Poland, and a certain death.

The Germans started deporting the Jews from the countryside, but the Jewish citizens of Budapest knew that their hour of fate was also soon to come. In their desperation they sought help from the embassies of the neutral countries, where provisional passes were issued for Jews with special connections to these countries.

The Swedish legation in Budapest succeeded in negotiating with the Germans that the bearers of these protective passes would be treated as Swedish citizens and exempt from wearing the yellow star of David on their chest. It was Per Anger, a young diplomat at the legation in Budapest, who initiated the first of these Swedish protective passes.—In 1982 Per Anger was also awarded the honor of ''righteous among the nations'' by Yad Vashem in Jerusalem for his heroic actions to save Jews during the war.

In a short period of time the Swedish legation issued 700 passes, a drop in the ocean compared to the enormous amount of Jews being threatened. The legation requested immediate staff reinforcements from the foreign department in Stockholm.

In Sweden at the same time the World Jewish Congress had a meeting in Stockholm. The most important issue was organizing a rescue operation for the Hungarian Jews.

In 1944 the U.S.A. established The War Refugee Board [WRB], an organization with the purpose of saving Jews from Nazi persecution. The WRB soon realized that serious attempts were being made from the Swedish side to rescue the Jewish population in Hungary. The WRB's representative in Stockholm

called a committee with prominent Swedish Jews to discuss suitable persons to lead a mission in Budapest for an extensive rescue operation. Among the participants was Raoul Wallenberg's business partner Koloman Lauer, chosen as an expert on Hungary.

The first choice was Folke Bernadotte, chairman of the Swedish Red Cross and relative to the Swedish king. After Bernadotte was disapproved by the Hungarian Government, Koloman Lauer suggested that his business partner Raoul Wallenberg should be asked. Lauer emphasized that Wallenberg had made many trips to Hungary while working for their joint company. Raoul was considered too young and seemed inexperienced, but Lauer was persistent. Raoul was the right man according to him—a quick thinker, energetic, brave and compassionate. And he had a famous name.

Soon everybody had approved Wallenberg. At the end of June 1944 he was appointed first secretary at the Swedish legation in Budapest with the mission to start a rescue operation for the Jews. Raoul was very excited to go to Hungary, but first he wrote a memo to the Swedish foreign department. He was determined not to get caught in the protocol and paper work bureaucracy of diplomacy. He demanded full authorization to deal with whom he wanted without having to contact the ambassador first. He also wanted to have the right to send diplomatic couriers beyond the usual channels.

RAOUL WALLENBERG—THE RESCUE OPERATION

When Raoul Wallenberg arrived in Budapest by July 1944, it was late. Under the leadership of Adolf Eichmann the Germans had already sent away more than 400,000 Jewish men, women, and children. They had been deported on 148 freight trains between May 14 and July 8. When Wallenberg came to Budapest there were only about 230,000 Jews left.

The German ''SS'' officer Adolf Eichmann was now preparing a plan that in 1 day would exterminate the whole Jewish population in Budapest. In a report to Berlin he said that ''the technical details will take a few days.''

If this plan had been but into action Raoul Wallenberg's mission had been meaningless. Then the Jewish issue would have been permanently solved for the part of Hungary. The head of state Miklós Horthy meanwhile received a letter from the Swedish king Gustav V with an appeal that the deportations were canceled, one train with 1,600 Jews was stopped at the border and sent back to Budapest.

Oddly enough the German authorities approved the cancellation of the deportations. The explanation may have been that Heinrich Himmler, one of the top Nazi officials, during this time played a high level game for peace. He thought he could negotiate a separate peace with the western allies and might have thought he'd stand a better chance if the pressure on the Jews was decreased. Adolf Eichmann could do nothing but wait.

At this time minister Carl Ivar Danielsson was head of the Swedish legation. His closet man was secretary Per Anger. Raoul Wallenberg now headed the department responsible for helping the Jews. Before Wallenberg arrived the head of the Red Cross in Hungary, Valdemar Langlet, helped the Swedish legation. Langlet rented buildings for the Red Cross and put signs like ''The Swedish Library'' and ''the Swedish Research Institute'' on its doors. These buildings were then used as hiding places for Jews.

Raoul Wallenberg's first task was to design a Swedish protective pass to help the Jews against the Germans and Hungarians. He had previous experience that both the German and Hungarian authorities were weak for flashy symbols. He therefore had the passes printed in yellow and blue with the coat of arms of the Three Crowns of Sweden in the middle, and added the appropriate stamps and signatures on it. Of course Wallenberg's protective passes had no value what so ever according to international laws, but it provoked respect. To begin with Wallenberg only had permission to issue 1,500 passes. Quickly though he managed to negotiate another 1,000, and through promises and empty threats to the Hungarian foreign ministry he eventually managed to raise the quota to 4,500 protective passes.

In reality Wallenberg managed to issue more than three times as many protective passes. He controlled a staff of several hundred coworkers. There were all Jews and thanks to their work with Wallenberg they didn't have to wear the degrading yellow star.

In August 1944, the Hungarian head of state Horthy fired his pro-German prime minister Sztójay and let General Lakatos succeed him. The situation for the Jews improved considerably. Through diplomatic pressuring, mediated and emphasized by Raoul Wallenberg, the responsibility to ''solve the Jewish issue in Hungary'' was taken away from Adolf Eichmann.

Now Wallenberg thought his department at the legation could be dismantled and that he himself could return to Sweden. He expected the invading and winning troops of the Soviet Union to soon take over Budapest.

October 15 the head of state Miklós Horthy declared that he wanted peace with the Soviets. But his radio speech had barely been broadcast until the German troops took command. Horthy was overthrown immediately and replaced by the leader of the Hungarian Nazis, Ferenc Szálasi. He was the leader of the Arrow Cross organization, who was just as feared as the German Nazis for their cruel methods against the Jewish population. Adolf Eichmann returned and received free hands to continue the terror against the Jews.

Raoul Wallenberg kept on fighting in spite of the ruling powers of evil and appeared often as an unwelcome witness to the atrocities. In many cases he managed to save Jews from the clutches of the Nazis with his firm action and courage as his only weapon.

Now Raoul started to build his Swedish houses. It was some 30 houses in the Pest part of the city where the Jews could seek refuge. A Swedish flag hung in front of the door and Wallenberg declared the house Swedish territory. The population of the Swedish houses soon rose to 15,000.

During this time Eichmann started his brutal death marches. He went through with his promised deportation plan by having large number of Jews leave Hungary by foot. The first march started November 20, 1944, and the conditions along the 200 kilometer long road between Budapest and the Austrian border were so horrendous that even the Nazis themselves complained.

The marching Jews could be counted in the thousands along never-ending rows of starving and tortured people. Raoul Wallenberg was in place all the time to hand out protective passes, food, and medicine. He threatened and he bribed, until he managed to free those with Swedish passes.

When Eichmann's killers transported the Jews in full trains Wallenberg intensified his rescue efforts. He even climbed the train wagons standing on the tracks, ran along the wagon roofs, and stuck bunches of protective passes down to the people inside. The German soldiers were ordered to open fire, but were so impressed by Wallenberg's courage that they deliberately aimed too high. Wallenberg could jump down unharmed and demand that the Jews with passes should leave the train together with him.

Raoul Wallenberg's department at the Swedish legation grew constantly and finally kept 340 persons busy. Also in their building lived another 700 persons.

Wallenberg searched desperately for suitable people to help, and found a very powerful ally in Pa'l Szalay, a high ranking officer in the police force and an Arrow Cross member—after the war Szalay was the only Arrow Cross member that wasn't executed. He was set free instead in recognition for his cooperation with Wallenberg.

The second week of January 1945 Raoul Wallenberg found out that Eichmann planned a total massacre in the largest ghetto. The only one who could stop it was General August Schmidthuber who was commander in chief for the German troops in Hungary.

Wallenberg's ally Szalay was sent to deliver a note to Schmidthuber explaining that Raoul Wallenberg would make sure that the general would be held personally responsible for the massacre and that he would be hanged as a war criminal after the war. The massacre was stopped in the last minute thanks to Wallenberg's action.

Two days later the Russians arrived and found 97,000 Jews alive in Budapest's two Jewish ghettos. In total 120,000 Jews survived the Nazi extermination in Hungary.

According to Per Anger, Wallenberg's friend and colleague, Wallenberg must be honored with savings at least 100,000 Jews.

RAOUL WALLENBERG—WHAT HAPPENED TO HIM?

On January 13, 1945, an advancing Soviet troop saw a man standing and waiting for them in front of a house with a large Swedish flag above the door. In fluent Russian, Raoul Wallenberg explained to a surprised Russian sergeant that he was Swedish chargé d' affaires for those of the Russians liberated parts of Hungary. Wallenberg requested, and was given permission to visit the Soviet military headquarters in the city of Debrecen east of Budapest.

