The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. Young of Florida].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, June 10, 1997.

I hereby designate the Honorable C.W. Bill Young to act as Speaker pro tempore on this day.

NEWT GINGRICH, Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Puerto Rico [Mr. Romero-Barceló] for 5 minutes.

COLONIAL RELATIONSHIP WITH PUERTO RICO IS UNSUSTAINABLE

Mr. ROMERO-BARCELÓ, Mr. Speaker, as Puerto Rico's sole Representative in the United States, I rise today in strong support of H.R. 856, the United States Puerto Rico Status Act.

Already 856 is a truly historic piece of legislation that will allow the 3.8 million U.S. citizens residing in Puerto Rico to exercise their inalienable right to self-determination and to resolve once and for all their 100-year-old colonial dilemma.

In order to understand the magnitude of this very important issue, we have to put matters in historical perspective. Puerto Rico became a territory of the United States in 1898 pursuant to the Treaty of Paris following the Spanish-American War. U.S. citizenship was extended to Puerto Ricans in 1917 under the Jones Act.

Then, in 1950, the U.S. Congress passed the Puerto Rico Federal Relations Act which authorized Puerto Rico to establish a local self-governmennt in the image of State governments. The intent was to create a provisional form of local self-rule until the status issue could be resolved. Puerto Rico would remain an unincorporated territory of the United States subject to the authority and plenary powers of Congress under the territorial clause of the Constitution.

Puerto Rico and the United States are immersed in a colonial relationship that clearly contradicts the most basic tenets of democracy. One in which Puerto Rico's economic, social and political affairs are, to a large degree, controlled and influenced by a government over which we exercise no control and in which we do not participate fully. A relationship that, ironic as it may seem, will not even allow me to vote in favor of this historic bill on final passage when it reaches the floor, although I represent 3.8 million citizens residing in Puerto Rico.

Fellow Members, this relationship is no longer in the best interests of the Nation and the constituents that we represent here in Congress, and it certainly and clearly is not in the best interests of the 3.8 million citizens of Puerto Rico.


In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, Don Young, chairman of the committee, allowing Puerto Ricans to decide the future of their island.
Constitution. This issue arouses great emotions, even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It is a nonissue, but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously the Doctrine of Enumerated Powers, property rights, political propaganda from a government-run educational system, taxpayers’ paid-for NEA sacrelige, licensing of all broadcast networks, or taxpayers’ financing of monopolistic political parties. Let alone the budget, the debt, the deficit, honest money, policing the world and the entire welfare state.

Will the country actually be improved with this amendment? Will true patriotism thus flourish as the malcontents are legislated into submission? Will Congress improve the character of angry people because we threaten them with a prison cell better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future and we respond by creating the underweare police. Surely flag underweare will be deemed a desecration.

Why is dealing with a symptom of anger and suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress’ basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes: if Congress thinks it can achieve these goals, why not legislate respect and patriotism, even if it does undermine freedom of expression and property ownership.

Desecration is defined as: “To divest of sacred character or office, commi-sacrilege, desecrate, to blasphemy or to deconsecrate.” If consecrate is “to make sacred; such as a church or breed or wine”, how can we deconsecrate something not first consecrated? Who then consecrated the flag? When was it done?

“Sacred” beliefs are those reserved for a religious or Godly nature, “To set apart for the worship of a deity. To make holy.” Does this amendment mean we now concede the flag is a religious symbol? Will this amendment, if passed, essentially deify the State?

There are some, I am sure, who would like to equate the State with God. The State’s assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the State as our God? We imply by this amendment that the State’s devotion to a religion, a dangerous notion and one the founders feared. Calling flag burning blasphemous is something we should do with great caution.

Will it not be ironic if the flag is made sacred of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual owner, how can we call a flag a power? Should it not be a concern as to where the flag is burned and on whose property? With this legislation, the flag will lose its identity as property and become a holy government symbol not to be desecrated. These are difficult questions but they must be answered.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxists views, was the purpose of guaran-teeing freedom of expression? Of what value is protection of only popular and majority-approved opinions? That is a mockery of liberty. Soviet citizens had that much freedom. Remember, disciples who burned the Soviet flag were shot.

A national flag police can only exist in a totalitarian state. We should have none of it. Why not police the burning of the Confederate flag? Does this separation of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant.
The Congress will soon vote on a flag burning amendment to the Constitution. This issue arouses great emotions even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It’s a nonissue but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

There just is no flag desecration crisis. Where are the detractors, where are the letters? Will this only lead to more discord on Congress? Only 6 percent of the American people trust anything they hear from the Federal Government so why should they believe there is a flag crisis requiring an adjustment to the Bill of Rights for the first time in our history. Since most of what Congress does, leads to unintended consequences, why do we feel compelled to solve imaginary problems?

The American people are way ahead of the U.S. Congress and their distrust is a healthy sign that they know we are far from the good deeds and noble gestures. And that’s good.

What sense of insecurity requires such a public display to reassure ourselves we are patriots on the highest caliber, confident enough to take on the flag burning movement—a movement yet to raise its ugly head. Our political saviors will have us believe that our loyalty to America hinges on this lone amendment to the Constitution.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously: the Doctrine of Enumerated Powers, property rights, political propaganda from a government run educational system, taxpayer’s paid-for NEA sacrfice, licensing of all government run educational system, taxpayer’s paid-for NEA sacrilege, licensing of all monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world, and the entire welfare state.

Pervasive bureaucratic government is all around us and now we’re spending time on developing the next addition to the Federal police force—the flag police. Diverting attention away from real problems toward a pseudoproblem is not a new technique of politicians.

MOTIVATION

Political grandstanding is probably the greatest motivation behind this movement to change the Constitution. It’s thought to be easy to embarrass those who, on principle, believe and interpret the first amendment differently. Those who vote eagerly for this amendment do so with good intentions as they laugh at the difficult position in which opponents find themselves.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the mainstream is legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell, better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future, and we respond by creating the underwear police—surely, flag underwear will be deemed a desecration.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress’ basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism even if it does undermine freedom of expression and property ownership?

DESECRATION

Desecration is defined as: “To divest of a sacred character or office, commit sacrilege or blasphemy or de-(con)secrate.” If consecrate is “to make sacred; such as a church or bread and wine,” how can we “de-consecrate” something not first “consecrated”? Who then is to consecrate that it becomes consecrated? “Sacred beliefs are those reserved for a religious or Godly nature, i.e., to set apart for the worship of a deity. To make holy.” Does this amendment mean we now concede the flag is a religious symbol? Will this amendment if passed essentially defy the state?

There are some, I’m sure, who would like to equate the state with God. The state’s assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the state as our God? We implicitly believe that the state is elevated to a religion—a dangerous notion and one the Founders feared. Calling flag burning blasphemous is something we should do with great caution.

Won’t it be ironic if the flag is made sacred—consecrated—by the laws against its desecration at the same time we continue to steal taxpayer’s money to fund the National Endowment for the Arts which truly desecrates Christ and all of Christianity in the name of free speech? I must repeat this question: Won’t it be ironic if the flag is made sacred and we continue to steal its desecration at the same time we continue to steal taxpayer’s money to fund the National Endowment for the Arts which desecrates Christ and all of Christiannity in the name of free speech?

The flag indeed is a loved patriotic symbol of American pride and freedom. Many of us, for 5 years, have served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff—liberty. The whole notion of legisating against desecration is vague and undefinable. Burning can be easily identified but shouldn’t it matter who paid for the flag? Are there any owners of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be owned, that means we can use them randomly.

Will using a flag as underwear or as a beach towel or a handkerchief or flying it upsidedown become a Federal crime?

The American Legion and the Veterans of Foreign Wars burn flags to dispose of them. This respectful ritual is distinguished from a concern for a symbol only by the intent. Are we wise enough to define and legislate intent under all circumstances? Intent obviously implies an expression of a view. So Congress now feels compelled to police intentions, especially if seen as unpopular. Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist ideas was the purpose of guaranteeing freedom of expression. Now we have a situation where a value is protection of only popular and majority-approved opinions? That’s a mockery of liberty. Soviet citizens had that much freedom. Remember, dissenters who burned the Soviet flag were shot. A national flag police can only exist in a totalitarian state. We should have none of it.

Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant, and a case could be made they might be even more threatening because their attack would be precise and aimed at the heart of American liberty. The answer is the political mileage is with the flag and tough luck to those who have principled opposition.

But no one should ever squirm or weasel out of the right vote, even if threatened with possible negative political fallout.

FEDERAL AVIATION ADMINISTRATION IS AGENCY IN DISARRAY

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

Mr. MICA. Mr. Speaker, I am deeply concerned that the Federal Aviation Administration is an agency in disarray, at best. In fact, at worst, it is an ungovernable entity without a clear mission.

The primary mission of the Federal Aviation Administration is to ensure airplane and passenger safety and security. Last year, after the explosion of TWA flight 800, FAA tightened security at all U.S. airports.

Airports spent hundreds of millions of taxpayer dollars to change parking and cars were towed when vehicles were left unattended. Some of the harassment of the traveling public became fact, absurd. Fears of terrorists were allayed by using a blanketing airport with several dumb and totally unproductive procedures. Regulations still regularly requested. Generally, officials are asked these questions: First, “Have you packed your own luggage or bag?”; and second, “Has your baggage or luggage been in your possession at all times?”

I am concerned. I ask what flaky half-baked terrorist or terrorist accomplice would answer these questions legitimately? Should a passenger honestly confess to this interrogation, they should be cautioned because they will be searched, held, and subject to Gestapo-like interrogation.

Mr. Speaker, the loss of life as a result of domestic air terrorism does not
even rank as a cause of airline fatalities, yet FAA spends untold resources enforcing, fining, and monitoring this outdated requirement. All this is done in spite of the fact that TWA flight 800 exploded due to a mechanical failure.

\[1045\]

In addition to asking the unproductive questions I mentioned, ticket agents must see a photo ID. I submit that not since the fall of the former Soviet Union have American domestic airline passengers or any passengers been subject to similar photo ID requirements.

Now showing your photo ID at the ticket counter sure does a lot of good. Any fool could check in at a ticket counter, pass their ticket on to another passenger, who would then board the airplane. Now, if the passenger was required, one in a ticket, and had the photo ID as you boarded the airplane with your ticket counter, that might match the passengers with the ID's that they present. Here again, FAA makes airlines and passengers jump through useless and needless hoops. Agents and airlines are fined if they fail to comply.

My response when I wrote the FAA, when I questioned and protested these ridiculous regulations, are actually dumbler than the requirements FAA has mandated. Why not dedicate FAA personnel, energy, and funding for really improving airline safety and security? We know the causes of almost every fatal domestic airline crash with certainty, exactly for several cases, and the FAA knows them.

One is a problem with 737's. These models carry a tremendous number of passengers. And there are two airline crashes, one in Toulouse, and the other United, in Colorado, crashes because of problems with their Rudders and their stabilization. FAA should be paying attention to this problem. Even in spite of Vice President Gore's announcement last year, safety and retrofitting of 737's could be expedited rather than taking 2 years as now planned. Further research and resources could be devoted to finding the mechanical problems that downed TWA flight 880 and killed 229 people.

After 10 years, FAA has blown billions of dollars and still failed to upgrade our outdated 1950's air traffic controller system. And after numerous fatal crashes of imported commuter planes, FAA has still not begun to crackdown on these imported aircraft. Let us put the emphasis where it should be. Let us get FAA together.

THINGS ARE NOT QUIET ON THE SOUTHERN FRONT

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

Mr. Goss. Mr. Speaker, is all quiet on the southern front? No, not really.

Despite the resounding silence from the press and the White House on the current situation in our neighboring country Haiti, things are far from quiet. In fact, things are so bad that the prime minister quitted yesterday.

Over the past few days we know Haitians have rioted in the streets of Port-au-Prince and other towns. Incidents of assaults, rock throwing, and general lawlessness have resulted in death, injury and damage. Yesterday, do I need to tell you a turn for the worse when Prime Minister Rosny Smarth submitted his citing, in fact, the recent fraudulent elections.

Obviously, this is bad for democracy because at this time it appears that only one major party is participating in the elections, and that is not exactly democratic, but it is also bad for reform in Haiti, because with Prime Minister Rosny Smarth leaving, so goes one of the few champions of the tough but necessary economic program that Haiti badly needs. Economic reform is all but a thing of the past in Haiti anyway, and without economic reform there is absolutely no hope for a Democratic future in Haiti.

So through all of this upheaval, one interesting and frankly disturbing fact seems to have surfaced, and that is the fact that the Haitian National Police have had to be supplemented with our military personnel to deal with basic law and order issues in that country. As one diplomat quoted in a wire report recently, "It is clear the military presence in Haiti is just not building roads." Our "road builders," including Special Forces, have been seen responding to the riots carrying on, doing the law and order business, extensive activity in the areas of drug control, those types of things.

Not only do these reports suggest that our troops on the ground are outside of the range of the mission we understood was road building, but it also suggests that our soldiers are at more risk than we have been led to believe. I think it is time for a little candor from the White House about what is going on.

We asked the White House, what is going on? So far we have not heard anything. Official silence reigns as well on the topic of Haiti's recent disappoiting local assembly and Senate elections, which is the real reason behind the Smarth resignation and what should have been the starting point for the creation of a new judicial system and permanent electoral council forum in Haiti, which are timely needed. Because without a judicial system, there is no hope for democracy in Haiti.

Because the electoral council has decided not to handle blank ballots properly, they have wrongly allowed some candidates, like the infamous Foureil Celestin, to go past the finish line. Now when according to the law they did not win the election. So we now have people who did not win serving as senators in Haiti.

Action on this issue is pending in the Parliament, but the Haitian electoral council is pushing forward for another round of elections, no matter what, this coming weekend. The fact is that each successive election in Haiti has caused more chaos and more of the Haitians voters, a point illustrated well in the single digit turn-out in the last election in April, which, as I say, were fraudulent elections. Yet, I understand less than 10 percent of the people turned out to protest that fact.

What we ask, will another election under a still darker black cloud do to advance democracy in Haiti? At the very least, the American taxpayers have a right to hear from the administration that enough is enough and that their tax dollars will not go to assist the Haitians to run another questionable if not fraudulent elections this weekend.

Mr. Speaker, all is not quiet on the southern front. We know that. What we do not know is when the White House is going to tell us what is going on, when our troops are coming home, and/or not that the White House to give us administration that enough is enough and that the ruined Haiti policy that the White House has put forth puts us back where we started more than 4 years and 3 billion of the U.S. taxpayers' dollars ago, sadly enough, with thousands of Haitians now today who believe that a dangerous trip across the windward passage to Florida offers them more than staying in Haiti.

Is that a policy that we want to back? Certainly not. I think it is time for the White House to give us an explanation and to end the silence of what is really going on in that tragic country where our friendly neighbors are suffering. All is not quiet on the southern front.

DETROIT RED WINGS—STANLEY CUP CHAMPIONS

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

Mr. Knollenberg. Mr. Speaker, at this very hour, thousands of Detroiters are lining the streets of Woodward Avenue in Detroit to honor their Detroit Red Wings, the 1997 Stanley Cup champions. After Saturday's 2 to 1 victory over New York, the Red Wings completed a 4 to 0 sweep to win hockey's hallowed crown, Lord Stanley's Cup, the World champions of hockey.

I was privileged to be at Joe Louis Arena on Saturday evening, and the atmosphere throughout the evening was electric. After the final horn sounded securing the cup victory, the standing room only crowd and fans everywhere rejoiced. The way the Wings completed the victory better than Red Wing Captain Steve Yzerman circling the ice, holding the massive trophy over his head, sharing the victory
with the screaming fans who have waited 42 years for this glorious moment.

The town, Detroit, the community, the State, were starved for a hockey title. They got it Saturday night. The most successful U.S.-based NHL franchise in history had not sipped from the cup since 1955. And after great seasons in 1994, 1995, and 1996. All ended in disappointing playoff defeats, the Wings fought off the demons and the naysayers, skating into hockey lore with Red Wing legends like Gordie Howe, Terry Sawchuck, Ted Lindsay, and many others.

Mr. Speaker, I came to Detroit in the late 1950's, when the Red Wings were a dynasty and hockey was the local religion shared by everyone. They won four Stanley Cup crowns during the 1950's and the expectations were always great. This team and its fans have endured so much. Since the mid 1980's, when the Wings were the worst in the league and, in the first season of the 1996 finals, all that will be swept away today with the parade of victory.

So congratulations to Scotty Bowman, the coach, to Mike Illitch and Jimmy Devallano for putting this team together. Congratulations, obviously, to Steve Yzerman, the captain, to the MVP, Mike Keenan, to Brendan Shanahan, to the Russian five, and to all members of this great club for laboring through the tough times. And congratulations also to the Red Wings fans who stood behind their team through it all. Together, we have finally done it.

With an international flare, unlike many other teams, the Wings have Americans, Canadians, European, and Russian players. Detroit, with all of this group, has finally returned to hockey's ultimate peak. With the perfect 42-year climb filled with pitfalls and setbacks, now it is finally over. It is time for this team and our fans to enjoy the spoils, once and for all. Thank you, Mr. Speaker.

Secondly, though, one of the largest elements of the homeless population, roughly one-third, are short changed each year. These are our country's homeless veterans. For many years, the veterans' share of Federal dollars targeted at our homeless population has been in the single digits. This legislation would double our fair share for our veterans, requiring that at least 20 percent of these federal dollars be spent on programs that primarily benefit homeless veterans.

Mr. Speaker, this legislation is endorsed by the Vietnam Veterans of America, the American Legion, the Non-Commissioned Officers Association of the United States, and the Blind Veterans Association. I would ask my colleagues to cosponsor and support this legislation.

**RECESS**

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

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until 12 noon.

**1200**

**AFTER Recess**

The recess having expired, the House was called to order by the Speaker at 12 noon.

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

We are grateful, O God, that You point us to a world of justice and You give us a vision of communities where people are treated with respect and mercy. We are also aware that You have created us with minds with which to think, hearts with which to care, and hands with which to work. So remind us, O gracious God, that supplied with Your revelation of the goals of life, we would earnestly use the abilities that You have given us so we are good stewards of the resources of our land and faithful custodians of the responsibilities before us. In Your name, we pray. Amen.

**PERSONAL INFORMATION PRIVACY ACT**

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

Mr. KLECZKA. Mr. Speaker, last week the gentleman from New Jersey [Mr. FRANKS] and I introduced H.R. 1813, the Personal Information Privacy Act, a bipartisan bill to safeguard individual privacy. This legislation is a companion to the Klein-Cassady bill, S. 601. The Klecza-Franks bill will prevent credit bureaus, Department of Motor Vehicles and other commercial users, including those using the Internet, from giving out Social Security numbers and other personal information.

A Social Security number alone gives a criminal access to one's medical, financial, credit, and educational records, as many of my constituents have found out the hard way. Thousands of people are victimized every year by identity fraud. In the first 6 months of this fiscal year, the Social Security Administration logged almost 4,900 allegations of Social Security number fraud. That is up from about 2,400 in the entire fiscal year 1996.

I urge my colleagues to sign on as co-sponsors of the Personal Information Privacy Act. We owe it to the citizens of this country to protect them from...
one of the fastest growing crimes in the country.

PRESIDENT CLINTON PUTS POLITICS OVER PEOPLE ON FLOOD RELIEF LEGISLATION

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

Mr. CHABOT. Mr. Speaker, yesterday President Clinton sent a callous message to the flood-ravaged American families in the Midwest. Only minutes after disaster relief dollars fell from Capitol Hill, the President who likes to say that he feels our pain told thousands of flood victims that he was going to veto the bill that would help them rebuild their homes and get on with their lives.

Why did President Clinton veto the legislation? Because the bill contained a proviso that would stop him from forcing another Government shutdown. Let me repeat that. The President is withholding aid to thousands of flood victims so that he can reserve the right to once again put thousands and thousands of government employees out of work and bring the work of the Federal Government to a halt.

Despite the fact that the President is a master at spin, Mr. Speaker, I do not think he is going to be able to spin this one much. The American people are going to see through this. It is politics at its worst. Let us get the disaster relief to the people who truly need it.

THE ECONOMY

(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, if this economy is so great, why are American workers losing their jobs? If this economy is so great, why are American workers going bankrupt in record numbers? If that is not enough to massage your Dow Jones, check this record numbers?

American workers going bankrupt in this economy is so great, why are American workers losing their jobs? If that is not enough to massage your Dow Jones, check this record numbers?

H.R. 1822, THE STATE INFRASTRUCTURE BANKS FOR SCHOOLS ACT OF 1997

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Ms. TAUSCHER. Mr. Speaker, last week I introduced House Resolution 1822, the State Infrastructure Banks for Schools Act, along with 31 Members from both parties. This is a cost-effective approach to help schools prepare our kids for the 21st century workplace.

We are all familiar with the estimated $112 billion tax dollar price tag to improve school infrastructure. But we now know that a direct correlation exists between the condition of school facilities and the students' achievement. That is right, our kids' grades are affected by the condition of their schools. It is difficult to learn when the roof is leaking or blackouts occur if too many computers are turned on. H.R. 1822 addresses these problems by funding State Infrastructure Banks, or SIBS, for school construction. These banks provide maximum flexibility in financing and minimal restrictions regarding project approval. As loans are repaid, banks could provide assistance to projects in other schools. Although this is an innovative approach, similar programs have been used for Clean Water Act infrastructure, making improvements more affordable and widely available.

Mr. Speaker, we need to educate our kids in a stable and supportive environment. I urge my colleagues to cosponsor H.R. 1822.
JUNE 10, 1997

CONGRESSIONAL RECORD — HOUSE

H 3585

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1599

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 1599. The SPEAKER pro tempore (Mr. Calvert). Is there objection to the request of the gentlewoman from Missouri? There was no objection.

The 1997 BUDGET

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

Mr. BOB SCHAEFFER of Colorado. Mr. Speaker, for 40 years Congress was in the hands of liberal Democrats who succeeded brilliantly in accomplishing two things. First, they made absolutely sure that, come rain or shine, Government would take more and more of your money year after year. For the great middle class, playing by the rules and paying taxes, big government liberalism soon became the No. 1 obstacle standing in the way of dream anymore when the Government leaves future generations a legacy of more debt and higher taxes.

Fortunately, Mr. Speaker, the 1997 budget finally puts an end to 40 years of expanding Government and endless taxation. This Congress should stand squarely behind the balanced budget.

The AMERICAN PUBLIC OVERWHELMINGLY OPPOSED TO MFN

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

Mr. WOLF. Mr. Speaker, I rise today to encourage all Members of this body to read the poll in today's Wall Street Journal.

By an overwhelming margin, 67 percent of Americans polled by NBC News and the Wall Street Journal said that the United States should demand improvements in China's human rights if China wants to continue its current trading status of MFN; 67 percent. Among men, the percentage who favor human rights improvement before MFN was renewed was 63 percent.

Among women, the percentage was a staggering 70 percent. And I say regarding my side, we are concerned about the gender gap. If we want to see a gender gap, 70 percent of the American women favor linking trade and MFN.

No matter whether we break it down according to party affiliation, income, or age, the results are still the same: 60 to 70 percent favor linking human rights improvements in China's human rights record before renewing MFN. Republicans polled, 61 percent; Democrats, 73 percent. Of those earning $50,000 or more, 63 percent favor human rights; 75 percent of those earning less than $20,000 favored human improvements. The American people want the Congress to send a message about human rights. They want to send a message about the Catholic priests, the Protestant pastors, the Buddhist monks, and the Muslims being persecuted. I urge this Congress to send a message to the Chinese people. Vote to deny MFN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Calvert). 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 and pass the bill (H.R. 848) to extend the deadline for commencement of the construction of the project in the State of New York.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to extend the deadline for construction under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes.

The Clerk read as follows:

H.R. 848

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

SECTION 1. EXTENSION OF DEADLINE FOR AUŞABLE HYDROELECTRIC PROJECT IN NEW YORK

Mr. DAN SCHAEFFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes.

The Clerk read as follows:

H.R. 848

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

(a) PROJECT NUMBERED 10836.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project number 10836-000NY, the Commission shall, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This subsection shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) RESTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date the project was required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, first of which shall commence on the date of such expiration.

Mr. Speaker, under section 13 of the Federal Power Act, project construction must begin within 5 years of issuance of a license. If construction has not begun by that time, the Federal Energy Regulatory Commission cannot extend the deadline and must terminate that license.

H.R. 848 and H.R. 1184 provide for extensions for the construction deadline if the sponsor pursues the commencement of construction in good faith and with due diligence. H.R. 1217 provides additional time to complete construction of a project.

These types of bills have not been controversial in the past. The bills do not change the license requirements in any way and do not change environmental standards. But merely extend construction deadlines. There is a time in which we have to act, since construction deadlines for one project expired in February and the others expire in the coming months. If Congress does not act, the FERC will terminate the licenses, the projects will lose millions of dollars that they have invested in these projects, and communities will lose the prospect of significant job creation and added revenues.

I should also note that the bills incorporate the views of the Federal Energy Regulatory Commission. The Energy and Power Subcommittee solicited the views of FERC, and the agency does not oppose any of the three bills that are up today.

I would like to briefly describe the first of the bills, H.R. 848. It is a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of New York. The AuSable project is very important to the village of Keeseville. The Prescott Mill hydropower project was the symbolic heart of the community and the major employer in Keeseville from 1832 until the 1960's. The demise of Prescott Mill in the 1960's caused economic hardship in the village that can be felt today. Redevelopment of the project will provide a badly needed boost to an area
Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1184) to extend the deadline under the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project number 10371, the Commission may, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the license is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) **Applicability.** The extension authorized under subsection (a) shall take effect for the project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) **Reinstatement of Expired License.** If the license referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate in the same form the license as effective as of the date thereof in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

SEC. 2. **Reenactment of Sentence in Section 6.**

Section 6 of the Federal Power Act (16 U.S.C. 799) is amended by adding the following sentence (deleted by section 108(a) of the National Defense Authorization Act for Fiscal Year 1996) at the end thereof: "licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this Act, and may be altered or surrendered by agreement between the licensee and the Commission after thirty days' public notice."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. JAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 848. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill passed without amendment.

Mr. Speaker, I ask unanimous consent that all Members may have 5 consecutive days within which to revise and extend their remarks and insert extraneous material on H.R. 848, the bill just passed.
project for not more than three consecutive 2-year periods.

This extension bill faces no opposition. In keeping with the practice of granting license extensions, H.R. 1184 is a noncontroversial, easy yes vote, and I urge my colleagues to vote in favor of H.R. 1184.

Mr. Speaker, finally, I wish to thank the gentleman from Colorado, and I certainly want to thank the gentleman from Virginia, Mr. B LILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1989 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee’s control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition of destabilization of the electricity industry and spot prices and, therefore, a market condition.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

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

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

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to thank the chairman, the gentleman from Virginia, Mr. M B LILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1989 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee’s control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition of destabilization of the electricity industry and spot prices and, therefore, a market condition.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

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

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

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to thank the chairman, the gentleman from Virginia, Mr. M B LILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1989 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee’s control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition of destabilization of the electricity industry and spot prices and, therefore, a market condition.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

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

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

Mr. METCALF. Mr. Speaker, I would like to take this opportunity to thank the chairman, the gentleman from Virginia, Mr. M B LILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1989 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee’s control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition of destabilization of the electricity industry and spot prices and, therefore, a market condition.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

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

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

Mr. SCHAEFER. Mr. Speaker, I would like to take this opportunity to thank the chairman, the gentleman from Virginia, Mr. M B LILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1989 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee’s control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition of destabilization of the electricity industry and spot prices and, therefore, a market condition.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

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

Mr. Speaker, I reserve the balance of my time.
and, therefore, a market condition such that no power sales contract can be executed.

Again, the legislation provides for a 6-year construction extension. This is not an unreasonable request for a project already under construction. This project has received no challenges and has been determined environmentally sound and nonthreatening by all applicable local, State, and Federal agencies.

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

The SPEAKER pro tempore. The question on the motion offered by the gentleman from Colorado, Mr. Dan Schaefer, that the House suspend the rules and pass the bill, H.R. 1217.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill H.R. 1217 was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their marks and include extraneous material on H.R. 1217, the bill just passed.

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

There was no objection.

RELATING TO 30TH ANNIVERSARY OF REUNIFICATION OF THE CITY OF JERUSALEM

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 60) relating to the 30th anniversary of the reunification of the city of Jerusalem.

The Clerk read as follows:

H. CON. RES. 60

Whereas for 3,000 years Jerusalem has been the focal point of Jewish religious devotion;

Whereas Jerusalem today is also considered a holy city by members of the Christian and Muslim faiths;

Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840s;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the 30th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1995 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 200 declaring that Jerusalem, the capital of Israel, must remain an undivided city and calling on Israel and the Palestinians to undertake negotiations toward that end;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate Concurrent Resolution 106 as having helped our neighbors and friends in the region to reach the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C. on September 13, 1993, and that the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) that Congress:

(1) congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;

(3) calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and

(4) urges United States officials to refrain from any actions that contradict this policy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. Gilman] and the gentleman from Indiana [Mr. Hamilton] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. Gilman].

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

Mr. Gilman asked and was given permission to revise and extend his remarks.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 60, legislation that I sponsored with our colleague from New York, Mr. Schumer, which commemorates the 30th anniversary of the reunification of Jerusalem.

I want to thank the gentleman from New York [Mr. Schumer] for his leadership on this issue and commend him for his steadfast commitment to Israel and Jerusalem. I also want to commend our ranking minority member, the gentleman from Indiana [Mr. Hamilton], for his support of this legislation.

The legislation before us today reinforces the strong relationship between the American people and the nation of Israel. From Israel's independence in 1948 until the miraculous reunification of Jerusalem in 1967's Six-Day War, Jerusalem was a divided city and Israeli citizens of all faiths, as well as Jewish citizens of all states, were denied access to holy sites in the area, which was controlled by Jordan. The once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force in 1948, not to return again for 19 long years.

Despite the more than 3,000 years of Jewish residency in Jerusalem, Jews were once again cast out from King David's capital by overwhelming force. Once Jerusalem was one city again, the Israeli Government took important steps to guarantee freedom of religious access, not only to the Jews who had been denied their holy sites all those years, but also for Christians and Muslims. With the reunification of the city under Israel's jurisdiction, persons of all religious faiths have been guaranteed full access to their holy sites in Jerusalem.

Congress, in its role as the representative of the American people, has stated its support for Jerusalem as the capital of Israel on numerous occasions. We believe that Jerusalem must remain an undivided city forever. Indeed, the landmark legislation which became law in 1995, the Jerusalem Embassy Re-location Act, states these beliefs as a matter of U.S. policy.

Mr. Speaker, House Concurrent Resolution 60 congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city; reiterates the belief that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are going to be protected as they have been by Israel during the past 30 years. It calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and urges United States officials to refrain from any actions that contradict this policy.

Mr. Speaker, I urge my colleagues' strong support for this important measure.

Mr. Speaker, I do not have any further requests for statements. I would like to thank the Speaker, the gentleman from Georgia [Mr. GINGRICH], for his special interest in this resolution, as well as the balance of the leadership on both sides of the aisle for their support of the resolution.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 60.

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

There was no objection.

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

I would like to note that the legislative business on suspensions will be suspended by unanimous consent for the purposes of concluding this resolution and that any Members having amendments with regard to the State Department authorization measure are urged to come to the floor at this time.

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

I am going to rise in opposition to House Concurrent Resolution 60 relating to the 30th anniversary of the reunification of the city of Jerusalem. I do so...
Mr. Speaker, just 30 years ago, Jerusalem was a city divided, divided by barbed wire, divided by faith and divided by violence. In 1948, Jews, who have looked to Jerusalem for 3 millennia as their holy place, were systematically expelled from the city. The houses of worship were destroyed, the cemeteries were desecrated. Grave stones served as roads for construction in the city. The most holy of religious sites, the Western Wall, was used ignominiously as a garbage dump. Jews from around the world were unable to worship at their holiest of holy sites. At the time, the free world rightly declared this heinous act of war illegal, but did nothing, absolutely nothing, to change it. Thirty years ago all that changed. Jerusalem was liberated. Jews from around the world could once again pray in Jerusalem. Today Jerusalem is a city reunited, united in respect for what they did between 1948 and 1967. They lost it. To make the Wailing Wall a garbage dump? That is absolutely disgraceful and an abomination.

So over the years, recognizing that Congress has affirmed that Jerusalem remain the undivided capital of Israel through numerous resolutions and laws, but never has it been more important that the United States speak with one voice to make the policy clear, that Jerusalem is and will always be the undivided capital of Israel. We in the U.S. House of Representatives understand the significance of Jerusalem to the Jewish people. Today, like Jerusalem, we stand united in condemning the politics of the 30th anniversary of their city's reunification, united in commending Israel for guaranteeing the right of people of all faiths, Jewish, Christian, Muslim, to pray at their holy sites, united in understanding that this holy city never be divided again.

Mr. Speaker, I am proud to offer this resolution today to congratulate the people of Jerusalem on the 30th anniversary of their city's reunification. I urge my colleagues not to make a difficult peace process even more difficult. I urge a no vote on House Concurrent Resolution 60. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this legislation with regard to the reunification of Jerusalem has been considered and adopted by the House in prior years, so its consideration should not be considered controversial. President Clinton has stated his support for an undivided Jerusalem. Since the onset of the peace process in 1992, Congress has gone on record on this issue on several occasions. Accordingly, this should not be seen as impairing the government's commitment to stop the negotiations from going forward, even when we adopted the Jerusalem Embassy Relocation Act. Accordingly, I urge my colleagues to support this legislation.

Mr. Speaker, I yield myself such time as he may consume to the gentleman from New York [Mr. SCHUMER], the original sponsor of this measure.

Mr. SCHUMER. Mr. Speaker, I thank the chairman of the committee [Mr. GILMAN] for yielding me this time and for his leadership on this issue; I thank the ranking member, even though we disagree, for his consideration.

The United States has a vital interest in seeing the peace process move forward. The movement towards a lasting peace is the single most important goal of the United States. To support this process, it is in the U.S. national interest to take any action that could hinder the peace process. It is in the U.S. national interest to support forward progress in the Middle East peace process and oppose unnecessarily provocative actions taken by any of the parties to that process.

It would be totally consistent with U.S. policy to say that Jerusalem must remain an undivided city. It would even be acceptable to describe Jerusalem as a capital, as it is described in the current status of Jerusalem, an issue which the Declaration of Principles, signed by both parties in 1993, states will be determined by the parties to the conflict in their final status negotiations.

Securing the issue of Jerusalem has been left for the final status negotiations because of the strong emotion it engenders, because of the controversy it promotes, and because of the need to build confidence among the parties in any proposed solution of the Jerusalem issue. That confidence does not exist among the parties today. This resolution is another unilateral action that can make it more difficult to prepare for the future of Jerusalem.

Finally, I think we need to view this suspension resolution, House Concurrent Resolution 60, together with the other provisions relating to the Middle East that are being discussed and will be voted on as part of the State Department authorization bill, comes before the House for further consideration later today.

In addition to the resolution on Jerusalem, that bill contains additional problematic language on Jerusalem. We also will vote today on amendments with respect to Syria, actions by the Palestinian Authority with which we disagree, and a possible amendment on reducing aid to Egypt. Each of these amendments individually is appropriate in the context. However, I think it is important to consider the cumulative effect is to have the United States appear very one-sided on matters where our continued ability to be trusted by all parties is critical. It will make it more difficult to get an already stalled peace process back on track.

I urge my colleagues not to make a difficult peace process even more difficult. I urge a no vote on House Concurrent Resolution 60.
fact that we will stand by Israel in its goal to keep Jerusalem united and prevent it from being divided. I say to those who do not believe that, that the peace process in my judgment, if it is based on the view that it ultimately must divide Jerusalem, will ultimately fail, and we ought to affirm that now and forever and once and for all.

Mr. Speaker, for 3,000 years, since the destruction of the second temple, the people of Jerusalem and world Jewry have never forgotten the words of Isaiah: "I forget thee, let my right hand be severed." We will not forget Jerusalem, and we are here to celebrate its permanent reunification.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York [Mr. SCHUMER] for his leadership on this issue and for his very eloquent words in support of the resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. GOSs], the distinguished former chairman of our House Intelligence Committee. (Mr. GOSs asked and was given permission to revise and extend his remarks.)

Mr. GOSs. Mr. Speaker, I rise in strong support of this resolution. I believe it is extremely appropriate that we tell the world that we are happy to celebrate this occasion and that we are still committed very much to overseeing our responsibilities toward peace in the area.

I take the view that we are in the business here of underscoring our commitment to the peace process. I do not believe that one can raise the issue of Middle East geopolitics without somehow conveying the idea that there is controversy. But I think that the issue before us is without controversy. It is on the suspension calendar, and I think it is merely a question of acknowledging the history of those who have made this possible to come before us. I associate myself with the distinguished remarks of the gentleman from New York, who I think put them so eloquently. I also suggest that to fail to pass this today would send a very bad message. On the other hand it deserves the attention of the distinguished gentleman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of this resolution congratulating the Israeli people on the 30th anniversary of the reunification of Jerusalem. Today we in this House reaffirm our commitment to Jerusalem as the unified capital of Israel now and forever. It is especially fitting that we rise today to celebrate the Israeli capital as the people of the Middle East are struggling to bring peace to the area.

In these difficult times it is critical that we show our support for a safe and secure Israel, with Jerusalem as its undivided capital. Jerusalem has been and must remain a center of ethnic and religious diversity where individual rights of worship are respected and protected. Torn apart by war for almost two decades, Jerusalem was reunited as the capital of Israel 30 years ago and so it shall remain. I commend my colleagues for bringing this important resolution to the floor, and I urge its passage.

Mr. HAMILTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply wanted to point out that the Department of State opposes this resolution. It opposes it on constitutional foreign policy and operational grounds. Quoting from their memorandum, the intent of this legislation is to force the administration to recognize Jerusalem as part of the territory of the State of Israel and indeed as the capital of the State of Israel. Our view of Jerusalem is guided by the Declaration of Principles, Oslo I, in which the two sides agreed that Jerusalem will be addressed in permanent status negotiations. Our objection is based on our long-standing policy toward Jerusalem and on the fact that this provision raises serious constitutional issues because it purports to limit the President's exclusive authority to conduct the Nation's diplomatic relations and others.

The point simply is that this resolution does not state American policy in the Middle East as it has been for many, 10, 20, and perhaps 100 Presidents. Members should be aware of the fact that when they vote for this, for all kinds of good reasons, they are nonetheless departing from the U.S. position on the Middle East peace process that has served this Nation and the Middle East, I think, very well for many years.

Mr. GEPhardt. Mr. Speaker, I am proud to be an original cosponsor of House Concurrent Resolution 60, and I urge its adoption by the House of Representatives.

Two years ago, I joined many others in the Capitol rotunda to commemorate the 3,000th anniversary of the founding of the city of Jerusalem. It is in the spirit of that powerful ceremony, and in the spirit of Jerusalem itself, that I rise today in support of this resolution.

There is no question that Jerusalem is among the most important sites of modern civilization—a triumph of faith and freedom not just for the Jewish people, but for all people. And although people have fought over Jerusalem for thousands of years, today it stands as a city of peoples of different races and religious faiths living together.

That is why Jerusalem should remain an undivided city, and be recognized as the capital of Israel. And after all, Jerusalem embodies the very notions of liberty, justice, and freedom from persecution upon which Israel was founded. And it is only fitting that the holiest city in the world be celebrated as the center of the Jewish people, who have strived for so long simply to be able to express their faith freely and openly. That's why I supported and Congress passed legislation in 1995 to move the United Nations from Jerusalem.

Today's resolution reiterates the message we delivered in 1995 and which the Congress has expressed in prior years. We must be clear, however, that it is not enough simply to celebrate the past 3,000 years of Jerusalem's existence, or its past 30 years as an undivided city. We must seek to keep Israel and Jerusalem strong for the next 3,000 years. That's part of what the Middle East peace process is all about and what the United States' unwavering support for Israel is all about.

In closing, I congratulate the residents of Jerusalem and the people of Israel on the 30th anniversary of that city's reunification, and I urge my colleagues to support this resolution.

Mr. BRADY. Mr. Speaker, today I rise in strong support of House Concurrent Resolution 60. I am pleased to support this resolution which congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of Jerusalem, calls upon the President and the Secretary of State to publicly affirm as a matter of U.S. policy that Jerusalem must remain the undivided Capital of Israel, and urges U.S. officials to refrain from any actions that contradict this policy.

For three thousand years, Jerusalem has been the religious, spiritual, and cultural center of the Jewish people. It is also important to note that Jerusalem has sites that are also important to other religious faiths. Furthermore, during the period 1949–1967, the eastern part of Jerusalem was under Jordanian control and people of all faiths were denied access to their holy sites. However, since Jerusalem was reunified in 1967, it has been a city open to people of all religions.

In addition to House Concurrent Resolution 60, the House is also considering another important piece of legislation, the Foreign Relations Authorization Act (H.R. 1757), affecting U.S. policy toward Jerusalem. Both of these bills reaffirm positions taken by Congress in 1995, when it overwhelmingly passed the Jerusalem Embassy Act. While that legislation became law on November 8, 1995, President Clinton, unfortunately, did not sign it. The Jerusalem Embassy Act declares that official U.S. policy should recognize Jerusalem as the capital of the State of Israel. That bill also supports Jerusalem remaining an undivided city where the rights of every ethnic and religious group are protected. Finally, it requires that
the United States move its Embassy from Tel Aviv to Jerusalem by May 31, 1999. We are also committed to seeing this happen and have included provisions to do so in H.R. 1757.

I urge my colleagues to vote for both House Concurrent Resolutions 60 and H.R. 1757, as well as H.R. 1757, which reaffirm our belief that Jerusalem should remain Israel’s undivided capital.

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

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

The SPEAKER pro tempore (Mr. CALCUTT). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 60.

The question was taken.

Mr. GILMAN. 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 and the Chair’s prior announcement, further proceedings on this motion will be postponed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 159 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. 1757.

Mr. E WING—Chairman pro tempore—on the chair.

Pursuant to the order of the House of Thursday, June 5, 1997, each further amendment to the bill, and all amendments thereto shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, except for the following amendments which shall be debated without a time limit:

1. Amendments en bloc offered by the gentleman from New York [Mr. SCHUMER] regarding Cuba;
2. The amendment by the gentleman from New York [Mr. AXON] or the gentleman from New York [Mr. SCHUMER] regarding arms transfer code of conduct;
3. The amendment by the gentleman from New York [Mr. AXON] regarding counternarcotics authorities;
4. The amendment by the gentleman from New York [Mr. SCHUMER] regarding Egypt.

10. The amendment by the gentleman from New York [Mr. GILMAN] regarding counterterrorism authorities;
11. The amendment by the gentleman from Indiana [Mr. HAMILTON]; and
12. The amendment by the gentleman from New York [Mr. GILMAN].

It shall be in order at any time for the chairman of the Committee on Foreign Relations, or his designee, with the concurrence of the ranking minority member of that committee, or a designee, to offer amendments en bloc. Those amendments en bloc shall be considered read, shall not be subject to a demand for a division of the question, and may amend portions of the bill previously read for amendment.

The original proponents of an amendment offered in amendment en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now resuming consideration of the foreign relations authorization bill for fiscal years 1998 and 1999. We have a unanimous-consent agreement that makes in order several amendments to be considered under the 5-minute rule without any special time limitation. Other amendments not mentioned in the unanimous-consent request are debatable for up to 10 minutes equally divided between a Member in support and a Member in opposition on the amendment. I request that any Members having an amendment would advise our committee if they plan to offer an amendment. It would help facilitate our work here for the remainder of the day.

I would also like to point out that we are continuing to work with the administration to reach an agreement on reorganization of the foreign affairs agencies. The President has directed that consolidation of USIA and the Arms Control Disarmament Agency take place over a 2-year period. That is our responsibility, to implement that decision. It is my intention to find a solution. I hope that my colleagues on the other side of the aisle will work with us to that end. I want to thank the ranking minority member, the gentleman from California [Mr. HAMILTON], for his cooperation. We will try to move this bill as expeditiously as possible, and we appreciate the cooperation of our colleagues to work within the agreed time limits.

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. E WING). Is this the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. GILMAN. Yes, it is, Mr. Chairman.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. GILMAN

At end of Title XVIII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly):

SEC. ADDITIONAL REQUIREMENTS RELATING TO ASSISTANCE.

(a) IN GENERAL.—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2202(e)(4)) is amended—

(1) in subparagraph (A)(i), inserting “or under chapter 5 of part II” after “(including chapter 4 of part II)’’;

(2) in subparagraph (B), by inserting before the semicolon at the end the following: “, other than sales or financing provided for narcotic-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

There was no objection.

Mr. GILMAN. Mr. Chairman, the euphemism, war on drugs, is often misused to describe the struggle against the illicit narcotics which destroy our communities and takes the lives of so many of our young people. However, in Colombia, the major drug producing nation in our hemisphere, there is a raging narcotics based drug war, and it is only a short 3 hours away by aircraft from Miami. The Colombian National Police, the CNP, our longtime courageous and honest allies in the fight against the drug cartels and their narcoguerrilla allies, in the last 10 years alone they have lost nearly 3,000 police officers. These heavy casualties were taken fighting ours as well as for their own grave struggle against the illicit drug trade. These brave police officers captured or killed all of the leadership of the ruthless Medellin cartel as well as all of the key kingspins of the more sophisticated and powerful Cali international drug cartel.

The administration twice decertified the Government of Colombia over the last 2 years without a national interest waiver because of alleged corruption surrounding the Presidency. At the same time, it has badly hurt the Colombian National Police and military fighting the real drug war from the safe and secure office of the Presidency in Bogota.
The annual drug certification statute as now written automatically cuts off foreign military sales and international military education and training. That assistance is given once a nation like Colombia is decertified, without being given a national interest waiver.

As a result, today in Colombia we cannot routinely provide FMS and IMET assistance to the police and the army. In addition, we cannot provide any lethal assistance, ammunition and explosives, in the middle of their raging narco-war.

Nor can we help adequately maintain the numerous pieces of U.S. military equipment we have provided to the security forces in the past to fight drugs. The net effect has been a classic case of shooting one's self in the foot in a matter involving our vital national security, illicit drugs coming from abroad.

The decertification process and voted to undergo a close review including hearing. What we do here is we would decertify a country saying that they do not cooperate with us, and then we turn around under this amendment and say, "Even though you do not cooperate, we are going to continue to supply you with all of the military aid that you want."

With this amendment, for example, the United States would provide approximately $30 million in additional military assistance to Colombia. Keep in mind Colombia is a country that does not cooperate with us by our own finding in the fight against drugs. This contradicts this amendment, I believe, the very purpose of cutting off assistance to decertified countries. Colombia's militaries are willing to improve Colombia's record if it is getting the aid that it wants any way.

Now I do agree with the gentleman from New York [Mr. Gilman] that automatic sanctions are counter-productive. The entire decertification statute is badly flawed, and for this reason the committee voted to revise the decertification process and voted to remove all mandatory sanctions. The committee has taken a chance to bring that product before the House.

In my view rather than make piece-meal changes, as proposed in the Gilman amendment, we should revise the entire statute. The gentleman from New York [Mr. Gilman] said at committee markup that major changes to the decertification statute should undergo a close review including hearing. What that means is that, if a country is decertified because it is not cooperating with us in the fight against drugs, the United States would still automatically cut off most development assistance as well as OPIC and Exim which help U.S. companies, but lethal equipment and other military assistance could still be sent to those decertified countries.

I oppose this amendment for two reasons. First, the amendment, I think, is an affront to fair process. The Committee on Rules stripped out the foreign aid half of the Committee on International Relations' bipartisan bill, H.R. 1486, out of Washington. Mr. Gilman [Mr. GILMAN] is coming back with a provision out of the foreign aid division. Members of Congress, the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Florida [Mr. MENENDEZ] and I, had a provision to revise the drug certification process, but we did not attempt to add it to a State Department authorization bill where it does not belong.

I do not like fooling around with the process. This approach, I think, is unfair to other Members who had provisions in the foreign aid division. The gentleman from New York [Mr. GILMAN] has no confidence in the Committee on Rules. I say that the foreign aid bill will be taken up at a later time. What he is doing now is putting very popular, very attractive, provisions from the foreign aid division into this bill, rewriting it so that it fits under the State Department authorization bill.

Second, however, I oppose the amendment on substance. One of the main reasons for prohibiting military aid is to have a powerful stick to persuade militaries in major drug countries to become U.S. allies on counternarcotics. This amendment removes one of the key levers that the United States has under current law.

What we do here is we would decertify a country saying that they do not cooperate with us, and then we turn around under this amendment and say, "Even though you do not cooperate, we are going to continue to supply you with all of the military aid that you want."

With this amendment, for example, the United States would provide approximately $30 million in additional military assistance to Colombia. Keep in mind Colombia is a country that does not cooperate with us by our own finding in the fight against drugs. This contradicts this amendment, I believe, the very purpose of cutting off assistance to decertified countries. Colombia's militaries are willing to improve Colombia's record if it is getting the aid that it wants any way.

Now I do agree with the gentleman from New York [Mr. Gilman] that automatic sanctions are counter-productive. The entire decertification statute is badly flawed, and for this reason the committee voted to revise the decertification process and voted to remove all mandatory sanctions. The committee has taken a chance to bring that product before the House.

In my view rather than make piece-meal changes, as proposed in the Gilman amendment, we should revise the entire statute. The gentleman from New York [Mr. Gilman] said at committee markup that major changes to the decertification statute should undergo a close review including hearing. That's exactly what this amendment is.
and I will continue in my efforts to try to bring the foreign aid measure to the floor of the House.

Mr. HAMILTON. But the gentleman has no assurance from the leadership that such a bill will be brought forward.

Mr. GILMAN. I have no guarantees at this time. I can only state to the rank minority member that I will continue strenuous efforts to try to bring the measure to the floor of the House.

Mr. HAMILTON. Let me assure the gentleman I support him in those efforts.

□ 1315

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. NEY. Yes, Mr. Chairman, it is.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEY:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. PROHIBITION ON FOREIGN ASSISTANCE TO ANY COUNTRY THAT ASSISTS LIBYA IN CIRCUMVENTING UNITED NATIONS SANCTIONS.

(a) IN GENERAL.—None of the funds made available in this Act shall be made available for assistance to any government if the President determines that such country has assisted the Government of Libya in violating sanctions imposed by United Nations Security Council Resolution 748 (1992).

(b) EXCEPTION.—This section shall not apply to the President if the President determines that making such funds available is important to the national security interest of the United States.

Mr. NEY (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 Ohio?

The gentleman yields.

Mr. NEY. Mr. Chairman, Steven Burrell, Shannon Davis, Christopher Jones, Sarah Phillips, Cynthia J. Smith, these are names of students from Syracuse University who cannot be with us today and never will be with us because they were passengers on Pan Am Flight 103, which was blown out of the sky by a powerful bomb over Lockerbie, Scotland. All told, all 259 passengers and 11 crew members were killed, along with 11 people on the ground.

After one of the most extensive investigations in history, two Libyan intelligence agents were implicated for planting an explosive device on the plane that murdered all of the passengers on the plane. After repeated requests, I stress repeated requests, and Libya’s failure to extradite the two Libyan agents, the United Nations imposed a ban on air traffic in and out of Libya as a result.

Last week, in a reckless attempt to have the sanctions lifted without actually delivering the two suspects, the Libyan Government, under the direction of Moammar Qadhafi, sent a direct appeal to the families of the victims talking about a compromise. Unfortunately, the letter was more of a cynical propaganda ploy aimed at manipulating the victims’ families than it was an actual concession, and the victims’ families recognized this publicly.

On top of murdering the families, I think one of the worst things that could have been done was to try to involve them in a propaganda ploy of the Libyan Government.

Now, why did this happen? It happened because earlier this year, on May 8, the Libyan leader, Moammar Qadhafi, defied the U.N. ban on all traffic in and out of Libya. He flew a flotilla of four Boeing 727’s to two Libyan countries, Niger and Nigeria. Now this matter is currently being pursued in the U.N. Security Council and the Sanctions Committee.

My amendment, very simply, will prohibit and not make available through this bill from going to any government that assists Libya in circumventing the U.N. sanction. We took upon ourselves, and the United Nations agreed, these sanctions for a reason. Not for the pleasure of Moammar Qadhafi to do as he pleases without doing the right thing, which is to turn these people over for trial that killed all of the people on the Pan Am flight, but on top of it, Mr. Chairman, it is blatantly obvious that Moammar Qadhafi does not take the U.N. sanctions seriously, and that Libya continues to harbor and finance terrorist groups that share Qadhafi’s anti-Western views all over our planet.

However, real problems begin to arise when other nations of the world assist rogue governments and rogue countries like Libya in circumventing U.N. sanctions. That does not add to the peace or the security of any citizen of any country who at any point in time can fall victim to the hideous ways of this brutal leader. I again urge my colleagues’ support of this amendment. I would also like to thank the gentleman from New York [Mr. GILMAN] and his staff for all of the hard work that they put into this bill. They have done a wonderful job.

Mr. HAMILTON. Mr. Chairman, I rise in support of the amendment, and I will vote for it. I want to work to refine it down the line, and I have a question or two to the sponsor.

Mr. NEY. Mr. Chairman, I would inquire of the gentleman from Ohio, what countries would be affected by this amendment?

Mr. NEY. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Chairman, the countries that would be affected would be those countries with whom the amendment states, the President feels has violated the U.N. sanctions. So it could be any country of the world in fact that would allow for a situation like the flotilla to land in their country and they would violate U.N. sanctions. So it is not only to what countries, but it would be any country who violates the already existing U.N. sanctions.

Mr. HAMILTON. Mr. Chairman, can the gentleman name any country that would be affected, any specific country that would be affected?

Mr. NEY. Well, if the gentleman would further yield, it could be whatever country that violated from this amendment.

Mr. HAMILTON. Is there a country that now violates, if this were law?

Mr. NEY. Mr. Chairman, I feel that the two countries that allowed him to land, and of course the United Nations has to make that decision, which was Niger and Nigeria, but this amendment would be a deterrent to future situations where a country would allow the leader, Moammar Qadhafi, in fact to land on their soil.

Mr. HAMILTON. Mr. Chairman, reclaiming my time, I think the gentleman should be commended. All of us want to support tough sanctions against Libya, because there is not any doubt that Libya has not cooperated with respect to the investigation of Pan Am 103, and there is not any doubt that Libya is not complying with the U.N. resolutions. But I do want to point out in the interest of indicating that some refinements probably have to be made on the gentleman’s amendment, the kinds of problems that arise.

For example, South Africa. President Mandela has invited Qadhafi to visit. Is
South Africa going to get caught up in this amendment? Or take Tunisia, who is the largest recipient of United States antiterrorism assistance. It is certainly hostile to Libya on a state-to-state basis, but through the Island of Djibouti, it is not an international gateway to Libya. It is quite possible, for example, that Tunisia would be caught up in this amendment.

I point these things out not to be critical of the gentleman’s amendment, but simply to encourage him, as the bill moves forward, to be open and receptive to refinements to the bill. Now, I am not one that would have it.

Mr. NEY. Mr. Chairman, if the gentleman would continue to yield, I would just note that I am willing to communicate during the process, of course, and I know the gentleman from Indiana [Mr. HAMILTON] would agree that we would have to be careful, obviously, to always encourage this but not deal with such regimes, but again, I think we can definently have a discussion of what situations are appropriate, and also note the language. There is a certain amount of executive flexibility which we can communicate on.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the committee is willing to accept the amendment by the gentleman from Ohio [Mr. NEY], and I want to commend him for his good work on this measure.

I appreciate the work that has been done in trying to improve our sanctions legislation. I will note that the amendment cuts off aid to any country that breaks U.N. sanctions against Libya, and while there is some concern that this amendment will cut off aid to some nations, I note that this provision does have a national security waiver which the President may exercise in order to continue aid amongst those countries.

Accordingly, Mr. Chairman, I strongly support the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. NEY]. The question was taken; and the amendment was agreed to.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 159, further proceedings on the amendment offered by the gentleman from Ohio [Mr. NEY] will be postponed.

The motion of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. CAPPS

Mr. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. CAPPS. Yes, Mr. Chairman, it is. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CAPPS:

At the end of Title XVII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly):

Notwithstanding section 1407(b)(1) of this act, for each of the fiscal years 1998 and 1999 at least 30 scholarships shall be made available to Burmese individuals that are outside of Burma.

Mr. CAPPS. Mr. Chairman, my amendment directs USAID, whenever feasible, to provide feasible and cultural and religious heritage. The Fulbright Exchange Program has helped in that goal. Accordingly, we are pleased to accept the gentleman’s amendment. I urge my colleagues to support this amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman. The CHAIRMAN pro tempore (Mr. Ewing). The question is on the amendment offered by the gentleman from California [Mr. CAPPS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment. The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. MILLER of California. Yes, Mr. Chairman.

Mr. Chairman, the CHAIRMAN pro tempore. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

At the end of title XVII, insert the following section:

SEC. 1717. CUBAN CIGARS.

It is the sense of Congress that the United States should not prohibit the importation into the United States, or the sale or distribution in the United States, of cigars that are the product of Cuba.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, the purpose of this amendment is two-fold. One is to put an end to the duplicity that takes place so very often inside the beltway in Washington, DC, as members of the government, both the executive branch, the congressional branch, and others denounce the Cuban embargo, or Cuba and continue to support the embargo against Cuba, and then after doing so, light up a Cuban cigar and extol the pleasures and the attributes of that cigar.

have said, is important to us all. This amendment is a significant step in that direction.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield? Mr. CAPPS. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I just want to express my commendation to the gentleman from California [Mr. CAPPS] for offering this amendment. He is a very distinguished scholar in this field. He is applying his expert knowledge to a provision of law and refining it. I think, in a very productive and constructive way, I fully support the amendment and congratulate him for offering it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield? Mr. CAPPS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. CAPPS]. His Holiness, the Dalai Lama, has diligently and courageously sought to protect Tibetans’ unique cultural and religious heritage. The Fulbright Exchange Program has helped in that goal. Accordingly, we are pleased to accept the gentleman’s amendment. I urge my colleagues to support this amendment.

Mr. CAPPS. I thank the gentleman. The CHAIRMAN pro tempore (Mr. Ewing). The question is on the amendment offered by the gentleman from California [Mr. CAPPS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment. The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. MILLER of California. Yes, Mr. Chairman.

Mr. Chairman, the CHAIRMAN pro tempore. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

At the end of title XVII, insert the following section:

SEC. 1717. CUBAN CIGARS.

It is the sense of Congress that the United States should not prohibit the importation into the United States, or the sale or distribution in the United States, of cigars that are the product of Cuba.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, the purpose of this amendment is two-fold. One is to put an end to the duplicity that takes place so very often inside the beltway in Washington, DC, as members of the government, both the executive branch, the congressional branch, and others denounce the Cuban embargo, or Cuba and continue to support the embargo against Cuba, and then after doing so, light up a Cuban cigar and extol the pleasures and the attributes of that cigar.
However, this practice of lighting up Cuban cigars is not something that is just limited to those who favor, oppose, or have a position on the Cuban embargo. What we know now is that for many, many years, the life of the embargo was a large part of this middle-class cigar. It was designed not to be respected and not to be honored. President Kennedy, when he knew he was going to sign an embargo against Cuba, immediately asked one of his aides to go out and purchase all the Cuban cigars he could find to support his position so he would have a full stock of them when the embargo went in place.

Since that time, Members of Congress have gone to Cuba in official delegations and met with Fidel Castro and met with others official in the Cuban Government and have come back with Cuban cigars. They have shared them on a very discreet basis with their good friends, and again, they have enjoyed them to the hilt.

The point is this: that we have people in the middle class, the intellectuals, who visit the island or who travel overseas and who have the money to buy these cigars, to purchase them. What has happened? For the middle-class cigar smoker, it means the cigar costs somewhere between $15 and $35, maybe more. I think we ought to, if it is good enough for those in the Government, if it is good enough for those in the middle class, we ought to be able to do it with the middle class in this country.

We understand the purposes of this embargo. The idea was that we could impose hardship on the Cuban Government and they would change their ways. This was a sacrifice we were prepared to enter into. If this sacrifice is worth making, it is worth sharing. I think that is what this amendment does.

This amendment also understands that we cannot have it both ways. We cannot have it to condemn and to support the embargo and then engage openly in the products of that. This is what we are talking about. This is the Cohiba cigar. This is the mother lode of cigars.

This is what, when people get together and go to cigar smokers, a few people in the room will have it, and the rest in the crowd will watch them light it up with great admiration. They will talk about what they could do in his honor; if they mail order it on the Internet? Did they have it sent to them from Holland, where the bands were removed, the Cohiba bands were removed, it entered the country, and then they had the bands sent separately so they could get the bands back on to impress their friends? Or did they get it from a governmental official, a Member of Congress who traveled to Cuba and brought them back for their elite. It is only for the elite. This amendment suggests that that should not be allowed, that we should not continue that purpose. We should end the duplicity about this. There have been suggestions that if the ban and embargo were truly enforced, we probably could not get a quorum in the Congress of the United States, or in the U.S. Senate, or maybe even in the President's Cabinet, because they cannot have it to condemn and to supply.

The amendment offered by the gentleman from California: Why should not all Americans, if they so desire, enjoy that pleasure? But what we have done is established an embargo on cigars that now means it is really only for the elite. This amendment suggests that that should not be allowed, that we should not continue that purpose. We would end the duplicity about this.

The point is this, the point is this: that we have people in the political elites, we have people in the media elites, the intellectual elites, who visit the island or who travel overseas and have the money to buy these cigars, to purchase them. What has happened? For the middle-class cigar smoker, it means the cigar costs somewhere between $15 and $35, maybe more. I think we ought to, if it is good enough for those in the Government, if it is good enough for those in the middle class, we ought to do it with the middle class in this country.

We understand the purposes of this embargo. The idea was that we could impose hardship on the Cuban Government and they would change their ways. This was a sacrifice we were prepared to enter into. If this sacrifice is worth making, it is worth sharing. I think that is what this amendment does.

This amendment also understands that we cannot have it both ways. We cannot have it to condemn and to support the embargo and then engage openly in the products of that. This is what we are talking about. This is the Cohiba cigar. This is the mother lode of cigars.

This is what, when people get together and go to cigar smokers, a few people in the room will have it, and the rest in the crowd will watch them light it up with great admiration. They will talk about what they could do in his honor; if they mail order it on the Internet? Did they have it sent to them from Holland, where the bands were removed, the Cohiba bands were removed, it entered the country, and then they had the bands sent separately so they could get the bands back on to impress their friends? Or did they get it from a governmental official, a Member of Congress who traveled to Cuba and brought them back for their elite? It is only for the elite. This amendment suggests that that should not be allowed, that we should not continue that purpose. We would end the duplicity about this.

The point is this, the point is this: that we have people in the political elites, we have people in the media elites, the intellectual elites, who visit the island or who travel overseas and have the money to buy these cigars, to purchase them. What has happened? For the middle-class cigar smoker, it means the cigar costs somewhere between $15 and $35, maybe more. I think we ought to, if it is good enough for those in the Government, if it is good enough for those in the middle class, we ought to do it with the middle class in this country.

We understand the purposes of this embargo. The idea was that we could impose hardship on the Cuban Government and they would change their ways. This was a sacrifice we were prepared to enter into. If this sacrifice is worth making, it is worth sharing. I think that is what this amendment does.

This amendment also understands that we cannot have it both ways. We cannot have it to condemn and to support the embargo and then engage openly in the products of that. This is what we are talking about. This is the Cohiba cigar. This is the mother lode of cigars.

This is what, when people get together and go to cigar smokers, a few people in the room will have it, and the rest in the crowd will watch them light it up with great admiration. They will talk about what they could do in his honor; if they mail order it on the Internet? Did they have it sent to them from Holland, where the bands were removed, the Cohiba bands were removed, it entered the country, and then they had the bands sent separately so they could get the bands back on to impress their friends? Or did they get it from a governmental official, a Member of Congress who traveled to Cuba and brought them back for their elite? It is only for the elite. This amendment suggests that that should not be allowed, that we should not continue that purpose. We would end the duplicity about this.

The point is this, the point is this: that we have people in the political elites, we have people in the media elites, the intellectual elites, who visit the island or who travel overseas and have the money to buy these cigars, to purchase them. What has happened? For the middle-class cigar smoker, it means the cigar costs somewhere between $15 and $35, maybe more. I think we ought to, if it is good enough for those in the Government, if it is good enough for those in the middle class, we ought to do it with the middle class in this country.

We understand the purposes of this embargo. The idea was that we could impose hardship on the Cuban Government and they would change their ways. This was a sacrifice we were prepared to enter into. If this sacrifice is worth making, it is worth sharing. I think that is what this amendment does.
Mr. Chairman, I rise in support of the Diaz amendment to the Miller amendment. Cuba is one of the few countries in the world in which the struggle against totalitarianism has not yet been won. Because of the proximity of Cuba to the United States and the historical close relationship between the peoples of our two nations, it is especially important that this victory come sooner rather than later.

In evaluating all proposed legislation, in evaluating all administrative actions and diplomatic initiatives with respect to Cuba, it is important to keep several principles in mind. First, such actions must be calculated to emphasize the status of the Castro government as a rogue regime with whom the civilized nations of the world should have no dealings. Second, actions must be calculated to hurt the dictatorship and not the Cuban people.

Finally, we should make it clear that Cuba will receive a warm welcome back into the family of free and democratic nations.

By this standard, we have made some terrible mistakes, such as the 1994 Clinton-Castro antirefugee agreement. We made this agreement just a few months after the Castro regime had brutally murdered 40 men, women, and children who were trying to escape from Cuba on the vessel the Thirteenth of March. The agreement made the Castro government just what it wanted, an end to the longstanding United States policy of accepting people who escape from Cuba.

The agreement specified that Castro was to use mainly persuasive methods to keep people from fleeing from Cuba. The United States thereby accepted moral responsibility for whatever forms of persuasion he should choose to employ. And it enhanced the international prestige and the domestic power of the regime.

The Castro government returned the favor a year later by murdering four American citizens, members of the pro-freeedom organization Brothers to the Rescue who were flying in international airspace. So we got tough again for a little while.

Mr. Chairman, the adoption of the Miller amendment, if it is not amended successfully by the gentleman from Florida [Mr. DIAZ-BALART], would send a clear, unequivocal signal from our government that the Castro regime is the No. 1 violator of human rights in our hemisphere.

According to the State Department’s country reports on human rights practices for 1996, Cuba is a totalitarian state controlled by Fidel Castro, who who, along with his government officials, is responsible for the majority of human rights violations in Cuba. According to the country reports, among the most serious human rights violations by the regime in recent years are, and I quote:

- The authorities were responsible for the extrajudicial killing of dozens of people.
- The government continued to employ acts of repudiation, which are attacks by mobs organized by the government but portrayed as responsible public rebukes, against dissident activity.
- The government also metes out exceptionally harsh prison sentences to democracy and human rights advocates whom it considers a threat to its control.
- Police and prison officials often use beatings, neglect, other forms of abuse, and prison conditions against detainees and prisoners convicted of political crimes, including human rights advocates, or those who persisted in expressing their views.

Citizens have no legal right to change their government or to advocate change.

The government does not allow criticism of the revolution or its leaders. The Communist Party controls all media as a means to indoctrinate the public.

Religious persecution continues.

The country reports point out that the government has ignored calls for democratic reform and labeled activists who proposed them as worms and traitors.

The decision on whether to embrace or isolate the Castro regime raises the question of what role human rights and basic decency are to play in our foreign policy. I urge a strong “yes” vote for the Diaz-Balart amendment, and salute him for his longstanding support for democracy in Cuba. His amendment is a step in the right direction in that endeavor.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment originally proposed by the gentleman from California [Mr. MILLER] and in support of the new amendment as proposed by the gentleman from Florida [Mr. DIAZ-BALART].

The Miller amendment comes across as a parody or a caricature, very cruel, of the Cuban people. It makes a mockery of the suffering Cuban people, of their subjugation, and it belittles their suffering. The Miller amendment is also an affront to the more than three-decades-old United States policy toward Cuba, for it focuses on violations of the trade embargo as justification or cause to weaken our United States policy.

I think it defies all logic when violations in and disregard for U.S. laws are used to defend a position of accommodation with smugglers or, in the final equation, with the Castro regime itself.

Essentially, this Miller amendment is saying that if we cannot beat them, join them. If we cannot curb the violations of U.S. laws and we cannot inhibit interest in Castro’s blood products, then let us just make things easier for all and lift those prohibitions. This is not the vision that U.S. foreign policy should be run. I really do not think that the United States would have won the cold war and sit as the leader of the free world, if every time its laws were blatantly disregarded, we threw up our hands in the air and said, fine, we cannot seem to enforce the laws because people are violating them, so let us just change the law.

This is not the way to proceed. We do not change laws because someone decides to violate them or skirt them. This is like saying we cannot prevent murderers from killing or drug traffickers from polluting our society, so we should change our laws to accommodate this. The Castro regime has no right to profit from the sale of its products, and when we do not compensate for this, we are merely rewarding diálogo, which is warfare, and is just plain wrong.

It would be helpful for the cause of freedom if the gentleman from California would instead introduce an amendment that focused on human rights abuses in Cuba, such as extrajudicial killings, human trafficking by the Castro regime, or on their sponsorship of activities to undermine United States security and hemispheric stability.

I do not think the gentleman would only reflect on four innocent, unarmed victims shot down over international waters on February 24 of last year, three of them United States citizens and the fourth a U.S. legal resident, one of these brave young men served this country proudly in Vietnam, having been decorated for courage in defending the ideals of democracy. I suppose it would be too difficult to think of them or think of the men, women, and children killed by Castro’s thugs in Cuban waters because they merely tried to seek freedom; or think about the thousands who perish in Castro’s jails because they had the courage to stand up to this cruel regime and defend their right to be free.

That is much more difficult and much less financially rewarding. This amendment certainly seems to be the easy way out.

They should be remembered, and we should remember every day the blood shed by so many throughout the years in the struggle to free Cuba from the enslavement at the hands of the Castro regime. We should not be considering an amendment like the one introduced by the gentleman from California [Mr. MILLER], which only serves to provide a lifeline to the Castro dictatorship.

The Miller amendment contradicts and undermines the objectives and the priorities of United States policy toward Cuba. It serves to belittle the views of the majority of this body, and it weakens United States foreign policy priorities and national security interests by placing...
greater emphasis on financial gain than on the overarching commitment of the United States to help bring democracy to Cuba.

The United States must assume its leadership role and effect concrete, positive change within the remaining bastion of totalitarianism and dictatorship. It should not be wasting its position of influence to help fill the pockets of a ruthless dictator.

Unfortunately, it appears that some in this body cannot change the fact that Cuba is not free and that it gets a little old, as people are missed the point on the amendment; that it is now actively sought within Cuba. Lastly, the American dollar, the most hated symbol of the revolution, illegal to own until a couple years ago, is now given permission to enter the United States. So the fact of the matter, it is our policy of denying the regime hard currency that has moved them, albeit ever so slowly and ever so limitedly, that has moved them to the only possible opening that we have seen.

The other thing is, I know that my colleagues, especially on this side of the aisle, are in strong support of labor rights. A laborer in Cuba, particularly in the tobacco industry and the cigar and leaf-producing and cigar-making industry, does not have the right in Cuba to receive resources directly from a foreign company investment in terms of a salary. That is to say, the foreign company comes into Cuba producing cigars for export and in fact they cannot be paid by the foreign company. In fact, they pay the regime. The regime takes the overwhelming amount of the salary and gives a subsistence wage to the worker.

And I am sure that my colleagues do not want to be part of an enterprise, as we talk about China and the people's army there, and products produced there and other parts of the world, I am sure that we do not want to exploit Cuban workers who are not able to fully receive the benefits, working conditions and the salary of their sweat and labor.

In fact, by doing this, we would do that. We would permit hard currency to go to the regime. We would not improve the life of workers. On the contrary, we would continue to promote the subsistence wages that they get. We would continue to promote the under class that in fact they slave in on behalf of the regime, and we would permit the regime to be able to continue to do this because it would have resources flowing into it in very significant dollars.

While this is only a sense of the Congress, I think it is the wrong sense. Right now at this very moment, I just finished getting off of Radio Marti, doing a program in which people from the islands are connected to people through Radio Marti. When we think of the work of independent journalists who get arrested every day for trying to report what is going on in Cuba, if we think about the dissidents that are active in Cuba, the fact of the matter is, this debate even makes a mockery of what they are trying to accomplish every day.

I ask the gentleman from California [Mr. MILLER] to note that there are many fine cigars made outside of Cuba, and I urge the gentleman to familiarize himself with the Opus X or Arturo Fuente cigars until Cuba is free, and let us not allow our strong commitment to human rights to be blown away by any cigar smoke.

Accordingly, I support the Diaz-Balart perfecting amendment. I urge its adoption and defeat of the Miller amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words. (Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I recognize the arguments of my colleagues, and that is the reason we have the embargo, but they obviously missed the point on the amendment; that it gets a little old, as people are thumping their chests in the media, in the intellectual discussion groups, in Washington, DC to the Congress about the evils of the Cuban Government and of Fidel Castro, and then kick back to light up a Cuban cigar.