On his way out of the capital on January 17—with Russian escort—Wallenberg and his driver stopped at the Swedish houses to say good-bye to his friends. To one of his colleagues, Dr. Ernö Petö, Wallenberg said that he wasn't sure if he was going to be the Russians guest or their prisoner. Raoul Wallenberg thought he'd be back within 8 days—but he has been missing since then.

If Raoul Wallenberg is alive or not is uncertain. The Russians proclaim that he died in Russian captivity on July 17, 1947. A number of testimonies indicate though that he was alive and that he still could be alive.

In November 1944, Wallenberg had established a section in his department that under his supervision would make a detailed financial support plan for the survived Jews. The

Russians did not at all have the same views of Jews and presumably couldn't therefore understand that a person had devoted his soul to save them. Therefore it was of importance to Wallenberg to explain his rescue operation.

The Russians probably believed that Wallenberg and another reason for his rescue efforts. They probably suspected him to be an American spy too. Most certainly they were skeptical to Raoul Wallenberg's contact with the Germans also.

Raoul Wallenberg and his driver Vilmos Langfelder never returned from Debrecen. According to reliable testimonies they were arrested and sent to Moscow. They were arrested by NKVD, and organization that later changes its name to KGB. Wallenberg and Langfelder were placed in separate cells in the Lubjanka prison according to eye witnesses.

Wallenberg wasn't the only diplomat in Budapest though that aroused the Soviets suspicion. The Swiss legation had also run extensive rescue operations for the Hungarian Jewish population. The Russians arrested a secretary of their legation together with a clerk and sent them to the Soviet Union. However the Swiss succeeded in getting them extradited with Soviet citizens detained in Switzerland.

It would take some time though until authorities in Stockholm got concerned over Raoul Wallenberg's disappearance. In a letter to the Swedish ambassador in Moscow, the Russian Vice Foreign Minister Dekanosov declared that ''the Russian military authorities had taken measures and steps to protect Wallenberg and his belongings.''

The Swedes, of course, expected Raoul Wallenberg to come home soon. When nothing happened Raoul's mother, Maj von Dardel, contacted the Russian ambassador in Stockholm, Aleksandra Kollontaj, whom explained that she could be calm, since her son was well kept in Russia. To the Swedish foreign minister Christian Günthers wife, Aleksandra Kollontaj said at the same time that it would be best for Wallenberg if the Swedish Government wouldn't stir things up. Kollontaj was called back to Russia meanwhile, and the issue took a new turn.

On March 8, 1945 the Soviet controlled Hungarian radio announced that Raoul Wallenberg had been murdered on his way to Debrecen, probably by Hungarian Nazis or Gestapo agents. This created a certain passiveness with the Swedish Government. Foreign minister Östen Udén and Sweden's Ambassador in the Soviet Union presumed that Wallenberg was dead. In most places however, the radio message wasn't taken seriously.

Many persons have drawn the conclusion that Sweden had an opportunity to negotiate for Wallenberg's release after the war but that the Swedish side missed the chance.

From 1965 there is a speech from Sweden's prime minister at the time, Tage Erlander, which is included in a collection of documents regarding the research around Raoul Wallenberg. Erlander concluded that all efforts that had been done shortly after the war were without results. In fact, the Soviet authorities had even denied knowledge of Wallenberg. Between 1947 and 1951 nothing new occurred. But when foreign prisoners started to be released from Russian jails many testimonies came regarding Raoul Wallenberg's faith after January 1945.

February 6, 1957, the Russians announced that they had made extensive investigations and found a document most likely to be regarding Raoul Wallenberg. In the handwritten document it was stated that ''the for you familiar prisoner Wallenberg passed away this night in his cell''. The document was dated July 17, 1947 and signed Smoltsov, head of the Lubjanka prisons infirmary.

The Russians regretted in their letter to the Swedes that Smoltsov deceased in May 1953, and that Abakumov had been executed in connection with cleansing within the security police. The Swedes were very distrustful toward this declaration, but the Russians have till this day stuck to the same statement.

Testimonies from different prisoners who had been in Russian jails after January 1945 tell, in contradiction to the Russian information, that Raoul Wallenberg was imprisoned during the whole 1950's.

In 1965 the Swedish Government published a new official report on the Wallenberg case. An earlier white book had been released in 1957. According to the new report Erlander had done everything in his power to find out the truth about Raoul Wallenberg.

Now the Wallenberg case went into a phase when nothing much happened. The stream of war prisoners from the Soviet Union decreased, and the testimonies were few. By the end of the 1970's though the case was brought up again. According to the Swedish foreign department two very interesting testimonies were the basis for a note to Moscow requesting the case to be reexamined. The answer from the Kremlin was the same as earlier—Raoul Wallenberg died 1947. On the grounds of additional material considered reliable, foreign minister Ola Ullsten sent another request in the beginning of the 1980's regarding Raoul Wallenberg to the Russian chief of government Aleksej Kosygin. The reply was the same as usual—Raoul Wallenberg died in 1947.

Is Raoul Wallenberg alive today? During the 1980's the interest for Wallenberg grew around the world. In 1981 he became an honorary citizen of the United States of America, 1985 in Canada, and 1986 in Israel, and all over the world the large opinion that still think he's alive, demand that he be released from his Russian captivity.

In Sweden and other countries—mainly U.S.A.—Raoul Wallenberg associations work endlessly to find answers to what happened to Raoul Wallenberg. In spite a large number of secret documents opened after the fall of the Soviet Union in 1991 Raoul Wallenberg's fate remains a mystery.

After his incomparable help efforts Raoul Wallenberg was put into a life long imprisonment, a cruel destiny for a man who sacrificed everything to give his fellow man a chance for a life in freedom. He is still celebrated and honored around the world for his heroism, courage and his fight for human rights.

In honor of his efforts to rescue the innocent from the scourge of Nazi oppression, the United States Postal Service has honored this great international hero and honorary American citizen with a stamp. On April 24, I was proud to stand with other Americans while the stamp was issued during ceremonies at the United States Holocaust Memorial Museum, of which I am a proud member of the board.

Joining me was my friend and colleague, Congressman TOM LANTOS, the only Holocaust survivor ever elected to Congress. Acting on legislation sponsored by Congressman LANTOS, President Ronald Reagan approved a special act of Congress making Wallenberg an honorary American citizen—a distinction awarded to only two other individuals—Sir Winston Churchill and Mother Teresa of Calcutta, India who was so named just this year. The Postal Service issued a stamp honoring Churchill in 1965. It is appropriate that we honor Raoul Wallenberg with a U.S. stamp. In this age devoid of heroes of his caliber, he is the original upon which other heroes should be modeled.

The new postage stamp features a profile portrait of Wallenberg on the telephone. In the background, a group of Holocaust survivors look over his shoulder. A Schutzpass is included in the upper left corner.

Burt Silverman, the designer of the stamp, is an established artist whose work has appeared on the cover of The New Yorker Magazine.

A TRIBUTE TO SARAH HEGARTY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, It is a great honor for me to pay tribute today to a young woman who is a fighter and a winner on the soccer field, on the basketball court, and in life.

Sarah Hegarty, a student at Divine Savior Holy Angels High School in Milwaukee was in intensive care last year for more than 6 weeks following emergency surgery for intestinal complications, and has spent 6 months in the hospital since March 1996. Last week, the former all-conference soccer player and starting guard on Divine Savior's State championship basketball team was crowned queen of her prom. And while Sarah continues to patiently wait for a small-bowel transplant, she manages to live and enjoy life to the fullest extent possible.

I commend the following article which appeared in Sunday's Milwaukee Journal Sentinel about this courageous young woman to the nation's attention. Indeed, we can all learn a great deal from Sarah Hegarty's determination and persistence.

SARAH WAITS FOR THE BEEP

She hasn't had a bite to eat since March 20, 1996.

Sarah Hegarty, the prom queen of Divine Savior Holy Angels High School, has used fluids and a feisty disposition to stay alive.

At the prom, the announcement of her election as queen was given a roar of approval.

''I was in shock,'' Sarah said.

Shocking Sarah, who is 16, takes a lot because Sarah has had to contend with her life being jolted apart in the past 13 months: A former all-conference soccer player and starting guard on a state independent championship basketball team, Sarah was in intensive care for six weeks last year after an emergency operation for an intestinal obstruction that nearly killed her,

She has had 12 surgeries and has been under general anesthesia 23 times because she had to be anesthetized just so medical personnel could change her surgical dressing. For 12 hours every day, liquid nourishment

is fed into her through a line that has been inserted in her chest.

While her classmates ate dinner at the prom, she drank water.

While her classmates danced, she did, too, but a few minutes at a time.

''I'd have to take breaks every five minutes,'' she said. ''I'd dance and then I'd sit down and have a glass of water.''

Sarah is a competitor, with full speed the only marking on her dial. If you call her fiery, make it a conflagration, not just a spark. When she has a goal, don't get in her way because you can't stop a Sarah at full throttle. As expected, the prom couldn't wear down her exuberance, and Sarah had a great time, which lasted until 3 a.m. That's when she arrived home and hooked herself up to her nourishment, which she couldn't disconnect for 12 hours.

''Maybe it's the spunk, the tough side of her in sports, that has helped her in her coping,'' her mother, Dolly, said.

WAITING FOR THE BEEP

The family is governed by a beeper—when it goes off, they know they have to head to the airport. After a small-bowel donor is found, Sarah and her family will have six hours to get her into transplant surgery at a hospital at the University of Nebraska in Omaha. An air ambulance is available, 24 hours a day.

''Despite it being a nightmare, she manages to cope with it better than anyone else,'' her mother said, ''It's her feisty spirit,'' she said and laughed.''Which sometimes drives me crazy.''

Sarah immediately recalled her mother getting angry in Sara's pre-illness days when a soccer referee would card her, meaning the ref was warning her or throwing her out of a game for a 90-mph infraction.

Sarah also recalled a technical foul she received in a basketball game after she absolutely, no question about it, cleanly and superbly blocked a shot that a conference star was trying to make. The ref, obviously biased in favor of the star, called a hacking foul on Sarah, and Sarah slightly questioned his brain power, or maybe it was his ability to find his whistle without help.

''He gave me the technical right away,'' Sarah said, ''because I'd been talking to him earlier'' about calls so highly questionable that even the ref's mother would have objected.

So this last year has not been easy for Sarah, as she missed school and sat on the bench while her teammates handle the referees. Her illness has stopped her from doing anything but cheer.

''It's been frustrating,'' Sarah said.

Asked about the transplant, she said, ''I can't wait.''

''We're anxiously awaiting Omaha,'' her mother said.

They have been told that a transplant may not be found for 6 to 9 months. Meanwhile, Sarah keeps doing what she can, as long as she doesn't stray far from beeper and nourishment.

''I'm connected 12 hours a night . . . and sometimes, if I'm thirsty, I'll go on it during the day,'' she said. ''I carry around a backpack and I keep it in there,'' she said, indicating the equipment she needs to connect to the line into her chest.

Prior to the prom, when friends told Sarah that she had been elected to the prom court, ''I started laughing,'' she said. ''I thought they were joking.''

The announcement of queen is not made until prom night, so she and her date, Kevin Tante, 16, a student at Marquette University High School, were startled. There were tears and cheers and one bop: Sarah's best friend, Mary Friar, shouted, ''Yes, yes, yes,'' pumped her fist in the air and accidentally bopped the person standing next to her.

When someone becomes as ill as Sarah has been, it tilts the world within touch: Her illness has become a battle for everyone close to her, including friends, teachers, four sisters and a brother, and, of course, her parents, Dolly and Jerry. Sarah has been unlucky in what happened, but lucky that a crowd showed up to help her.

''Literally hundreds of people visited her in the hospital,'' Mrs. Hegarty said.

Sarah has spent a total of six months in hospitals, and she's looking forward to her next stay. She wants the transplant now. This minute. Blow the whistle, ref, and let's get going.

This teenager and prom queen and hard-driving athlete who hasn't eaten in more than a year has already made a list. She has marked the name of every restaurant she's going to charge into when she gets home from Omaha.

IN HONOR OF OLDER AMERICAN'S MONTH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to announce that the month of May has been designated Older American's Month. The 335 senior centers in New York City will join with over 10,000 senior centers nationally and the Council on Senior Centers and Services in coordinating the Older American's Month celebration in New York City.

Senior centers and programs are vital in meeting the educational and social needs of our Nation's seniors. Centers provide a sense of community and fellowship necessary for seniors often living alone. Senior programs add immeasurably to the quality of life as well as emotional and physical well-being. I also know the value of senior centers from personal experience—they were a great benefit to my grandparents.

By naming this month Older American's Month, we are acknowledging the vital work that goes on every day to create safe havens and nurturing environments for seniors. I know all my colleagues in the House of Representatives will join me in applauding their efforts and wishing all our seniors centers many more years of success.

COMMENDING MRS. CLEO CHANDLER

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. RILEY. Mr. Speaker, when Jan and Dean wrote their 1963 classic hit song ''Little Old Lady From Pasadena,'' little did they know that nearly three decades later, Cleo Chandler would bring the familiar lyrics to life—racing not a ''Super Stock Dodge'' but a 1965 Chevy Chevelle in the International Hot Rod Association's stock eliminator class.

Cleo began her drag racing career in 1983, at age 68, when her son gave her the car as a Christmas gift. Apparently, after receiving the car, Cleo was so determined to become a drag racer that she would practice starts in her driveway. However, rumor has it that because her driveway was so short, Cleo would have to immediately hit the car's brakes to bring it to a stop before speeding into oncoming traffic. Sure enough, when Cleo finally made it to her first race, she got to the starting line, hit the accelerator, took off-and, true to her conditioned response, immediately hit the brakes.

Since then though, the 81-year-old great-grandmother has managed to score an impressive racing record. In 1992, at age 76, she won her first national event and has appeared in four more IHRA national event finals. Cleo has set three IHRA world records in stock eliminator class and was chosen Stock Car Driver of the Year in 1993 by Car Craft magazine.

Mr. Speaker, I would like to take this opportunity to commend Cleo for all of her accomplishments. She is truly an inspiration and proof to us all that you never get old if you are young at heart.

TRIBUTE TO CINDY THRESHER AND ALLEN WINCHESTER—TWO MISSOURI SCHOOL TEACHERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mrs. EMERSON. Mr. Speaker, as we celebrate National Teacher Appreciation Week, I want to pay tribute to two very special teachers from the Eighth Congressional District of Missouri.

First, there's Mrs. Cindy Thresher. Mrs. Thresher is Missouri's 1997 Teacher of the Year recipient. She has taught for 29 years—the past 16 years at Lucy Wortham James Elementary School in Saint James School District.

Mrs. Thresher is known for her hands-on approach to teaching and learning, a style that sometimes requires students to create unique learning environments. For example she has transformed her classroom into a rain forest, a desert, and the surface of the moon. In these projects she involves other faculty members, visitors from the community, and most importantly, parents.

For the past 3 years, Mrs. Thresher has led several statewide school improvement initiatives. She's a member of the original group of teachers and educators who helped write the ''Show-me Standards''—Missouri's statewide academic standards.

Today I also want to pay tribute to Mr. Allen Winchester, a government teacher at Gideon High School. Mr. Winchester has inspired and pushed students to play an active role in taking pride in and attracting new business to their community.

The St. Louis Post-Dispatch newspaper even highlighted his achievements in Gideon. Mr. Winchester has always stressed to his students, ''We have all the potential in the world. We just have to think big. If you think you can succeed you will. You just can't quit. If you can't climb over a brick wall, keep hitting it until it falls. Change the way people think.'' With this tenacity he is finding success by bringing the real world into the classroom.

Mr. Winchester refers to his teaching style as ''authentic learning,'' which he says trains

students in the basics and then lets them apply what they've learned. His students took that to heart, and in the last year, through their efforts, the town of Gideon helped renovate the community from the inside out by cleaning up public property and tearing down old buildings. To put a new face on this community spirit, Mr. Winchester's students erected a new welcome sign, planted flowers, and even created an Internet Web page showing off the town and school district to new businesses and other visitors.

Mr. Speaker, with teachers like Cindy Thresher and Allen Winchester guiding and teaching our students, our future looks much brighter. I commend them and all of our Nation's educators who prepare our children today to be the leaders of tomorrow.

REMARKS OF LEE TENG-HUI

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I recently had the privilege of traveling with the Speaker of the House on a congressional delegation trip to Asia. We had the opportunity to meet with some of the most dynamic leaders of the Pacific rim. I wanted to share with the rest of our colleagues the important remarks of Lee Teng-hui, President of the Republic of China on Taiwan.

PRESIDENT LEE TENG-HUI'S ADDRESS TO THE SPEAKER'S DELEGATION TO THE REPUBLIC OF CHINA ON TAIWAN ON APRIL 2, 1997

Honorable Speaker Gingrich, Honorable Representatives, Ladies and Gentlemen: Good morning. This is a very important moment. On behalf of the people and the government of the ROC on Taiwan, I would like to extend my heartiest welcome to all of you. Particularly, I would like to express my sincere appreciation to you for your decision to visit my country out of such a busy schedule on your Asia evaluation tour. The time of your stay is very short, but the most important thing is that you didn't forget this island ROC on Taiwan. It has at least two very significant meanings: First, the ROC on Taiwan is the best friend of the United States in the world and the symbol of American value system and idealism, Freedom and Democracy. Second, the island is geographically important for US military strategy in the West Pacific area, and particularly in North-East Asia.

Domestically, the ROC on Taiwan is now considered a fully free country by the Freedom House based in New York City following our first direct popular presidential election in March 1996. In order to improve our competitiveness, we are now in the process of streamlining the government structure through constitutional reform and establishing an Asian Pacific Regional Operations Center here.