Now, we have an embargo, and the American public does not imbibe in Cuban sugar or Cuban medical services, or financial services or travel, or whatever, and that is a shared sacrifice. That is a shared understanding.
But somehow among the political elites and Members of Congress, the Supreme Court, the U.S. Senate, the President’s Cabinet, people can light up a cigar and go on like nothing has happened. The purpose of this amendment is just to point that out; that we ought to have a policy that is so ragged because of the duplicity that is put in it by the opinion makers in this country. That is the purpose of this amendment. I think, Mr. Chairman, that the reaction I have gotten from my colleagues that they are willing to live with it because we cannot have it both ways.

But with this policy, a lot of people in this country believe in fact that they can, they can go on and they can condemn these practices and then they can decide to smoke a Cohiba or some other Cuban cigar.

Mr. Chairman, I would urge passage of this amendment.

The CHAIRMAN pro tempore (Mr. Scarsborough). The question is on the amendment offered by the gentleman from Florida [Mr. Diaz-Balart] to the amendment offered by the gentleman from California [Mr. Miller].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from California [Mr. Miller] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Florida [Mr. Stearns]; the amendment offered by the gentleman from Florida [Mr. Scarborough]; the amendment offered by the gentleman from New Jersey [Mr. Engel]; and the amendment offered by the gentleman from Washington [Mr. Nethercutt].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

MODIFICATION TO AMENDMENT OFFERED BY MR. SCARBOROUGH TO TITLE XVII, FOREIGN POLICY PROVISIONS

Mr. Scarborough. Mr. Chairman, I ask unanimous consent to modify a previous amendment that are about to vote on.

The CHAIRMAN pro tempore. The Clerk will report the modification. The Clerk reads as follows:

MODIFICATION TO THE AMENDMENT OFFERED BY MR. SCARBOROUGH.

At the end of the amendment, add the following:

“This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.”

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Florida? Mr. Capps. Mr. Chairman, reserving the right to object, I would like the gentleman to explain the changes he made to the amendment offered by the gentleman from Florida for that purpose.

Mr. Scarborough. Mr. Chairman, I thank the gentleman and I advise him that we were going to have the gentleman from Indiana [Mr. Hamilton] speak to this, but the vote is coming up right away and I regret that we were not able to give the gentleman the background that we gave the gentleman from Indiana.

We add the last line, “This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to the normal diplomatic activities” in Sudan. And we did so because the gentleman from Indiana had some concerns that the language as it stands, it may be the case that it would actually hamper humanitarian efforts.

Obviously, we are concerned about persecution in Sudan, and we want to do everything we can do to expedite humanitarian assistance to the people in that troubled land, so we have agreed to work with the gentleman from Indiana in any way we can to ensure that humanitarian assistance to Sudan would not be adversely affected.

Mr. Capps. Mr. Chairman, further modifying my right to object, I yield to the gentleman from Indiana [Mr. Hamilton].

Mr. Hamilton. Mr. Chairman, I thank the gentleman for yielding to me, and I want to express my appreciation to the gentleman from Florida for his amendment. I think it is a worthy objective.

I certainly do not intend to object. I simply want to indicate to him that I think the amendment needs further refinement, and I have appreciated the fact that he is willing to work with me and others, and I think the chairman of the committee, to try to achieve that.

For example, I think under the language as it stands, it may be the case that United States nationals could not necessarily offer assistance to the Sudanese Government even for a terrorist act. It is possible under the language that U.S. nationals could no longer travel to the countries, even journalists, for example.

I simply point these things out, not to object to the gentleman’s amendment, but to raise concerns about it and to say that I will work with him to tighten the amendment and to refine it, and I appreciate very much his willingness to do so.

Mr. Scarborough. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from Indiana, and I certainly would defer to the judgment of the chairman and the ranking member on matters such as this. Obviously, they have had experience in these areas much longer than I have. So, actually, I look forward to working with the chairman and the ranking member.

Mr. Capps. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

The CHAIRMAN pro tempore. The modification is agreed to.

The text of the amendment, as modified, is as follows:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY Sudan.

(a) FINDINGS. — The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and should not be tolerated.

(c) FINANCIAL TRANSACTIONS WITH TERRORISTS. — Notwithstanding any other provision of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department), shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to Congress that Sudan is no longer sponsoring or supporting terrorism. Such restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. Stearns] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Stearns: At the end of title XVII insert the following new section:

SEC. 1801. STUDY OF THE UNITED NATIONS.

It is the sense of the Congress that the President and the Permanent Representative of the United States to the United Nations strongly encourage the United Nations to establish a commission to study, report promptly, concerning—

(1) establishing a new location for the headquarters of the United Nations as a part-time body.
The vote was taken by electronic device, and there were—ayes 108, noes 315, not voting 11, as follows:

Table: 108 Ayes, 315 Noes, 11 Not Voting.

\[
\begin{align*}
\text{Ayes} & : 108 \\
\text{Noes} & : 315 \\
\text{Not Voting} & : 11
\end{align*}
\]

### 1432

**MESSRS. SMITH OF TEXAS, MCCLUNG, S. J. AMMONS OF TEXAS, DICYE, AND GORDON changed their vote from “aye” to “no.”**

**MESSRS. THUNE, DELAY, BACHUS, SANFORD, WELLER, GOODLATTIE, AND CRAMER changed their vote from “no” to “aye.”**

So the amendment was rejected.

The result of the vote was announced as above reported.

**PERSONAL EXPLANATION**

Mr. RIGGS. Mr. Chairman, on rollcall No. 170. I was unavoidably detained and could not be present to vote had I been present, I would have voted “no.”

**AMENDMENT, AS MODIFIED, OFFERED BY MR. SCARBOROUGH**

The CHAIRMAN pro tempore (Mr. Ewing). The unfinished business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Florida [Mr. SCARBOROUGH] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SCARBOROUGH:

Page 185, after line 17, insert the following section:

**SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.**

(a) FINDINGS. The Congress finds the following:

1. Continued disregard of the freedom of religion in Sudan is unacceptable.
2. Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(c) FINANCIAL TRANSACTIONS WITH TERRORISTS. Notwithstanding any other provisions of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department) shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.

### 185 Ayes, 415 Noes, 9 Not Voting, as follows:

Table: 185 Ayes, 415 Noes, 9 Not Voting.

\[
\begin{align*}
\text{Ayes} & : 185 \\
\text{Noes} & : 415 \\
\text{Not Voting} & : 9
\end{align*}
\]

### 325 NOES—325

Table: 325 NOES—325.

\[
\begin{align*}
\text{NOES} & : 325
\end{align*}
\]
CONGRESSIONAL RECORD – HOUSE
June 10, 1997

Mr. CONYERS changed his vote from “aye” to “no.”
Mr. SPENCE changed his vote from “no” to “aye.”

So the amendment, as modified, was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL:
The CHAIRMAN pro tempore. The unanimous consent is in order.

The amendment offered by Mr. Engel:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1712. SANCTIONS AGAINST SYRIA.

(a) FINDINGS.—The Congress finds the following:
(1) Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel.
(2) Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese Government and society.
(3) Syria continues to provide safe haven and support for several groups that engage in terrorism, according to the Department of State’s “Patterns of Global Terrorism” report for 1996.
(4) Syria was listed by the Department of State as a country that does not cooperate in the war on drugs.
(5) Syria has not signed the Chemical Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD-type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey, and Jordan.
(6) Syria routinely commits a wide array of serious human rights violations, and according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon.

(b) POLICY.—It is the sense of the Congress that:
(1) The United States should consider applying financial sanctions against the Syrian Government for its dangerous and destabilizing policies.
(2) The United States should consider applying sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its dangerous and destabilizing policies.

RECORDED VOTE
The CHAIRMAN pro tempore. A recorded vote has been demanded.
A recorded vote was ordered.
The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 15, not voting 9, as follows:

[Roll No. 172]

AYES—410

Abercrombie Coble Gallegly
Ackerman Coburn Ganske
Aderholt Collins Gejdenson
Allen Comstock Gephardt
Andrews Condit Gibbons
Archer Cook Gibson
Armey Cockney Gilmore
Bachus Costello Givhan
Bailey Cox Gilman
Baldacci Crean Goode
Ballenger Cranston Goodlatte
Bancroft Garamendi Gonzalez
Barrett, NE Danner Gephardt
Barrett, WI Danner Graham
Bartlett Davis (IL) Granger
Barton Davis (VA) Green
Becerra DeLay Grotsky
Benten DeLaroche Hansen
Bereuter DeGette Hashem
Bezit DeLuca Harman
Berman Delahunt Hastert
Berry DeLay Hayworth
Bilbray Delahunt Hefley
Bilirakis Delahunt Hooley
Billary DeLay Hutto
Bishop Delahunt Hunter
Blagoevich Delaney Inglis
Blumenauer DeLay Issa
Blunt DeLay Jaha
Boehmert Dingell Johnson (MI)
Boehner Doggett Johnson (TX)
Bonilla Dooley Jones (PA)
Boswell Doyle Joyner
Boucher Doyle Judgment
Boyd Dunn Judd
Bradley Edwards Johnson (CA)
Brady Edwards Johnson (CT)
Brown (FL) Johnson (IL)
Brown (OH) Johnson (NY)
Browner Johnson (TX)
Bryant Johnson (VA)
Bunning Jordan Kennedy (MA)
Burton Kranker Kaptur
Buyer Kastenhave Kaptur
Calahan Kastenhave Kawasaki
Camp Kelly Kastenhave
Campbell Kennedy (MA)
Campbell Kennedy (RI)
Cannon Kasper Kucinich
Cardin Kasper Kucinich
Cardin Kasper Kucinich
Carson Kasper Kucinich
Cashman Kasper Kucinich
Chabot Kasper Kucinich
Chambliss Kasper Kucinich
Chenoweth Kasper Kucinich
Christensen Kasper Kucinich
Clay Kasper Kucinich
Cleaver Kasper Kucinich
Clements Kasper Kucinich
Clyburn Kasper Kucinich

NOES—9

Campbell Hinchey LaFalce
Conyers Hinchey LaFalce
Harman Hinchey LaFalce
Hinshaw Hinchey LaFalce
Ivanka Hinchey LaFalce
Johnson (MS) Hinchey LaFalce
Kaneshiro Hinchey LaFalce
Kaptur Hinchey LaFalce
Meehan Hinchey LaFalce

(10) By imposing sanctions against the Syrian petroleum industry, the United States can apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.
CONGRESSIONAL RECORD — HOUSE

JUNE 10, 1997

The text of the amendment is as follows:

At the end of the bill add the following section:

SEC. 3. SENSE OF CONGRESS RELATING TO THE ABSTRACTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS. — The Congress makes the following findings:

(1) The militant organization Al-Faran, which seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, another American citizen, and 4 Western Europeans in the State of Jammu and Kashmir. John Childs and 4 Western Europeans in the State of Washington, another American citizen, were also abducted.

(3) Al-Faran has executed one hostage and threatens to kill Donald Hutchings and the remaining Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 3 remaining Western European hostages have been held against their will by Al-Faran for nearly 2 years.

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

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 3 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir;

(3) the State Department Rewards Program should be used to solicit new information pertaining to hostages;

(4) the governments of the United States, the United Kingdom, Germany, Norway, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded. A recorded vote was ordered. The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were — ayes 425, noes 0, answered "present" 1, not voting 8, as follows:

NOES — 15

Noonan, Susan

AYES — 425

Norwood, Charles

[Roll No. 173]
The CHAIRMAN pro tempore. Is the amendment agree to? Mr. PAXON. Mr. Chairman, I offer an amendment—

The Clerk reads as follows:

AMENDMENT OFFERED BY MR. PAXON

Mr. PAXON. Mr. Chairman, I offer an amendment—

Mr. CHAIRMAN pro tempore. Is the amendment agree to? Mr. PAXON. Yes, it is, Mr. Chairman. The Clerk will report the amendment.

The Clerk reads as follows:

AMENDMENT OFFERED BY MR. PAXON—

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 1801. CONDEMNATION OF PALESTINIAN DEATH PENALTY FOR LAND SALES.

(a) FINDINGS.—The Congress finds the following:

(1) In recent weeks, senior officials of the Palestinian Authority have announced that the death penalty will be imposed on anyone who sells land to a Jew, based on a now-repealed Jordanian law, even in Israel.

(2) Palestinian Authority Chairman Yasser Arafat stated on May 21, 1997, “Our law is a Jordanian law that we inherited . . . and Arafat stated on May 21, 1997, “Our law is a Jordanian law that we inherited . . . and...
Mr. Chairman, I rise in strong support of the Paxson amendment, and I commend the gentleman for bringing forcefully to this Congress' attention the fact that there is a new campaign of brutality in the Middle East that threatens the lives of innocent people and the spirit of the peace process.

Imagine this: People whose only crime is selling privately owned land are being killed because they are selling to Israelis. This simply must stop. One might imagine that the Palestinian leadership, engaged as they are in a peace process with Israel, would have been the first to condemn these outrageous killings. But that has not been the case so far from it. Instead, the Palestinian leadership have been instigators in these killings.

On May 5, Palestinian Authority Justice Minister Freih Abu Middein announced that, "The death penalty will be applied against those who sell land to Jews. Even middlemen involved in such deals will face the same penalty."

On May 16, Palestinian Authority Chairman Yasser Arafat stated: "We are taking forceful steps against those who do this. Recently a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and punishing them."

Three Arab realtors have already been brutally murdered under Palestinian control. Israeli security forces have collected evidence implicating the Palestinian Authority security forces directly in the assassinations. Incredibly, the Palestinian Authority continues to strongly defend the acts. The Justice Minister stated on June 1, "I advise the land dealers to commit suicide instead of getting killed and having their bodies thrown here and there."

In addition, the Palestinian Authority has marked 16 other Arab realtors for death and turned over their names to Palestinian Authority security organizations for execution, according to Palestinian security officials.

This simply must stop. The vigilante murder of realtors in these killings. But that has not been the case so far from it. Instead, the Palestinian leadership have been instigators in these killings.

One might imagine that the Palestinian Authority, engaged as they are in a peace process with Israel, would have been the first to condemn these outrageous killings. But that has not been the case so far from it. Instead, the Palestinian leadership have been instigators in these killings.

As my colleague from New York pointed out, there have already been three murders. There is no doubt about it that those people were murdered because they were looked upon as having sold land to Jews. We cannot tolerate this. We cannot consider this kosher. We must condemn it. It violates international law. It is a racist policy. It is something that every person in this world and every country that believes in freedom and democracy ought to condemn in the strongest possible terms. The United States should consider suspending aid that is in this bill. It does not mandate it, it says we should consider it, because I think there has to be some kind of accountability.

Mr. Chairman, at what point do we say enough is enough? At what point do we say that actions speak louder than words? We need to absolutely say that actions speak louder than words. We need to absolutely say that it is not enough to say you are for peace, but on the other hand, you make these decisions and you are sort of judge it and say I will play it both ways. We cannot agree to have the Palestinian Authority say one thing in English for American consumption, American television consumption, and quite another thing in their own language to their own people, certainly when we are talking about murdering people.

Let me say one final thing. These are Palestinians that were murdered by Palestinians. These are people that were condemned to death because they were perceived as selling lands to Jews. So this is nothing that is inherent in an Arab-Israeli conflict. These are Palestinians murdering Palestinians, and it ought to be condemned in the strongest possible terms.

Mr. Chairman, I commend my colleagues from New York [Mr. PAXON] for putting forth this resolution with me and others who are going to speak, and I urge a very, very strong "yes" vote from my colleagues.

Mr. Gingrich, Mr. Speaker, I move to strike the last word.
oppose the continuation of any aid to the Palestinian Authority.

This is the kind of action we identify with Nazis. This is the kind of racist activity that the planet holds to be reprehensible and unacceptable.

Mr. Chairman, I rise to the world to stop this kind of killing, to protect people engaged in decent commerce, and I think everybody in the United States should take notice. There can be no peace process with murders, torturing, and killings of innocent people only because they sold to somebody who might not be racially or religiously acceptable. That is the behavior of Nazis. That is not a behavior that this country will tolerate.

For every person who went to the Holocaust Museum, consider carefully how it begins. Look at what is happening in Palestine now. Mr. Arafat, I think it is time for you to publicly condemn it. It is time for your security forces to provide security to the innocent, as we see notice that the United States, at least this House, is paying careful attention to deeds, not simply words.

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

Mr. Chairman, I rise in support of the amendment, and I want to commend the two gentlemen from New York, [Mr. PAXON] and [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH], and the gentleman from New Jersey [Mr. SAXTON] for introducing this amendment and pushing it forward.

I think no matter how any of us might feel about the death penalty, all of us would find it deeply troublesome that it might be applied to someone involved in a commercial transaction, the sale of land, and that it would be applied based on an ethnic, religious, or nationalist identity of the buyer or the seller.

It is simply outrageous, as the Speaker has said and others, that any member of the Palestinian leadership would make any statement that, implicitly or otherwise, endorses individuals taking the law into their own hands to carry out acts of vengeance against other Palestinians who may be involved in such land sales.

The Palestinian authority has made some positive steps toward establishing accountable institutions of governance. I believe they are trying to establish a system based on the rule of law. But as the instances that have been called to our attention show, they have a very long way to go. These statements that have been quoted by their leaders are a definite step backward.

I want to make clear that all of us should understand just how sensitive the transfer of land by Palestinians to Israelis and, you owe it to them is. Who controls that land is one of the central issues with which the peace process must grapple. For many Israelis and Palestinians, the sale of land to the other party is perceived as an act of treason.

The Israeli press, for example, has given extended coverage to a proscribed and very ugly legal battle in Israel where one Israeli Jew has filed suit in the Israeli courts for selling his family home to an Israeli Arab. The Israeli Jewish family who sold the home has been subject to extreme harassment, as well as to court action.

Mr. Chairman, I highlight this case only to underscore how sensitive an issue we are confronting here, and how extensive the sensitivities are on the part of all parties. I support this amendment because I do not support anyone being put to death for the sale of land. I am critical of the lack of adherence to the rule of law by the Palestinian authority. I understand; there are legitimate concerns about various activities involving land sales at this point. I want to underscore to the Palestinian leadership that the importance of resolving these disputes when they occur on an individual level through a credible legal process, and on the larger level of issues between the parties at the negotiating table. I urge the administration to go that route.

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

Mr. Chairman, I would like to first commend the gentleman from New York [Mr. PAXON], the gentleman from New York [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH] for bringing this matter to the floor.

Mr. Chairman, as everyone has heard here today, it is not pleasant but it is not difficult to describe the actions of the Palestinian Authority and their policy, which is simply stated as: Death to those who would sell land to Jews and other Israelis.

Unfortunately, there have been those of us who have heard this for many years ago and 2 years ago and suggested that things were not as we all had hoped they would be with the peace process. This is perhaps the most dramatic action that has been taken that serves as an example, but only one of a number of examples, of the attitude of the leadership of the Palestinian Authority, of course, involving most directly Yasser Arafat.

Over the last 2 years in particular, we have time and again called upon the Palestinian Authority to recognize the right of Israel to exist. But instead, we heard nothing. We also called, time and again, for the fulfillment of the promise that Yasser Arafat made in the Oslo Accords and in subsequent statements when he promised to condemn terrorism and peace process.

We also view a map of Palestine on Palestinian letterhead which includes the land of Israel, and we have spoken of the other party being numbered, but as was true, it is almost impossible for us to believe that they have actually said what they have said. The statements, which, in fact, have led to deeds as well, are so
far from any concept that we as a soci-
ety and we as a world society hold as
values that we want to live by, it is
just absolutely almost literally unbe-
lievable.

There are particular parts of the
statement and the activities, I think are
particularly offensive. It truly is a
pleasure this afternoon to join the
Speaker in his comments toward this
point as well. Because the statements
have not just been to prohibit com-
merce, but the statements absolutely,
specifically have been directed against
Jews.

It is a scary thing, it is a scary thing
in 1997 that someone who is a leader by
definition on the world stage, a leader
by definition in the Middle East, Yas-
er Arafat, at the present time specifi-
cally says that if someone sells prop-
erty to a Jew that the death penalty is
an appropriate punishment, without
mincing words, without hiding it; say-
ing the same in English and Arabic in
term of their partners in peace.

It is hard in some ways to conceive
how the Israelis can stay in the peace
process and negotiate with someone who
speaks that way, and, in fact, on many
occasions has acted that way as well.

There is no alternative to a peace
process, but I think that my colleagues
and the American people unfortunately
need to understand some of the chal-
lenges that the Israelis are literally liv-
ing and occasionally dying with in
terms of their partners in peace.

It is also, again, not just the state-
ments but what appears, unfortu-
nately, to be consistent evidence of
state apparatus being used to kill peo-
ple for that action up to the point that
has been mentioned, but just abso-
lutely incredulous that it occurred, and
irrefutably this occurred; that mem-
bers of the Palestinian police force ac-
tually entered Israel, kidnapped some-
one who was a land trader, and but for
real luck and circumstance, were
prevented from leaving Israel and the
kidnapping was foiled by Israeli secu-
sity forces, despite the lack of any legis-
lation implementing the death penalty
for land sales to Jews by Palestinians and its support by
Chairman Yasser Arafat.

I also want to thank the Speaker, the
gentleman from Georgia [Mr. Ging-
rich] for his comments in sup-
port of this amendment. In recent
weeks senior officials of the Palestin-
ian Authority announced that the
death penalty would be imposed on
anyone who sells land to Jews, and
Chairman Arafat has a long his-
tory of condoning things in one sphere,
the death penalty by the Palestinian
Legislative Council.

Approximately 1 month ago, I wrote
to Palestinian Legislative Council
Speaker Ahmed Kurei urging that the
Palestinian Legislative Council not
take up such a heinous proposal. The
United States has provided substantial
assistance to the Palestinians based on
the assumption that the rule of law
would prevail, that there would be no
official sanctions to extrajudicial
killings or any violations of human
rights, and that basic principles of
peaceful and normal relations would be
adopted.

Regrettably, the situation in the Pal-
estinian autonomous region has deter-
iorated considerably, and we are con-
cerned for human rights has been solely lack-
ing. Accordingly, this amendment
notes that Congress condemns in the
strongest possible terms the abhorrent,
the abominable policy and practice of
murdering Palestinians for sales of
land to Jews, and we demand that this
practice not only be condemned and re-
nounced by the Palestinian leadership
but that it end immediately.

This amendment further notes the
sense of Congress in withholding direct
assistance to the Palestinian Author-
ity, supporting correspondence that
the Senate International Relations
Chairman HELMS and I recently sent to
Secretary of State Madeleine Albright.

An additional $1.25 million has been on
hold, funds that were intended to be
spent on training for the finance min-
istry staff, until repudiation of this
practice takes place.

Accordingly, Mr. Chairman, this
amendment is fully supported and ac-
cepted by our committee, with the
hope that Chairman Arafat and the
Palestinian Authority and this admin-
istration will closely heed our grave
congressional concerns. I invite my
colleagues to fully support this mea-
sure.

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

I rise in strong support of this amend-
ment, and I would like to join my
colleagues in congratulating the
gentleman from New York [Mr. Pax-
on], the gentleman from New York
[Mr. Engel], and the gentleman from
Florida [Mr. Deutsch] for introducing
it.

Mr. Chairman, this amendment
would express the sense of Congress to
condemn the Palestinian Authority for
its policy and practice of executing
Palestinians who sell land to Jews.

This policy we have heard described
today is an obnoxious policy and an
illegal policy, a racist policy; obviously,
it is all those.

We have also heard that Chairman
Arafat on occasion, I spoke to one
Mr. Arafat’s appointee as justice
Minister, Freih Abu Middein said last
week, on June 10, 1997.

He said: “We are taking
forceful steps against those who do
this. Recently, a decision was passed to
punish mean?"

Well, what does
punish mean?

Mr. Arafat’s appointee as justice
minister, Freih Abu Middein said last
week, on June 4. “The land dealers
must learn a lesson,’’ he told me that Chairman
Arafat looked him in the eye and said,

“We do not condone this; we condemn
this.” Chairman Arafat has a long his-
tory of condoning things in one sphere,
to one audience, and condemning them
to another, or promoting them to one
audience and denying them to another.

Mr. Chairman, Yasser Arafat said
the following. He said: “We are taking
forceful steps against those who do
this. Recently, a decision was passed to
punish any who sells land, property
or homes. We are keeping track of land
dealers and punishing them.” This
was an interview with the Lebanones-
se newspaper Al-Hawadith on May 16, 3 weeks
ago.

“We are keeping track of land dealers
and punishing them.” Well, what does
punish mean?

Mr. Arafat’s appointee as justice
minister, Freih Abu Middein said last
week, on June 4. “The land dealers
must learn a lesson,” he told me that Chairman
Arafat said.

Mr. Arafat’s appointee also urges the
Palestinian Authority justice commis-
sioner. “We have a list of names. The
people included on the list and others
shall be put on trial. The list includes

more than 310 names." Interviewed with Al-Ayyam. They will be put on trial.

And then he says, a day later in the Washington Post, the same justice minister, "Since we are talking about committed, we advise dealers to commit suicide instead of getting killed and having their bodies thrown here and there." So that is what a trial means to the Palestinian Authority justice minister.

What Chairman Arafat says, "We will punish them," obviously this is what they mean. Extrajudicial punishment, murder of people for ex post facto sins, the sins being committed before the announcement that it was a terrible thing to do, and this terrible thing being sale of land to Jews. We understand that sale of land to Jews by Arabs, or vice versa, for that matter, is a sensitive matter and a topic for discussion, but not a topic for a cause for murder.

Mr. Chairman, we have to understand, when we look at this, in what context this happens. We keep talking about the peace process, but rarely do we hear it mentioned, rarely are we reminded of how asymmetrical the peace process is to this basic peace process that we keep talking about.

The basic idea of the Oslo accord, the basic idea of the Oslo accord is that Israel is to surrender something tangible, control over land, in return for something intangible, promises of security; that the Arabs, the Palestinians, are to promise that they have given up their hope of destroying Israel and murdering its entire population and driving it into the sea, which of course has been the official position of the Palestinians, of the PLO, for decades. They are supposed to promise "We have given that up." They have said they have.

They are supposed to repeal the charter word calls for abolishing Israel and eliminating all its population. They are supposed to show by deed that they are against terror, against armed attack against Israelis, and not only condemn it but do everything they can to capture terrorists, to prevent terrorism, to give information to the Israelis, to cooperate in stopping this, in return for which they are to be given control over land, for peace.

It is a lot to ask of someone to give something tangible, land, control, control from which they can exercise measures to enhance their own safety and security, in return for something intangible, promises, words and pieces of paper. But at least if that peace process is going to work, the whole idea, we should spend a few years before we got to the final status negotiations and give the Palestinians an opportunity to show that they meant it, that they would in fact repeal the charter eliminating, promising to eliminate, would stop terrorism.

I regret to say they have not been showing this and this policy of murdering Palestinians who sell land to Jews is one further indication of basic untrustworthiness. If this is not reversed very quickly, we will have to conclude that the peace process may not be won, may not go in the direction it should go. And so, Mr. Chairman, I therefore, support this amendment, and I think this amendment is effective in causing the Palestinian Authority to rethink its course and to decide finally that if peace is to be achieved, a little honesty and sincerity on the part of the Palestinians is necessary.

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

Mr. Chairman, I would like to thank the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL], but I would also let them know that the Members from California and I think every Republican and Democrat in this House and in the Senate will be supportive of this amendment.

Will we have peace in the Middle East? I do not believe so in my lifetime. I have been in Israel, like many of the Members, I flew there, flew fighters in Israel, I think that there will be a tempo of high activity and a process of low activity. In our lifetime, I do not believe that there will be peace. I think from Ronald Reagan to George Bush to President Clinton, that effort, that what we need do is keep the pressure on to keep moving in Iran, that we, as a nation, just like we must in Bosnia as well.

But I think we do not have to go very far. There is part of a bigger problem that I would like to speak to my colleagues about. This is a symptom of a much larger problem. All you have to do is look inwards to our own country.

This last month, all you had to do is be a cop in Washington, DC, and three of them were executed; or it was not too long ago and even today that you could walk home in the wrong district, the wrong neighborhood, and you could end up with a burning cross on your front yard and, yes, you could be killed. This is a symptom of what we are seeing. I think, in the Middle East as well.

But there is a much larger, bigger problem of the terrorist activity. It was recently stated that in Iran there was a moderate cleric appointed and that possibly our negotiations with Iran will be easier. I think that is an oxymoron, a moderate cleric. Because if you look around the world between Iraq, Iran, and Libya, where most of the fundamentalist Islamic groups come out of are those three countries. Just like in France and England and Germany and, yes, even on our World Trade Center, these are all symptoms of the same despicable disease called bigotry and Islamic fundamentalism.

I think that if you look at Bosnia today, Izbegovic, that Islamic leader in Bosnia, has over 30,000 Mujahedin and Hamas that have assembled in that country, which is a real threat to this country, with the same kind of bigotry toward the outside world, not only to Jews but to Christians as well. And it is an area in which this country must stand, as the Speaker said, and stand strong as a world leader.

With that, Mr. Chairman, I would say that we rise, I believe this is a common-sense amendment, and we would like to thank the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. PAXON], and the gentleman from New Jersey [Mr. SAXTON] for introducing this amendment.

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

Mr. Chairman, I rise today in strong support of this amendment which condemns the deplorable policy and practice of murdering Palestinians because they have sold land to Jews.

I want to thank my colleagues the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. PAXON], and the gentleman from New Jersey [Mr. SAXTON] for introducing this amendment.

There has been considerable evidence in recent weeks that Palestinian officials have endorsed, either directly or tacitly, the death penalty for Palestinians who sell land to Jews. As a result, at least three Palestinian businessmen have been ruthlessly murdered. This must not be allowed to happen again.

Whether Palestinian officials have explicitly supported this policy or approved of it with a wink or a nod is irrelevant. The facts are that Palestinians are being killed for selling land to Jews and the Palestinian authority has done nothing to stop it. This amendment calls on all Palestinian officials to unequivocally condemn this policy and bring the murderers to justice now.

Mr. Chairman, the United States has afforded the Palestinian authority several benefits that come with internationally recognized autonomy. We have entered into cooperative agreements with them on regional issues. We have engaged in direct diplomatic negotiations with them. We have provided them with economic assistance.

In return we must demand adherence to the rule of law. These recent killings, which have even been linked to Palestinian security officials, represent a total disregard for the rule of law. We must demand more. If the parties are going to work together in the Middle East to bring a real peace to that region, and I for one heartily endorse our active work as facilitators to work with the parties to move us closer to peace, then we must demand more from the parties.

I rise in strong support of this amendment, Mr. Chairman, and urge its adoption.

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

There can be peace in the Middle East in our lifetime, as long as all parties live up to their end of the bargain. However, the Palestinian authority,
under the leadership of Yasser Arafat, who professes to be a partner for peace in the Middle East, does things that show the opposite is his real intention. He issues an edict that those Palestinian who sell land to Jews will be killed. In fact, the Arafat’s actions show he is not a partner for peace.

Moreover, Arafat does not remove from the Palestinian charter that clause which calls for the destruction of Israel. Again, Arafat’s action shows he is not a partner for peace.

Yet in Israel, through the Prime Minister, Netanyahu, he has complied with the Oslo Accords and the peace process by having his government withdraw from Hebron, by restoring funds to the Palestinian authority that were promised, and by returning prisoners who had actually committed crimes against Israelis.

I stand to support the Paxon-Engel amendment because I believe it will help bring about peace, but we can only have that peace if we start having positive actions from Mr. Arafat to match his words when he calls for peace.

Mr. LINDER. Mr. Chairman, I rise today to denounce what is perhaps the gravest possible terms the ghastly policy of the Palestinian Authority, which imposes the death penalty on Palestinian who would sell their land to a Jew. Clearly, this abhorrent practice is contrary to the Oslo agreements, international law, and common decency.

I would like to join my colleagues—the gentlemen from New York, Mr. PAXON and Mr. ENGEL, the gentleman from New Jersey, Mr. SAXTON, and the gentleman from Florida, Mr. DEUTSCH—in condemning the actions of the Palestinian Authority.

Time and time again, the United States has tried to work with the Palestinian Authority in good faith, but our efforts have not been reciprocated. We cannot help this holy region to flourish. Some believe that there are between 40 and 50 million people in Zaire, but no one really knows.

When I began my statement, I referred to a former U.S. policy in Africa that was dictated by the cold war. Now that the cold war is over, I think we need to assist in areas where we can to move toward a new democratic society.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to allow the members to earn how democracy works and to assist this country to move toward democracy.

There are no roads, no independent media, no functioning police, and there has not been a census taken in years. Some believe that there are between 40 and 50 million people in Zaire, but no one really knows.

Before I came to Congress and for many years after that, I have spoken out on the corrupt military regime of Mr. Mobutu. It is alleged that Mr. Mobutu has a wealth of several billion dollars in foreign bank accounts. I introduced in the 102d Congress, in 1993, a resolution calling for the administration to draw on its power to have Mr. Mobutu resign and leave Zaire.

We all know that the Mobutu regime started with Patrice Lumumba, who was captured and killed back in the early 1960s, and there were considerable activities during the cold war. Zaire suffered from 75 years of Belgian colonialism, then France’s influence on the continent, first as a colonial ruler of most of the western and central parts of the continent, then as economic and political patron of the postindependence governments. Zaire followed with 7 years of chaos and 31 years of Mobutu’s dictatorship, laying a foundation for its current crisis.

Laurent Kabila, leader of the Alliance of the Democratic Forces for the liberation of the Congo, has done what so many others have wanted to do for the people of Zaire for 32 years: to rid it of Mr. Mobutu. Today 11 million refugees as well returned to Rwanda and Burundi. The alliance has the support of the neighboring countries of Burundi, Rwanda, Zambia, and Angola.

I am not a pro- or anti-Kabila person, but I feel that we must start to assist the Congo in getting over the tremendous harm done by the Mobutu regime.

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

There was no objection. Mr. Chairman, the Brooke amendment was placed on Zaire in 1991 when the corrupt dictatorship of Mr. Mobutu was in full force. On April 17 of this year, the gentleman from New Jersey [Mr. PAYNE] and a Member opposed each will control 5 minutes.

The CHAIRMAN pro tempore. Mr. PAYNE. Mr. Chairman, I rise in support of lifting the ban on all humanitarian assistance previously blocked for Zaire, now the Democratic Republic of Congo.

My amendment also includes waiving section 620(q) as it pertains to the Brooke amendment, specifically in regard to the Democratic Republic of Congo.

We used these waivers in the past for Egypt, Ethiopia, and Nicaragua when we wanted to assist our allies.

Mr. Chairman, the Brooke amendment was placed on Zaire in 1991 when the corrupt dictatorship of Mr. Mobutu was in full force. On April 17 of this year, the gentleman from California [Mr. ROYCE] and I, along with all the members of the Subcommittee on Africa, introduced H.R. 115, a bill that called on Mobutu to step down as President of Zaire. H.R. 115 was passed overwhelmingly by this House and in response Mobutu Sese Seko resigned last month and no longer can harm the people of the Congo.

This bill is symbolic in that it was the first step in getting rid of the cruel dictators in Africa, several of whom still exist, that prevent true democracy from flourishing.

Before I came to Congress and for many years after that, I have spoken out on the corrupt military regime of Mr. Mobutu. It is alleged that Mr. Mobutu has a wealth of several billion dollars in foreign bank accounts. I introduced in the 102d Congress, in 1993, a resolution calling for the administration to draw on its power to have Mr. Mobutu resign and leave Zaire.

We all know that the Mobutu regime started with Patrice Lumumba, who was captured and killed back in the early 1960s, and there were considerable activities during the cold war. Zaire suffered from 75 years of Belgian colonialism, then France’s influence on the continent, first as a colonial ruler of most of the western and central parts of the continent, then as economic and political patron of the postindependence governments. Zaire followed with 7 years of chaos and 31 years of Mobutu’s dictatorship, laying a foundation for its current crisis.
United Nations, Bill Richardson, returned from Kinshasa only a few hours ago. Another delegation from the Agency for International Development is still in the Congo and will not return for 2 more weeks. And right now the administration has no plan for any assistance to the Congo.

The Committee on International Relations has not been asked by the administration to waive the Brooke amendment, and many questions remain about human rights and the treatment of the Rwandan Hutu refugee populations. On Sunday, an article in the Washington Post detailed numerous allegations of massacres of innocent civilians by Kabila’s troops in eastern Congo.

Today, human rights organizations and humanitarian agencies still do not have access to large portions of eastern Congo, the location of many of the refugees.

While these questions may all be answered satisfactorily in due time, I do not intend to oppose the amendment at this time. I will note that this is only one stage in the legislative process. In the coming days, before we go to conference, we will be putting the Kabila government on notice to support democracy and human rights before aid can go forward.

Mr. Chairman, we are pleased at this time to accept the gentleman’s amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. PAYNE).