Our mainland China policy remains unchanged. Eventual reunification of China under freedom, democracy, and social justice is still our future goal, but the fact remains: China is divided. We in the ROC in Taiwan would like to use the next thirty years to build an even more free, democratic and prosperous country, so that when the opportune time arises, we can hold talks of reunification with the other side on an equal footing.

In the interest of time, I would like to listen to you; any questions put forward to me are welcome. As to the purposes of this trip, you already mentioned in the news conference on the 23rd of March. We have already prepared answers to those questions, and will provide the materials to you for your convenience. Thank you very much for your attention. Now, I would like to listen to your comments and advice.

AVOID POLITICAL TINKERING WITH THE CPI

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today out of concern for all senior citizens. As you may know, I represent one of the oldest congressional districts in the country. In fact, well over 20 percent of the people living in my district are aged 65 or older. Many of my constituents consequently depend on Social Security. Because many of those receiving Social Security live near the poverty level and because Social Security often represents their only source of income in retirement, they especially depend on their annual cost-of-living adjustments COLA's to maintain their standards of living.

As my colleagues should be aware, the Federal Government currently calculates the annual COLA for Social Security recipients using the consumer price index for wage earners [CPI–W]. Because the market basket used to determine the [CPI–W] does not precisely reflect those goods and services purchased by senior citizens, some fear that the elderly may actually experience a higher rate of inflation. Therefore, the Bureau of Labor Statistics [BLS] at the request of Congress has for a number of years calculated an experimental price index for the elderly. As a result, the BLS found in 1994 that the CPI–W may actually understate the annual inflation rate for the elderly by four-tenths of a percentage point on average.

This difference comes as a consequence of two well-known factors. First, older Americans spend more of their income on out-of-pocket costs for medical care, despite coverage by Medicare. Second, medical care prices have risen faster than the average of all other prices. If the price of medical care increases faster than average, then, other things being equal, the actual inflation experienced by senior citizens will be more rapid than is described by the CPI–W.

Despite evidence that the CPI–W may understate the rate of inflation for the elderly, many people still have the perception that the measure overstates inflation. In a time of budgetary pressures, many policymakers have consequently come to view adjusting the CPI as the panacea for balancing the budget because curbing COLA's would reduce budget deficits and ease long-term entitlement funding. COLA's are such an important issue because about one-third of Federal budget outlays are automatically adjusted each year given changes in the CPI–W.

I have closely followed all of the debate about whether the BLS overestimates inflation when it calculates the consumer price index. Therefore, when the budget negotiators announced their deal late last week. I was relieved to learn that they did not agree to any risky political tinkering with the CPI. A political determination in this matter would have compounded the efforts of Government economists to determine the accuracy of the measure. Moreover, it would have led to greater public confusion about the issue and distrust in the accuracy of Government statistics generally. Still further, any political effort to manipulate this statistic downward would have likely had a significant negative impact on those elderly individuals living close to the poverty line.

Instead of a politically motivated vote on the accuracy of the CPI, what is needed is a factual, technical determination based on sound economic analysis. Despite the well-publicized findings of the Boskin Commission, several economists have recently issued reports that the CPI may understate inflation. The BLS has the expertise, tools, resources, and experience to weigh the conflicting evidence and develop an accurate and appropriate inflation measure. Moreover, allowing the BLS to make this determination will help to maintain the integrity, objectivity, and the reliability of the Federal statistical system.

Ultimately, I believed that people should receive an accurate inflation adjustment, not one that gives them an unintended bonus or reduction. I, therefore, encourage the Bureau of Labor Statistics to continue its efforts to identify the most appropriate and accurate criteria for measuring inflation. I would also be interested in learning of the agency's recommendations on whether Congress should use the CPI for the elderly to adjust Social Security benefits and other programs for the elderly. Further, I encourage my colleagues in Congress to continue to protect our senior citizens and others on fixed incomes in any future effort to balance the budget.

My Speaker, thank you for allowing me to raise this important issue. The Bureau of Labor Statistics alone should make adjustments, if any are needed, to the methodology used to determine the Consumer Price Index. In the upcoming weeks and months, I, for one, will continue to vigilantly watch the actions of the Bureau of Labor Statistics on this issue. I am also certain that senior citizens will also continue to closely examine the actions of my colleagues on this matter.

TRIBUTE TO MICHAEL SCHULTE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, It is a great honor for me to pay tribute today to one of Milwaukee County's truly outstanding citizens. As the Men's Club of Shorewood, WI, gathers this week to honor Michael Schulte as its 1997 Man of the Year, I would like to take a moment to reflect on the achievements of this exceptional individual.

From 1985 until last month, Mike Schulte served as a village trustee of Shorewood, serving as village president for more than 6 years. Under Mike's strong leadership, Shorewood grew and thrived as one of Wisconsin's most efficient and productive communities.

During his tenure, enhanced 911 emergency service and the North Shore Public Safety

Communication Center were established. Mike ensured that Shorewood was an active participant in the ''East-West Corridor Transit Study,'' and formed the village's employee committees. In addition, Mike was extremely dedicated to making critical improvements to Shorewood's schools and infrastructure, while ensuring that the community's natural beauty was preserved during its development.

Mike was Shorewood's voice on the Milwaukee County Intergovernmental Cooperation Council, the Milwaukee Metropolitan Sewerage District Executive Committee, and the North Shore Fire Department Board of Directors. His unfailing dedication and tireless work on behalf of all of Shorewood's residents will be long remembered. Having worked personally with Mike on a number of occasions, I can personally attest to his leadership skills, professionalism, and generosity.

The only thing that's more important to Mike than Shorewood is the quality time he can spend with his wife Barbara, and three children Kathryn, Jon, and Eric. I am certain that in his retirement from public life that he will enjoy countless hours with his wonderful family in the years to come.

While I am sorry that the work of Congress here in Washington will prevent me from attending the banquet in Mike's honor, I ask my colleagues to join me in offering our warmest thanks to Mike. Congratulations and thank you for all that you have done.

TRIBUTE TO MILAM ELEMENTARY SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. FROST. Mr. Speaker, I rise to congratulate Milam Elementary School, its principal, teachers, parents, and also the incredible students who have all today earned national acclaim through the Title I Recognition Program.

The Title I Recognition Program honors 99 title I schools which have achieved success based on six very important criteria. Those criteria were: First, providing opportunity for all children to meet advanced level of performance; second, professional development; third, positive coordination with other programs; fourth, developing a curriculum and instruction methods to support a high standard of achievement; fifth, partnership among schools, parents, and communities; and sixth, 3 years of successful achievement data.

The honored schools were selected through a vigorous, competitive process coordinated and managed by the various State Education Agencies. The award was presented today, May 6, at the International Reading Association Conference in Atlanta, GA.

Title I provides funds to schools to assist them in helping at-risk children achieve a high academic standard in school. Nearly 70 percent of all children participating in title I receive reading instruction and over 40 percent receive instruction in mathematics.

Mr. Speaker, I would once again like to congratulate Vickie Overton, the Milam Elementary School principal, and everyone associated with the school's title I program. They have made Milam Elementary School a symbol of what the title I program can achieve.

INTRODUCTION OF THE DISTRICT OF COLUMBIA POLICE COORDINATION ACT OF 1997

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. NORTON. Mr. Speaker, today, I am introducing a bill that will introduce rationality and cost efficiency into the almost totally uncoordinated, extraordinarily inefficient and wasteful use of Federal agency police power in Washington, DC. My bill will free 30 or more Federal law enforcement agencies to give direct assistance to the Metropolitan Police Department [MPD] and will get a much increased bang for the Federal buck as well as additional police protection for District residents, commuters, and tourists. The point of my bill is the highest and best use of their valuable police powers.

Few are aware of the great number of overlapping Federal law enforcement agencies in the District. A CRS survey that I requested shows that there are at least 30 agencies with the authority to arrest and to carry firearms. Many of these agencies get state-of-the-art training at the Federal Law Enforcement Training Center [FLETC] in Brunswick, GA, considered the best police training facility in the country. The MPD does not receive this superior level of training because the District cannot afford to send our officers to the Georgia facility. Yet the MPD is left to respond to calls for assistance not only from residents but also from the Federal officers while responding to one of the highest crime cities in the country without their assistance.

Examples of Federal law enforcement agencies that would be affected are Federal Protection Services, Library of Congress Police, U.S. Park Police, Government Printing Office Police, Naval Observatory and Walter Reed Army Medical Center.