Mr. Chairman, the amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. KENNEDY of Rhode Island. Yes, it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk reads as follows:

Amendment offered by Mr. KENNEDY of Rhode Island: At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. SENSE OF THE CONGRESS RELATING TO INDONESIA MILITARY ASSISTANCE, ARMS TRANSFERS, AND ARMS TRANSFERS DEFINED.—As used in this section, the term ‘military assistance’ means—

(a) INDONESIA MILITARY ASSISTANCE—

(1) small arms, crowd control equipment, and personnel equipment and other items that can commonly be used in the direct violation of human rights;

(2) assistance under chapter 5 of part II of the Arms Export Control Act (22 U.S.C. 2771 et seq.; relating to foreign military sales and licenses); and

(b) INDONESIA ARMS TRANSFERS—

(1) small arms, crowd control equipment, and personnel equipment and other items that can commonly be used in the direct violation of human rights;

(2) assistance under chapter 5 of part II of the Arms Export Control Act (22 U.S.C. 2771 et seq.; relating to foreign military sales and licenses).
It is very similar to provisions already included in the original version of the Foreign Policy Reform Act that were accepted in committee by voice vote.

Because the foreign aid portion of this bill is not before us today, I am offering this sense of Congress amendment in its place.

As many Members know, last week the Indonesian Government announced that it would not renew their program participation in the Expanded IMET military training program and have scrapped plans to buy nine F-16 fighter planes. This action on the part of Indonesia is a major victory for all of us in this House who believe in the importance of human rights and for those of us who have worked hard to bring about change in the country of Indonesia.

It was clear they were feeling defensive. It was clear they were feeling vulnerable, as rich they did not want to be beat to the punch and embarrassed by this Congress’ action with respect to those planes. And this bill they wanted to get out of the way before this Congress expressed its strong opinion on the human rights abuses in Indonesia.

We cannot rest on this victory, however, and in fact Indonesia’s official position on this issue declared that the criticisms of this body were, and I quote, “wholly unjustified.” However, the death of one-third of the people of East Timor for the past 21 years, nearly one-third of the whole population, is evidence enough that these criticisms are indeed justified.

I believe that through the visit that I have made to East Timor myself, personally, my own visits not only with the Government officials representing the Indonesian Government but also with many groups that are not stationed there in East Timor, that I have a good appreciation of this issue. I have spoken to both the Nobel Peace Prize winner, Jose Ramos Horta, from the East Timor parish. He has given me many examples of the terrible injustices that occur on a daily basis in East Timor by the Government of Indonesia.

Mr. Chairman, these abuses are occurring in East Timor in large part due to the free hand that the military has given in suppressing the independence movement in East Timor. There is no question that the attacks and abuses are escalating throughout the country, and I am aware that there has been much violence preceding and surrounding the so-called democratic election that has just taken place there. But anybody that election results that it is far from ever being considered a democratic election when the Indonesian Government outlaws campaigns on the part of the opposition.

It denies that there is a problem with the human rights abuses in their country, and yet the evidence is so crystal clear. In fact, there have been instances like the St. Cruz massacre when it was captured on tape and the tape tells the truth, the truth that the Indonesian Government wants to refuse to believe, and yet we have the evidence and the statistics and the weight of the human rights community and our own State Department report. I might add, the Department of State has considered Indonesia one of the top countries that this country finds is violating human rights.

So, in this legislation, the sense of Congress, we have called for various policy reforms including free and fair elections in East Timor, respect for labor rights, protection of nongovernmental organizations, rights for the East Timorese people, and, of course, for the fair adjudication and release of political prisoners.

Mr. Chairman, that is not the current situation in East Timor. Just wearing a yellow T-shirt, celebrating Bishop Belo’s receipt of the Nobel Peace Prize is enough to get you arrested and thrown in jail. In East Timor, the free and fair election, there have not been any. Protections for nongovernmental organizations, that was a dismal report.

Mr. Chairman, I would like to conclude with this one point: I visited the ICRC, the International Committee on Red Cross, and they have never been busier. Well, if any of my colleagues knew what the ICRC does, they look out for human rights abuses. So if they have never been busier, we know what they are talking about. It means there have never been as many human rights abuses as are going on this day.

I want to thank the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. BERMAN] particularly for their efforts to bring us this amendment to the floor.

Mr. BERREUTER. Mr. Chairman, I do rise in objection to the Kennedy amendment because it is unbalanced in its characteristics, and it is biased by referring only to one side of the violence that has occurred and continues to occur in Indonesia.

And in contrast to what the gentleman from Rhode Island has indicated, I feel that the recently announced Indonesiannullification by Indonesia and their expression of no interest in purchasing American-made F-16s is not a major victory for the United States, as the gentleman intends, it is an unfortunate blow to our relationship.

The E-IMET program, or Extended IMET, is designed specifically to encourage better human rights practices and proper civil action, methods of operating and living in a civil society, for military and civilian personnel that take an advantage training program in the United States. The F-16 sale, of course, was not something that Indonesia itself sought, but the Clinton administration, trying to find some way to dispose of F-16s that it sold to Pakistan but which could not be delivered because of the Pressler amendment, was looking for other purchasers. They found Indonesia as a possible sales prospect.

So it is understandable that Indonesia now, faced with continued opposition and criticism in this Congress, some of it entirely justified, admitted, but an unbalanced kind of objection. It is a denial of something that is in our national interest, the E-IMET program, naturally does not want that fight. The E-IMET program is not that important to them, but it certainly is a loss to us in maintaining good relations with Indonesia and to our effort to improve human rights procedures in Indonesia.

Let us take a look at some of the reasons why Indonesian-American relations are important to this country. First of all, surprising to most people in this country, Indonesia is now the fourth most populous country on Earth. There have been harsh, one-sided amendments offered in this Congress and the committee and on the floor in the past which have reduced our credibility with the Indonesian Government and the military. Why? Because the amendments, this one in particular, will be seen in Indonesia as American>bashing if it is not such a criticism offered in some kind of equitable and valid manner. That is to say, if it is not balanced, or if we do not remove the one-sided bias to it.

Indonesia is not Burma or Iraq. It is an important country, a key member of ASEAN, APEC, the ARF, the OIC, and the United Nations. Indonesia has played a very important role in the settlement in Cambodia and peace between the Philippines and the Moros Liberation Front. Indonesia has contributed to efforts to resolve the dispute over the Spratly Islands and has contributed to the Korean Energy Development Organization. Indonesia supported the gulf war efforts against Iraq.

Indonesia’s seacalnes and air routes are important to United States forces. We, of course, have major economic interest in Indonesia. Our annual bilateral trade is about $12.3 billion. But these are not reasons enough to justify our silent acceptance of Indonesia that is in our national interest, the E-IMET program.

Mr. Chairman, therefore, I will offer an amendment to the Kennedy amendment.

AMENDMENT OFFERED BY MR. BERREUTER TO THE AMENDMENT OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. BERREUTER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BERREUTER to the amendment offered by Mr. KENNEDY of Rhode Island:

In the Findings Section (a), after (4)(A), insert the following new sections (B) and (C):
(B) From May 27 to May 31, the East Timorese resistance forces carried out deplorable human rights violations, including the reported killing of over two dozen persons in an apparent attempt to disrupt national elections. A resistance attack on a truck resulted in the deaths of 16 policemen and one soldier. Attacks on polling places also resulted in the deaths of two election officials.

(C) Violence on the part of either the Indonesian military or the East Timorese resistance forces is not conducive to the just and peaceful solution to the conflict in East Timor.\

(C) There was no objection.

Mr. BEREUTER. Mr. Chairman, as we began to hear, we have had substantial violence which is directly attributable, in substantial part at least, to the guerrilla movement in East Timor. We began to hear, we have had substantial violence which is directly attributable, in substantial part at least, to the guerrilla movement in East Timor.\

Mr. BEREUTER. Mr. Chairman, as we began to hear, we have had substantial violence which is directly attributable, in substantial part at least, to the guerrilla movement in East Timor. We began to hear, we have had substantial violence which is directly attributable, in substantial part at least, to the guerrilla movement in East Timor.\

I urge my colleagues to support this sense of Congress amendment, including the perfecting amendment by the gentleman from Nebraska [Mr. BEREUTER].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

I would like to say that we accept the BEREUTER amendment. We do not condone violence on any side. I would like to follow up with a few comments with respect to the points made by the gentleman from Nebraska [Mr. BEREUTER].

That is, having visited East Timor myself this last year, I had an opportunity to sit down with Nobel Peace Prize winner Bishop Belo and spoke with him for a considerable length of time and do have a sense of how these violent occurrences are precipitated. I might add that Bishop Belo himself has said to me that there is a situation where the government is hiring the East Timorese to instigate and act as catalysts for violent uprisings, because what it does is give the excuse for the Indonesian military to then crack down on whomever they want to crack down on.

I just want to add that because I have spoken to our own Department of State and some of their officials there, and that is an acknowledgment that the Indonesian government is training such, I guess, double agents, although I do not think they are agents in the
Although I take nothing away from his reports are still yet to be confirmed, that everybody, if anybody, if any, who killed those people at the polls is on the Indonesian Government payroll.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I would like to respond to the gentleman's points.

On the first one, I clearly think that justice needs to be done, but of course there is no justice in East Timor because people can be summarily arrested and tortured without legal representation. I do acknowledge that the gentleman is correct that in the event of torture there is any violence, there should be justice, but the justice system as it currently exists is a one-sided justice system.

On the second point in terms of the payroll, I would acknowledge that I do not think in every instance that those instigating these points of violence whereby the Indonesian Government uses as a pretext to crack down on the East Timorese, that in all those instances it is those that are on the payroll, but that if it is something that is acknowledged on the ground there as being a fundamental truth of the situation.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I would like to comment on two points the gentleman has raised. First, would the gentleman yield, it is rhetorical, but if the gentleman has a response to it I think the world would like to know it. What does the gentleman expect the Indonesian Government would do when up to 41, or perhaps more, people were killed by guerrillas when in fact some of them were poll watchers, and others were civilians.

What does the gentleman think the response should legitimately be in that situation? Do they try to protect people and bring people to justice or not?

The second point I would raise about the allegations that the guerrillas may be or are totally on the payroll of the Indonesian Government, and I refer to those guerrillas that caused the deaths and the tragedy, but that has to be put out on this issue.

I hope the gentleman does not believe that that is the case in all instances, if any. It certainly is not the view of our Government, our State Department, our intelligence agencies and those people that have spoken out on this issue.

I hope to raise those two points if the gentleman cares to address them. I certainly do not believe that everybody, if anybody, if any, who

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Ms. PELOSI. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman for yielding, I think the gentlewoman knows that current law forbids the kind of military sales to Indonesia that can be used in repressive measures against the civilian population. This amendment does not put that in place. That is a matter of law already.

I would say to the gentlewoman, I hope that she would be concerned when Mr. Horta comes into my office and after he leaves with a very clear understanding of what my point of view is, and which it happens to be the view of the Indonesian Government, which I am supporting as the chairman of the Subcommittee on Asia and the Pacific, for him to go out and write in writing about it to my chairman and mischaracterize 180 degrees is highly inappropriate. I would hope the gentlewoman would not condone that kind of activity and would be sympathetic as one Member of Congress to another on this matter. I would hope she agrees that Mr. Horta should not be using those tactics. It is unworthy of the Nobel Peace Prize.

Ms. PELOSI. Mr. Chairman, reclaiming my time, on the first point the gentleman brings up about what is the law regarding Indonesia, yes, sir, I am very aware of it as ranking member of the Committee on Appropriations' Subcommittee on Foreign Operations, Export Financing and Related Programs. We spend a great deal of time, of our time, on the issue of military weapons to Indonesia as well as on whether we should have expanded IMET or IMET to Indonesia. My problem with the expanded IMET to Indonesia is that it simply does not seem to be working or taken seriously by the Indonesian military. Certainly it would be appropriate, if properly employed, for us to train the Indonesian military in the importance of human rights in dealing with civilian populations. We have just not seen that happen. The case of East Timor I think is a tragedy for the world.

Around here, and the gentleman from Nebraska [Mr. BEREUTER] knows the reference, the One-sided justice, the conflict in which I hold him, Roshomon lives, people go to meetings, they hear different things, they carry away a more optimistic or less optimistic view of a conversation. I respect the gentleman's view of that conversation as a Member of Congress on this floor. I would hope that the gentleman would give Mr. Ramos Horta the ability to respond back to the gentleman to say this is why I drew those conclusions, because I know him, and I think that the Nobel committee chose well in honoring Jose Ramos Horta and Bishop Belo.
Mr. BEREUTER. Mr. Chairman, if the gentlewoman will yield further, I would say the gentlewoman has a very generous soul, which is one of the reasons I admire her greatly. Her putting the best characterization of the best construction on Mr. Horta’s comments about what he said about the gentlewoman was in her part. In this case that generosity is mistaken. There is no doubt that he intentionally mischaracterized the position of this Member, but I thank the gentlewoman and say that her sentiment is a credit to her.

Ms. PELOSI. Mr. Chairman, I urge our colleagues to support the Kennedy amendment as amended by the gentleman from Nebraska [Mr. BEREUTER].

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge a yes vote on the amendment that has been offered by the gentleman from Rhode Island [Mr. KENNEDY] which states in very strong way that it is the sense of Congress that the United States should not give military assistance and arms transfers to the Government of Indonesia until that Government complies with a few basic human rights benchmarks. I would like to commend the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, for his perfecting amendment to put us on record in strongly condemning all violence, no matter who commits it. We must accept responsibility and accept an affordable means to any end. I want to commend my friend for offering that perfecting amendment.

Mr. Chairman, for over 20 years, international human rights advocates have been calling attention to abuses by the Indonesian Government and its occupation of East Timor. Over the years the United States has provided countless millions of dollars worth of military assistance and arms transfers to the Government of Indonesia for its occupation of East Timor. There have been no reliable safeguards to ensure that this assistance and these transfers did not facilitate the ongoing brutality. Indonesia’s Armed Forces invaded East Timor in 1975 only weeks after the Indonesian Army opened up fire and killed more than 200,000 people. If Members were to extrapolate that to the total population of 700,000, they would be left with the undeniable fact that the military of East Timor, there have been over 200,000 people killed in the last 20 years. If Members were to extrapolate that to the United States, I do not know what that would mean, would it mean 60 million or something like that? It is an unbelievable amount.

We met with Bishop Belo. We also were followed by the military and their people, but we went out in the field and talked to a number of people. We went to the Santa Cruz Cemetery, where the massacre took place. For Members who did not follow that massacre, the Indonesian army opened up fire and in cold blood killed these people at the Santa Cruz Cemetery. We also talked to young people. First, they were afraid to speak, then we got close to them. They started to talk and told us they were afraid. The very nights we were there at 2 o’clock in the morning the Indonesian military would come and take the young people away. They would not allow them to be visited by their moms and dads.

I personally believe, and this gets a little controversial, I believe that Web Hubbell was hired by the Indonesian Government and that he went to East Timor. East Timor is not the garden spot that one goes to sit on the beaches. I believe that the democracy does not change much.

The Kennedy amendment is the right thing to do. When we pass this amendment, it will send a message back to the Indonesian Government, who we have a good relationship with and we want to continue to have a good relationship with, but that we care.

Bishop Belo will be in the United States next week. I think we should pass this amendment and I do not want the time to go by without urging strong support for the Kennedy amendment. Frankly, if it were defeated, the message that that would send to the people of East Timor, 500,000 killed, 100,000 killed, military occupation, up to maybe 28,000 military people all over the island. Last, there were elections 1½ weeks ago. Up to 41 people were killed. I have been urging, as I know the gentleman from Rhode Island [Mr. KENNEDY] and others feel, that this administration should appoint a special envoy. We saw that they appointed a special envoy to Cyprus, which is very good. They should appoint a special envoy here and do something about it. I want to commend the gentleman from Rhode Island [Mr. KENNEDY], I want to thank him for taking the time to go over there at Christmas, and I strongly support the amendment.

Mr. BEREUTER. Mr. Chairman, if the gentleman for his own visit to East Timor. There is nothing like seeing it in person, to speak to Bishop Belo in East Timor, to visit with the people as the gentlewoman has, that gives one the strong feelings such as the gentleman has about it.

Like the gentlewoman from Virginia, I have read a lot about it. But it was not until I visited and saw it myself and heard from the people dramatically about the overwhelming military presence in East Timor and the fear that everyone has going to bed at night, that they are not going to be found in the middle of the night, have a gun to their head and dragged out in the middle of the street, go to jail, never to be seen again.

This is the constant state of fear and terror that the people of East Timor live under, given that occupation by the Indonesian Government; and I want to salute the gentleman from Virginia [Mr. WOLF] for his strong words on this amendment.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from Rhode Island. We spoke to one youngster who was there who had his ear cut off, that they cut off his ear; and now we spoke to a mom, a mother, who had three children and they are missing. One had been killed in Santa Cruz, another had been taken away, and another had been taken away several nights just before we got there.

So the Kennedy amendment is a good amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.
Mr. Chairman, I rise today in strong support of the Kennedy amendment to urge that military sanctions be imposed on Indonesia because of Indonesia’s terrible human rights record. I certainly have no objection, and I support the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] to the amendment because I think that we should be ready to condemn atrocities and brutality wherever they occur.

I have stood on this floor many times, Mr. Chairman, in recent years to criticize Indonesia because of that country’s abysmal human rights record and their continued oppression of the people of East Timor. Despite the lack of improvement in Indonesia’s human rights record and the opposition of myself and many of my colleagues, Indonesia continues to receive United States military assistance. According to the State Department’s country report on Indonesia, quote, the government retains the capacity to commit serious human rights abuses.

The State Department report also said that in Indonesia reports of extrajudicial killings, disappearances, and torture of those in custody by security forces continued, not stayed the same, increased. Should we really be sending Indonesia more military assistance now, when they have not addressed these critical human rights issues? I do not think so.

Indonesia’s policy in East Timor is about the oppression of people who oppose Indonesia’s right to, kill, repress the people of East Timor. It is about the 200,000 Timorese who have been slaughtered since the Indonesian occupation in 1975, 200,000 killed out of a total population of 700,000. It is about genocide.

I urge my colleagues to support this amendment and send a message to Indonesia that we will not tolerate continued human rights abuses, and I want to thank my colleague from Rhode Island, Mr. KENNEDY, for bringing these issues to our attention and speaking so eloquently on these issues. I do hope that this body will respond to the specific stories which my colleagues have shared, which my good friend, the gentleman from Virginia [Mr. WOLF], has shared. I have not been to East Timor, but I have met many times privately with people who have recounted these stories to us, and we cannot let this record continue. We must take action, and I want to just tell the gentleman, "I support you."

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mrs. LOWEY. I yield to the gentleman from Rhode Island. Mr. KENNEDY of Rhode Island. Mr. Chairman, I would just like to say there are countless stories. Unfortunately the ICRC cannot tell them to us because we will not agree that there were not the abusers. The date to be an impartial, as my colleagues know, observer and support to human rights in the countries that they are situated in. But they are only situated in those countries with gross human rights abuses, and they do not want to jeopardize that mission. But they did tell me that they are exceeding their ability to keep on top of all the cases that they have to stay on top of, and that is all that is volumes about the current situation there.

Mr. Chairman, I would like to thank the gentlewoman from New York for her support.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from Rhode Island again for his leadership.

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

I rise in support of the Bereuter amendment. This perfecting amendment seeks to add a level of balance and accuracy to the Kennedy amendment which will improve upon its content. It places the House of Representatives on record on being against violence and abusive human rights by all parties to the conflict in East Timor, and for that reason I urge adoption of the amendment to the amendment.

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Kennedy amendment which expresses the sense of Congress that the United States should not stop military assistance and education to Indonesia. It appears to me that this amendment will only have a negative effect on United States-Indonesian relations. I believe that this amendment would actually hinder the kind of changes and increased respect for human rights that its proponents claim to seek.

An insult such as this will have a direct and negative impact on all facets of the United States-Indonesian relationship, including economic ties. In 1995 alone, the United States exported $3.3 billion in goods and services to Indonesia. Indonesia is also the host to over $6 billion in United States investment. The only people cheering for the misguided symbolism of this amendment are our foreign competitors who look to take advantage of a so-called United States-Indonesian relationship.

The action that this amendment advocates—cutting off expanded international military education training [E-IMET]—will do nothing to improve human rights in Indonesia and East Timor. What better way to improve human rights in Indonesia than to properly train the military. That is what E-IMET does; it provides educational courses to teach respect for civil authority, human rights, and the rule of law.

While I recognize that improvement is needed in Indonesia, this amendment will have no positive impact on East Timor. The Kennedy amendment is simply pandering to special interests in East Timor at the expense of overall United States interests in the region.

Therefore, I urge my colleagues to oppose the Kennedy amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] to the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY]. The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY], as amended. The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Pursuant to House Resolution 199, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: The amendment offered by the gentleman from Ohio [Mr. NEY]; the amendment, as amended, offered by the gentleman from California [Mr. MILLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. NEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment to be recorded.

The Clerk designated the amendment.

The amendment offered by Mr. NEY was agreed to.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

AYES—426

Abercrombie Bunning Delahunty Delauro Dally

Ackerman Burr Dorgan DeLay DeLay

Aderholt Burton Dayton Denver Dicks

Allen Calvien Deutch Diaz-Balart

Andresen Campbell Dingell Dicks

Archer Calvert Dole

Armey Camp Doggett Doiley

Bachus Cannon Dooley

Bailey Camp Dole

Baker Campbell Doyle

Baldridge Cannon Dole

Barcal Carson Doyle

Barrett (NE) Castle Dorn

Barrett (WI) Chabot Dreier

Bart Gohmert Christensen Dunn

Barton Clay Edwards Ehlers

Batesman Clyburn Ehrlich Ehrling

Becker Clement Emerton Engle

Bentsen Clyburn Engel

Berenger Coble English

Berman Coburn Entzур

Berman Collins Esho

Bilirakis Combs Etheridge

Blair Condit Evans

Bilirakis Conyers Everett

Blaggievich Cook Ewing

Bliley Cooksey Faith

Bloomauer Costello Fawell

Blunt Cox Fazio

Boehlert Coyle Fincher

Bono Craig Fugate

Bono Crane Foley

Boroski Cummings Ford

Boswell Cunningham Fowler

Bowen Davis (FL) Frank (MA)

Boyd Davis (IL) Franks (N) Frelinghuysen

Brown (CA) Davis (VA) Frosch Axelrod

Brown (FL) Deal Furse

Brown (OH) DeFazio Gallegly

Bryant DeGette Ganske

June 10, 1997 CONGRESSIONAL RECORD — HOUSE H3613

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

AYES—426

Abercrombie Bunning Delahunty Delauro Dally

Ackerman Burr Dorgan DeLay DeLay

Aderholt Burton Dayton Denver Dicks

Allen Calvien Deutch Diaz-Balart

Andresen Campbell Dingell Dicks

Archer Calvert Dole

Armey Camp Doggett Doiley

Bachus Cannon Dooley

Bailey Campbell Doyle

Baldridge Cannon Dole

Barcal Carson Doyle

Barrett (NE) Castle Dorn

Barrett (WI) Chabot Dreier

Bart Gohmert Christensen Dunn

Barton Clay Edwards Ehlers

Batesman Clyburn Ehrlich Ehrling

Becker Clement Emerton Engle

Bentsen Clyburn Engel

Berenger Coble English

Berman Coburn Entzур

Berman Collins Esho

Bilirakis Combs Etheridge

Blair Condit Evans

Bilirakis Conyers Everett

Blaggievich Cook Ewing

Bliley Cooksey Faith

Bloomauer Costello Fawell

Blunt Cox Fazio

Boehlert Coyle Fincher

Bono Craig Fugate

Bono Crane Foley

Boroski Cummings Ford

Boswell Cunningham Fowler

Bowen Davis (FL) Frank (MA)

Boyd Davis (IL) Franks (N) Frelinghuysen

Brown (CA) Davis (VA) Frosch Axelrod

Brown (FL) Deal Furse

Brown (OH) DeFazio Gallegly

Bryant DeGette Ganske
The Clerk designated the amendment, as amended.

The Clerk designated the amendment, as amended.

RECORDED VOTE

The Chair pro tempore [Mr. Ewing]. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. Miller], as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as amended.

RECORDED VOTE

The recorded vote was ordered.

The vote was taken by electronic device, and there were—ayeS 375, noes 49, not voting 10, as follows:

[Roll No. 173]

AyeS—375

Ackerman
Adler
Aderholt
Agawam
Aguiar
Allard
Allred
Allison
Allen
Allred
Alquist
Anderson
Anderson
Andrews
Arrington
Asgill
Ashburn
Askland
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashworth
Ashwor...
So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:
At the end of the bill add the following (and conform the table of contents accordingly):

SEC. 1818. INTERNATIONAL FUND FOR IRELAND.

(a) SHORT TITLE.—This section may be cited as the “MacBride Principles of Economic Justice Act of 1997.”

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415; 100 Stat. 947) is amended by adding at the end the following new sentence:

“United States contributions shall be used in a manner that effectively increases employment opportunities in communities with a high level of unemployment, in regions of Northern Ireland, and in countries with the highest levels of unemployment.”

(2) CONDITIONS AND UNDERSTANDINGS.—Section 9(a) of such Act is amended—

(A) in the first sentence—

(i) by striking “The United States” and inserting the following: “In general.—The United States”;

(ii) by striking “in this Act may be used” and inserting the following: “in this Act—”;

(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice.”; and

(C) in subparagraph (A), by striking “the principles of economic justice;” and

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in paragraph (1), by striking “The principles of economic justice;” and

(B) in subparagraph (A), by striking “and” at the end.

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period and inserting “; and”;

(C) in paragraph (4), by striking “and” at the end;

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

“(1) By striking ‘The United States’ and inserting the following: “In general.—The United States;”

(ii) by inserting “in this Act may be used” and inserting the following: “in this Act—”;

(B) may be provided to an individual or entity in Northern Ireland if such individual or entity is in compliance with the principles of economic justice;”; and

(C) in subparagraph (A), by striking “the principles of economic justice;” and

(5) REQUIREMENTS RELATING TO FUNDS.—

Section 7 of such Act is amended by adding at the end the following:

(c) PROHIBITION.—Nothing herein shall require quotas or reverse discrimination or mandate their use.

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking “and” at the end;

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

(C) by adding at the end the following new paragraphs:

“(3) The term ‘Northern Ireland’ includes the counties of Antrim, Armagh, Down, Tyrone, and Fermanagh and

(4) The term ‘principles of economic justice’ means the following principles:

(A) Increased representation of individuals from underrepresented religious groups in the workforce, including management, supervisory, administrative, clerical, and technical jobs.

(B) Providing adequate security for the protection of minority employees at the workplace.

(C) Banning provocative sectarian or political emblems from the workplace.

(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

(G) Providing for the development of training programs to train, upgrade, and improve the skills of minority employees.

(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H)."

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

Mr. ENGEL. I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. The amendment as a whole is considered read and printed in the RECORD.

Mr. ENGEL. Mr. Chairman, as amended, was agreed to.

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from New York [Mr. ENGEL] and a Member opposed each will control 5 minutes.

Is there a Member seeking recognition?

Mr. ENGEL. I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. Chairman, in the opinion of this Gentleman from New York, the amendment as a whole is very well drafted and is a very important amendment.

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

Mr. GILMAN. Mr. Chairman, the request is denied.

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 New York?

Mr. GILMAN. Mr. Chairman, the request is denied.

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

Mr. GILMAN. Mr. Chairman, the request is denied.

Mr. Chairman, the amendment as a whole is a very important amendment and is a very well drafted amendment.

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

Mr. GILMAN. Mr. Chairman, the request is denied.

The CHAIRMAN pro tempore. The amendment, as amended, was agreed to.

Mr. Chairman, I yield to the distinguished gentleman from New York [Mr. GILMAN], chairman of the committee.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

This amendment is very simple. It simply says that the International Fund for Ireland, to which the United States contributes $20 million per year, that funding for the International Fund for Ireland should not go to any entity in the north of Ireland that discriminates.

We want to ensure that any entity which receives money from the International Fund for Ireland is committed to the principles of nondiscrimination.

This is very similar to what was done in South Africa with the Sullivan principles, and this essentially embraces what is called the MacBride principles of nondiscrimination.

The amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The amendment, as amended, was agreed to.

Mr. Chairman, I want to thank the gentleman from New York. This is a very important amendment.

The amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The amendment, as amended, was agreed to.

Mr. Chairman, I want to thank the gentleman from New York. This is a very important amendment.

The amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The amendment, as amended, was agreed to.
Mr. HAMILTON. Mr. Chairman, I yield myself the time as I may consume.

I raise in opposition to this amendment. I, of course, realize the popularity of the amendment but I do think it is a little presumptuous of you, Mr. Chairman, I am not exactly alone in my opposition to this amendment.

The Irish Government has opposed this amendment. They have a new government today, of course, and they have not exactly as I know it. The British Government has opposed this amendment. They, too, have a new government. I am not sure exactly how they feel about MacBride principles, but the British Government has opposed it in the past. And the U.S. Government opposes this amendment.

All of us in this Chamber support fair employment and nondiscrimination in the workplace in Northern Ireland and elsewhere, but I think we have to be very careful about imposing conditions that will work at cross-purposes with our shared goals. The investment experts have said to us that mandating conditions on U.S. assistance to the IFI will have the effect of hindering international investment in the region.

Listen to the words of John Hume: there is not anybody more respected in this, this could be more than John Hume. What does he say? If you really want to help us, then encourage investment in areas of high unemployment in Northern Ireland. That is a positive thing to do. The effect of the MacBride principles campaign, whether people like to admit it or not, is to stop investment coming in and that is bad for us.

Now, I suspect most Members in this body do not support affirmative action legislated in the United States with all kinds of mandatory requirements. I do not know why they would want to try to legislate affirmative action in another country, but that is precisely what this amendment tries to do. Moreover, I think the amendment is not needed. All enterprises in Northern Ireland must already conform to the United Kingdom Fair Employment Act of 1989, which imposes one of the strongest and most comprehensive antidiscriminatory sets of regulations in Europe. Likewise, they must comply with the very elaborate regulations of the European Union.

The IFI board oversees the allocation of all IFI funds. They already rigorously promote fair employment practices and economic development in disadvantaged communities and the objective of the amendment is to preserve support for the IFI, to have confidence in them, to have confidence in the governments that are involved, including our own, and their goals of promoting fair employment practices in Northern Ireland.

We should not be legislating intrusive conditions which are opposed even by these governments and which others could criticize as going beyond U.S. law with respect to affirmative action.

I urge a vote against this amendment.

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

Mr. ENGEL. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN pro tempore (Mr. Ewing). The gentleman from New York [Mr. Engel] has 1 minute.

Mr. ENGEL. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from New York [Mr. MANTON].

Mr. MANTON asked and was given permission to revise and extend his remarks.

Mr. MANTON. Mr. Chairman, I rise today to support the amendment offered by my good friend and colleague, the gentleman from New York [Mr. G. M. Smith], chairman of the Committee on International Relations. The chairman’s commitment to the peace process in the north of Ireland has made him an integral part of the Congressional Ad Hoc Committee for Irish Affairs.

At the same time I also want to acknowledge the deep commitment to fair employment legislation and to the peaceful resolution of the conflict in the north of Ireland by another friend and colleague, the gentleman from New York [Mr. Engel].

Mr. Chairman, with the election of the new government in Ireland and the United Kingdom and the continued leadership of Senator Mitchell and the Clinton administration, the possibility for a genuine peace process is finally becoming a reality.

The International Fund for Ireland is designed to stimulate job creation and is an integral facet of the peace process. Its support for the IFI has a tangible effect of contributing to the search for lasting peace by giving the chronic unemployed, the underemployed, a stake in society, thereby drying up the pond that extremism can swim in.

Mr. Chairman, Catholic males are 2½ times more likely to be unemployed than their counterparts from the other tradition. My support of this amendment is driven by a desire to raise the standard of living of those who have experienced chronic generational unemployment from both communities. I urge the passage of this bill, which is akin to the Sullivan principles that took the moral high ground in South Africa.

Mr. ENGEL. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. Kennedy].

Mr. WEXLER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. Kennedy].

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr.
Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for an additional 30 seconds. The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey? There was no objection. The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] is recognized for 30 seconds. Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong support of the Engel-Gilman amendment to link United States contributions to the international fund for Ireland to these very important MacBride principles. So while today, the administration may put out language suggesting they are against this provision, in his August 1996 letter to Brian Atwood, the President himself said he was for the MacBride principles. This is a very important fair employment piece of legislation. Astonishingly, job discrimination against Catholics in the north of Ireland is the status quo. Consider these facts. Out of the 87,000 children below the poverty line, 58,000, or 66 percent, are Catholic. In Northern Ireland, over 42 percent of Catholic men are unemployed compared to 25 percent of their Protestant colleagues. According to the most recent Labor Force Survey, 55 percent of the unemployed are Catholics, even though they comprise 38 percent of the population. In the age of 16, United States support to the IFI is intended to help mitigate the social and economic problems that contribute to the civil unrest in Northern Ireland. People cannot come to a lasting peace agreement if they are the subject of ongoing, systematic, disparaging discrimination. The MacBride principles, which would eliminate religious-based discrimination in employment and job training, are modest and will go a long way to foster peace and justice in Northern Ireland. At least 16 States, including New Jersey—and more than 30 U.S. cities have adopted the MacBride principles. Similarly, the Federal Government should adopt this code and ensure that U.S. taxpayer funds do not go to subsidize discrimination in the work force. Human rights abuses are far-reaching in the north of Ireland. Juryless Diplock courts, ill-treatment of individuals in detention, lack of access to attorneys, search and seizure abuses, sectarian use of plastic bullets, and religious discrimination are common human rights abuses in Northern Ireland. Linking our foreign aid contributions to the IIF to the MacBride principles is a small step in addressing just one of the many human rights abuses that need to be eliminated in order for a lasting and just peace to be achieved in that region. I wholeheartedly support the amendment and urge its adoption. The CHAIRMAN pro tempore. The question is on the amendment offered by Ms. SLAUGHTER from New York [Mr. ENGEL]. The amendment was agreed to. The CHAIRMAN pro tempore. Are there further amendments? AMENDMENT OFFERED BY MS. SLAUGHTER: Ms. SLAUGHTER. Mr. Chairman, I offer an amendment. The Clerk reads as follows: Amendment offered by Ms. SLAUGHTER: At the end of title XVIII insert the following new section: SEC. 1712. SENSE OF CONGRESS REGARDING ASSISTANCE TO LITHUANIA AND LATVIA. It is the sense of the United States House of Representatives that—(1) adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998; (2) assistance to Lithuania should be continued beyond fiscal year 1998 as it continues to build democratic and free market institutions; and (3) the President should consider continuing assistance to Latvia beyond fiscal year 1998, as appropriate, to build democratic and free market institutions. The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from New York [Ms. SLAUGHTER] and a Member opposed the amendment. The Chair recognizes the gentleman from New York [Ms. SLAUGHTER]. Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume. My amendment is very straightforward. It just expresses the sense of Congress that foreign aid to the Baltic states of Latvia and Lithuania should be provided in the fiscal year 1998 and beyond for Lithuania. It also states that Latvia should continue to receive aid as the President determines it necessary. This amendment supports these nations as they continue to evolve toward a free market economy and develop democratic institutions. On behalf of all the Latvian and Lithuanian Americans who have made this country their home, I am pleased to offer this amendment. Since gaining their independence from the former Soviet Union earlier this decade, Latvia and Lithuania have both made important strides towards democracy and the removal of the shackles of oppressive communism. Lithuania and Latvia have a long, proud history and have struggled valiantly against forces on both sides of their borders, forces that would suppress their freedom in demanding the Soviet troops be removed from their soil and that the Baltic states be granted independence. In 1990, pro-independence forces were able to win a majority in parliamentary elections in Lithuania and despite an attempted coup by Soviet soldiers, Lithuania and the other Baltic states were able to gain their independence.
Last fall, Mr. Chairman, national elections brought reform forces back into the Parliament following a collapse of the private banking sector and the ensuing Government crisis. Despite this renewed democratic reform, the U.S. Government has made a crucial decision to end the year-round program to the Lithuanians through the Support for the Eastern European Democracies or the SEED Program as reflected in the President's budget request, this in spite of the fact that USAID's in-country mission ended support to Lithuania and Latvia. I simply just urge very strong support for the Slaughter amendment.

The CHAIRMAN pro tempore (Mr. Ewing). The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The amendment was agreed to.

Amendment offered by Ms. MCKINNEY

Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Ms. MCKINNEY. Yes, Mr. Chairman, it is.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The amendment was agreed to.

DIVISION C—ARMS TRANSFERS CODE OF CONDUCT

TITLE XX—I—ARMS TRANSFERS CODE OF CONDUCT

SEC. 2001. SHORT TITLE.

This title may be cited as the "Code of Conduct on Arms Transfers Act of 1997."

SEC. 2002. FINDINGS.

The Congress finds the following:

(1) Approximately 40,000,000 people, over 75 percent civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the cold war, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(2) Conflict has actually increased in the post cold war era, with 30 major armed conflicts in progress during 1995.

(3) War is both a human tragedy and an ongoing economic disaster affecting the entire world, including the United States and its allies, because both the national security and private investment in arms and military stolen markets.

(4) International trade in conventional weapons increases the risk and impact of war in an already over-militarized world, creating far more costs than benefits for the United States economy through increased United States defense and foreign assistance spending and reduced demand for United States civil and military exports.

(5) The United Nations Register of Conventional Arms can be an effective first step in reducing the arms trade by being the central repository of information on the delivery of conventional weapons to developing countries and compliance with its reporting requirements by a foreign government can be an integral tool for determining the eligibility of such government for the receipt of United States military assistance and arms transfers.

(6) It is in the national security and economic interests of the United States to reduce dramatically the $840,000,000,000 that all countries spend on armed forces every year, $7,515,000,000 a year in such agreements for the six years prior to the dissolution of the Soviet Union.

(7) According to the Congressional Research Service, the United States supplies more conventional weapons to developing countries than all other countries combined, averaging $11,889,000,000 a year in agreements to supply such weapons to developing countries for the six years prior to the dissolution of the Soviet Union.

(8) Since the end of the cold war, 84 percent of United States arms transfers have been to developing countries and to countries with an undemocratic form of government, whose citizens, according to the Department of State Country Reports on Human Rights Practices do not have the ability to peacefully change their form of government.

(9) Although a goal of United States foreign policy should be to work with foreign governments and international organizations to reduce militarization and dictatorship and therefore prevent conflicts before they arise, during 4 recent deployments of United States Armed Forces—to the Republic of Panama, the Persian Gulf, Somalia, and Haiti—such Armed Forces faced conventional weapons that had been provided or financed by the United States to undemocratic governments.

The proliferation of arms and conflicts around the globe are multilateral problems, and the fact that the United States has emerged as the world's primary supplier of conventional weapons combined with the world leadership role of the United States, signifies that the United States is in a position to seek multilateral constraints on the competition for and transfers of conventional weapons.

(10) The Congress has the constitutional responsibility to participate with the executive branch in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(11) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, is currently engaged in acts of armed aggression, or is not fully participating in the United Nations Register of Conventional Arms, should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do apply.

SEC. 2003. PURPOSE.

The purpose of this title is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 2004. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in paragraphs (b) and (c) of this section, and after October 1, 1998, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to Congress for that fiscal year that such government meets the following requirements:

(1) Promotes democracy.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civil control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and
minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy and democratic organizations to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

(i) extra judicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) IS ENGAGED IN CERTAIN ACTS OF ARMED AGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) REGISTRATION IN U.N. REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(5) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to the Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTIONS.—

(1) IN GENERAL.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government if—

(A) subject to paragraph (2), the President submits a request for an exemption to the Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfers to such government; or

(B) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfers to such government.

(2) DISAPPROVAL.—A request for an exemption to provide military assistance and arms transfers to a foreign government shall not take effect, or shall cease to be effective, if a law is enacted disapproving such request.

(d) NOTIFICATIONS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1)(A) in conjunction with the submission of the annual report for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit the annual report, any certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President, when, in his determination, it is not contrary to the national interest to do so, shall submit to the Congress and the Committee on Foreign Relations of the Senate and the Committee on Appropriations of the House of Representatives reports containing determinations with respect to emergencies under subsection (c)(1)(B). Each such report shall contain a description of—

(A) the nature of the emergency;

(B) the type of military assistance and arms transfers provided to the foreign government;

(C) the cost to the United States of such assistance and arms transfers.

SEC. 2005. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Committee on Foreign Relations of the Senate and the Committee on Appropriations of the House of Representatives should hold hearings on—

(1) controversial certifications submitted under section 2004(a);

(2) all requests for exemptions submitted under section 2004(c)(1)(A); and

(3) all determinations with respect to emergencies under section 2004(c)(1)(B).

SEC. 2006. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this title, the terms “United States military assistance and arms transfers” mean—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance and arms transfers); or

(2) the transfer of defense articles, defense services, or defense services, or defense articles and services, under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including the transfer of excess defense articles under section 516 of that Act;

(3) assistance under chapter 5 of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(4) the transfer of defense articles, defense services, or defense articles and services, under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

Ms. MCKINNEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and passed?

Mr. CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I ask unanimous consent that I be recognized for 8 minutes.

Mr. CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I am very proud to offer the McKinney-Rohrabacher amendment, which I believe is a significant enhancement to the legislation we are now considering, and I hope is a significant enhancement to the legislation that the original bill of this language and now the amendment. Significant compromise has been incorporated into this new version of the Arms Trade Code of Conduct that I am introducing today. Pursuant to section 516 of the bill, the President would certify countries at the beginning of each fiscal year that comply with the code of conduct. If the President wanted to sell weapons to a noncomplying government, then the President would have to come to Congress requesting an exemption and have that exemption approved by a vote in Congress.

The administration and some Members of Congress felt this gave too much authority to Congress and deprived the President of his ability to make foreign policy. In the spirit of compromise, we have stripped the bill of this provision and now all that remain are the underlying values that motivated this bill in the first place, and that is that the United States ought not be in the business of supplying weapons to dictators.

Ms. MCKINNEY. Mr. Chairman, I ask unanimous consent that some objected to. And so now the piece of legislation before us asks us to make the fundamental assertion of what we stand for in the world and whose side we are on. Is it that the United States of America that speaks eloquently on the subject of respect for human rights and democracy and democratic traditions is only paying lip service to these ideals when confronted with a hungry client wanting our advanced technology only to employ it to torture and abuse their own population? Or do we stand with those people around the world who are victims of the world’s tyrants, who have no voice in the international arena and who only have the conscience of the world to help them?

This legislation helps to give the United States a conscience for the leaders around the world who do not have one. This legislation helps to give a voice to those people around the world who cannot speak out in their own countries. And finally, this legislation puts the international behavior of the United States in sync with our values, our beliefs, and our fundamental values.

The initial opponents of this bill did us a favor, really, by asking us to remove and cut certain sections of the bill, because what is left is the fundamental answer to the question, “Will we sell weapons to dictators?”

This bill is no longer about presidential prerogatives being impinged on. This bill is no longer about too much congressional authority in the area of foreign policy-making. This bill is simply about whether we will apply the standards to our guns and tanks and missiles and bombs that we apply to computers and chemicals.

This country, Mr. Chairman, is considered a lethal weapon, and we apply certain standards on who can operate a car. So getting a driver’s license and keeping that license subject us all to certain competency requirements, certain standards. If we lose our license, then we fail to meet the requirements for operating the car. Do we not consider it important who purchases our rifles, tanks, guns, and bullets? I mean, we have laws that the government restrict the flow of certain information and knowledge. Should we not at least be concerned about who gets our weapons that kill people?
At home, after much struggle, we have come up with standards on who can buy a gun. Convicted felons and the mentally ill cannot buy guns legally in this country. Thank goodness we were able to pass the Brady bill so that we could stop certain purchases of guns. Passing the Brady bill was done, though, only after the unreasonable, ableness and extremism of the NRA was demonstrated to the American public.

Unfortunately, the code of conduct has its own equivalent to the NRA which, I believe, is not only extreme but also reckless in its disregard of what happens when these weapons are delivered to our dictator clients.

In 1993, the United States made a decision to support Mobutu Sese Seko, who became a tyrant and a dictator of the people of Zaire. Over the course of the decades of our support for his dictatorship, we shipped Dr. Arias $130 million of weapons to him. We provided $18 million of training to the military; 1,356 officers, virtually the entire Zairian officer corps, received officer training. A total of $138 million of U.S. military aid was given to Zaire.

What was that aid? 2,500 riot control kits; 2,000 military vehicles for crowd control; 2,000 rifles; $2 million worth of ammunition, and 24 military aircraft.

What we gave Mobutu was not military assistance to defend his country from outside intervention. What we gave to Mobutu was the means to control dissent and demonstrations. What we gave Mobutu was the means to control opposition and hence, to keep himself in power. As a result, we are complicit in how he used his military, trained and supplied by us.

This is the kind of end use that concerns us. This is the kind of end use that we want to stop. Joining Dr. Arias and other Nobel Peace Prize winners we come together 2 weeks ago in New York to declare their support for the code of conduct. Dr. Oskar Arias brought together Jorge Ramos-Horta of East Timor, William of Northern Ireland, His Excellency the Dalai Lama of Tibet, and our own Elie Wiesel. Organizations that have won the Nobel Peace Prize were also represented at this press conference: Amnesty International, the American Friends Service Committee, and the International Physicians for the Prevention of Nuclear War. Dr. Arias also had letters of support from Archbishop Desmond Tutu, Lech Walesa, and several other Nobel Peace Prize winners who were not able to attend. The gentleman from New York [Mr. Gilman] attended the press conference and was moved to a standing ovation after the remarks of Elie Wiesel.

So, people who have been recognized in the international community for their dedication to peace have come together to say that this legislation is necessary. How will history record those who do not support this legislation?

Member states of the European Union have already agreed to eight common criteria governing their own arms transfers. There is growing support for European Union-wide code of conduct among all of Europe’s governments. Germany, Sweden, The Netherlands, Belgium, and Ireland are all leading this fight. But the boldest steps have been taken by Tony Blair’s Britain. The New Labour Government has declared that centrality of human rights in its weapons sales is central to its decisions.

So we are not alone, those of us who want the United States to stand on the opposite side of whatever dictator is there with ready cash for our guns and bullets. History teaches us that those weapons do not end up in a remote depot, they end up either intimidating or “in” people who want a better way of life and who dare to say so; who want freedom of expression and who dare to act; who want to live in a democracy as we do in this country and who dare to confront tyranny.

We are not alone either, even in this administration. The recently-confirmed CIA director, George Tenet, on May 6, 1997, at a session of the Senate Select Committee on Intelligence, said the following: “But the proliferation issue—and particularly the proliferation of ballistic missiles—and conventional weapons—we often ignore what the proliferation of conventional weapons means for U.S. forces—this issue is probably the greatest threat to the U.S. forces and our interests in the free countries who deploy overseas than any other issue.”

The CHAIRMAN. The time of the gentlewoman from Georgia [Ms. McKinney] has expired.

(By unanimous consent, Ms. McKinney was allowed to proceed for 30 additional seconds.)

Ms. McKinney. Mr. Chairman, I cannot say it any better than our CIA director. The issue before the Congress today is in all of us and hence, a moral issue. Seldom are we given such a stark opportunity to be on the right side of both issues. The Arms Trade Code of Conduct is just such an opportunity.

I ask my colleagues to vote for this amendment and let us be known by the values we espouse and not the weapons of oppression that we supply.

Mr. Chairman, U.S. weapons are currently being used in 39 of the world’s current 42 ethnic and territorial conflicts. In the past four years, 85 percent of U.S. arms sales to the Third World have gone to undemocratic governments. The United States is responsible for 44 percent of all weapons deliveries in the world. The United States is uniquely the arms dealer to the world, and the merchant for death to the world’s dictators.

Language requiring Congress to approve an arms sale to a dictator before it’s been made has been modified to give the President an automatic waiver for national security purposes which Congress could block after extensive debate.

A total of 453 American soldiers have been killed by armies strengthened by our own weapons and military training: Iraq, Saddam Hussein; Panama, Manuel Noriega; Somalia, Siad Barre, and Haiti, the Duvalier family.

In fiscal year 1994 $7 billion of taxpayer money went to subsidize U.S. arms exports. In fiscal year 1995, that figure jumped to $7.6 billion. After agricultural price supports, this represents the largest subsidy program for business in the entire Federal budget—Welfare for Weapons dealers.

Our Government employs nearly 6,500 full time personnel to promote and service foreign arms sales by U.S. companies.

U.S. subsidies for arms transfers are scheduled to increase. The international market for U.S. arms is estimated to be around $12 to $16 billion per year. Therefore, our foreign customers aren’t even paying for the weapons they get. And more than half of U.S. weapons sales will be paid for by the U.S. taxpayers.

In 1995, subsidies for arms exports accounted for over 50 percent of U.S. bilateral aid and more than 39 percent of total U.S. foreign aid. The emphasis on promoting weapons sales has come at the expense of programs designed to promote economic development and social welfare in these recipient nations. I’d much rather see us exporting tractors and schools to dictators than guns.

The American arms trade policy is killing our citizens, destroying worldwide democracy, and sending us spiraling down a path of economic ruin.

President Dwight D. Eisenhower said, “There can be no peace without law. And there can be no law if we were to invoke one code of international conduct for those who oppose us and another for our friends.”

We must help to stop the arms trade boomerang. Over 300 organizations support the No Arms to Dictators Code of Conduct. Among these organizations are: Vietnamese Veterans Of America Foundation, Young Women’s Christian Association—the YMCA—of America, and Bread of the World, and organizations of the Presbyterian, Lutheran, and Roman Catholic churches.

I would like to thank the hundreds of volunteers who have put thousands of hours into making the U.S. Code of Conduct our law.

Each of us must be concerned about what happens when we sell weapons to dictators. I urge my colleagues to support the Arms Trade Code of Conduct.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment, the Arms Transfer Code of Conduct, and it will be the first major reform of U.S. arms transfer policy in almost two decades.

The code of conduct highlights guiding principles on human rights and democracy, which I believe are important to America’s legacy in the post-cold war era. This amendment would help stem the flow of U.S. weapons to countries that brutalize their own people.

The code of conduct would make it clear that in the 21st century the United States of America intends not just to be a military and economic superpower but a moral superpower as well. It signals an end to business as usual for human rights violators.

Mr. Chairman, two-thirds of all of our foreign military sales go to countries described by the State Department Country Reports on Human Rights. H3620

CONGRESSIONAL RECORD — HOUSE

June 10, 1997

H3620
Rights Practices as human rights violators with undemocratic governments.

Mr. Chairman, a few years ago I made a trip to Croatia when it was under siege. The gentleman from Virginia, [Mr. Wolffe], and I visited a city that was literally surrounded by tanks and by military, a place called Vukovar. Vukovar was finally leveled, but while we were there we saw the bomb casings and we saw the 500-pound bombs that were dropped. And I will never forget taking pictures of these bomb casings, that had U.S. markings all over them.

I will never forget also talking to President Milosevic and trying to ask him to stop that carnage that was going on in Croatia. Later on it was rolled out to Bosnia. Much of their military capability came from the United States and then was used in a slaughterhouse fashion against people who were unarmed, women and children and men who were civilians.

Mr. Chairman, the code of conduct is not a threat to U.S. national security. It contains a provision for an emergency waiver that would allow the President to transfer arms to a country that does not meet the code’s criteria if U.S. national security most clearly required such a transfer, and it provides for an orderly process for Congress to consider other exceptions of non-emergency nature.

Mr. Chairman, year after year in human rights hearings in the Subcommittee on International Operations and Human Rights, which I now chair, we hear there is a disconnect in U.S. foreign policy between human rights and other considerations. Amnesty International put it best when it said about this administration’s human rights policy, that “human rights is an island off the mainland of U.S. foreign policy.” This amendment is a step toward closing the circle, connecting things that ought to be connected.

We must tell the world that freedom and democracy do matter. A good way to begin is by telling the world that the United States will not put deadly weapons into the hands of the enemies of freedom and democracy.

Mr. Chairman, I want to congratulate the gentleman from Georgia, [Ms. McKinney], and the gentleman from California, [Mr. Rohrabacher], for their good work in crafting this amendment, and again I rise in very strong support of it.

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

JUNE 10, 1997 CONGRESSIONAL RECORD – HOUSE H3621

In the post-cold war, the code of conduct is totally consistent with America’s traditions and America’s principles. In the long-term, it will not only serve the interest of human freedom, but it will also serve our national security and international stability requirements as well.

During the cold war, compromises were necessary. These were compromises that we had to make with regimes that did not meet the code’s criteria because we were defending against even larger gangsters and thugs who wanted to destroy the United States of America and the free world. Today, we should stand for freedom and democracy and we should insist that this must be a basis for any relation that we have with other countries and other governments.

I served Ronald Reagan in the White House, who altered a fundamental tactic that was being used during the cold war. People who lived under tyranny, that U.S. Government was always anti-Communist. But during Ronald Reagan’s term of office, he changed our position to being profreedom. Today we should continue Ronald Reagan’s successful foreign policy by pulling back from shipping arms to dictatorships and making sure that we are on the side of the people rather than on the side of the oppressors in those countries where dictatorships exist. This will be in the long-term interest of the United States.

This was, in this policy that Ronald Reagan articulated during the 1980s, is what ended the cold war. It was not the fact that we had missiles and more guns, although we did increase our weapons. It was the fact that America began to realistically and seriously talk about the promotion of democracy in the world. And in the end, the people who lived under tyranny were enabled to hammer away at their walls and pulled those walls down and united themselves with the good and decent and democratic countries of the world.

This amendment was a real fact that strengthened America’s foreign policy by empowering our diplomats to tell the military dictators that they should liberalize their policies, respect human rights, and join the family of democratic nations, or we will not be their friends and we will not provide them weapons to repress their own people.

What does selling weapons to dictatorships really mean? It means that we will give weapons to people who thwart democratic regimes because we oppress their people, and then we will expect their people to pay us back. Well, is that not something to be proud of. That is something we can no longer accept in the United States of America. The cold war is over, we have a new code of conduct that puts democracy and human rights ahead of a fast buck in selling weapons to the dictators around the world who repress people and violate the very principles which this country is supposed to be all about.

What will the people of the world think about us if we adopt this kind of type of code of conduct? Well, they will know that we are on their side and not the side of the thugs and gangsters who hold power in too much of the world today.

Our Founding Fathers believed that America would be and should be the beacon of liberty, of hope and justice to the whole world. That was our strength. That is what the Founding Fathers believed in. That is what America is supposed to be all about. It is not that we are the toughest guy in the world and have the most guns, but we can count on the friendship of good and decent people all over the world. That is where America’s strength is. That is the type of world we are trying to build. America’s strength was not in that we were allied with dictatorships.

Let me note that on this floor we have two pictures. We have George Washington over here and we have the Marquis D’Lafayette here. Why do we have a picture of a foreigner on the floor of Congress? This was a man who came to the United States before there was a United States. He stood for the principles of freedom and democracy and helped us win our battle against the most oppressive, imperialistic power of the day, Great Britain.

We do not want to betray our Founding Fathers today and side with the oppressors of the world, the people who would use weapons to oppress their people and stiffen nondemocratic institutions. If we do, if this is our policy now that the cold war is over, I can assure my colleagues that if we look at George Washington, the father of our country, and if we look very closely into the eyes of Lafayette, that we will see a tear because they will know that we are no longer the American people that they thought we would be.

So I stand here today with people who only years ago were my adversaries on many issues.

The CHAIRMAN pro tempore [Mr. Ewing]. The time of the gentleman from California [Mr. Rohrabacher] has expired.

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

Mr. ROHRABACHER. Mr. Chairman, I would just say that I am very proud to stand with the gentleman from Georgia [Ms. McKinney], the gentleman from California [Mr. Rohrabacher], very proud to stand with the gentleman from New Jersey [Mr. Smith], and people on both sides of the aisle, who are saying that through this code of conduct, this is the way America will be strong, this is the way we will live up to what our Founding Fathers wanted us to be, and it is a bipartisan issue, and together we are standing for the true and democratic principles that our Founding Fathers believed in.

I thank the gentlewoman from Georgia.
I yield to the gentlewoman from California [Ms. Pelosi].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I thank the gentleman for his, as well.

Mr. Chairman, I rise in support of the new code of conduct for weapons sales, and I commend the gentlewoman from Georgia [Ms. MCKINNEY] for exceptional leadership on this, as well as the gentleman from California [Mr. ROHRABACHER] for his, as well.

Mr. MCGOVERN. Mr. Chairman, will the gentleman yield?

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

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

Mr. MCGOVERN. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the McKinney amendment.

Mr. Chairman I rise today in support of the amendment offered by the gentlelady from Georgia [Ms. MCKINNEY]. I want to thank her for the leadership she has taken on this very important issue to establish a code of conduct on U.S. arms transfers.

Mr. Chairman, the United States is the world's undisputed political leader. We are also the undisputed leader in arms exports, shipping more arms abroad than all other countries combined. If we are to set a standard that establishes a pro-democracy, pro-human rights criteria for arms transfers, U.S. leadership is crucial. If the United States sets a standard, then our Government can challenge others to adhere to similar standards. When the United States has led the way in the past—such as in the control of ballistic missiles—other nations soon followed.

Simply put, Mr. Chairman, this code of conduct would declare, clearly and unambiguously, that the United States will no longer play the dangerous game of putting dangerous weapons in the hands of dangerous governments. The United States will no longer fuel regional arms races. And the United States will no longer be associated with repression and international weapons proliferation.

The code of conduct that would be established by approving this amendment is very simple. For a country to be eligible to receive U.S. weapons, they must meet four criteria. They must: first, be a democratic form of government; second, respect the basic human rights of their citizens; third, refrain from aggression against other nations; and fourth, fully participate in the U.N. Register of Conventional Arms. These criteria are all primary tenets of U.S. past and present foreign policy.

The code of conduct would declare, clearly and unambiguously, that the United States will no longer play the dangerous game of putting dangerous weapons in the hands of dangerous governments. The United States will no longer fuel regional arms races. And the United States will no longer be associated with repression and international weapons proliferation.

The establishment of parallel Codes of Conduct on the arms trade. The British government is committed to establishing a Code of Conduct on the arms trade setting high common standards of restraint for all EU Member States. The German, Swedish, Dutch, Irish and Belgian governments have also indicated their support for similar controls on the arms trade. Previously no country has been willing to take significant unilateral steps towards control, fearing the loss of export markets to competitors. It is, therefore, vital that the US, the EU, as well as the world's leading suppliers, act together to implement a Code of Conduct.

With the world's leading suppliers, act together to implement a Code of Conduct on arms transfers.

Lack of restraint in the past has led to so-called boomerang effect situations. During the Gulf War allied troops faced an Iraqi army supplied with weapons from both the United States and Europe. Similarly, US troops in Panama, Haiti, Somalia and the former Yugoslavia have faced hostile forces armed with weapons and weapon technology supplied by the United States.

The Council on Foreign Relations has called for a restrictive common EU arms export policy as advocated by an EU Code. At European level the European Parliament has passed three resolutions calling on Member States of the European Community to develop a Code of Conduct on arms transfers.

The Council on Foreign Relations has called for a restrictive common EU arms export policy as advocated by an EU Code. At European level the European Parliament has passed three resolutions calling on Member States of the European Community to develop a Code of Conduct on arms transfers.

A Labour Government will not issue export licences for the sale of arms to regimes that might use them for internal repression or to extend the reach of their international aggression. We will, however, permit the sale of weapons in circumstances where their use may intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights.

The Labour Government will prohibit the sale of weapons in circumstances where their use may intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights. They also pledged that the British Government will now work for the introduction of a European code of conduct to govern arms exports from all the European Union member states.

Mr. Chairman, the time has come for the United States to establish a code of conduct. I urge my colleagues to vote in support of the McKinney amendment.

Mr. Chairman, enter into the RECORD the Labour Government's policy on a responsible arms trade along with information on the positions of other European leaders on this issue.

Labour's Policy Pledges for a Responsible Arms Trade

1. A Labour Government will not issue export licences for the sale of arms to regimes that might use them for internal repression or to extend the reach of their international aggression. We will, however, permit the sale of weapons in circumstances where their use may intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights.

2. Labour will increase transparency and introduce more stringent controls over the export of defence equipment in line with recommendations of the Scott Report. We will, therefore, publish an annual report on UK strategic exports. The report will set out the status of export controls and report on their application. It will set out the total value of defence exports to each country, list by country of destination the number of items delivered in each equipment category and give details of all export licences granted and refused. It will be expected that the Foreign, Defence and Trade and Industry Select Committees will examine the annual report which in turn may pave the way for a parliamentary debate.

3. Labour will press for a European Register of Arms Exports which will provide at a European level the information that Britain will make available in the annual report.

4. Labour will work to strengthen the UN Convention on the non-proliferation of weapons of mass destruction by encouraging greater disclosure of information on arms exports and arms transfers by all countries and extending it to include other categories of weapons such as dual-use technology.

5. Labour will work for the introduction of a European Code of Conduct setting high common standards to govern arms exports from all European Union member states.

6. Labour will prevent British companies from manufacturing, selling or procuring arms, such as elements, designed primarily for torture and we will press for a global ban.

7. Labour will combat the import, export, transfer and manufacture of all forms of anti-personnel land mines and their component parts and we will introduce an immediate moratorium on this and also press internationally for more rapid progress in demining operations.

8. The Scott Inquiry Report demonstrated the extent of "diversiveary routes" used by Iraq to acquire defence equipment through third countries using false end-user certificates. Labour will strengthen monitoring of the trade in defence exports to prevent diversion to third countries and to ensure that exported equipment is used only on the conditions under which the export licence has been granted. We will also seek cooperation to build a common approach on effective monitoring of end-use within the European Union and under the Wassenaar Arrangement.

European Parliament, Member of the European Parliament, May 9, 1997

Dear Representative: We understand that the House of Representatives will be voting on the US Code of Conduct on Arms Transfers which will be offered as an amendment to the Fiscal Year 1998-99 Foreign Aid and State Department Authorisation Bill (HR 2486). We look forward to taking a lead on this vitally important issue.

There are important opportunities this year for the European Union and the United States to coordinate and develop similar standards on the arms trade. Previously no country has been willing to take significant unilateral steps towards control, fearing the loss of export markets to competitors. It is, therefore, vital that the US and the EU, as the world’s leading suppliers, act together to implement the Scott Report.

Within the European Union (EU), the new British government is committed to establishing an EU Code of Conduct on the arms trade setting high common standards of restraint for all EU Member States. The German, Swedish, Dutch, Irish and Belgian governments have also indicated their support for similar controls on the arms trade. Previously no country has been willing to take significant unilateral steps towards control, fearing the loss of export markets to competitors. It is, therefore, vital that the US and the EU, as the world’s leading suppliers, act together to implement a Code of Conduct.

Within the European Union (EU), the new British government is committed to establishing an EU Code of Conduct on the arms trade setting high common standards of restraint for all EU Member States. The German, Swedish, Dutch, Irish and Belgian governments have also indicated their support for similar controls on the arms trade. Previously no country has been willing to take significant unilateral steps towards control, fearing the loss of export markets to competitors. It is, therefore, vital that the US and the EU, as the world’s leading suppliers, act together to implement a Code of Conduct.
soon to consider, would seek to expand, clarify and implement criteria already agreed by EU Member States. These criteria stress that weapons exports should take into account the international and regional stability of recipient states, the human rights record of the recipient state, and the status of democracy in the recipient state.

The adoption of responsible Codes of Con- Industry 60 June 1997 duct in the EU and US would also encourage programs and initiatives on the U.S. and International Code of Conduct within the United Nations. With this in mind a Commission of Nobel Laureates led by Dr. Oscar Arias, Ms. Mairead Maguire, Mr. LUTHER, The Most Reverend Desmond Tutu and The Dalai Lama is currently encouraging the development of a such a Code. We write to encourage you to support the Code of Conduct on Arms Transfers amendment. Due to its undisputed position as the world’s leading weapons exporter, success in the United States will add significant weight to the move towards efforts to establish a European wide Code of Conduct. We look forward to Congress taking a leading role, and to a positive outcome.

Yours sincerely,

Glenys Kinnock MEP (UK), First Vice-President of the ACP/EU Joint Assembly, Member of the Socialist Group; Dr. Arias and the World Council of Churches; Amnesty International; the American Friends Service Committee. Dr. Arias and the World Council of Churches; Amnesty International; the American Friends Service Committee. Dr. Arias and the World Council of Churches; Amnesty International; the American Friends Service Committee.

THE NEED FOR MULTILATERAL ACTION

The need for a global Code of Conduct on arms transfers is more pressing than ever. The collapse of the Soviet Union and the rise of the United States as the world’s dominant military power has increased the international arms trade and the risk of proliferation. The failure to implement common arms control policies at the higher levels of government practice against objective standards. The need for a comprehensive, effective arms control regime is critical. A coordinated export policy should emphasize regional and international stability, and not allow such critical foreign policy concerns to be overshadowed by short-sighted commercial interests.

The EU has already agreed to eight common criteria governing arms exports, and there is significant progress on expanding the criteria. Specifically, there is growing support among EU governments, including the UK and Germany, for an EU-wide Code of Conduct on the arms trade setting high standards for weapons exports for all EU countries. In addition, the UK Government has pledged that it will "work for the introduction of an EU Code of Conduct on the arms trade as soon as possible." The German government ‘favors the most far-reaching and widest possible extension of common guidelines. EU countries continue to maintain divergent national arms export policies. Export policies vis-à-vis Indonesia provide an interesting example. The UK and Germany will export weapons to Indonesia, though Germany has a presumption of denial on light weapons transfers. Other EU countries’ policies are more restrictive. For example, Portugal has a self-imposed arms embargo on Indonesia; Sweden will not approve arms sales to Indonesia until it is certain that it will not be used in the Indonesian-Dutch conflict; and the Netherlands, Italy, Belgium and Ireland have already given their qualified support for the EU Code. Specifically, the Code initiative seeks to:

- Strengthen the eight criteria already agreed by providing a restrictive interpretation of them and making them legally binding on all EU countries.
- Increase accountability and transparency in the arms trade by providing a tool by which governments can monitor and review their own export practices against objective standards.
- Protect European and American military personnel. Lack of restraint and common policy worldwide could lead to armed forces at risk in overseas operations. This weapons “boomerang” endangered European and American troops who faced weapons supplied by their own governments during peacekeeping operations in Somalia, Bosnia and Rwanda. Allied troops also faced an Iraqi army heavily armed as a result of arms exports from the UK and France during the 1990s.
- Prevent undercutting. In response to concerns over controversial weapons sales, exporters may take the line “if we don’t sell, someone else will.” As a result, threats of low prices may be thrown around and the real consequences of these transfers—especially in the most controversial weapons sales. Cooperation on export policy will prevent either US or European companies from undercutting one another in pursuit of sales, and as a result will allow governments to take a more measured look at the foreign policy and human rights implications of proposed transfers.
- Reduce discrepancies on human rights and regional stability. “If we don’t sell, someone else will!” argument used by the defense industry also misses the point that weapons sales are not just like any other commodity sold on the international market. Governments deal with weapons transfers differently precisely because the impact that weapons transfers can have is so vast. As major suppliers, the U.S. and EU have a special responsibility to ensure that the perceived economic gain of a weapons transfers does not take precedence over key foreign policy concerns and human rights considerations. International transfers do not contribute to instability and global violence. While human rights and regional stability considerations already play a role in decision-making in sales on both sides of the Atlantic, there is considerable divergence in how these standards are translated into policy by different governments. For example, in response to human rights violations, the US has a ban on the export of armored personnel vehicles to Indonesia, whereas the UK recently signed a deal for 100 such vehicles. And EU Codes of Conduct would encourage a convergence of arms export control policies at the higher levels of restraint, thus helping to iron out such discrepancies.

PROGRESS ON THE EU CODE OF CONDUCT

In the aftermath of the Gulf War, EU countries agreed eight common criteria to govern arms exports. These were designed to restrain transfers to countries with poor human rights records and to military aggressors. Currently, however, these criteria are vague and non-binding. Despite the adoption of common guidelines, EU countries continue to maintain divergent national arms export policies. Export policies vis-à-vis Indonesia provide a particularly striking example. The UK and Germany will export weapons to Indonesia, though Germany has a presumption of denial on light weapons transfers. Other EU countries’ policies are more restrictive. For example, Portugal has a self-imposed arms embargo on Indonesia; Sweden will not approve arms sales to Indonesia until it is certain that it will not be used in the Indonesian-Dutch conflict; and the Netherlands, Italy, Belgium and Ireland have already given their qualified support for the EU Code. Specifically, the Code initiative seeks to:

- Strengthen the eight criteria already agreed by providing a restrictive interpretation of them and making them legally binding on all EU countries.
- Increase accountability and transparency in the arms trade by providing a tool by which governments can monitor and review their own export practices against objective standards.
- Protect European and American military personnel. Lack of restraint and common policy worldwide could lead to armed forces at risk in overseas operations. This weapons “boomerang” endangered European and American troops who faced weapons supplied by their own governments during peacekeeping operations in Somalia, Bosnia and Rwanda. Allied troops also faced an Iraqi army heavily armed as a result of arms exports from the UK and France during the 1990s.
- Prevent undercutting. In response to concerns over controversial weapons sales, exporters may take the line “if we don’t sell, someone else will.” As a result, threats of low prices may be thrown around and the real consequences of these transfers—especially in the most controversial weapons sales. Cooperation on export policy will prevent either US or European companies from undercutting one another in pursuit of sales, and as a result will allow governments to take a more measured look at the foreign policy and human rights implications of proposed transfers.
- Reduce discrepancies on human rights and regional stability. “If we don’t sell, someone else will!” argument used by the defense industry also misses the point that weapons sales are not just like any other commodity sold on the international market. Governments deal with weapons transfers differently precisely because the impact that weapons transfers can have is so vast. As major suppliers, the U.S. and EU have a special responsibility to ensure that the perceived economic gain of a weapons transfers does not take precedence over key foreign policy concerns and human rights considerations. International transfers do not contribute to instability and global violence. While human rights and regional stability considerations already play a role in decision-making in sales on both sides of the Atlantic, there is considerable divergence in how these standards are translated into policy by different governments. For example, in response to human rights violations, the US has a ban on the export of armored personnel vehicles to Indonesia, whereas the UK recently signed a deal for 100 such vehicles. And EU Codes of Conduct would encourage a convergence of arms export control policies at the higher levels of restraint, thus helping to iron out such discrepancies.

1 The proposed EU Code of Conduct text drafted by the British American Security Information Council, Saferworld, and the World Development Movement.
Mr. DELLUMS. I yield to the gentleman from Minnesota.

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

Mr. LUTHER. Mr. Chairman, I rise also in support of the McKinney amendment. I commend the gentlewoman for her outstanding leadership on the code of conduct.

Mr. Chairman, I rise in support of the McKinney amendment that aims to curb the proliferation of conventional weapons around the world. The push to sell arms overseas began in the early 1990's after the end of the cold war when Pentagon procurement of conventional weapons significantly decreased, and to some extent, the U.S. Government is actually encouraging foreign government to purchase arms from U.S. defense contractors. This policy is unacceptable, and I call on the administration to join us in curbing these sales.

The Code of Conduct simply requires congressional approval for arms transfers to foreign governments that are undemocratic, do not protect human rights, or are engaged in acts of armed aggression. This common sense approach does not restrict arms sales to our strongest allies and makes exceptions in cases where national security is an issue.

The United States is by far and away the world's premier arms dealer, and a high percentage of U.S. arms sales to the developing world are to non-democratic countries where citizens have no right to choose their own government. These sales strengthen repressive and corrupt militaries and often these countries purchase weapons at the expense of much needed investments in education, health care and basic infrastructure needs. Sometimes these weapons are used against our country's own armed forces.

The European Union, as the second largest arms dealer in the world, has already agreed to eight common criteria governing arms exports and is making significant progress in expanding the criteria. Therefore, the argument that "if we don't sell arms, someone else will," cannot be used in opposition to this amendment. There should be a coordinated policy between the United States and Europe relating to arms sales, and the European Union is to be commended for taking the lead in addressing this critical issue.

With the end of the cold war, the proliferation of conventional weapons around the globe has become an issue of international concern. I urge my fellow House Members to support this responsible amendment. I also commend Ms. McKinney from Georgia for her hard work on this issue.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

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

Mr. ENGEL. Mr. Chairman, I rise in strong support of the McKinney amendment. We ought not to transfer American weapons to foreign governments that are undemocratic.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Vermont.

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

Mr. SANDERS. Mr. Chairman, I rise in strong support of the McKinney amendment and congratulate the gentleman from California [Mr. ROHRABACHER] on his efforts. This is an important step forward.

Mr. DELLUMS. Mr. Chairman, I sense that we are in the closing moments of this debate and I sense that there is an emerging very strong bipartisan consensus in support of this amendment. So I would simply, in brief, congratulate and thank both my distinguished colleague, the gentlewoman from Georgia [Ms. MCKINNEY], and my distinguished colleague, the gentleman from California [Mr. ROHRABACHER] for their persisting in this effort to establish a code of conduct for this Nation on the transfer and the sale of military arms.

In brief, if we continue, Mr. Chairman, to look upon weapons sales as one of our major exports, I believe that it is imperative that, as a great nation, we establish some basic ground rules on such sales. The beauty, the brilliance, and the eloquence of the amendment that is before the House is in the fact that it is both basic and simple. It simply asks that any country receiving U.S. arms meet four very straightforward conditions. I repeat them and underscore them for the purposes of emphasis:

One, have a democratic form of government. Two, respect human rights. Three, be nonaggressive. And four, participate in the U.N. register of conventional arms. What could be more fundamental? What could be more basic? What could be more simple? Therein lies the eloquence, the brilliance, and the genius of this amendment.