Despite often excellent training, these and other Federal law enforcement agencies are pitifully constrained in their ability to utilize this costly training. The Federal taxpayer is getting very little protection at a very high price because the Federal law enforcement agencies are treated essentially as private police forces. Most of these officers are unable to make arrests except in the building or on the immediate grounds. Most do not patrol in the immediate vicinity surrounding their agencies, but leave that job to the overburdened MPD. On the few occasions when they do intervene in an unlawful activity, many can only call 911 as if they were citizens without arrest powers. By phone, they inform the MPD of the crime that may be occurring within sight of the agency because Federal agencies and the MPD do not share the same radio frequencies. To its credit, Park Police Officers in Rock Creek Park overcame the obstacle by simply loaning their counterpart officers in the MPD a police radio and vice versa. Federal officers who do make an occasional arrest merely hand over the suspect to the MPD and do not do any of the paperwork, leaving the MPD with hours of processing that keep officers off the streets. Although they work in the same city, there is little, if any, routine sharing and donation of equipment between Federal agencies and the MPD at a time when the President has called on Federal agencies to help the District. What little coordination that is done comes on an ad hoc basis, without any central entity or authority to coordinate agency efforts.

Therefore, today I am introducing the District of Columbia Police Coordination Act of 1997. The bill directs Federal law enforcement agencies to enter into cooperative agreements with the MPD to assist the department in crime prevention and law enforcement activities in the District. Matters that must be included in these agreements include sending agency personnel on patrol in areas immediately surrounding their respective agencies, sharing and donating equipment and supplies, sharing radio frequencies, and streamlining the processing of suspects. The U.S. attorney will act as the coordination entity for purposes of implementing the bill.

Federal police officers usually earn more than D.C. police, have access to better training, have better benefits and working conditions, yet perform almost none of the services that the MPD officers perform. The District has had to cut other vital services to raise the number of officers while Federal officers are treated like high-priced night watchmen. Yet high crime rates and police assassinations are quick to get the attention of Congress. Stinging criticism of the MPD and death penalty rhetoric will do nothing to assist D.C. police officers. Federal law enforcement officers should not be left underperforming only because they lack the authority to render service commensurate with their police power and arrest authority.

I have had success with a similar bill. In 1992 Congress passed Public Law 102-397, my bill that now allows the Capitol Police to patrol an area three times greater than previously. Instead of patrolling only adjacent to the Capitol grounds, where there is virtually no crime, the Capitol Police now patrol the neighborhood. Under my bill, Federal law enforcement agencies would accomplish the same results through cooperative agreements that take into account their own agency needs, assist the MPD officers in avoiding duplicate actions, and coordinate their work for maximum efficiency.

I believe most Members of the House and Senate would be alarmed that Federal tax dollars contribute so little to the protection of areas around Federal facilities and want a more cost-efficient system. The Congress came to this same conclusion when it reacted to crime in the Capitol Hill neighborhood by freeing its own Capitol Police to patrol beyond the immediate area of the Capitol. The District of Columbia Police Coordination Act of 1997 will give the Congress the opportunity to apply the same approach to Federal law enforcement officers assigned to other Federal facilities.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE FLANDERS ELEMENTARY SCHOOL IN SOUTHINGTON, CT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and admiration that I

rise and pay tribute to the Flanders Elementary School in celebration of 30 years of unwavering service and dedication to the children and families of Southington, CT. The school's commitment to the education and well-being of children is worthy of distinction.

On May 2, 1997, the Flanders Elementary School celebrated its 30th anniversary in its current building. The school, its students, their parents and the Flanders School PTA celebrated this joyous occasion and I am proud to recognize their achievement.

For the past 30 years, the faculty of the Flanders Elementary School have excelled in their efforts to educate the children of Southington, CT. They have helped to create a foundation of learning that will stay with the children throughout their lives. It is a testament to the enduring values of education and 30 years have passed and the school has not wavered from its original mission. The teachers have forged ahead with the same commitment and dedication as when the school was founded. They deserve our appreciation and admiration, for it is the continuing success of their students that makes us all proud. I would like to commend the Flanders Elementary School for its service and wish it continued success in the years to come.

HONORING HEBRON VOLUNTEER FIRE COMPANY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SOLOMON. Mr. Speaker, this is a very special year for the Hebron Volunteer Fire Company in the southern part of Washington County in upstate New York.

Earlier this year, the company celebrated its 50th anniversary. On August 29, the Hebron Fireman's Auxiliary will celebrate its own 20th anniversary.

Mr. Speaker, I'm an old volunteer firefighter myself, having served with Queensbury Central in my hometown for 20 years. Volunteer firefighters are special people to me. In my rural areas like ours, they save countless lives and billions of dollars worth of property every year. They're increasingly well-trained and dedicated to the protection of their neighbors. They come from all walks of life, and make many sacrifices and run many risks. This, Mr. Speaker, is the American spirit of voluntarism at its finest.

And the Hebron Volunteer Fire Company is typical in this regard. I've had a chance to meet many of their members, and they are real heroes. So are the women involved in the auxiliary, who offer vital support in a number of ways. Under the leadership of Alice Coldwell, auxiliary president, working closely with fire company president David Getty, the people of Hebron continue to be well-served.

Mr. Speaker, today let us rise to wish both the firefighters and auxiliary of Hebron a happy anniversary and many more years of outstanding service.

TRIBUTE TO KENNETH E. SCOTT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BOB SCHAFFER of Colorado, Mr. Speaker, I rise today to pay tribute to Kenneth E. Scott, a Kiowa, CO, rancher and farmer who made many contributions to his community before passing away at the age of 93.

Ken was born in Missouri and came to Colorado as a young man where he met and married Lyndall Deming. They ranched and farmed on Comanche Creek for over 50 years, raised their four children there and also ran a family owned truck company.

Ken took a lifetime interest in education and served on the local school board. He was vice president of the Elbert County Historical Society and was very active in agriculture organizations. He was a member of the Comanche Creek Grange, the Elbert County and Colorado Farm Bureaus, the Elbert County Livestock Association, Colorado Cattlemens Association, and the Wheat Growers Association.

Additionally, Ken cared very much about this great country and its politics. Because he believed in protecting the many freedoms Americans enjoy, he became actively involved in the Republican Party and served as Elbert County chairman for more than 20 years. He worked tirelessly to elect good people who would protect those freedoms.

Mr. Speaker, I am honored to pay tribute to this very hardworking, humble man who gave so much to his family, the many friends he made over the years, and the community in which he lived. He embodied the true American spirit.

RECOGNIZING JUDGE LINTON LEWIS AS A HERO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. NEY Mr. Speaker, in a historic decision, the Ohio Supreme Court recently upheld the Perry County court case in which Perry County common pleas judge, Linton Lewis, ruled that Ohio's current education financing system is unconstitutional due to the inequity of funding between wealthy and poor school districts.

The court gave the Ohio General Assembly 1 year to enact a better and constitutional system of providing funding for public schools. The court also gave Judge Lewis responsibility for, and veto power over, the final legislative product. Judge Lewis did not ask for the job he was assigned and the State's top judges anticipated the criticism he would receive. In his concurring opinion, Justice Andrew Douglas praised Lewis for the magnificent job he did handling the case and credited him with being ''unswayed by partisan interests, public clamor, or fear of criticism.''

Mr. Speaker, I have a long personal history of supporting the Perry County court case, and I am extremely pleased with the Ohio Supreme Court's ruling upholding Judge Lewis' decision. However, after reading what some news sources from Ohio had to say about the ruling, it is obvious that not everyone agrees on the court's decision or the school funding issue. One news source stated that ''education policy for 11 million Ohio residents will be dictated in a rural fly speck on the State map—by a county judge who answers to less than one-thousandth of our population.''

Mr. Speaker, I take strong exception to these comments. Ohio's children from poorer areas in the State deserve the same educational opportunities as the children in wealthier school districts, and it is about time that Ohio address the inequities that exist in the current school funding formula. This formula was challenged by a student in Perry County who was forced to sit on the floor to take a test because his school could not afford enough chairs for all of its students. There was an elementary school which is in my district that did not have running water. For the longest period of time, the students had to walk across the street to a gas station when they needed to use the restroom.

This list of funding inequities could go on. When you have a situation where children in wealthy school districts receive up to three times as much funding for education as those in poor school districts, something needs to be done to rectify the situation, and I applaud Judge Lewis and the supreme court's courage in making this ruling and standing by Ohio's less fortunate children.

In conclusion, Mr. Speaker, I firmly believe that Judge Linton Lewis is a hero for Ohio's schoolchildren and should, therefore, be recognized by the U.S. House of Representatives for his heroic stance on behalf of Ohio's children.

PERSONAL EXPLANATION

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. CHRISTENSEN. Mr. Speaker, last Thursday I was unavoidably detained and missed rollcall vote No. 102, a Jackson amendment to H.R. 2. Had I been present, I would have voted ''no,'' and I would like the record to show that I would have voted against the amendment.

PROGRESS REPORT ON WOMEN'S HEALTH

SPEECH OF

MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SANDLIN. Mr. Speaker, I would first like to thank Representative CONNIE MORELLA, Representative LOUISE SLAUGHTER, and the Congressional Caucus for Women's Issues for holding this special order on women's health and for raising the awareness of women's health issues through the past 20 years.