As a longtime supporter and one who has given all of my adult life to the cause of peace, and proud, and honored to associate myself with the remarks of all of my colleagues who have spoken prior to me at this point. I would urge my colleagues to support the amendment.

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

Mr. Chairman, I rise in strong support of the amendment by my colleague from Georgia [Ms. MCKINNEY], and I wish to recount to my colleagues that during the committee deliberation she was gracious enough to accept an amendment of mine to her amendment, which enabled me to support it. It may be of importance to other colleagues who had the same reservation that I might have had concerns about the standards that were outlined in the amendment.

The concern that I had is that occasionally American foreign policy requires the transfer of arms to nations that are not exactly exemplars of human rights, but oftentimes we nevertheless find it in our interest to transfer arms to such countries so that they might transfer arms to others.

One can imagine, for example, if it is in the United States interests, and it might be, to support one side or other in a war, let us say an Iran-Iraq situation, but we nevertheless may not wish that to be known as a matter of public policy. We might transfer arms to Saudi Arabia and Saudi Arabia would then transfer them.

In any event, whether that hypothetical is accurate or not, the thought occurred to me that we must be careful that we do not promote the President's sense of freedom when a special circumstance arises that he could carry out the policy of the United States without having it spread across the front pages of the newspapers.

And so the gentlewoman from Georgia [Ms. MCKINNEY] was kind enough to accept in the committee, and we all approved in the committee, the amendment which is now found in the Committee Print, of the bill, clause (d)(2):

"The President, when in his determination it is not contrary to the national interest to do so, shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergency under subsection (c)(3)(B))."

That sentence was added at my request. As a result, if I might just take a moment and parse this, when the President realizes that it is in the national interest not to do so, when it is in the national interest not to make this transfer public, he may, under the emergency circumstances presented in the bill, refrain from doing so.

Certainly, it is in the interest of all of us in the normal case, and consistent with the sense of the amendment of the gentlewoman from Georgia [Ms. MCKINNEY] that we do make public departures from our policy regarding Sweden that fail to meet the standards that were outlined in the amendment.

I note to all of my colleagues who might have had concerns about the amendment that has been amended, as it now reads, they should not have such a concern. If it is in the national interest to do so, the President need not make an arms transfer a matter of public record.

Accordingly, I was able to support the McKinney amendment. In the previous Congresses I was not able to do so. But I thought in this case my colleague was gracious, and, I believe, we have done well in accepting this amendment. So today, Mr. Chairman, I am able to support it and I urge my colleagues to support it and particularly those of my colleagues who might have expressed some concern about the amendment that has just been adopted.

Last, in one point of lightness to my good friend and colleague from California, Mr. DELLUMS, I believe the provision is that countries must be democratic and not Democrat. I could be in error about that, but I think that is how it should be.

Mr. DELLUMS. Mr. Chairman, if the gentleman would yield, democratic is
what the gentleman attempted to say. We tend to get into this Democrat business and I do not like that. I would like to think we are talking substantively here, we are talking about democracy.

Mr. CAMPBELL. Mr. Chairman, I might reclaim my time by saying that the gentleman portrays the very best of that spirit and I was offering the correction only in the sense of humor.

Mr. KENNEDY of Massachusetts. I rise in strong support of my colleagues' amendment. I am pleased to have worked with them for many years now on the issue of demilitarization around the world. By promoting demilitarization we are able to help insure our own Nation's security interests.

In 1995, I joined with Dr. Oscar Arias, the Nobel Peace Prize winner, to launch the Year 2000 Campaign. This campaign seeks to have industrialized nations condition their aid to promote demilitarization. I believe that we should condition U.S. foreign assistance on the size of a country's military budget. Last Thursday, Dr. Arias joined Betty Williams of Northern Ireland, Elie Wiesel the Holocaust survivor, the Dalai Lama, Desmond Tutu of South Africa, and ten other winners of the Nobel Peace Prize to announce their support for Global Demilitarization, a bill which is based on the McKinney-Rohrabacher bill.

I do not believe that the U.S. tax dollars should be used to help subsidize a country's military expenditures when that country does not have a democratically elected government or it spends more on weapons than on health care or nutrition or education.

Non-democratic governments received 84 percent—nearly $50 billion—of the $59.1 of American weapons that were transferred to developing countries through foreign aid or Pentagon administered corporate sales during the past 5 years.

Developing countries received 67 percent of the $88.5 billion total of U.S. arms transfers during the past 5 years.

Personally Indonesia provides the best example of what we ought not to be doing. The Indonesian Armed Forces have become a military mafia, receiving $1.4 billion every year in United States backed loans from the World Bank—equal to that country's entire reported military budget. Yet it is no secret that the Indonesian military under-reports its military expenditures by somewhere between 25 and 50 percent.

In Indonesia we see a military economy, dictatorship, human-rights abuses, and the illegal occupation of East Timor. The army controls massive private and state-run corporations. They systematically shake-down the wealthy ethnic Chinese business community. The military maintains a shadow government controlling life from the national level to the smallest village.

This arrangement would end United States military support for Indonesia. And, after last month's fraudulent elections in which only one party was allowed to campaign and opposition leaders were harassed and jailed, it is about time that the United States end support for Indonesia.

The code of conduct required foreign governments to promote democracy through a free, open, and fair elections. It requires them to promulgate the rule of law. It requires them to respect human rights. It requires them not to be engaged in armed aggression that violates international law. And it requires them to fully participate in the U.N. Register of Conventional Arms.

These are all ideals which all Americans share. Shouldn't our foreign aid policy reflect these ideals?

Mr. Chairman, the United States has a great deal of power. We also have a great deal of responsibility. We should help foster democracy and freedom, to a particular country, urge my colleagues to vote yes on this amendment. Mr. NADLER. Mr. Chairman, I rise to support the McKinney-Rohrabacher amendment to establish an arms sales code of conduct.

After more than 30 years of the Cold War with record high peacetime defense budgets and a tremendous amount of global arms exports, the United States has left the world armed to the teeth with millions of tons of bombs, jets, submarines, and artillery. The world is awash in weapons.

These excessive exports have fueled armed conflicts throughout the world, destabilized regions, and have forced governments of developing nations to spend more money on arms and less money on the vital needs of their people.

In 1994 alone the United States sold or gave $13 billion of weapons to almost 100 countries, many of which, according to the State Department's Country Reports on Human Rights, are run by abusive or non-democratic regimes. In Panama, Iraq, Somalia, and Haiti, United States Forces were threatened, bombed, assisted by United States training, weapons, or military technology.

We must put an end to this deadly cycle, and this amendment would do just that by giving Congress a real role in shaping U.S. arms transfers. Mr. FARR of California. Mr. Chairman, I rise today in support of implementing a code of conduct for U.S. arms transfers.

The spread of weapons is one of the most serious threats to our Nation's security today. Unfortunately, our own country has contributed to this proliferation. Tens of billions of dollars of weapons are sold by U.S. arms manufacturers to countries around the world, and today the United States is a leading supplier of military equipment to foreign nations.

Many of these weapons sales are made to governments that are hostile to the United States or to their own people. There is nothing to prevent many of these countries from using American weaponry to suppress democracy or violate human rights within their borders. And let us not forget United States military engagements in Iraq, Panama, and elsewhere where our own troops have been threatened by opposing armies armed with American-made weapons. We should not stand for a policy that sacrifices the lives of our own soldiers for the sake of making a buck.

Congresswoman MCKINNEY has been a tireless advocate for creating a code of conduct for arms manufacturers which would end this senseless and dangerous practice. The code of conduct would not outlaw arms sales, but require that arms exports be made only to those nations that are democratic and respect the human rights of their own people. Weapons sales to any other countries would require approval by the President and Congress.

Let us stop putting the lives of innocent people at risk. I urge my colleagues to support giving a code of conduct for U.S. arms sales.

Mr. ENGEL. Mr. Chairman, I rise to express support for the amendment offered by my
H3626

CONGRESSIONAL RECORD — HOUSE

June 10, 1997

good friend from Georgia, Ms. Mckinney. This fine amendment prohibits arms transfers to foreign governments that are undemocratic, do not protect human rights, or are engaged in acts of aggression.

We must all recognize that as the leader of the free world, the United States must set the standard in the effort to prevent the sale of arms to dictators. Unfortunately, our Government still provides its material to some of the world’s most autocratic governments. In fact, in several recent conflicts where large numbers of American forces have served, including Somalia and Panama, we have opposed soldiers armed with weapons supplied by the United States. It’s time we learned from these mistakes.

Mr. Chairman, I commend the gentlewoman from Georgia for her leadership on this issue and urge my colleagues to vote in favor of the code of conduct amendment.

Ms. HARMAN. Mr. Chairman, I rise today in opposition to the Rohrabacher amendment to H.R. 1757, the Foreign Relations Authorization Act, which would deny United States foreign assistance to Russia to prevent the transfer of missile technology to China and Iran.

While I am a strong supporter of non-proliferation measures, and measures to increase stability in the Asia-Pacific region, I firmly believe this amendment would have exactly the opposite effect of what it intends: it would, in fact, encourage the illegal transfer of technology by Russia.

The primary reason for the transfer of such technology in cash-strapped Russia is to obtain hard currency. To deny United States aid would make Russia’s dire economic circumstances worse. The inevitable response by desperate business interests will be to seek even more illicit trade.

We are all aware of allegations that have recently surfaced regarding Russian technological assistance to rogue nations that would enable them to build advanced missiles capable of targeting our friends and allies.

These must be taken seriously, by the administration and Congress. I have written to and called our National Security Adviser, Sandy Berger, on several occasions and he has arranged several excellent briefings for Members. He has also assured me that President Clinton took the issue very seriously and President Yeltsin at the May 27 Paris summit, followed-up continues, and further efforts will be made at the highest levels later this summer.

Mr. Chairman, this amendment is well intended but misses the mark. We must provide appropriate aid to Russia to help it monitor proliferation, and to rebuild its economy so the impulse for illicit proliferation is reduced.

In this case, less is less. Less aid means less control and less security. I urge my colleagues to vote no.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The CHAIRMAN pro tempore. The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER.

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ASSISTANCE FOR THE RUSSIAN FEDERATION.

None of the funds made available to carry out chapter X of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years, 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS-N-22 missile system to the People’s Republic of China.

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to the order of House of June 5, 1997, the gentleman from California [Mr. ROHRABACHER] and a Member opposed, the gentleman from Florida [Mr. WEXLER] each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume. Again I would like to offer my congratulations to the gentlewoman from Georgia [Ms. MCKINNEY] for the great job that she did in providing this code of conduct legislation. Again, I was very proud to stand by her and work with her in that effort.

On this particular amendment, it has something to do with a different part of the world in terms of setting standards just for the United States. This particular amendment that I am offering would deny all $95 million in U.S. foreign assistance funding to Russia during fiscal years 1998 and 1999 if the Russian Federation transfers supersonic SSN-22 missiles to China.

This advanced cruise missile system endangers the lives of countless American service men and women and could alter the balance of power in key strategic areas such as the Straits of Taiwan and the Persian Gulf. This sunburn missile was created by the Russians to attack American ships, especially American ships that are equipped with advanced Aegis sea and air radar battle management systems. The SSN-22, a supersonic sea skimmer missile, can be fired by a ship or launched from a land platform, and it is extremely difficult to defend against. A long-range version of that missile can damage an aircraft carrier.

In December 1996 a secret weapon sale agreement was concluded in Moscow between the United States and the Chinese premier. The Chinese began seeking to acquire this missile in direct response to the deployment of U.S. warships in the Straits of Taiwan during China’s attempt to militarily intimidate Taiwan during its national elections.

The immediate impact of the transfer of SSN-22 missiles will give the Chinese significant offensive advantages over regional navies and further their ambitions in the South China Sea and other areas of the Pacific. A serious long-term effect is the Chinese ability to reverse engineer the SSN-22 technology, thus to develop lethal parity with the United States.

Another immediate grave threat is the potential transfer of SSN-22’s from China to Iran. China has become the primary arms source for the Iranians, to include the shipments of ballistic missiles and chemical warhead technologies. An SSN-22 mounted on a mobile land platform would be extremely difficult to defend against and would threaten any of the ships in the Straits of Hormuz.

The Government of Russia has gone beyond the threshold of acceptability in its conduct by offering to sell this deadly missile to China. My amendment will send a strong message that in return for the generosity shown by the United States to Russia during this time of need, the Russian Government must respect the national security of the United States and the lives of our young men and women in uniform.

Let there be very clear on this, Mr. Chairman. This missile was designed by Russia during the cold war to kill American sailors and American airmen. This missile, if it is transferred to the Chinese, will lead at least to the situation where people are being put in jeopardy. If we are giving $95 million in aid to Russia while they are sending that type of weapons system to a potential enemy, we are making a mistake. Shame on us. Not shame on them.

My amendment simply says, unless they cease and desist from the transfer of this deadly weapons system to the Chinese, they have gone over the threshold of acceptability and we will be cutting off all of our aid to the former Soviet Union.

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

Mr. WEXLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN asked and was given permission to revise and extend his remarks.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to reluctantly oppose the Rohrabacher amendment. The gentleman is someone I admire on the committee and has done much good. I will note that when we considered this amendment in committee, the gentleman from Illinois [Mr. HYDE] offered a perfecting amendment allowing the President to waive this restriction if he found it to be in the national security interest of our Nation.

U.S. assistance programs in Russia are key to United States security. We won the cold war and now it is time to lock in our win to make certain Russia
never is such a major threat to the United States.

If the gentleman from California [Mr. ROHRABACHER] would include a Hyde national security waiver, I would not oppose this amendment. However, without a Hyde security waiver, I reluctantly have to oppose the amendment. I am concerned about weapons to China, but this hurts our key interests in Russia without ensuring the end of missile transfers.

Mr. WEXLER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, the purpose of this amendment is certainly meritorious. Nobody wants Russia to transfer anti-ship cruise missiles to China. That is for certain. But this amendment would also cut off all assistance to Russia if those arms transfers in fact take place. There is always a question of balance. We provide assistance to Russia because we want to maintain a national security interest of the United States to promote economic reform, promote democracy and help prevent future Chernobyls.

The gentleman from Illinois [Mr. Hyde], as the gentleman from New York [Mr. Gore] indicated earlier, these points eloquently during our committee markup of the bill. The gentleman from Illinois [Mr. Hyde] offered a waiver to the Rohrabacher amendment to allow the President to make a judgment whether continuing assistance to Russia was in the national security interest of the United States. The Hyde position prevailed. The committee bill included an amendment with the waiver.

There is no such waiver in this amendment before us now. The amendment gives the President absolutely no flexibility and raises one issue above every other priority in United States-Russian relationships. The amendment distorts United States policy toward Russia, and in fact what it is saying is there would be absolutely no circumstance in which there would be a valid security interest of the United States to provide aid for Russia once the transfer of such an antiship cruise missile was made. I do not believe that is a plausible policy for the United States. This is a veto item for the President, and I strongly urge defeat of the amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am afraid I am going to have to reject the idea of putting a waiver into this bill. The bottom line is when we put waivers into these bills, what we do is we are really making them into a sense-of-the-Congress resolution and not changing a darned thing. If we are here to do anything, let us change some policy decisions. Let us get down to some real policy decisions and assert that the Congress of the United States should be here protecting the interests of the people of the United States. The McKinney amendment had some real teeth in it and meant something about human rights and democracy. This amendment has something to do really with the security interest of the United States. What we are saying is that there is a threshold over which the Russian president, over that threshold that we can no longer tolerate and continue to give them millions upon millions, $95 million in aid to the Russians. It is unacceptable if we are going to give them that kind of aid for weapons transfer weapons that are aimed at murdering, at killing American soldiers and American sailors.

This amendment would basically prevent us from subsidizing people who are then turning around and giving this horrible weapons system to potential enemies of the United States and perhaps costing the lives of American sailors.

Please vote for the Rohrabacher amendment for the long-term interests of peace and of the interests of the Russians as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman pro tempore announced that the votes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 150, further proceedings on the amendment offered by the gentleman from California [Mr. ROHRABACHER] will be postponed.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. HALL of Ohio. No, it is not, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Hall of Ohio: At the appropriate place add the following (and conform the table of contents accordingly):

SEC. 2. DECLARATION OF POLICY. --The Congress affirms its support for a just and peaceful solution to the conflict in East Timor. (a) Declaring that the Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

(b) Declaration of Policy. --The Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

(c) John Hussey. Mr. Chairman, this is a sense of Congress. It is relative to making a statement concerning the conflict in East Timor. Basically what I am saying is the Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

What happened in 1975 when the country of Portugal pulled out of East Timor, the Indonesian Government came into this small island country and systematically oppressed the people of East Timor. Basically what I am saying is the Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

What happened in 1975 when the country of Portugal pulled out of East Timor, the Indonesian Government came into this small island country and systematically oppressed the people of East Timor. Basically what I am saying is the Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

Indonesia's invasion was condemned by the United Nations, as was its subsequent occupation of East Timor. On November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at Santa Cruz Cemetery in Dili, the capital of East Timor, killing and wounding hundreds.

Bishop Carlos Belo has been the preeminent representative of the people of East Timor and has at great risk to his own life fought for the human and civil rights of the people of East Timor while also being a steadfast advocate for nonviolence and dialogue between the people of East Timor and the Indonesian authorities.

The gentleman from Virginia [Mr. WOLF] and I were fortunate enough to nominate Bishop Belo for the Nobel Peace Prize. We were both in Norway this past November, and we were overjoyed and excited that East Timor got the nobility that they deserve and the reputation that they deserve. The opposition that has gone on in that country has just been unbelievable over the years.

The language that I have in my resolution pretty much parallels what was said about Bishop Belo. He received the Nobel Peace Prize. This is a sense of Congress. It is my understanding that it has support of both sides. I would urge Members to support it.
Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to claim the 5 minutes in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my good friend, the gentleman from Ohio [Mr. HALL] for this amendment. I think once again it underscores this body’s concern about the actions of the Indonesian Government with respect to the people of East Timor, the horrendous brutality that has taken place there ever since Indonesia invaded and occupied the small island of East Timor.

I think once again the gentleman is communicating the sentiment of this Congress with respect to that troubled part of the world and the fact that we are in solidarity with the Nobel Peace Prize winners, Bishop Belo from East Timor and Thomas Hofer, both of whom have received the Nobel Peace Prize for their advocacy on behalf of those troubled people in East Timor who have been struggling for human rights, and those human rights have been systematically negated and abused by the Indonesian Government.

I think the gentleman from Ohio [Mr. HALL] should be commended for his longstanding commitment to this.

Mr. SANDERS. Amendment offered by Mr. SANDERS: After title XVII insert the following new title:

TITLE XVIII—SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

SEC. 1801. SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

(a) FINDINGS.—The Congress makes the following findings:

(1) The Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial.

(2) Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968.

(3) Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and

(4) Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts.

(b) SUPPORT.—The Congress supports the following:

(1) The Government of the People's Republic of China should advise American citizens that Tibet is a part of China, and that Tibetans should be released immediately and unconditionally in accordance with the International Covenant on Civil and Political Rights.

(2) The United States Government should seek access for internationally recognized human rights organizations, including Amnesty International and the International Hong Kong Office of Human Rights Watch, to verify the whereabouts and well-being of Mr. Choephel.

(3) The United States Government should promote a resolution at future meetings of the United Nations Commission on Human Rights and other appropriate international fora regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama, until those situations in China and Tibet improve substantially.

(4) The United States Department of State should advise American citizens that Tibet is not currently a safe destination for American travelers.

(5) An exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and other educational institutions in the United States.

(6) The United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.
June 10, 1997

CONGRESSIONAL RECORD — HOUSE

H3629

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, from Vermont [Mr. SANDERS] and a Member of opposition will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just speak very briefly about Ngawang Choephel.

Mr. Choephel is a Tibetan man who studied ethnomusicology at Middlebury College at Middlebury, VT, on a Fulbright scholarship in 1993, and I should tell my colleagues that when he was at Middlebury College he made a whole lot of friends, and a lot of folks in Middlebury and throughout the State of Vermont are very concerned about his fate. In the summer of 1995 he returned to Tibet to make a nonpolitical documentary film about traditional Tibetan music and dance because he was concerned that his cultural heritage was being forgotten. In the fall of 1995 he and his noncommissionedaccumulator were arrested and held incommunicado in a Chinese prison for 1 year until he was accused of espionage last October and sentenced last December.

Mr. Chairman, Ngawang Choephel’s only crime was to film dancers in Tibet, but one of his greatest joys was part of its long-term campaign to stomp out all remnants of Tibetan cultural identity has accused Mr. Choephel of espionage and sentenced him to 18 years in prison for filming dance in Tibet, and followed by 7 years deprivation of political rights. This is the worst sentence given a Tibetan in over 7 years.

Mr. Chairman, the State Department agrees that there is no known evidence Mr. Choephel committed any crime. This is with the most telling example of an outrageous human rights abuse in China. According to the State Department’s human rights country report on China and Tibet, the repression there is so severe that there are currently no active dissidents in all of China; they are all in prison.

Mr. Chairman, my amendment represents the response of the Congress to the situation. It is based on language which passed the Senate without dissent and introduced as House Concurrent Resolution 44 earlier this spring with the distinguished gentleman from New York [Mr. GILMAN] and the distinguished twobusinesswoman from California [Ms. PELOSI].

This resolution simply states that Ngawang Choephel and other prisoners of conscience in Tibet and China should be released immediately, but the United States should seek his release; that we should promote access to Tibet for international human rights groups; that the State Department should advise Americans that Tibet is not a safe destination for American travelers; and that we should continue to promote a resolution at future meetings of the UN Commission on Human Rights addressing human rights in China and Tibet until the situation improves substantially.

This is a nonpartisan noncontroversial amendment, and I urge my colleagues to support it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from New York.

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

Mr. GILMAN. Mr. Chairman, I rise in strong support for the amendment offered by the gentleman from Vermont.

All the world has come to expect and is not surprised when the rulers of China mercilessly persecute their own citizens. But the case of Mr. Choephel is unique. His imprisonment sends an ominous new trend if left unchecked by civilized nations.

Mr. Choephel is a refugee, was carried across the Tibetan Himalayas by his parents when he was only 2 years of age, and fled the Communist Chinese invasion of their country. He has been living in India since then, gone to study in the United States under a Fulbright Exchange Program established by the Congress to assist Tibetans and his Holiness, the Dalai Lama, to help protect Tibet’s unique cultural heritage. He had gone back to Tibet to make a documentary film, to make a film about traditional Tibetan music and dance.

Mr. Choephel’s arrest and imprisonment is a refugee nightmare. To return to his own country and to be arbitrarily imprisoned and cut off from the outside world is cruel and an abomination. His imprisonment sends an ominous new trend if left unchecked by civilized nations.

Mr. Choephel is a refugee, was carried across the Tibetan Himalayas by his parents when he was only 2 years of age, and fled the Communist Chinese invasion of their country. He has been living in India since then, gone to study in the United States under a Fulbright Exchange Program established by the Congress to assist Tibetans and his Holiness, the Dalai Lama, to help protect Tibet’s unique cultural heritage. He had gone back to Tibet to make a documentary film, to make a film about traditional Tibetan music and dance.

Mr. Choephel’s arrest and imprisonment is a refugee nightmare. To return to his own country and to be arbitrarily imprisoned and cut off from the outside world is cruel and an abomination. His imprisonment sends an ominous new trend if left unchecked by civilized nations.

Mr. Chair.

The CHAIRMAN pro tempore. Is there any objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WEXLER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from Nebraska.

Mr. WEXLER. Mr. Chairman, I commend the gentleman from Vermont [Mr. SANDERS] for drawing attention to this human rights case. Mr. Choephel should be released immediately. That is the bottom line. I and others, I hope, will support the amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would just like to congratulate my colleague from Vermont for offering this amendment.

As my colleagues know, it is how we react not only to statistics of tens of thousands and hundreds of thousands of people and even millions of people in China who are suffering the brutality of tyranny and oppression in that country but also how we treat the case of one individual, as we are today, that makes us different as Americans than other countries. We care about the individual, we care about people, and this message is going to be delivered by this amendment.

I am very proud to stand with my colleague on this, and I hope that the President of the United States is going to this debate on the foreign policy and foreign aid amendments and such will understand we have got some decisions to make about China. We have got to talk as a country about how we are going to confront this growing threat, the clouds that are massing just over the horizon.

The fact is that China and the United States could be at war within 10 years unless we do what is right, and what is right is not to contribute to the growth of one of the most lethal weapons that the world has ever seen. It is not to contribute to a growing threat that will lead to a more peaceful world is not to gloss over human rights abuses, but instead to stand forward and step forward with a solid policy of freedom and human rights and let the people of China know that we are on their side and thousands of people know that we are on their side.

I would just like to congratulate my colleague from Vermont for offering this amendment.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to take 5 minutes, even though I am not in opposition to the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to take 5 minutes, even though I am not in opposition to the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to take 5 minutes, even though I am not in opposition to the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.
tortured in China, they would still be saying we must maintain the same poli-

cy with China because we have to have some influence on them.

We need to discuss this as a people, as a free people. We need to talk about the

moral implications and decisions we are making, and in my opinion mo-

rality and practicality go together, and in the long run if we gloss over these

moral issues and forget the individuals that are being tyrannized and going

through this oppression, it will not work. The best interests of the Unit-

ed States of America.

So I am very grateful today to my colleague from Vermont [Mr. SANDERS] talking

about an individual who de-

serves our attention, and let us pray that he is freed and the people of

China, all of the people of China, are free from their oppression.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his statement. I urge support for this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FO

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment. The Amendment was agreed to.
and were particular subjects of Commission interest.
In light of the rapid approach of the Madrid summit, and the intensive schedule of high-level NATO meetings leading up to that summit, we believe the United States should promptly and publicly clarify its position regarding the NATO process for accession by all states which meet the criteria. An announcement of U.S. support for such a process would lessen diplomatic and media speculation about a possible delay in the invitation for negotiation, supposedly to make more credible a subsequent round of enlargement. We believe all currently qualified states should be invited now to negotiate for accession, and as other states meet the criteria, the process whereby they, too, may be invited to join the alliance should be clearly formulated. This is the only fair way to manage Alliance enlargement and protect important reform efforts underway in those candidate states not included in the first group to be announced at Madrid.
We appreciate your kind attention to our views on this most important matter.
Sincerely,

CHRISTOPHER H. SMITH, M.C.,
Co-Chairman.
ALFONSO D'AMATO, U.S.S.,
Chairman.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. Mr. Chairman, I rise in favor of the gentleman's amendment, and admission of Romania into NATO. It is a great country.
I rise in strong support of the amendment that would support the entry of the country of Romania into the NATO alliance in the first move.
Romania has, without question moved towards irresistible democracy, a free market economy, respect for human rights and the rule of law, and are making great strides in their ability to communicate and interoperate militarily with our NATO forces. Without question they are qualified and should be admitted to NATO at the earliest convenience.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the committee.

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

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment. The key message of this amendment, the European Security Act we will be considering, is that the door to membership at NATO should remain open and include Romania.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent, notwithstanding my failure to oppose, that I may claim the 5 minutes in opposition.

The CHAIRMAN pro tempore (Mr. Ewing). Is there objection to the request of the gentleman from Nebraska for 5 minutes?
There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, notwithstanding the fact that I do not oppose, I would say to the gentleman, the gentleman from New York and I, along with nine of our colleagues, recently led a delegation before we went to the North Atlantic Assembly, to Romania, and all of us can back up. I think we were very much impressed with the tremendous progress they have made in democratization and in their economic reforms and in their ability to pay for modernization to meet the NATO requirements.
We felt, in fact, they were well-qualified to be invited in as a member of NATO in the first round, and we made that recommendation to the Secretary of State, and I know personally made it to the Secretary of Defense, and I think some of my colleagues have as well.
This matter of Romania is certainly not one that I oppose. I thank the gentleman for his initiative. I just want to make sure that it is being said here suggests that we have any less respect or support for Slovenia as a first-round entry.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I appreciate the gentleman yielding.
As the gentleman knows, we were in Slovenia, and we also made great progress toward the irreversible democracy, toward a free-market economy, as has Romania. I just wanted to call to the attention of the Members that Romania in particular is one country that has appreciated the support of the United States of America. In doing so, I want my colleagues to know, on both sides of the aisle, they are buying American. In other words, if they and other countries become a part of NATO, member of NATO, they have every right to be able to interoperate militarily with the NATO defense organization, and in doing so, they are buying American military equipment that is terribly important if the taxpayers are going to support the expansion of NATO, that these countries, these prospective countries, turn around and then buy American.

Mr. BEREUTER. Mr. Chairman, claiming my time, I am proud to mention that my colleague from New York has emphasized this point, the importance of buying American equipment, because it is interoperable in NATO forces and because it is important to our economy.

So taking nothing away from Romania's case, because military-to-military cooperation with Romania and the United States could not be better, and certainly no country has pressed harder for first-round membership than Romania, I did want to make sure that by our action today we say nothing negative about Slovenia's case. I thank the gentleman for his initiative.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?
President Clinton and the administration have indicated their concern over the issue of corruption and clearly communicated that progress needs to be swift. These concerns are clearly laid out in a joint statement from the United States-Ukraine Binational Commission.

Mr. Chairman, with the facts in mind, I urge my colleagues to vote "yes" on the Fox amendment and commend Ukraine for its contributions to Europe. As President Clinton said at the close of the first session of the United States-Ukraine Binational Commission.

The United States values its partnership with Ukraine and believes that we cannot have a successful, undivided, democratic Europe, without a successful, democratic, progressive Ukraine.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. Fox].

The amendment was agreed to.

Mr. Berman. Mr. Chairman, my amendment authorizes U.S. citizen employees to adjudicate nationality abroad and to adjudicate immigrant and nonimmigrant visas. The amendment requires that these U.S. citizen employees: First, successfully complete a program of training which is substantially equivalent to the training that a consular officer who is a member of the Foreign Service would receive; and second, be certified by an appropriate State Department official to be qualified to perform consular functions.

I am concerned that the amendment may be interpreted to allow students, interns, part-time employees, or short-term contract employees to handle the important function of adjudicating nationality and immigrant and nonimmigrant visas. Because of the steady increase in visa and document fraud, the security of these functions requires that they be performed by a specialized corps of professional, full-time, experienced U.S. citizen employees.

Due to security and fraud issues, the amendment should not be interpreted to mean that students, interns, part-time employees, or short-term employees—with the exception of retired Foreign Service Officers returning to perform consular services or the spouses of Foreign Service Officers being hired to perform consular services—may adjudicate nationality, immigrant, and nonimmigrant visa, and other consular functions. It is my understanding that Mr. Smith of Texas agrees with this statement.

Mr. Levin. Mr. Chairman, I rise in support of the Engel amendment on Albania. Albania suffered severely from the misgoverned rule of its previous Government and needs international support to get back on the path to democracy.

Albania endured many harsh years of totalitarian rule and isolation. It was the last country in Eastern Europe to throw off the yoke of totalitarian rule and isolation. It was the last country in Eastern Europe to throw off the yoke of totalitarian, immigrant, and nonimmigrant visa, and other consular functions. It is my understanding that Mr. Smith of Texas agrees with this statement.

Mr. Levin. Mr. Chairman, I rise in support of the Engel amendment on Albania. Albania suffered severely from the misgoverned rule of its previous Government and needs international support to get back on the path to democracy.

Albania endured many harsh years of totalitarian rule and isolation. It was the last country in Eastern Europe to throw off the yoke of communism and open its borders to the world. It still struggles today.

Albania is the poorest nation in Europe. Matters worsened when high-risk pyramid investment schemes collapsed, robbing tens of thousands of Albanians of their life savings. The result has been mass chaos and anarchy. The Government fell and demonstrations and unrest turned to open rebellion.

Today, the rebellion has been quelled by an international peacekeeping force deployed by the United Nations. A coalition government that includes elements from both the former government and its opposition has been formed to get the country back on track. This new government has promised to hold elections for President and Parliament at the end of this month. The international community, spearheaded by the Red Cross, has committed humanitarian aid to help Albanians get back on their feet and get on with their lives.

The Engel amendment authorizes the United States to encourage and support the new unily government and urge it to guarantee human rights and free and fair elections. In addition, the amendment commends the U.S. military and diplomatic personnel who evacuated U.S. citizens from the country during violent years 1998 and 1999, and the amendment commends our negotiators.

Mr. Speaker, I support the Engel amendment because restoring stability to Albania is vital to our national interests in this region. We cannot allow chaos and unrest to overtake Albania again because it would have a devastating effect on the already delicate situation in this turbulent corner of the world.

Mr. Gilman. 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. Pease), having assumed the chair, Mr. Ewing, Chairman pro tempore 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. 1757), to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes, had come to no resolution thereon.

LIMITATION ON FURTHER AMENDMENTS TO H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. Gilman. Mr. Speaker, I ask unanimous consent that the following amendment be in order: First, amendments en bloc offered by the Chairman of the Committee on International Relations pursuant to the order of the House of June 5, 1997; and, second, the following amendment which shall be debatable under the 5-minute rule: Amendment by the gentleman from New York [Mr. Sanford] with respect to authorization levels.

Mr. Gilman. Mr. Speaker, that is correct.

Mr. Hamilton. And no other amendments will be offered?

Mr. Gilman. And no other amendments, and we hope to be finished by tomorrow morning.

Mr. Hamilton. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The SPEAKER pro tempore. Pursuant to clause 5, rule 1, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

RELATING TO THE 30TH ANNIVERSARY OF THE REUNIFICATION OF THE CITY OF JERUSALEM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution. H. Con. Res. 60. The Clerk read the title of the concurrent resolution.

Mr. Berman. Mr. Speaker, that is correct.

Mr. Hamilton. And no other amendments will be offered?

Mr. Gilman. And no other amendments, and we hope to be finished early tomorrow morning.

Mr. Hamilton. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.
CONGRESSIONAL RECORD — HOUSE

H3633

JUNE 10, 1997

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 437, NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

Mr. GOSS, from the Committee on Rules, submitted a privileged resolution (Rept. No. 105-127) on the resolution (H. Res. 163) providing for consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

U.S. House of Representatives,
Office of the Clerk,

Hon. NEWT GINGRICH,
Speaker of the House of Representatives:

The SPEAKER pro tempore of the House, at 2:34 p.m. today, received from the White House on June 9, 1997, at 2:34 p.m. and said to contain a message from the President whereby he returns without his approval, H.R. 1469, the “1997 Emergency Supplemental Appropriations Act.”

With warm regards,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-96)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1469, the “Supplemental Appropriations and Rescissions Act, FY 1997.” The congressional majority—despite the obvious and urgent need to speed critical relief to people in the Dakotas, Minnesota, California, and 29 other States ravaged by flooding and other natural disasters—has chosen to weigh down this legislation with a series of unacceptable provisions that I know will draw from me has come to stop playing politics with the lives of Americans in need and to send me a clean, unencumbered disaster relief bill that I can and will sign the moment it reaches my desk.

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-126) on the resolution (H. Res. 163) providing for consideration of the joint resolution (H. J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-126) on the resolution (H. Res. 163) providing for consideration of the joint resolution (H. J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.
expeditiously to approve the legislation. The core of this bill, appropriately, provides $5.8 billion of much-needed help to people in hard-hit States and, in addition, contains $1.8 billion for the Department of Defense related to the recovery in Bosnia and Southwest Asia. Regrettably, the Republican leadership chose to include contentious issues totally unrelated to disaster assistance, needlessly delaying essential relief.

The bill contains a provision that would create an automatic continuing resolution for all of fiscal year 1998. While the goal of ensuring that the Government does not shut down again is a worthy one, this provision is ill-advised. The issue here is not about shutting down the Government. Last month, I reached agreement with the Bipartisan Leadership of Congress on a plan to balance the budget by 2002. That agreement is the right way to finish the job of putting our fiscal house in order with our values and principles. Putting the Government’s finances on automatic pilot is not.

The backbone of the Bipartisan Budget Agreement is the plan to balance the budget while providing funds for critical investments in education, the environment, and other priorities. The automatic continuing resolution would provide resources for fiscal year 1998 that are $38 billion below the level contained in the Bipartisan Budget Agreement, threatening such investments in our future. For example: college aid would be reduced by $1.7 billion, eliminating nearly 375,000 students from the Pell Grant program; the number of women, infants, and children receiving food and other services through WIC would be cut by an average of 500,000 per month; and up to 56,000 fewer children would participate in Head Start; the number of border patrol agents would be reduced, as would the number of air traffic controllers; and our goal of cleaning up 900 superfund sites by the year 2000 could not be accomplished.