I also come to you today to address issues of great concern to me as a husband, father of two sons and two daughters, concerned citizen, and diligent representative of east Texans. We have made tremendous strides in the area of women's health this century, but we have far to go. Women's health is more vulnerable than men's health for a number of

reasons, ranging from demographics to specific diseases, and we must continue to recognize that women have special health care needs.

While health care costs are soaring for the entire population, women earn, on the whole, less than men. Women of reproductive age pay 68 percent more out-of-pocket health care costs than men, a larger percentage of women hold part time and clerical jobs without health insurance, and women tend to live longer than men. As a result, women are disproportionately affected by rising health care costs. Pregnant women in particular face significant costs and high risks. In 1991, only two-thirds of black, Hispanic, and American Indian women received early prenatal care.

Because this segment of the population is so vulnerable, Congress created the supplemental nutrition program for women, children, and infants, called the WIC Program, 23 years ago. Since then, WIC has proven very effective at improving women's health and reducing health care costs. Pregnant women on Medicaid who participate have better health, are more likely to receive prenatal care, and have children with better learning abilities, higher rates of immunization, and better weight. The General Accounting Office has calculated that every dollar spent in the WIC Program saves $3.50 in Social Security and Medicaid benefits.

Congress has threatened to reduce funding for this essential program below the President's request. The proposed budget cuts of $36 million could cut 180,000 women and children out of the program, leaving women with improper nutrition and potentially impairing the development of as many children. We will soon be voting on this issue, so let us make this commitment now to save money for the Government and show compassion for this vulnerable group in our population.

In addition to economic vulnerability, women face unique risks simply because of their gender. Though awareness of breast cancer risks has risen for years, the death rate has not fallen and the incidence rate has risen steadily. Now, one in eight women will develop breast cancer in her lifetime; 2.6 million women are estimated to have the disease, and economic costs from medical expenses and lost productivity due to breast cancer have risen to $6 billion annually.

These women are daughters, sisters, mothers, grandmothers, friends, and colleagues, and we owe it to them to redouble our efforts to detect, treat, and prevent this devastating disease. We must extend our efforts to educate and reach out to those women who are not now receiving regular mammograms, especially lower income women who have been proven to be less likely to receive a mammogram. And we can extend coverage of Medicare to cover more frequent and earlier mammograms to detect and remove breast cancer at a lower cost and with less damage.

We have to make this commitment to the women of America. What is good for the women of this country is good for the country as a whole. We cannot allow these health risks to go unchallenged, and we must make improving the health of women a goal for this Congress.

TRIBUTE TO CANTOR ISAAC BEHAR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing the distinguished career of Cantor Isaac Behar, who is retiring from Sephardic Temple Tifereth Israel after serving for 27 dedicated years.

Cantor Behar was born in Shumen, Bulgaria. He studied both religion and music at the Yeshiva in Sophia, Bulgaria, and later graduated from the Musical Academy in Bucharest, Romania.

In 1959 Cantor Behar moved to Israel, where he served as a music teacher and musical adviser at a school in Tel Aviv. In 1962 he was appointed as cantor of Congregation Yehuda Halevi in Mexico City, where he also served as the director of the Choir de Union Sefardi.

Then in 1969 he was invited to Sephardic Temple Tifereth Israel in Los Angeles, where he served as the senior cantor until his recent retirement on December 31, 1996. During his many years at Sephardic Temple Tifereth Israel, Cantor Behar has been an inspiration to the entire congregation, but particularly to the young people. He was regarded not only as their cantor, but also as a teacher, mentor, and adviser.

Cantor Behar educated and entertained his congregation with his original compositions of Sephardic sacred music and music for Shabbat and for the Yamin Noraim. His lyrical voice and knowledge of Judaism have been shared with a wider audience through his two albums, the first of which was recorded in Mexico City, and the second in Los Angeles entitled ''Songs of the Sephardic People.'' The congregation of Sephardic Temple Tifereth Israel owes a great debt of gratitude to Cantor Behar for his long and successful tenure as cantor.

I ask my colleagues to join me in honoring Cantor Isaac Behar for his dedicated service and record of achievement and in wishing him great happiness and success in the future.

INTRODUCTION OF PRESCRIPTION DRUG BENEFIT EQUITY ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mrs. LOWEY. Mr. Speaker, last week, I introduced the Prescription Drug Benefit Equity Act—Federal legislation that would ensure that Americans are free to obtain their prescription drugs from a neighborhood pharmacy rather than through the mail.

This bill will protect consumers' choice and help keep local pharmacists in business. It will put a stop to an emerging trend that has forced some individuals to obtain their medications through the mail.

Mr. Speaker, some health coverage policies require patients to pay significantly more to use their local pharmacist. A few have eliminated that option altogether. That's not right.

Hard-working Americans should not be forced to entrust their health to pharmacists working at a firm thousands of miles away. They deserve the right to continue seeing the neighborhood pharmacists they've grown to trust.

While most plans do not require beneficiaries to purchase medication through the mail, a growing number of plans are now charging consumers substantially more for the privilege of using their neighborhood pharmacist. That includes the Federal Employee Health Benefits Plan, which charges Federal employees nothing for mail order prescriptions, but a 20-percent copay for medications purchased through their neighborhood pharmacist.

In an era when health care costs are eating away at the earnings and savings of too many Americans, especially our seniors, forcing them to pay significantly more to use their trusted pharmacist really means no choice at all. My bill will eliminate this cost discrepancy and give Americans a real choice.

Mr. Speaker, the Prescription Drug Benefit Equity Act will give consumers peace of mind. Purchasing medication through the mail means no face-to-face interaction with a pharmacist. This one-on-one relationship is critical to consumers who rely on their pharmacist to ensure that a prescribed drug not only is right for them, but that they can obtain the product without the fear that it will be damaged, delayed, or lost in the mail.

Many people are satisfied with their mail order service. That's great. This bill is not designed to eliminate the mail order industry. It is simply designed to give customers a choice, and through that choice—peace of mind. Under my bill, those who are happy with their mail order can continue using it. However, those who prefer the trip to their neighborhood drug store would have that option as well—no extra charge.

There is an equally important benefit of this legislation. The Prescription Drug Benefit Equity Act will help keep community pharmacists in business. Neighborhood pharmacies have played an important role in our communities for as long as any of us can remember. My bill will ensure that local pharmacists can compete on a level playing field with large mail order firms. That's good news for pharmacists and good news for patients.

Mr. Speaker, I am proud to introduce the Prescription Drug Benefit Equity Act and invite my colleagues to join me in support of this sensible measure.

Daily Digest

HIGHLIGHTS

The House passed H.R. 1463, to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the United States Trade Representative, and the International Trade Commission.

Senate

Chamber Action

Routine Proceedings, pages S3977–S4041

Measures Introduced: Twelve bills and three resolutions were introduced, as follows: S. 697–708, S.J. Res. 30, and S. Res. 83–84. **Page S3998**

Measures Passed:

Suicide Prevention: Senate agreed to S. Res. 84, recognizing suicide as a national problem. **Pages S4047–48**

Supplemental Appropriations: Senate continued consideration of S. 672, making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, taking action on amendments proposed thereto, as follows: **Pages S3979–81, S3983–93**

Adopted:

By a unanimous vote of 98 yeas (Vote No. 56), Grams/Johnson Amendment No. 54, to facilitate recovery from the recent flooding across North Dakota, South Dakota, and Minnesota by providing greater flexibility for depository institutions and their regulators. **Pages S3979, S3988–89**

Wellstone Amendment No. 57, to strike provisions clarifying the application of patent terms consistent with the Uruguay Round Agreements Act. **Pages S3979, S3989–90**

Wellstone Modified Amendment No. 58, to make certain funds available, under the Low-Income Home Energy Assistance Act of 1981, to victims of flooding and other natural disasters. **Pages S3979–80**

Stevens Amendment No. 60, of a technical nature. **Pages S3980–81**

Cochran Amendment No. 67, to make technical and clarifying changes. **Page S3988**

Stevens (for Reid), Amendment No. 143, to provide for dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, and the dredging of shoaling on the Chena River. **Page S3990**

Stevens (for Bond) Amendment No. 173, to make a technical correction to Public Law 104–204, VA/HUD/Independent Agencies Appropriations, 1997, concerning EPA state grants. **Page S3993**

Stevens (for Bond) Amendment No. 174, to authorize the Environmental Protection Agency to make grants to Bay City, Michigan, for environmental remediation. **Page S3993**

Pending:

Reid/Baucus Amendment No. 171, to substitute provisions waiving formal consultation requirements and ''takings'' liability under the Endangered Species Act for operating and repairing flood control projects damaged by flooding. **Pages S3990–92**

During consideration of this measure today, Senate also took the following action:

Stevens (for Ford/McConnell) Amendment No. 56, to authorize the Secretary of Defense to enter into a lease of property for the Defense Finance and Accounting Service at Lexington Blue Grass Station, Lexington, Kentucky, agreed to on Monday, May 5, 1996, was modified by unanimous-consent. **Pages S3992–93**

Senate will continue consideration of the bill on Wednesday, May 7, 1997, with a cloture vote to occur thereon.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:

Agreement with Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex (Treaty Doc. 105–6); and

Agreement with Hong Kong for the Transfer of Sentenced Persons (Treaty Doc. 105–7).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and

referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S4038**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report on the national emergency caused by the lapse of the Export Administration Act of 1979; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–33). **Page S3997**

Nominations Received: Senate received the following nominations:

James A. Harmon, of New York, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

Jackie M. Clegg, of Utah, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2001.