The bill also contains a provision that would permanently prohibit the Department of Commerce from using statistical sampling techniques in the 2000 decennial census for the purpose of apportioning Representatives in Congress among the States. Without sampling, the cost of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally understounded, decreases substantially. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

The Department of Justice, under the Carter and Bush Administrations and during my Administration, has issued three opinions regarding the constitutionality and legality of sampling in the decennial census. All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Federal courts that have addressed the issue have held that the Constitution and Federal statutes allow sampling.

The enrolled bill contains an objectionable provision that would promote recommendations to resolve outstanding statutory rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would study the issue and provide recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to “valid, existing rights.”

This provision in the enrolled bill is objectionable because it is cumbersome, flawed, and duplicates the extensive public hearings conducted by the Departments of Interior over the last 4 years. In addition, the proposed commission excludes the Secretary of Defense, but military installations are among the Federal properties that would be affected by the recommendations of the commission. Furthermore, there is no assurance that the proposed commission would provide a balanced representation of views or proper public participation. Under the provision, the Secretary of Defense would make the commission’s recommendations, preventing their submission to the Congress under “fast-track” procedures in the House and Senate. I believe—and my Administration has stated—that a better approach would be for Interior to submit a legislative proposal to the Congress within 180 days to clarify R.S. 2477 claim issues permanently, with full congressional and public consideration.

The enrolled bill contains an objectionable provision that funds the Commission for the Advancement of Federal Law Enforcement. I agree with the Fraternal Order of Police and other national law enforcement organizations that certain activities of the Commission, such as evaluating the handling of specific investigative cases, could interfere with Federal law enforcement policy and operations. This type of oversight is most properly the role of Congress, not an unelected review board. If Federal law enforcement programs are needed, a better approach would be to fund the National Commission to Support Law Enforcement.

I also object to two other items in the bill. One reduces funding for the Ounce of Prevention Council by roughly one-third. This reduction would substantially diminish the work of the Council in coordinating crime prevention efforts at the Federal level and as it works to make our neighborhoods safer. The Council is in the process of awarding $1.8 million for grants to prevent youth substance abuse and of evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these grants. In addition, the bill reduces funding for the Department of Defense Dual-Use Applications Program. That program helps to develop technologies used and tested by the cost-conscious commercial sector and to incorporate them into military systems. Reducing funding for this program would result in losses for future defense systems. The projects selected in this year’s competition will save the Department of Defense an estimated $3 billion.

Finally, by including extraneous issues in this bill, the Republican leadership has also delayed necessary funding for maintaining military readiness. The Secretary of Defense has written the Congress detailing the potential disruption to the military training phase that would result from these extraneous provisions and to send me a straightforward disaster relief bill that I can sign promptly, so that we can help hard-hit American families and businesses as they struggle to rebuild. Americans in need would not have to endure further delay.

WILLIAM J. CLINTON.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the messages and bill will be printed as a House document.

MOTION OFFERED BY MR. MCDADE
Mr. MCDADE. Mr. Speaker, I move that the message and bill together with the accompanying bill be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. Mcdade) is recognized for 1 hour.

Mr. MCDADE. Mr. Speaker, by prior agreement with my distinguished friend, the gentleman from Wisconsin (Mr. O’BEY), I yield 15 minutes to the gentleman from Wisconsin (Mr. O’BEY), and I yield back 30 minutes of the 1 hour.

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message of the President to the bill, H.R. 1469, and that I may include tabular material and extraneous material.

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

There was no objection.

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

The effort that we are making tonight is an effort to speed to the disaster victims of the country as quickly as we can the assistance which they so direly need. All of us know that there has been a failure of the two bodies, between the White House and between the Congress, and this motion which refers this bill back to committee is the beginning of the process,
June 10, 1997

CONGRESSIONAL RECORD — HOUSE

H3635

once again, to pass this bill, hopefully in a way that the President will sign it.

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

Mr. OBÉY. Mr. Speaker, I yield myself 3 minutes and 30 seconds.

Mr. Speaker, 90 days ago the President sent the Congress an emergency message asking that we appropriate supplemental funds to help flood victims and to help meet the costs of our activities in Bosnia. Last week, instead of responding to that request, the Congresssquabbled over details that, frankly, do not even need to be included in this bill, and we have allowed a number of extraneous matters to become an impediment to getting it signed into law.

It is time we bring an end to this charade. The public expects us to deliver on fundamental promises we make to the people, and that is if we have people suffering in this country, we will all get together to help them address it.

The President has indicated that there are two parts to the problem he cannot live with. At the moment, it seems we are dead set on sending them right back to him, prolonging the gridlock, bringing down additional disrespect on this institution. We have an opportunity in a few minutes to offer our support for a clean bill that can be signed within several days that will let us restore public trust in this institution and get about the business of doing what we were elected to do, and that is deal with basic problems.

My district suffered in January. We say not just in South Dakota, I think we are getting the message we need to do something. Congress needs to act, the White House needs to act, Republicans and Democrats need to develop a consensus in order to get this done. I hope we will get that process underway tonight.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, we have had an opportunity for 83 days, since the administration sent an urgent disaster relief package to Congress, to work out the details and send it on for Presidential signature so we could really address the overwhelming needs of people in 35 different States and the country, some of whom, as in the upper Midwest, continue to suffer as we speak.

We have played around, we have squabbled over details that, frankly, do not even need to be included in this bill, and we have allowed a number of extraneous matters to become an impediment to getting it signed into law. It is time we bring an end to this charade. The public expects us to deliver on fundamental promises we make to the people, and that is if we have people suffering in this country, we will all get together to help them address it.

The President has indicated that there are two parts to the problem he cannot live with. At the moment, it seems we are dead set on sending them right back to him, prolonging the gridlock, bringing down additional disrespect on this institution. We have an opportunity in a few minutes to offer our support for a clean bill that can be signed within several days that will let us restore public trust in this institution and get about the business of doing what we were elected to do, and that is deal with basic problems.

My district suffered in January. We are concerned that we will not be able to prevent another disaster next winter in northern California because we do not have the funds to go about improving our levee system, bringing it back to a level of protection we thought we had last January. It is unconscionable that we continue to argue about the census or about some automatic mechanism by which we could pass all appropriations bills whose we make a lot of what we have to do is stick to the business of appropriating funds for disaster relief.

Mr. Speaker, I reserve the balance of my time to support this motion which I think will be made that will give us an opportunity to pass a clean disaster relief bill.

Mr. Speaker, I yield myself 3 minutes and 30 seconds to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I believe each and every one of us is
here as a Member of the House of Representa-
tives because the bottom line is what we care about people. We believe dif-
ferently as to how we best help people, but we are here to help people. Let us re-
member that this bill is about helping people.

Six and a half weeks ago the levees broke on the Red River, inundating Grand Forks and East Grand Forks. This is a photograph that appeared in the newspaper, of a woman being told in the dead of night that she has to get out of her home. She is leaving all her pos-
sessions, because the water is about to take everything she knows and holds dear.

The trauma of such an event in such a middle America place like Grand Forks, ND, is beyond my ability to de-
scribe to my colleagues, but I was there and, believe me, it was God awful. Now the people are being trauma-
ized by another occurrence, this one not a natural disaster but a Cong-
gress-made one.

We need help. It is very clear. It is very clear to any American that has watched the news footage about what we have gone through just how badly we need help. People from around the country have responded in wonderful ways, small ways, like the 7-year-old that dropped off some canned goods so I could send them back to the people I represent; and, large ways, like the woman who gave $15 million in individual grants for her people.

But they expect fundamentally their government to respond, and we have been unable to respond, unable to re-
spond because we have played to our worst instincts in this body, putting shallow, crass partisan politics in the middle of an effort to get help to peo-
ple who need it.

This clipping says it all. It says what so many are saying to me as I go back to Grand Forks every weekend: “You are a politician, but I love you.”

My colleagues have to understand that there are people that are not in homes tonight, there are families that are not together, and they cannot make a fundamental decision about even where they are going to live until we pass this bill.

FEMA does not fund the initial buy-
out program that Grand Forks is going to launch. That is funded by the community development block grant funds in this bill. There is not money in the pipeline to help these people on these home buy-out decisions. We have to pass the bill first. And so until we pass the bill, these people are stuck. They are in limbo.

Again and again and again, when one goes back to our districts, we hear about how we are in limbo. I would in-
vite any Member of this body to come with me to Grand Forks. If my col-
leagues do not believe it, come with me to Grand Forks. We will go on my office. We will call Democrats in Grand Forks, we will
call Republicans in Grand Forks, we will call anyone my colleagues want to in Grand Forks to hear from the people themselves.

Sometimes maybe in our partisan warfare we forget what this is all about, about helping people. And the people in our area are in a state of tremendous need tonight. Do not play with the lives of those we re-
present. These are Americans, they need our help. This is our Government, they deserve no less.

Let us, as a body tonight, strip off the extra provi-
sions and get the aid out of the House.

Mr. MCDONALD. Mr. Speaker, I yield 2 minutes to the gentleman from Penn-
sylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to point out that this bill, the aid which the gentleman who just appeared in the well wanted to see flow back to his region would have started. We would have had 3 days of moneys out of this bill flowing already into the distressed regions.

So who is playing with whose lives? Could not the President have signed that and understood that to prevent the Government shutdown is another good measure that would have been swept into the mix of providing this a-
relief for the distress of the Middle West? I have been trying, and everybody knows it, for 10 years now to produce an automatic methodology by which we could prevent Government shut-
downs. It has nothing to do with poli-
tics. It has nothing to do with trying to get the President to succumb to some political pressure, because I did it when President Bush was President. I did it when President Reagan was President. I did it with a Democrat controlled House and Senate, and President, and now the reverse, a Republican Con-
gress and a Democrat President.

It merely says that, if we fail as a Congress, which we have done 50-50 in the last 10 years, to come to a budget deadline, that automatically, the next day, last year’s appropriations would go into being until the full bud-
get can be completed.

The President in his veto message says, “While the goal of preventing a Government shutdown is a worthy one”. That is his language, “is a worthy one”; he proceeds to veto a vehicle that would provide for a method to pre-
vent Government shutdown.

That is politics. That is game play-
ning. He says, on the one hand, it is bad to shut the Government down. Then when he is going to shut down, he blamed the Republican. Now the Republicans fashion a bill that would prevent the Government shutdown, and he vetoes it, saying we want to see the possibility of a shutdown occur again. That is politics.

Mr. OBEY. Mr. Speaker, I yield myself ¼ minutes.

Mr. Speaker, that is precisely the same line of argument we heard from the Republicans last year when they announced ahead of time that they were going to shut down the Govern-
ment in order to leverage the President to swallow things that he did not feel he ought to swallow. And then after he stood up for principles, not here, they, see, you caused the problem, you caused the problem, after they told the country for 3 months ahead of time they were going to shut the Govern-
ment down.

What my colleagues have to recog-
nize on that side of the aisle is that for the people in the areas affected by these floods, their refusal to let this legislation go to the White House in shape that can be signed is tantamount to a second Government shutdown. Not only did it happen that they put their own subjective judgments second to the needs of the people in the affected areas and deliver the aid that they have a right to expect.

Government is either going to be on the people or it is going to be against them. In this case, unless we let this legislation go, they have a perfect right to conclude that Government is against them, and that is not where it ought to be tonight.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. The gentleman from Wisconsin [Mr. OBEY] is absolutely right, Mr. Speaker. For millions of peo-
ple across this country, this amounts to another Government shutdown. It amounts to the Government turning their backs on them when they need the help.

Week after week, we have urged our Republican colleagues to pass a disas-
ter relief bill that would rush help to families struggling to recover from the worst floods to hit the northern plains in 500 years. Disaster relief, emergency relief, nothing more, nothing less, disas-
ter relief; this is help that people desper-
ately need. As the gentlemen from South Dakota and North Dakota so frequently said, this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.

And what did my Republican col-
leagues do? Ignoring President Clin-
ton’s promised veto, they let up the disas-
ter bill with extraneous provi-
sions, provisions that had nothing whatsoever to do with flood relief, pro-
visions aimed at undermining the accu-
racy of the U.S. census in the year 2000. Disaster relief, emergency relief, nothing more, nothing less, disas-
ter relief; this is help that people desper-
ately need. As the gentlemen from South Dakota and North Dakota so frequently said, this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.

And what did my Republican col-
leagues do? Ignoring President Clin-
ton’s promised veto, they let up the disas-
ter bill with extraneous provi-
sions, provisions that had nothing whatsoever to do with flood relief, pro-
visions aimed at undermining the accu-
racy of the U.S. census in the year 2000. Disaster relief, emergency relief, nothing more, nothing less, disas-
ter relief; this is help that people desper-
ately need. As the gentlemen from South Dakota and North Dakota so frequently said, this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.

And what did my Republican col-
leagues do? Ignoring President Clin-
ton’s promised veto, they let up the disas-
ter bill with extraneous provi-
sions, provisions that had nothing whatsoever to do with flood relief, pro-
visions aimed at undermining the accu-
racy of the U.S. census in the year 2000. Disaster relief, emergency relief, nothing more, nothing less, disas-
ter relief; this is help that people desper-
ately need. As the gentlemen from South Dakota and North Dakota so frequently said, this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.

And what did my Republican col-
leagues do? Ignoring President Clin-
ton’s promised veto, they let up the disas-
ter bill with extraneous provi-
sions, provisions that had nothing whatsoever to do with flood relief, pro-
visions aimed at undermining the accu-
racy of the U.S. census in the year 2000. Disaster relief, emergency relief, nothing more, nothing less, disas-
ter relief; this is help that people desper-
ately need. As the gentlemen from South Dakota and North Dakota so frequently said, this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.
victims are still waiting. They have waited for 83 days. They waited while Congress went on vacation. They waited all weekend. And they are still waiting. They are waiting for some sign of hope. They are waiting without their homes. They are waiting without jobs. They are waiting without the ability to work in their fields. They are waiting without their businesses.

I stand ready with my Democratic colleagues to pass a disaster relief bill that will not do these things. It provides disaster relief to working people who are struggling to get on with their lives and provide it today, now, in a few minutes. Disaster relief. Nothing more. Nothing less. No census formulas. No Government shutdown clauses. Disaster relief.

It is not complicated. It should not be controversial. Enough is enough. The flood victims have run out of patience. Let us vote on disaster relief and do it now. Nothing more. Nothing less. Stay with the gentleman from Wisconsin [Mr. Obey], who got up here and gave an eloquent statement about the misery of the people that he represents. Stay with your colleague, who wants a clean bill. My colleagues would want no less if they were in his shoes.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume. I shall speak for just a few seconds, Mr. Speaker.

There is a way to begin to bring relief tonight to the people who are affected in this disaster to vote them $12 billion, under a motion to send the bill to committee. Mr. GINGRICH has offered a substitute. backdrop so the committee can the re-enact and Worked out. If my colleagues vote for the previous question, Mr. Speaker, it creates chaos in this House of Representatives, Washington, DC.
view of the state or somatic cell nuclear transfer technology and the ethical and social issues attendant to its potential use to create human beings. My legislative proposal would implement this recommendation and assign responsibilities to be completed in the fifth year after passage of the legislation, to the National Bioethics Advisory Commission. I urge the Congress to give this legislation prompt and favorable consideration.


NO WAY TO RUN A CONGRESS

(Ms. DeLAURO asked and was given permission to address the House for 1 minute.)

Ms. DeLAURO. Mr. Speaker, it has now been 83 days since the President first asked this Congress for disaster relief legislation. Flood-stricken families in the Midwest are desperately waiting for these funds. Yet the majority has loaded up this bill with provisions the President has said that he cannot accept in an effort to embarrass him.

I let me quote from today's Wall Street Journal that says Speaker Newt Gingrich has privately indicated that he never expected the President to sign the bill sent to him. Let me also mention what Republicans are privately conceding, that this is more of a rhetorical attempt to embarrass Mr. Clinton, put themselves in a better light after helping to provoke shutdowns in 1995, put themselves in a better light.

I urge the Congress to give this legislation prompt and favorable consideration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Dreier] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, under a previous order of the House, the gentleman from Michigan [Mr. Bonior] is recognized for 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Paul] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, in 2 days we are going to be debating an amendment to the Constitution dealing with the flag. The proposed flag amendment to the Constitution deals with more than just the issue of freedom of speech. It involves the right of free expression and the right to own property. These two are inseparable. A free society cannot have one without the other; and when one is compromised, so is the other.

When property rights are correctly honored, free expression is guaranteed through that right. The independence of a newspaper, radio station or a church guarantees the use of that property in any free expression desired. No one has the right to use any newspaper, radio or church to exert his or her own opinion as an example of free speech. Catholics have no right to say Mass in a Jewish temple. Certainly in our world there are prohibited from others imposing their free speech on us. It is the church property that guarantees freedom of religion. The networks or papers need not submit to demands to be heard by religious believers as an example of free speech. Use of the radio or newspaper by those with strong opinions or religious views is only done voluntarily with the permission of the owner.

Yes, it is very important who owns the flag and where it was desecrated. What if it is in a home or in a church for some weird reason? Do the police invade the premises? Who gets sent in? The BATF, the DEA, the FBI, the U.S. Army or the U.S. flag police? If it is on government property or a government flag or someone else's flag, that is an attack on property that can and should be prosecuted. By legislating against how someone else's flag is being used, the right of free expression and property ownership is infringed just as if it were church property or a newspaper.

We work diligently to protect controversial expression in books, television and movies and even bizarre religious activities through the concept of
I promise to appear any time, any place to celebrate our liberties and countermand the flag burners who work so hard to offend us. We do not need an amendment to the Constitution which for the first time in our history would undermine and curtail the protections of the first amendment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. Pallone] is recognized for 5 minutes.

[Mr. Pallone addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO NEW JERSEY’S 13TH ANNUAL DEAF AND HARD OF HEARING DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. Pallone] is recognized for 5 minutes.

[Mr. Pallone addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

BAD MANAGEMENT OF AN EMERGENCY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. Olver] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, today the President, President Clinton, vetoed a bill which he had said very clearly that he was going to veto. Very clearly he had indicated that that veto was coming because of a series of extraneous riders to an otherwise emergency bill.

And so we have a situation that I have really in 30 years of legislative life that I have gone through both in Massachusetts, my home State, and here 6 years in the Congress, I think that I have never seen an emergency bill managed more cavalierly, more carelessly by the legislative body and the majority than this one has been managed this year.

It was back in March, the 19th of March, that the President had asked for this legislation totaling about $7.1 billion, part of it to deal with the very serious natural disasters in the Ohio Valley, the flooding in northern California, the Red River Valley, and the Dakotas, and in Minnesota in order to help put back the lives of the hundreds of thousands of devastated families, farms and businesses, people whose lives had really been deeply hurt by that and also, by the way, to carry out $1.8 billion that was to provide our peacekeepers in Bosnia, those people, men and women, who work for the American uniform and are doing a dirty and a tough job, but a necessary job, the resources that they need in order to do that.

There is no reason whatsoever why this bill should not have been passed
and signed by the President, a clean emergency bill to deal with these natural disasters and with our peacekeepers' needs in Bosnia, no reason at all why that should not have been passed by the Congress and signed into law before we went home for our Memorial Day long weekend, and the 10 days that we, as Members of Congress, spent in our districts.

However, on May 23, we recessed. There was an attempt by the majority to adjourn, but instead, that was denied by a relatively wise majority that day, a majority of the Members, and we instead recessed for those 10 days, leaving those hundreds of thousands of families without having been dealt with fairly for the disasters that they had undergone.

Then it took us the whole next week after we came back until June 5, late last week, when we finally passed the emergency legislation, and even then, the majority did not send it to the President. They held it over the weekend until the beginning of this week, when they knew that they had added provisions to the legislation that the President had said very clearly would change the balances of powers that were required to any emergency that would force a veto, and so early this week he vetoed the legislation.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that, I said, would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that that would allow the President to have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate possible census at the lowest possible cost.
understanding whether that is a positive or a negative? Frankly, that is a good question, because in fact it has been clearly shown that sampling is an accepted method of creating the census. Politics again, allegations that sampling benefits one group and harms another. We have many states, other Arkansans versus Republicans, and yet the real question is providing the dollars for those who are in need in the Dakotas and Minnesota, California, and 29 other States.

What else is in there? Questions under the Democrats' threat of issue, issues dealing with the environment. One would wonder why that was in there, and other matters that are extraneous to the actual needs of these citizens.

I would simply say that time is now overdue for clearly responding to the President's veto. He is serious. But more important, he cares about those, and we care about those who are in need of money to pursue the cleanup, the rebuilding, the rebuilding of lives and families. All we have to do is simply respond to the President's request. Simple request coming 3 months ago: pass a clean emergency supplemental appropriations bill. Take away the ounce of prevention program, a program that helps communities work together to eliminate crime. Stop taking away money from the peacekeepers, the men and women in Bosnia who have given their lives for this country. Stop interfering with the environment by trying to undercut an environmental process with the Department of Defense with the dual-use technologies. All of these issues are in an emergency supplemental bill when all we want is the money for these people to rebuild their communities.

I would simply say it is time now to stop the politics and act quickly, swiftly, certainly more so than we have done over these last 3 months. Bring back the emergency supplemental appropriations bill. Let us deal with the people forthrightly in those areas that are in need, and then, if we must, have legislative discussions and hearings relevant to these other aspects of this bill. Stop having to make the battle of the bulge, cut the fat and get down to the bottom line, serve the people who are in need and pass the emergency supplemental appropriations bill.

**DISASTERS ARE NOT PARTISAN**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, I thank you and the staff who are putting in long hours here once again. We appreciate you very much.

Mr. Speaker, on March 1, we had a 260-mile network of tornadoes come through Arkansas. By the weatherman's count, there were approximately 24 different tornadoes that came out of the same storm front and caused tremendous damage through that 260 miles. There were over 20 deaths; the majority of them were in my district. For those that did not die and did not lose family members, their life too was severely affected by the storm, and as you can imagine, their grief is very difficult. In those type of events, we go out there and try and learn and walk with our constituents through their tragedies.

I do not need to go into great detail about those stories. I have talked with policemen, who found bodies. I have talked with family members who found family members. I cannot describe house after house after house of damage.

Any of us who have seen those kinds of storms, we know that those storms are not partisan issues. We know that those victims were not only Democrats or only Republicans or only Independents or only black or only white; we know that they were Americans undergoing great tragedy.

Mr. Speaker, I ask support tonight that we pass a clean appropriations bill, take out things on which we are having fights, take out those things that have nothing to do with emergencies, such as how to conduct the census. It does not make sense to the President that we are dealing with a very controversial issue, how do we do the census, when we are trying to provide emergency dollars for our troops in Bosnia, when we are trying to provide emergency dollars for storm victims throughout this country.

Tomorrow I hope we will vote on a clean supplemental appropriations bill. I hope we will vote for one without extraneous material. I hope we will conduct the people's business and find the common ground that the people of Arkansas and the people of this country want.

**PASS A CLEAN SUPPLEMENTAL APPROPRIATIONS BILL**

The SPEAKER pro tempore (Mr. Bob SCHAFFER of Colorado). Under a previous order of the House, the gentleman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this year our country faced the disaster of floods and tornadoes that ravaged homes and businesses all across our Nation. In my district in California, the Russian River flooded our communities not once but twice this year. The damage was devastating. It devastated homes, businesses, agricultural lands, and the environment. It played havoc on the tourism industry at the Russian River.

However, Mr. Speaker, in the Congress today we have a disaster of our own. This time the disaster has been caused by the flood of partisan game-playing and a tornado of political maneuvering by the majority party. That has been the case since the President requested emergency aid for flood victims. But my colleagues on the other side of the aisle continue to hold disaster relief funds hostage. They have loaded down this supplemental appropriations bill with pet political projects and extraneous provisions and stopped this bill dead in the water.

Mr. Speaker, the consequences of this delay are enormous. Disaster victims across America cannot reconstruct their homes, businesses, and lives. They cannot clear their fields for new crops. They cannot get on with the job of rebuilding their lives and their environments.

Speaking of victims and their lives, and about what this game is doing to them, the mothers and babies who rely on WIC, the women, infants, and children program, cannot wait any longer. They have to know whether they are going to be thrown off of that program. We have included $61 million in supplemental funds in this bill, more moms and children will be denied critical nutritional assistance, and fewer infants and children will get the nutritional benefits one group over the other.

The damage was devastating. It devastated homes, businesses, agricultural lands, and the environment. It played havoc on the tourism industry at the Russian River. However, Mr. Speaker, in the Congress today we have a disaster of our own. This time the disaster has been caused by the flood of partisan game-playing and a tornado of political maneuvering by the majority party. That has been the case since the President requested emergency aid for flood victims. But my colleagues on the other side of the aisle continue to hold disaster relief funds hostage. They have loaded down this supplemental appropriations bill with pet political projects and extraneous provisions and stopped this bill dead in the water.

Mr. Speaker, the consequences of this delay are enormous. Disaster victims across America cannot reconstruct their homes, businesses, and lives. They cannot clear their fields for new crops. They cannot get on with the job of rebuilding their lives and their environments.

Speaking of victims and their lives, and about what this game is doing to them, the mothers and babies who rely on WIC, the women, infants, and children program, cannot wait any longer. They have to know whether they are going to be thrown off of that program. We have included $61 million in supplemental funds in this bill, more moms and children will be denied critical nutritional assistance, and fewer infants and children will get the nutritional benefits one group over the other.
food they need to grow into healthy adults.

Mr. Speaker, it is truly outrageous that the majority party is playing political football with the lives of flood victims and pregnant women and their babies.

Mr. Speaker, while the rains have stopped and the sun is shining in California today, the partisans games of the majority continue to cast a dark cloud over our recovery. Let us get on with it. Let us pass a clean supplemental appropriations bill that does what it was intended to do: provide emergency funds, not further some political agenda. Let us not tell these rained-out families that the sun will come out next week or next month. Let us pass a clean supplemental and let us do it now.

EVEREADY AND THE ENERGIZER BUNNY JOIN THE NAFTA DRUM-BEAT OF JOBS AND WAGES LOST TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, everybody knows the Energizer Bunny. He has been around since the 1980's, and appeared in more than 40 commercials with his sunglasses and that little drum. Everybody knows his message: The bunny just keeps going and going and going.

Last week Eveready Battery Co., maker of the Energizer battery and the largest manufacturer of dry cell batteries in the world, announced that it would be closing its factory in the town of Fremont, OH, and moving all of those jobs to, you guessed it, Mexico. 250 more citizens of our country earning between $10 and $15 an hour whose jobs are now on the chopping block, outsourced again to a low-wage nation that has no responsibility on environmental, or labor, standards. This gives new meaning to the Eveready slogan, it just keeps going and going and going, because those workers in Fremont, OH, now understand what that Energizer bunny is drumming all about.

This particular company is part of a larger trend since NAFTA: a quicker pace of companies moving from our country, moving good jobs that used to pay good wages with benefits in this Nation to low-wage environments, keeping pressure here at home for jobs that are more temporary in nature, more part-time, with no health benefits, and with retirement benefits threatened every step of the way.

Throughout this country, companies are moving production and jobs to places like Mexico at a faster pace. In fact, when we add up these Eveready lost jobs, the numbers of people that have already been certified as having been terminated as a result of NAFTA now number over 140,000 around our country, including in States like my own, in Ohio.
TRIBUTE TO MRS. BERTHA MUSICK OF CLARK CENTRAL HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes. El Paso, Texas, is famous for its garment industry for 18 years. In May 1996, Arriaga's benefits, which have included unemployment pay and paid retraining, came to an end. And an employer denied her she will not have learned enough by then.

Mr. KINGSTON. Mr. Speaker, in 1973 two significant education-related events occurred in my life. No. 1. Clerk Central High School teacher Bertha Musick retired after 37 years of teaching. Mrs. Musick had taught social studies, science, and English in elementary school, junior high school, and high school, but during my time in high school she was known as the 11th grade teacher in that feared and hated subject of grammar.

On the 12-year bumpy road to a high school diploma, Bertha Musick was the gatekeeper. If you could not pass 11th grade grammar, you could not get a diploma, and Mrs. Musick did not give away any freebies.

I, along with about 500 others, entered the medium group, and the dumb group. I had some quirk of the board of education, I was put into the dumb group. I had the decision to transfer would be another great lady, Mrs. Hackey. I asked for her advice. In short, she told me the decision to transfer would be made by Mrs. Musick. My heart sank.

She will think I am dumb. She will not have anything to do with me. Teachers like that think less of you, and I still don't want any more of you. A week passed, and I still lacked the nerve to talk to her. Finally I could not stand it.

I caught Mrs. Musick after class one day. “You see, Mrs. Musick, I have already read a lot of these books that we are supposed to be reading, and I just think I would be better off in the medium class.”

She replied, “There is no room in the medium class. Besides, you have a conflict with algebra. What about the advanced group?”

Was she joking? The advanced, that was where all the real smart kids were like Richard Royce and Alice Cooper and David Bowman, certified geniuses from way back, kids who made 1500 on their SAT score and played with slide rules when the rest of us were fiddling around with Etch-a-Sketch. I stammered, “Well, not that much of a leap.”

“Do you want to stay in the class you are in now?” I dreaded the thought.

She looked at me and said, “I think you can do it.” Now, was not this a surprise? Teachers like this do not give students like me a break. This was my junior year, but somehow you never noticed. But I can promise you this, it only happened one time. My game plan was to try to fit in as a quiet, even smart student. I decided that I could get by being unnoticed and not rocking the boat, stay under the radar and see.

But I soon found I had a problem, because in the 1970's in Clark Central High School students in each grade were divided by ability. They were four groups. I knew the board of education had more suitable terms, but for us kids the four groups were known as the smart group, the medium smart group, the medium group, and the dumb group.

The smart group contained all the future doctors, lawyers, mechanical engineers, accountants, miscellaneous eggheads, National Merit Scholars, and professors' kids. You see, Athens, GA, is a college town. All the University of Georgia professors' kids were in the smart, advanced placement class.

Actually, Mr. Speaker, I, too, am a professor's child, but through some genetic defect I inherited none of the accompanying brains. I was in the average group. But early in 1971, through some quirk of the board of education, I was put into the dumb group. I had never been in this group before, and it bothered me greatly. How did this happen? What strange alignment of the stars put me in this place?

Not knowing what to do, I stumbled into the guidance counselor's office; another great lady, Mrs. Hackey. I asked for her advice. In short, she told me the decision to transfer would be made by Mrs. Musick. My heart sank.

CONGRESSIONAL RECORD — HOUSE H3643

June 10, 1997
strange indeed. A teacher I feared and fretted about giving me a promotion, based on speculation. No one had ever done this for me. I had had plenty of good teachers. I liked plenty of them, and they liked me. But no one had ever gone out on a limb on my behalf.

Then something even more wonderful happened. If Mrs. Musick thought I could do it and she believed in me, maybe I could do it and maybe I could believe in myself also.

Mr. Speaker, it is this inspiration given to me by a schoolteacher over 25 years ago always has stuck with me. I transferred to the new class and got to work. I doubled my efforts, my enthusiasm for learning. I did not want to let the other kids know I did not really fit in, and I sure did not want to let Mrs. Musick down.

During the Christmas holiday, I worked on my term paper for the winter quarter. I read “For Whom the Bell Tolls”, “Thanatopis”, “Tess of the D’Urbervilles”, “Red Badge of Courage”, “The Last Leaf”. I ended up the year making A’s and B’s, mostly B’s, but B’s never felt so good. But above all, I was in the advanced class in everything else, algebra, science and history.

What else can I say about the woman who made this possible? She was strict but she was clear. She gave us the rules. We understood them and we followed them, and we if we did not, punishment was sure and swift. There was no pink slip, no parent-teacher conference or gray area. Fairness and certainty were her trademarks in discipline.

On her subject matter, she was passionate. No sentence has been constructed that she could not diagram. Infinitives did not get split and participles did not get dangled on her watch. In fact, I am still a little afraid now, if she is watching, she will catch all my mistakes.

One day there was none so devoted. One day it snowed, and in Athens, Georgia a snow day to students was worshipped like manna from heaven. No school. While all of the students rushed to the hills for sledding, Mrs. Musick later confessed she could not wait to get back to a good book or two, and with good reason.

She was intimately acquainted with Fitzgerald, Thoreau, Emerson, Huxley, Whitman, Oliver Wendell Holmes and company. She was their peer and many were her friends. Once Lewis Nix suggested Hemingway partied too much in Key West. Mrs. Musick neither confirmed nor denied this but took us all to a higher plane with her admonishment, “Do not talk about one of America’s greatest authors in such fashion. He went through a lot in the war.” A classy way to handle such a statement. Her love of literature was contagious and many Clark Central students left with reading as a lifetime hobby.

I will not end this. I still do not know what Thanatopis means, but I do know what the poem was about. I traveled with Hemingway to Mount Kilamanjaro, spent some time with Thoreau at Walden Pond, dined with Fitzgerald and Gatsby at West Egg and wept with Oliver Wendell Holmes on the Gettysburg battlefield. As they have become immortal, so has Mrs. Musick.

How many students like me left her class with a lifetime habit of reading and yearning for knowledge or even an appreciation of grammar? Our lives live on in the influence that we have on others, and Mrs. Musick’s legacy is indelible etched on thousands of Athens, Georgia kids. I am blessed to have had her and forever better for the experience. I am sorry for those who did not.

I started out, Mr. Speaker, saying there were two significant things that happened in Athens, GA. One, Mrs. Musick retired. The other, Jack Kinston graduated. After 12 years of study, I walked down my aisle with my diploma, a product of lots of classroom hours and homework and wonderful teachers like Mrs. Bertha Musick.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. ROYBAL-ALLARD] is recognized for 5 minutes.

[Ms. ROYBAL-ALLARD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

[Ms. ROYBAL-ALLARD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan [Ms. STABENOW] is recognized for 5 minutes.

[Ms. STABENOW addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]
to this Chamber to talk on the supplemental appropriations bill. And she said, why do they not just pass a clean supplemental bill? Why do they not do it? There are flood victims out there who are waiting for relief. Why do they not do it?

I think that those who have been following this issue over the last few weeks are asking the same question. Why do we not have a clean supplemental appropriations bill? Because clearly there are people in need.

The President's leadership's failure to pass a clean supplemental appropriations bill has today prompted a Presidential veto. It is not surprising. The President made his position perfectly clear. That Presidential veto is denying our people at home the resources they need to rebuild their lives. Moreover, it is denying our troops in the field the resources they need to carry out their mission. The supplemental appropriations bill provides $5.8 billion to India, States hard hit by disasters. It also provides $1.8 billion to peacekeeping efforts in Bosnia and southwest Asia.

Eighty-three days ago, that is when the President asked this Congress to vote on disaster relief. Eighty-three days ago. Since then the Republican leadership has been persistent in forging ahead with a relief bill that is so loaded down with extraneous and harmful provisions that it ignores the basic need that day by day a disaster relief bill is not enacted is one more day that Americans are denied the necessary resources to rebuild their communities.

I am also holding letters here from the Secretary of Defense and the Chiefs of Staff of the Army and the Air Force which describe the effects on the military of the Republicans' failure to pass a clean bill. Training is curtailed. Maintenance is delayed. Rotations are canceled. Inventories are drained. Our soldiers have no libraries, and airmen need a clean supplemental bill.

Mr. Speaker, there is a time for partisan politics and a time to set it aside. But when Americans are hit by a natural disaster, we must act together and act quickly. The American people and American troops need our support. We must do our job, and we must do it today. Let us pass a clean supplemental appropriations bill to support our troops in Bosnia and our people at home.

There are two provisions I want to mention quickly in that bill that ought to be stricken. One is a provision that would prevent, permanently would prevent the U.S. Census Bureau from using statistical sampling in trying to determine how many people in the year 2000 live in this great country. Statistical sampling. Everyone in this Chamber knows what that means. Every one of us knows that you cannot find out how many people live in a community by knocking on doors and counting. It is a very inefficient way to do it. You need something else, and statistical sampling is the way to do it.

The Department of Justice under the Carter administration, under the Bush administration, under the Clinton administration has made it clear that statistical sampling is constitutional and appropriate as a way of determining the size of the population.

Second, there is another provision in here that needs to go. That is a provision that sounds good on its face, which would prevent a Government contractor from buying firearms with incentive for Congress to pass a budget. We do not need another obstacle to passing a budget. We need to get down to business and do it.

Mr. Speaker, to delay any longer is irresponsible. I urge my colleagues to pass a clean disaster relief bill. Only a clean bill will provide the disaster relief necessary and the resources our troops need in Bosnia and southwest Asia in order to do their jobs. Eighty-three days ago the President asked us for disaster relief and we passed a bill that was guaranteed to draw a veto. It is time to get serious, time to pass a clean bill.

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

---

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: FY97 DoD Contingency Supplemental

I understand that quick passage of the Supplemental may be in jeopardy. The purpose of this memorandum is to make you aware of the impacts of delayed passage (beyond June) on Air Force day-to-day operations.