Richard Sklar, of California, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the Rank of Ambassador. **Page S4041**

Messages From the President: **Page S3997**

Messages From the House: **Page S3997**

Communications: **Pages S3997–98**

Statements on Introduced Bills: **Pages S3998–S4010**

Additional Cosponsors: **Pages S4010–12**

Amendments Submitted: **Pages S4013–33**

Authority for Committees: **Pages S4033–34**

Additional Statements: **Pages S4034–37**

Record Votes: One record vote was taken today. (Total—56) **Page S3989**

Adjournment: Senate convened at 10 a.m., and adjourned at 6:41 p.m., until 9:30 a.m., on Wednesday, May 7, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4041.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FOREIGN ASSISTANCE

Committee on Appropriations: Subcommittee on Foreign Operations held hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the New Independent States, receiving testimony from Richard L. Morningstar, Coordinator of U.S. Assistance to the New Independent States, Department of State; and Thomas A. Dine, Assistant Administrator for Europe and the New Independent States, Agency for International Development.

Subcommittee will meet again on Thursday, May 15.

APPROPRIATIONS—JOINT COMMITTEES

Committee on Appropriations: Subcommittee on the Legislative Branch held hearings on proposed budget estimates for fiscal year 1998, receiving testimony in behalf of funds for their respective activities from Senator Warner, Chairman, Joint Committee on Printing; Representative Archer, Chairman, Joint Committee on Taxation; and Representative Saxton, Chairman, Joint Economic Committee.

Subcommittee will meet again on Tuesday, May 20.

APPROPRIATIONS—NASA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration, receiving testimony from Daniel S. Goldin, Administrator, NASA.

Subcommittee will meet again on Tuesday, May 13.

HOLOCAUST DOCUMENTS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine issues surrounding the shredding of certain Holocaust-era documents by the Union Bank of Switzerland, after receiving testimony from Israel Singer, World Jewish Congress, New York, New York; and Christophe Meili, Bern, Switzerland.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy, after the nominee testified and answered questions in her own behalf.

IRAN

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs held hearings to examine issues with regard to Iran's acquisition of nuclear, biological, and chemical weapons and the United States response to countering Iranian efforts in acquiring such weapons, receiving testimony from Gary Bertsch, University of Georgia, Athens; Gary Milhollin, University of Wisconsin Law School, Madison, on behalf of the Wisconsin Project on Nuclear Arms Control; and W. Seth Carus, Washington, D.C.

Subcommittee recessed subject to call.

JUVENILE JUSTICE REFORM

Committee on the Judiciary: Subcommittee on Youth Violence concluded hearings to examine the core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 and their impact on the increase in youth violence or juvenile crime, and S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime, after receiving testimony from Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice; Arizona State Senator John Kaites, Phoenix; Judge W. Don Reader, Ohio Court of Appeals, Fifth Judicial District, Canton; Patricia L. West, Virginia Department of Public Safety, Richmond; Earl L. Dunlap, Richmond, Kentucky, on behalf of the National Juvenile Detention Association; Gwendolyn C. Chunn, North Carolina Department of Human Resources, Raleigh; Mark I. Soler, Youth Law Center, Washington, D.C.; Bill Franklin, Elmore County, Alabama; Carol Crump, Casper, Wyoming; and Judy Nish, Marion, Iowa.

IMMUNIZATION GRANT PROGRAM

Committee on Labor and Human Resources: Subcommittee on Public Health and Safety concluded hearings on proposed authorizations for the immunization grant program (section 317(j)(1)) of the Public Health Service Act, focusing on grants to States for purchase of vaccine and support of the vaccine delivery infrastructure, after receiving testimony from Senator Bumpers; Walter A. Orenstein, Director, National Immunization Program, Centers for Disease Control and Prevention, Department of Health and Human Services; Christopher G. Atchison, Iowa Department of Public Health, Des Moines, on behalf of the Association of State and Territorial Health Officials; Thomas F. Tonniges, Elk Grove Village, Illinois, on behalf of the American Academy of Pediatrics; and Peter Paradiso, Wyeth-Lederle Vaccines and Pediatrics, Rochester, New York.

NOMINATION

Select Committee on Intelligence: Committee held hearings on the nomination of George John Tenet, of Maryland, to be Director of Central Intelligence, where the nominee, who was introduced by Senators D'Amato, Moynihan, Sarbanes, and Mikulski and former Senator Boren, testified and answered question in his own behalf.

Hearings continue tomorrow in closed session.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 1532–1541; and 3 resolutions, H. Con. Res. 73–74, and H. Res. 144, were introduced. **Pages H2253–54**

Reports Filed: Reports were filed as follows:

H. Res. 142, providing for consideration of H.R. 478, to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that Act in building, operating, maintaining, or repairing flood control projects, facilities, or structures (H. Rept. 105–88); and

H. Res. 143, providing for consideration of H.R. 3, to combat violent youth crime and increase accountability for juvenile criminal offenses (H. Rept. 105–89). **Page H2253**

Recess: The House recessed at 1:32 p.m. and reconvened at 2:00 p.m. **Page H2178**

Presidential Message—Re Export Administration Act: Read a letter from the President wherein he transmits his report on the national emergency declared with respect to the lapse of the Export Administration Act of 1979—referred to the Committee on International Relations and ordered printed (H. Doc. 105–80). **Pages H2180–81**

Suspension—Trade Agencies Authorization Act: The House voted to suspend the rules and pass H.R. 1463, amended, to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the United States Trade Representative, and the International Trade Commission. **Pages H2181–83**

Suspension—Consumer Price Index: The House completed all debate on the motion to suspend the rules and agree to H. Res. 93, expressing the sense of the House of Representatives that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index. The vote on this motion was postponed until Wednesday, May 7. **Pages H2183–88**

Housing Authority and Responsibility Act: The House resumed consideration of amendments to H.R. 2, to repeal the United States Housing Act of 1937, deregulate the public housing program and

the program for rental housing assistance for low-income families, and increase community control over such programs. The House completed all debate on Wednesday, April 30 and considered amendments to the bill on Thursday, May 1. Consideration of amendments will resume on Wednesday, May 7.

Pages H2188–H2243

Agreed To:

The Lazio en bloc amendment that clarifies that certain specified resident programs and services may be included, but are not mandated; requires that local housing authorities notify local government officials of proposed housing developments and provide information as may reasonably be requested by the local government; clarifies that operating funds from block grants may be used for child care services for public housing residents; extends hardship rent and voucher provisions to a family that includes a member who is an alien lawfully admitted for permanent residence who would be entitled to public benefits but for the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; specifies that no rental assistance shall be given to private housing projects unless the owners consent to allow law enforcement officers enter common areas without advance notice upon a determination of probable cause that criminal activity is taking place; directs that the award criteria for economic development initiative grants include the extent of regional cooperation demonstrated by the proposed plan; extends emergency homeownership counseling to veterans; prohibits action during the two years following enactment that would reduce the inventory of senior citizen housing owned by the housing authority of the City of Las Vegas and directs HUD to assist the housing authority to identify alternative repayment options without reducing senior citizen housing; prohibits any person classified as a sexually violent predator from receiving public housing assistance; and allows the Tamaqua highrise project in Tamaqua, Pennsylvania to be converted from tenant based assistance to project based rental assistance for certain residents; **Pages H2188–92**

The Waters amendment that excludes from administrative grievance procedures an eviction or termination of tenancy in public housing that involves any activity that threatens the health and safety of other tenants or any drug-related criminal activity and, for other evictions establishes an administrative grievance process with time limits for the hearing and final action regarding the grievance; and

Page H2211

The Jackson-Lee amendment that requires that public housing authorities and contractors working within housing projects shall try to hire public housing residents to the maximum extent that is possible. **Pages H2241–42**

Rejected:

The Watt of North Carolina amendment that sought to require that public housing agencies compensate each person who provides work at a rate that is not less than the minimum wage rate (rejected by a recorded vote of 140 ayes to 286 noes, Roll No. 103); **Pages H2195–H2210**

The Frank of Massachusetts amendment that sought to allow public housing agencies the option of complying with the family self-sufficiency agreement requirements (rejected by a recorded vote of 168 ayes to 253 noes, Roll No. 104); **Pages H2204–10**

The Kennedy of Massachusetts amendment that sought to revise the income mix of public housing units by requiring that not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income; not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area with the option to reduce to 80 percent occupancy if such a reduction would enhance the viability of the housing development; prohibits the concentration of very low-income families in certain housing developments; and strikes the fungibility with choice-based assistance provisions; and **Pages H2224–33**

The Kennedy of Massachusetts amendment that sought to increase the authorized funding by $1.2 billion for capital grants, increase funding by $.3 billion for operating grants, and authorize sums as may be necessary to fully fund operating costs.

Pages H2235–41

Withdrawn:

The Waters amendment was offered but subsequently withdrawn that sought to only exclude from administrative grievance procedures an eviction or termination of tenancy in public housing that involves any activity that threatens the health and safety of other tenants or any drug-related criminal activity; and **Pages H2192–95**

The Jackson-Lee amendment was offered but subsequently withdrawn that sought to establish a housing replacement requirement in areas with public housing shortages. **Pages H2242–43**

Vote Postponed:

The Frank of Massachusetts amendment was offered that seeks to establish a monthly rent, determined by the public housing agency, that does not exceed 30 percent of the monthly adjusted income of the family or 10 percent of the monthly income of the family (the vote was postponed until Wednesday, May 7). **Pages H2233–35**

On April 30, the House agreed to H. Res. 133, the rule that is providing for consideration of the bill. **Pages H2035–38**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H2255–56.

Quorum Calls—Votes: Two recorded votes developed during the proceedings of the House today and appear on pages H2209–10 and H2210. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 10:50 p.m.

Committee Meetings

FOREIGN POLICY REFORM ACT

Committee on International Relations: Continued markup of H.R. 1486, Foreign Policy Reform Act.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following measures: H. Res. 87, expressing the sense of the House of Representatives that the United States and the United Nations should condemn coral reef fisheries that are harmful to coral reef ecosystems and promote the development of sustainable coral reef fishing worldwide; H.R. 608, Marion National Fish Hatchery Conveyance Act; and H.R. 796, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System. Testimony was heard from Representative Hilliard; Timothy E. Wirth, Under Secretary, Global Affairs, Department of State; William Knapp, Chief, Division of Fish Hatcheries, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 985, to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, CO, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; H.R. 1019, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys; H.R. 1020, to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest; H.R. 1439, to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, California; and H.R. 79, Hoopa Valley Reservation South Boundary Adjustment Act. Testimony was heard from Representatives Riggs; Janice McDougle, Acting Deputy Chief, National Forest System, USDA; and a public witness.

OVERSIGHT—BUREAU OF RECLAMATION PROJECT FINANCING

Committee on Resources: Subcommittee on Water and Power held a hearing on Bureau of Reclamation Project financing. Testimony was heard from Eluid L. Martinez, Commissioner of Reclamation, Department of the Interior; Victor S. Rezendes, Director, Energy, Resources, and Science Issues, GAO; Betsy A. Cody, Specialist in Natural Resources Policy, Congressional Research Service, Library of Congress; and public witnesses.

FLOOD PREVENTION AND FAMILY PROTECTION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 478, Flood Prevention and Family Protection Act of 1997. The rule makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for amendment purposes and said amendment in the nature of a substitute shall be considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Young and Representatives Herger and Miller of California.

JUVENILE CRIME CONTROL ACT

Committee on Rules: Granted, by a vote of 8 to 3, a modified closed rule on H.R. 3, Juvenile Crime Control Act of 1997, providing one hour of general debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the committee amendment in the nature of a substitute will be considered as an original bill for amendment purposes and will be considered as read. The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI (appropriations on a legislative bill).

The rule provides that no amendments to the committee amendment in the nature of a substitute will be in order except those printed in the report of the Committee on Rules. The rule provides that each amendment may be offered only in the order printed in the report, shall be debatable for the time specified in the report equally divided between the proponent and an opponent, and is not amendable except as specified in the report.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the vote 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 Hyde and Representatives McCollum, Dunn, Conyers, Scott, Watt of North Carolina, Lofgren, Jackson-Lee of Texas, Waters, Delahunt, Traficant, Stupak and Blumenauer.

TECHNOLOGY IN THE CLASSROOM

Committee on Science: Subcommittee on Technology held a hearing on ''Technology in the Classroom: Panacea or Pandora's Box?'' Testimony was heard from public witnesses.

SSA'S WEBSITE

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the Social Security Administration's Website. Testimony was heard from the following officials of SSA: John J. Callahan, Acting Commissioner; and David C. Williams, Inspector General; John Willemssen, Director, Information Resources Management Issues; and public witnesses.

BRIEFING ON ENCRYPTION

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on Encryption. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 7, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services, 9:15 a.m., SH–216.

Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, 10 a.m., SD–192.

Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues, 10 a.m., SD–124.

Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold hearings on proposed legislation authorizing funds for the National Science Foundation and Technology Administration, 2 p.m., SR–253.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs, 9:30 a.m., SD–406.

Committee on Foreign Relations, Subcommittee on European Affairs, to hold hearings on the Administration's proposed budget request for fiscal year 1998 for Central and Eastern Europe and the former Soviet Union, 10 a.m., SD–419.

Committee on Governmental Affairs, to hold hearings to review the final report of the Commission on Protecting and Reducing Government Secrecy and the recommendations of the report, including recommendations for legislation to codify the classification system and enhance accountability, 10 a.m., SD–342.

Committee on the Judiciary, to hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform, 10 a.m., SD–226.

Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

Committee on Labor and Human Resources, business meeting, to markup the proposed Individuals with Disabilities Education Act Amendments of 1997, and consider pending nominations, 9:30 a.m., SD–430.

Committee on Small Business, to hold hearings on the Small Business Administration's finance programs, 9:30 a.m., SR–428A.

Select Committee on Intelligence, to hold closed hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on VA–HUD, and Independent Agencies, on Consumer Product Safety Commission, 10 a.m., Consumer Information Center, 11 a.m., and on Office of Consumer Affairs, 12 p.m., H–143 Capitol.

Committee on Banking and Financial Services, hearing on Financial Modernization, including H.R. 10, Financial Services Competitiveness Act of 1997, 10 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, to mark up H.R. 1306, Riegle-Neal Clarification Act of 1997, 3 p.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Oversight and Investigations, hearing on the Department of Energy's Office of Science and Technology (OST), focusing on issues relating to OST-funded technologies and their deployment at DOE sites, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, to mark up the following bills: H.R. 5, IDEA Improvement Act of 1997; and H.R. 1511, Cost of Higher Education Review Act of 1997, 10 a.m., 2175 Rayburn.

Committee on International Relations, to mark up the following: H. Res. 121, expressing the sense of the House of Representatives regarding the March 30, 1997 terrorist grenade attack in Cambodia; H. Con. Res. 50, expressing

the sense of the Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992; and H. Con. Res. 63, expressing the sense of the Congress regarding the 50th anniversary of the Marshall Plan and reaffirming the commitment of the U.S. to the principles that led to the establishment of that program, 11:30 a.m., H–139 the Capitol.

Subcommittee on Asia and the Pacific, hearing on U.S. Policy Toward Indonesia, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing regarding ''Grassroots Solutions to Youth Crime, 2 p.m., 2141 Rayburn.

Committee on National Security, Subcommittee on Military Readiness, hearing on Naval Petroleum Reserves, 10 a.m., 2212 Rayburn.

Subcommittee on Military Research and Development, hearing on the fiscal year 1998 National Defense Authorization request-Ballistic Missile Defense (BMD) Threat, 3:30 p.m., 2118 Rayburn.

Committee on Science, Subcommittee on Energy and Environment, hearing on ''The Science Behind EPA's Proposed Particulate Matter/Ozone Standards, Part 2'', 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: H. Con. Res. 49, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 66, authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service; H. Con. Res. 67, authorizing the 1997 Special Olympics Torch Relay to run through the Capitol Grounds; two Committee amendments to GSA resolutions; Water Resources Survey resolutions; and other pending Committee business, 10 a.m., 2167 Rayburn.

Subcommittee on Railroads, hearing on High Speed Rail Programs, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on Government Performance and Results Act strategies for the Veterans Employment and Training Service, 8:30 a.m., 340 Cannon.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 7

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 672, Supplemental Appropriations, with a cloture vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, May 7

House Chamber

Program for Wednesday: Vote on motion to suspend the rules and agree to H. Res. 93, expressing the sense of the House of Representatives regarding the Consumer Price Index;

Continue consideration of H.R. 2, Housing Opportunity and Responsibility Act of 1997 (open rule);

Consideration of H.R. 478, Flood Prevention and Family Protection Act of 1997 (open rule, 1 hour of debate); and

Consideration of H.R. 3, Juvenile Crime Control Act of 1997 (modified closed rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

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