The Air Force is currently cash flowing over $700 million in support of Bosnia and SWA operations. We are doing so out of third quarter quarter funding but are fast running out of funds. We must take very dramatic action to avoid incurring any anti-deficiency in our O&M appropriation. On or about 1 July, Air Force commanders will begin taking the following kinds of actions:

- Severely curtail or cease non-flying training-skill and proficiency levels reduced, e.g., weapons maintenance.
- Severely curtail or cease flying training-squadrons and wings stand down-aircrew readiness degraded.
- Cease all non-mission critical travel.
- Defer further depot maintenance inductions-aircraft grounded.
- Defer further depot maintenance inductions-
- Terminate backfills-aircraft spares and consumables inventories drained.
- Park non-mission critical vehicles.

---


Hon. William S. Cohen, Secretary of Defense, Washington, DC.

Dear Mr. Secretary: I need your assistance in expediting the supplemental currently on the Hill. In early April, I advised Congress that in the absence of supplemental funding or the clear assurance that such funding would be forthcoming, I would be forced to begin actions in early May that would result in a degradation of readiness. I have not initiated the panned actions due to the lack of supplemental funding because the progress made had convinced me that supplemental funding would be forthcoming.

Recent developments indicate passage of the supplemental may be at risk. This puts the Army in the position of having to provide fourth quarter funding to the field without having supplemental funding in hand. We have a fiscal responsibility to ensure that the allocation of fourth quarter resources is done under current limitations. There are several actions presently under consideration to cope with this situation. Each will have direct readiness and quality of life implications. Actions include the cancellation of Army participation in JC exercises, Combat Training Center (CRTC) rotations, station training, weapons qualification training, and the de-ferral of some real property and depot maintenance. Some of these actions could carry over into the next fiscal year. For example, canceling home station training in the fourth quarter of this fiscal year could impact on CTC rotations in the first quarter of FY98.

We continue to monitor the supplemental very closely. As the situation develops, the Army will initiate any and all actions necessary to train and operate within the means available to us.

Very Respectfully,

DENNIS J. REINER, General, U.S. Army, Chief of Staff.

---

THE SECRETARY OF DEFENSE, Washington, DC.

Hon. C. W. Bill Young, Chairman, Subcommittee on National Security, Committee on Appropriations, House of Representatives, Washington, DC.

Dear Bill: I want to thank you for your action to date on the FY 1997 Bosnia/Southwest Asia Supplemental request, but I want to share with you my concern and that of the Service Chiefs about the impact on operations and training if the supplemental is not approved soon.

In my testimony and discussions with Congress, I have emphasized the need for early action on the supplemental. Based on its likely passage, prior to its passage, the following actions were taken by the Department to offset supplemental costs. However, since our request was not approved last month, the Chiefs of Staff of the Army are now forced to re-examine their concern over the possibility of delayed passage of the supplemental. I have enclosed copies of recent memos from the Chiefs of Staff and the Chiefs of Staff and the Chiefs of Staff and the Chiefs of Staff have indicated that they cannot risk being left...
with no options for funding Bosnia/Southwest Asia costs if the supplemental is delayed much longer. I remain hopeful that quick action can be taken on the supplemental to preclude the disruptive impact to the Department’s programs, especially those related to maintaining our readiness capability.

Sincerely,

BILL

IMPORTANT ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the House, let me raise a few issues which I consider to be terribly important but which unfortunately do not get discussed all that much here in the House Chamber. For a start, I think maybe the most important issue as a country that we have to wrestle with is to what degree is the United States of America today a vital democracy.

□ 2000

Sounds like an easy question. We have the right to vote. But, really, to what degree are our people involved in the political process? To what degree do people have faith and expectations of the political process?

Mr. Speaker, I would remind my colleagues that just 4 years ago, in 1994, the gentleman from Georgia [Mr. GINGRICH] and his friends took over the House of Representatives. We had an election in which 38 percent of the people voted. Sixty-two percent of the American people did not vote. And in that election and, today, we continue to have, by far, the lowest voter turnout of any industrialized nation on Earth.

What is that? And why do we not discuss this issue? Why is that millions of low-income people no longer participate in the political process, no longer believe that this Congress deals with issues or makes decisions which are relevant to their lives? Why is it that young people, in leaps and bounds, no longer pay attention to what goes on politically and do not believe that the political process is relevant to their lives? We do not talk about that issue, and I think it is important that we do. And I think the answer is twofold.

First of all, I think there is a great deal of discontent with the two major political parties, and I think that millions of Americans think that both political parties end up representing the wealthy and the powerful.

Second of all, even deeper than that, I think there is a growing belief that real power does not lie within the political process; that it almost does not matter who gets elected, which party controls Congress or State legislatures, but real power rests elsewhere.

In my State of Vermont and throughout this country we see large corporations saying, well, we would like to pay less in taxes within our city or within the State, and if the lawmakers do not give us a tax break, we are going to move to another State or, more likely, we will move out of the United States of America. And what does a mayor or a Governor do or a legislature do under that scenario?

It does not matter what party controls the legislature. Essentially, what people understand is that real power rests with the people who have the money. And if the people who have the money are not pleased, do not get the tax breaks that they want, they are going to move elsewhere. When that happens, people say, why should I vote, it does not make any difference. Politicians really do not have the power.

So I would argue that this country faces a major political crisis. During the 1960's the Beatles were talking about what happened if they started a war and nobody came, nobody fought in the war. My fear is that the day will come where we are going to have an election and people will not come out to vote.

In 1994, we had 38 percent of the people voting in the national congressional elections. Last year, when President Clinton was reelected, I believe we had about 40 percent of the people voting. My guess is that the next national congressional elections, in 1998, we will have about 35 percent of the people voting, and the voter turnout will go down and down.

It is to this institution, the U.S. Congress, to stand up and try to understand what is going on and figure out a way that we can reinvigorate democracy.

We talk a lot about education. Everybody agrees, conservatives and progressives, on the importance of education. But if we are not talking about education for democracy, the right of people to control their own future, what are we talking about?

The second issue I briefly want to touch on is the issue of the booming economy. Mr. Speaker, we cannot open a newspaper without hearing about how fantastic the economy is doing. Some of our Wall Street friends here say, my God, it has never been so good. We cannot imagine it getting any better.

Some of our Wall Street friends here say, my God, it has never been so good. We cannot imagine it getting any better.

Some of my colleagues have said it is the President playing politics. It is the House of Representatives playing politics and it is not right and should not be done.

I agree with Grand Forks, ND, Mayor Pat Owens, who said: “It is not fair to play with our people’s lives and put amendments on to that bill.”

Today, after the President’s veto, I rise today to express my dismay over the continued mishandling of the disaster relief bill by the Republican leadership.

I represent a district along the gulf coast, and perhaps in several months, after a devastating hurricane, I will find myself in the same position as my colleagues, the gentleman from North Dakota [Mr. POMEROY] and the gentleman from South Dakota [Mr. THUNE]. I know that I would want disaster relief for my constituents, as well as for Galveston or Port Arthur or Texas City or Beaumont to be delivered as quickly as possible. Instead, my friends from the Dakotas have watched with what I can only imagine to be a combination of anger and disgust as certain factions of this body have played politics and political games with their aid.

I voted against adjourning for the Memorial Day recess so we could resolve this situation. I cannot imagine why my colleagues have felt returning to sites of the flood devastation and trying to explain the holdup.

And yet, with great empathy for the flood victims, I felt that I had no choice but to vote against the disaster relief bill when it finally came to the floor.

The practice of attaching extraneous riders to disaster relief legislation may not be new, but as a freshman, it is the first time I had been forced and faced with such a dilemma. It is wrong. It should not be done.

I appreciate that the people of this area understand why we have been forced to vote against supplying them the aid they need and deserve. A clean disaster aid bill for the victims of the flooding in the Midwest is weeks overdue; it is the right thing to do.

Today, after the President’s veto, there is still no clean bill. Mr. Speaker, I must ask why. People’s lives are in the balance.
Mr. Speaker, I must also ask why we do not allow the extraneous provisions attached to the disaster bill to stand on their own. Are we afraid they will not stand up to the scrutiny of the committee process? If these are good ideas, let the American people, let them stand alone. If these extraneous provisions have a broad base of support among the American people, allow the Members of this body to consider them on their own merits. Attaching them to a disaster relief bill is cowardly.

I will briefly address just one of these provisions. In the 104th Congress, the House asked the Census Bureau to cut costs on the 2000 census. Followup analysis of the 1990 census done by the Bureau shows that our current method is resulting in an undercount. The National Academy of Sciences has told us a statistical technique called sampling will result in a more accurate count for the final 1 percent of Americans who do not respond to the questionnaires. The Census Bureau tells us the use of this technique will save them $1 billion in conducting the 2000 census, almost 25 percent of their cost. The Republicans claim a technique which scientists tell us is better and the counters tell us is cheaper.

Mr. Speaker, this does not add up. The fact that this is attached to a disaster relief bill is a red flag waving in the sky. It is enormously suspicious, especially when given that a few years back, the gentleman from Georgia, Mr. Gingrich, specifically requested sampling to be used in his own State.

Mr. Speaker, one side of this debate has been up front with the victims of this flood and one side has made them pawns in a political game. The Fargo-Moorhead Forum newspaper concluded on Sunday morning and I quote again: Republican leaders in Congress continue to play outrageous political games with the lives and futures of Red River Valley flood victims. We hate children because we only wanted the School Lunch Program to go up 4 percent instead of 6 or 7 percent.

Now we are talking about flood victims, talking about how we want to hurt the flood victims. Of course, as happened during the Government shutdown when the President vetoed bill after bill after bill that we sent him, what people did not recognize was that he was the one who could veto the bills. It was the President who vetoed this bill today.

So the President, of course, was handed a wonderful, wonderful issue. It was put in his lap. And I have to wonder now we Republicans are deep into making these mistakes, but we do because we actually think that we should debate on the merits instead of on political points.

Which brings me to point two. The fact that this crisis has been created for political purposes. What we do not hear is the fact that FEMA is funded, at least through this month. And we also saw in an AP report about a month ago, when this debate first started coming up before the Memorial Day break, when the President needed an issue, what he did, because the agencies were funded through this time period, he actually pushed up, he forward-funded, according to the AP articles, requirements so he could say, gee, these people are not getting their money.

So the President pushed the dates up for funding so he could create a political crisis, and that is what he did. And so now the President can get out and once again be compassionate and be the one that loves flood victims when Republicans supposedly hate flood victims.

So let us keep a lid on it. It is senior citizens, it is young children and it is flood victims. I guess the Democrats believe a sucker is born every day.

I can tell my colleagues that I constantly have hurricane victims in my district. I understand how this situation works, and certainly I feel compassion for the people that have been suffering this crisis.

In another area that, again, maybe nothing is real, or maybe as Henry Kissinger says, “In politics, what is a perception. What is real is what people say just give us a clean bill, just let us fund the flood victims, that is all we really need, when, in reality, if somebody would pick up the New York Times this morning and read in the New York Times that this so-called clean flood bill, where we needed $750 million to actually fund the flood victims, ended up being an $8.4 billion monstrosity.

Now, I want to know where were all these self-righteous people when these emergency parking garages were being put in this bill; when, according to the New York Times article, we threw in, as “an emergency funding” a theater, with theater renovations. And they went and asked the guy who owned the theater, is this theater really an emergency, and he said, well, we had a couple of pipes that leaked last year.

The fact is that we have shoved, these same people who are now screaming give us a clean bill were the same people, both sides, Republicans and Democrats, that were shoving as much stuff into this so-called emergency appropriations bill as they could. And yet now they come back and they whine about how they need a clean bill. Well, that did not seem to concern them that much before.

Also, we shoved in money for apple orchardists. I guess they were so shocked and stunned by the visions they saw on TV that they were not able to come back to their orchards. Maybe that requires funding in this emergency appropriations bill.

If we read the New York Times article, we can see that these arguments about how they just want a clean bill is disingenuous. Everybody has gathered around the table and thrown all they could on there.

Finally, we should talk about what this issue is all about. It is about a continuing resolution issue, where we wanted to avoid vetoing the President do what he did before, vetoing appropriation bill after appropriation bill, and then coming out and going I will not let the Republicans do this, that, or the other.

Again, it is disingenuous. This CR is the only way we ensure that we continue funding FEMA and other agencies at 100 percent without the President vetoes these bills time in and time out, without using flood victims for political purposes.

I say, let us get to the facts of the matter and let us stop using the flood victims as political pawns.

---

**Disaster Assistance Bill**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. Minge] is recognized for 5 minutes.

Mr. Minge. Mr. Speaker, I represent the Second District of Minnesota. It is recognized for 5 minutes.

Mr. Minch. Mr. Speaker, I represent the Second District of Minnesota. It is a district that contains almost the entire length of Minnesota River. Minnesota River flows through a broad valley. I think for many, it is known as...
the Valley of the Jolly Green Giant. It is very productive, it is lush, and it is noted for the table vegetables that have been grown there over the past several decades.

In the valley there is a narrow river that is both fork and oxbow and normally is very placid. But occasionally it becomes a raging torrent. In 1997, this river carried more water than it ever has since the area was settled, over 100 years ago. The record water level was recorded in numerous communities, starting in Ortonville at the head of the river as it flows out of Big Stone Lake, required the evacuation of the community of Odessa. Tributaries flooded in Appleton, Dawson, MN. Montevideo, MN, my home community, was on the evening news for the first time in the history of the community repeatedly because of the efforts of the volunteers to try to stop the damage by sandbagging, building dikes.

Their efforts were successful except for one neighborhood which could not be saved and could not be diked. Downstream, Granite Falls built dikes. It was largely spared the ravages of the flood. North Redwood Falls was affected severely, and a few homes in the community known as New Ulm. This was all damage that was done, but fortunately we were spared the ravages of the communities on the Red River of the North.

People in my area felt quite fortunate, by comparison. The communities pulled together. Thousands of volunteers came from neighboring towns from the urban areas, and a real spirit of cooperation and goodwill prevailed. I can tell you that partisanship was certainly absent in this undertaking.

The people also were impressed with the activities of the Federal Emergency Management Agency, or FEMA, and the Army Corps of Engineers, both of which had a very substantial presence, and the National Guard troops that were mobilized and came in. I held a series of informational meetings on the disaster programs that were being established, the ones that were in place. The FEMA officials, the Army Corps of Engineers, the State agencies, U.S. Department of Agriculture agencies all came and participated in these meetings.

It appeared that we would have a disaster assistance program that would both be effective in addressing the needs of the communities and the residents and would be promptly available. Unfortunately, as the days wore on, it also emerged that partisanship would be a part of the picture.

In an effort to pass legislation that would both be effective in addressing the needs of the communities and the residents and would be promptly available. Unfortunately, as the days wore on, it also emerged that partisanship would be a part of the picture. And unfortunately, I concluded that what was happening is that this disaster assistance bill was being hijacked for other purposes. Proposals that could not be passed separately would not be accepted by the President were being shoehorned into the disaster assistance bill in hopes that the President could be brow beaten or embarrassed into signing them.

Well, we know what happened. The President vetoed the legislation. I am not here this evening to say that we have to point fingers at the leadership in the House and the Senate or criticize the President. The fact of the matter is, all of us knew that this legislation as it left Congress was in a collision course with the White House.

It is very difficult for me to tell people at home that the political process is consumed with politics and that we cannot deliver the type of assistance that has become a consensus package for disaster assistance. It is awfully difficult for me to explain to people why it is that controversial riders have to be attached to this legislation. I cannot explain it. I voted for it. I wanted to see it passed. But it was unacceptable.

The previous speaker said the money is in the pipeline. Do not worry. I would just like to briefly point out that although FEMA is well funded, the block grant program for relocation assistance is hanging in abeyance. People in businesses do not know what level of relocation assistance will be available, whether it will be available. Precious construction days are slipping by. Similarly, the livestock indemnity program is in limbo and a number of other programs are simply not being addressed. I would like to urge, I implore the leadership of Congress to promptly send to the President a clean bill so that we can provide the assistance that has been long promised and is badly needed by the victims of this flooding in the upper Midwest.

EMERGENCY RELIEF SUPPLEMENTAL

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

Mr. HOYER. Mr. Speaker, I appreciate the opportunity to address the House and particularly to respond to the gentleman from Florida [Mr. SCARBOROUGH], who spoke and who since left.

Mr. SCARBOROUGH made the point that Republicans, he said, were perceived as not liking children, not liking senior citizens, and now not liking flood victims. I do not know whether that is the case. Maybe that is his feeling and his concern. He also observed that both sides of the House have added things to emergency relief bills in the past and cited a New York Times article, which I have not read but which I know as it left Congress was on a collision course with the White House.

It was not that President Bush and the Congress, then led by Democrats, controlled by Democrats, agreed on everything. That was not the case. But President Bush and the Democratic Congress did agree on was that it was our responsibility to pass that emergency relief in a timely fashion, 15 days, as opposed to the 83 days that this bill has languished in this Congress.

And why does this bill languish? Why does a bill that everybody said should pass and must pass not pass? It is, Mr. Speaker, because the leadership of this House and the leadership of the Senate determined that they want to stare down the President, that they want to muscle the President, that they want to leverage the President, and they have taken hostage the victims of the floods of these past months in order to accomplish that objective.

My colleagues have heard the issues discussed. There are two principal ones. One is called a continuing resolution and it is put forth by the Republican leadership in this House and in the Senate as an effort to prevent government shutdown.

Mr. Speaker, I represent 56,000 Federal employees, I am for preventing government shutdown. In point of fact, it was in the last Congress for the first time since I have been serving since 1981 that we consciously and purposefully shut down the Government.

The Republican leadership said in 1995 they were going to do that. They reiterated that in July of 1995. And sure enough, on November 19, 1995, they shut down the Government, looked the President in the eye, and said, if you do not do it my way, we will do it no way.

That is not what the people sent us here to do. They sent us here to work together. The fact of the matter is that when we did work together, we passed appropriation bills and we opened the Government after 2 long shutdowns consciously planned by the Republican majority to force the President to do something that he said he was not going to do. That never happened when the Republicans were in control in the 1990s and the first 2 years of the 1990s and Democrats controlled this Congress.

Were there differences? Yes. Did the Democrats try to get advantage on the Republican objectives? But did there come a time when they said that they would not move, that they would be immovable in the face of presidential opposition? The answer is no.
When President Clinton asked for relief for the Midwest floods just in the last Congress, it just took us 29 days, less than one half of the time that this bill has languished in this House and in the Senate. The other issue that the Republicans talk about as being a must that add to the emergency relief for flood victims is this sampling issue. It is all about politics, because Republicans have been quoted as saying, "If we allow sampling and the count that will result, we will find poor people, we will find that we are afraid that they will vote for Democrats and that will be to our political disadvantage."

So the Speaker of the House, who two years ago said that he thought sampling made sense and ought to be pursued has changed his position. And who suffers? The victims of the rain and the floods are held hostage as this political dispute is engaged.

Mr. Speaker, a number of us have risen on this floor tonight, a number of us and talking about the hardships that we are afraid that the Mauritius, theidding houses, the Government employees or flood victims or some other group and say, we will hold their relief in abeyance if they do not agree with us.

Yes, Mr. Speaker, we urge the leadership of this House and the Senate to bring to this floor a clean, continuing resolution, relief for flood victims, support for our troops in Bosnia and around the world. Pass that, the President will sign it. We can pass it by 12 noon tomorrow and the President will sign it by tomorrow afternoon. That is what we ought to do. Let us be about the business of giving relief to the victims of these floods.

REPUBLICANS PLAY POLITICS WITH DISASTER RELIEF BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. Roth- man] is recognized for 6 minutes.

Mr. Rothman. Mr. Speaker, what would my colleagues think of someone who stood by watching while a neighbor’s house was burning down? What if that person refused to call the fire department for help unless he or she got something in return? We would not think much of that person.

Yet that is exactly what the Republican majority in Congress is doing with the flood victims in North Dakota as well as the victims in 35 other States.

The President of the United States and many of us in Congress have been forced to pass a $5.5 billion disaster relief bill for these families. But the Republican majority, much like they did with the government shutdown last year, is putting extremist ideology and partisan political maneuvering ahead of the relief for these needy people. Instead of giving these families the needed relief that they so very much deserve, they are acting to make the disaster relief bill hostage, in order to get highly partisan legislative riders that have nothing to do with disaster relief. They know that these highly partisan extremist Republican riders would never pass the Congress if voted on separately, or maybe he will be so embarrassed he will not veto it and then we will get these partisan goodies for us, the Republican party.

They underestimated President Clinton who said loudly and clearly that he would not be put in the position of having the Republican majority hold these victims hostage and let them get away with it. The Republican majority would have to put forth a clean disaster relief bill. Otherwise, he would not sign it. If they want a debate on these other partisan issues, fine, let us debate them in the Congress. If they are right, we will pass them. If they deserve support, we will support them.

Last week, the Republican Senate majority leader is reported to have said that he would happily provide more trailers for these disaster victims to stay in while they, the Republicans, try to wear down the President to get their legislative goodies. If such reports are true and those remarks were in fact uttered, they are morally reprehensible. Such a position is unfair to these needy American families. Thousands of American citizens are homeless. They just lost all of their worldly possessions and are sleeping in shelters. They await Federal disaster relief funds to finance the rebuilding of their homes and their cities and helping each other in times of need. Is that not the essence of what it means to be an American, being part of the American community?

If the Republicans really believe that their highly partisan political riders are worthy of support, they should remove them from the disaster relief bill and have the Congress take them up separately, once the disaster bill, the clean disaster relief bill, has been passed by the House tomorrow. Then we will take up whatever riders they want.

I urge my colleagues and my friends on the other side of the aisle to tell their leadership, the leadership of the Republican party, to stop playing politics with the lives of these thousands and thousands of disaster victims. Put it in the Senate, pass it by 12 noon tomorrow. We will pass it in Congress. Our President will sign it. And let us help these people. Then we will take up your political stuff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 1997, the gentleman from Illinois [Mr. Lipinski] is recognized for 60 minutes as the designee of the minority leader.

Mr. Lipinski. Mr. Speaker, I come to the floor tonight deeply concerned, deeply concerned about our failed trade policies, deeply concerned about the future of American workers, deeply concerned about the future of America. Four years ago, in 1993, we all heard the power of free trade. Here is a number. There are real people, real families and real problems.

Four years ago, in 1993, we all heard the power of free trade. Here is a number. There are real people, real families and real problems. NAFTA proponents pushed hard for its passage. They promised that NAFTA would create 200,000 American jobs. They warned that NAFTA was critical to the American economy and that American jobs depended on it. After 40 months under NAFTA, we can clearly see that the reality is vastly different. The reality is that NAFTA worsened our trade balance with Mexico and Canada. Since NAFTA went into effect, our $10 billion deficit with Canada turned into a larger $23 billion deficit. Our $1.7 billion surplus with Mexico slid into a $16 billion deficit. Our growing trade deficits with Mexico and Canada mean that we are buying more than we are selling. It means that American jobs are being lost. The reality is that 90 percent of the companies that promised to create jobs have, in fact, signed NAFTA is a complete and utter failure for working Americans.

It is obvious today that these multinational corporations have defaulted on this promissory note. NAFTA is a failure, a complete and utter failure for working Americans.

Four years ago, in 1993, we all heard the power of free trade. Here is another number. There are real people, real families and real problems.

In their blind devotion to free trade, NAFTA proponents have undermined our trade balance with Mexico and Canada. Since NAFTA went into effect, our $10 billion deficit with Canada turned into a larger $23 billion deficit. Our $1.7 billion surplus with Mexico slid into a $16 billion deficit. Our growing trade deficits with Mexico and Canada mean that we are buying more than we are selling. It means that American jobs are being lost. The reality is that 90 percent of the companies that promised to create jobs have, in fact, signed NAFTA is a complete and utter failure for working Americans.

Four years ago, in 1993, we all heard the power of free trade. Here is another number. There are real people, real families and real problems.

In their blind devotion to free trade, NAFTA proponents have undermined our trade balance with Mexico and Canada. Since NAFTA went into effect, our $10 billion deficit with Canada turned into a larger $23 billion deficit. Our $1.7 billion surplus with Mexico slid into a $16 billion deficit. Our growing trade deficits with Mexico and Canada mean that we are buying more than we are selling. It means that American jobs are being lost. The reality is that 90 percent of the companies that promised to create jobs have, in fact, signed NAFTA is a complete and utter failure for working Americans.

Four years ago, in 1993, we all heard the power of free trade. Here is another number. There are real people, real families and real problems.

In their blind devotion to free trade, NAFTA proponents have undermined our trade balance with Mexico and Canada. Since NAFTA went into effect, our $10 billion deficit with Canada turned into a larger $23 billion deficit. Our $1.7 billion surplus with Mexico slid into a $16 billion deficit. Our growing trade deficits with Mexico and Canada mean that we are buying more than we are selling. It means that American jobs are being lost. The reality is that 90 percent of the companies that promised to create jobs have, in fact, signed NAFTA is a complete and utter failure for working Americans.
they not see what they have already done? It is plain to see that NAFTA has failed. Yet these blind free trade advocates want to extend it to other nations. How many more American jobs do we have to lose before these people come to their senses? NAFTA is a broken trade agreement. It is an agreement that just does not work.

If we continue to use this framework for future relationships with Chile and other Latin American countries, it will make a lousy situation even worse. The working men and women of America have suffered enough.

Mr. Speaker, I am thinking today of the working men and women of America, men and women who are proud to give a fair day’s work for a fair day’s pay, men and women who work hard to put food on the table and clothes on the backs of their children, men and women who struggle to make their mortgage payments, men and women who work longer hours for less. I am thinking of all the people who make up America. I am talking about Main Street, not Wall Street. I am talking about people who care about Medicare, Social Security, crime and education, not leveraged buyouts, not corporate takeovers, not stock splits.

I am talking about people who put in a full day’s work, attend PTA meetings, go to church, work a second job, and still see their family incomes fall, while CEOs sit in their boardrooms and watch stock quotes with the knowledge that they will get their raises anyway. I grow tired of hearing empty promises, lofty oratory and abstract economic theory. I want to see results. I want to see the jobs they promised us. Instead, I see 400,000 American jobs that were lost. Instead, I see a trade surplus slide into a huge trade deficit. Instead, I see broken promises.

Unfortunately, for us the bottom line is that these huge multinational corporations are putting the workers, the ants’ bottom line. To them American workers are an afterthought. I see a mentality where gold is God today, and that deeply concerns me.

Mr. Speaker, when I graduated from high school in 1956, the world was a much different place. Thanks to the policies of FDR and the efforts of the organized labor movement, there was a burgeoning middle class in America. The New Deal especially brought a higher standard of living to American workers and women. Jobs were plentiful, workers were treated well and people were happy and optimistic about the future. The American dream was alive and well.

Nowadays the average American worker changes jobs several times during the course of a lifetime. Jobs are scarce and people are insecure about the future. Pessimism and cynicism rule the day. Things have really changed in the last 4 decades. Where has the dream gone? I understand it is a world economy now, and we cannot shy away from that. But we must make the world market our market. We must make it work for all Americans, not just the multinational corporations who care only about the bottom line. We must make it work for the plumber in Chicago, the fisherman in Maine, the assembly worker in Detroit and the lawyer in D.C.

Let us rebuild the American dream for working men and women. Let us begin by establishing free and fair trade relationships with foreign nations and ensure they play by the same rules. We must protect labor, environmental and human rights issues that must be included in core trade agreements, not as an afterthought.

We must treat these issues as importantly as businesses treat intellectual property rights and rule of law. We must level the playing field and get away from the “gold is God” mentality that some folks cling to so fervently.

Let us put people before profit. What happens to the American middle class think of in 1993 to 1996? Do they not see what they have already lost. Instead of moving into the 21st century, they are sliding back to the dark ages.

The unfortunate end result of all this is that Mexican workers are viewed simply as a source of cheap labor by multinational corporations, which create a serious problem for us in America. With a large pool of cheap labor a short distance away, multinational corporations have a great deal of freedom and incentive to move manufacturing facilities to Mexico, and fewer environmental regulations there means even more money saved. Moving production to Mexico results in low overhead which means higher profits for corporations.

Here is a case in point. During the NAFTA debate in 1993, Zenith Electronics Corp. denied the report that they would transfer all of their production facilities to Mexico as a result of NAFTA. On the contrary, Zenith said NAFTA offers the prospect of more jobs at the company’s Melrose Park, IL facility. Needless to say, Zenith announced late last year that it was laying off 800 of its 3,000 workers at the Melrose Park facility.

Not only are companies moving their facilities to Mexico, leaving hundreds of thousands of hard-working Americans in their wake, it is now commonplace for them to use it as a threat. They use it as a scare tactic in order to undermine the efforts of workers to improve their wages, benefits and working conditions through collective bargaining.

A recent Cornell University study found that a significant number of companies threatened to move work to Mexico as part of their efforts to industrialize and prevent their workers from unionizing. I find it morally reprehensible to resort to such tactics. It undermines the legal right of American workers who want to form unions. It

---

H3650
CONGRESSIONAL RECORD — HOUSE
June 10, 1997

Mr. Speaker, NAFTA is a failure. It failed because it put profits before people, multinational corporations before families. It failed because NAFTA does not adequately address industrial relations, the right to strike, the right to organize and the right to freely associate. And I think that Mexican workers do not enjoy the same level of labor rights as we do here in America.

To make a bad situation worse, their wages are essentially capped under an agreement that is no secret, and a large number of owners also privately set minimum and maximum wages so that they do not compete for workers on this basis.

All of these factors combine to create a downward pressure on wages in Mexico. Since NAFTA began, the wages and living conditions of Mexican workers have not improved. In fact, the exact opposite has occurred. They have declined. The percentage of Mexicans considered extremely poor rose from 31 percent before NAFTA in 1993 to 47 percent in 1996.

Real manufacturing wages have declined 25 percent since NAFTA went into effect. Environmental conditions have deteriorated. Instead of moving into the 21st century, they are sliding back to the dark ages.

The unfortunate end result of all this is that Mexican workers are viewed simply as a source of cheap labor by multinational corporations, which create a serious problem for us in America. With a large pool of cheap labor a short distance away, multinational corporations have a great deal of freedom and incentive to move manufacturing facilities to Mexico, and fewer environmental regulations there means even more money saved. Moving production to Mexico results in low overhead which means higher profits for corporations.

Here is a case in point. During the NAFTA debate in 1993, Zenith Electronics Corp. denied the report that they would transfer all of their production facilities to Mexico as a result of NAFTA. On the contrary, Zenith said NAFTA offers the prospect of more jobs at the company’s Melrose Park, IL facility. Needless to say, Zenith announced late last year that it was laying off 800 of its 3,000 workers at the Melrose Park facility.

Not only are companies moving their facilities to Mexico, leaving hundreds of thousands of hard-working Americans in their wake, it is now commonplace for them to use it as a threat. They use it as a scare tactic in order to undermine the efforts of workers to improve their wages, benefits and working conditions through collective bargaining.

A recent Cornell University study found that a significant number of companies threatened to move work to Mexico as part of their efforts to industrialize and prevent their workers from unionizing. I find it morally reprehensible to resort to such tactics. It undermines the legal right of American workers who want to form unions. It

---

□ 2145

Thanks to the government and labor unions, we were able to stop these abuses out.

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

□ 2145

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

□ 2145

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

□ 2145

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

□ 2145

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

□ 2145

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

□ 2145

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.
undermines the basic right of American workers who want to provide a better living for themselves and their families.

Proponents of NAFTA touted it as a win, win, win situation. It sure has been that situation. As the working economy becomes increasingly interwoven and trade continues to grow as an important part of our national economy, we must ensure that we enter into trade agreements that are fair and equitable to the American worker. We must evaluate trade relationships from this perspective. As such, we have got to take a long hard look at NAFTA and what it has done to the working men and women of America. We must think about granting fast track authority to the trade administration and what it will mean for the American middle class.

We should closely examine the arguments for the expansion of NAFTA to Chile and other Latin American nations.

As the gentleman from Michigan, DAVID BONIOR, noted, there are more people in this Congress who voted against NAFTA 4 years ago than voted for it, and many of those who voted for it say they would never vote for it again. The evidence against NAFTA is growing, and it is becoming just too hard for folks to ignore.

Mr. Speaker, I would now like to yield to the gentleman from Vermont [Mr. SANDERS] who is going to engage me in a colloquy about NAFTA trade and numerous other issues that affect the American working man and woman. Mr. SANDERS.

Mr. SANDERS. Mr. Speaker, I applaud the gentleman's remarks, and I especially congratulate him for focusing his thoughts on what is happening to ordinary working people rather than just the very wealthy and the very powerful.

One of the aspects of modern life which concerns me very much is that when we turn on the television or we read the newspapers, as you well know we hear about the booming economy; do we not? We hear about how some Wall Street folks tell us that the economy is literally never been better in our lifetimes and they wonder just how long it will continue to be so good.

And then I go back to the State of Vermont, and I talk to working people from one end of the State to the other, and I say to them tell me about the booming economy. And what they say is, BERNIE, I am working two jobs or three jobs, and my wife is out working long hours just to pay the bills. So we do not have too much time to consider the booming economy. We are just working hard to keep our heads above water.

And the reality is, according to the official statistics, that in the midst of all of this great boom, what is going on for the average working person? Well, I do not hear this too much. Yes, we know recently, we read recently, that the CEOs of major corporations are now earning over 200 times what their workers are making, so we can see for the CEOs of major corporations, things are booming. That is true.

And we also read recently that compensation for the CEO's last year was 54 percent higher than the previous year. We concede that too. If you are a CEO of a major corporation, I guess the economy is booming.

But when you read through the fine print, you find that for the average American worker last year, wages went up on average by about 3.8 percent. Inflation is about 3 percent. And we know that low-wage workers got a bit of a boost because we raised the minimum wage a little bit. We know that the higher-income workers generally do better than the lower-wage workers.

So you add it all together, and what you discover is that in the midst of this great boom the standard of living of the average middle-class worker continues to decline, and if the standard of living of the working-class people declines today in the midst of a boom, I wonder very much what will happen when our boom ends, as it is sure to end.

I am also concerned that in the midst of all of this so-called boom, the United States continues to have, by far, not even close, the most unfair distribution of wealth and income in the industrialized world. We do not talk about that too much; we do not see this too much on the corporate media's television stations or in the newspapers, but the facts are pretty clear. The wealthiest 1 percent of the population now owns over 40 percent of the wealth of America, and the richest 1 percent owns 50 percent, and we have the greatest gap between the rich and poor of any other country in the industrialized world.

What kind of boom is that? We know that during the last 20 years, while we have seen a significant increase in millionaires and billionaires, 80 percent of all American families have seen either a decline in their net income or, at best, economic stagnation. In fact, adjusted for inflation, the average pay of four-fifths of American workers plummeted 16 percent in 20 years. Twenty years ago in the United States of America, as you well know, the United States led the world in terms of the wages and benefits we provided our workers. We were number one. And now in the midst of the great boom, we are down to 13th place.

In Germany, for example, manufacturing workers there earn over 25 percent of what manufacturing workers in the United States earn. In 1995 the average worker there earned $45 a week. Twenty years later, with inflation adjusted dollars, that same worker was making $373 a week. People today are working far longer hours than they have to, than they were 20 years ago. So you are seeing people working two jobs, three jobs, over time, women who would prefer to be home with their kids being forced to work in order to pay the bills.

And is the boom for the middle class or the working class of this country? It is not there. And one of the reasons, as you so aptly pointed out in your remarks, is the disastrous and failing trade policy which this country is currently exporting. As I said, I do not think it is not just NAFTA; it is GATT, it is Most favored Nation status with China, it is the huge trade deficit that we have.

And as I think you indicated, the issue is not too complicated. If an American company is forced to choose between paying an American worker a living wage of $10 or $15 an hour providing decent benefits, having to protect the environment, or run to Mexico where you can get a good worker there for 70 or 80 cents an hour, you do not have to worry about the environment, you do not have to worry about unions, what choice is that employer going to make? And the evidence is pretty clear, that is the choice that they make, which is why we have lost hundreds of thousands of jobs.

So I would just say as we begin our discussion here, I know in my State of Vermont, and I suspect throughout the country, there may be a boom, but it certainly is not applying to the middle class or the working families of my State.

Mr. LIPINSKI. I appreciate the gentleman's remarks, and I want to say that we do not necessarily agree with everything that this man had to say, but for me one of the highlights of the last presidential election was when Pat Buchanan was running, and he was running on the issue of insecurity, the economic insecurity of the American middle class, the American working class. He spoke about it a great deal, he articulated it very well, and he forced President Clinton and Senator Dole to talk about it also. And I think they got wide dissemination; a lot of the media picked up on it. Unfortunately, when he went out of the race, President Clinton stopped talking about it, Senator Dole stopped talking about it, and the issue has just drifted away.

So today, to you, you know, I do not understand why the issue drifted away. It is the most significant, important issue facing this Nation today.

I said that when international communism ceased to exist, the Cold War was over and we were in an economic war. And by that, I meant a war to improve the standard of living of the American working and middle class, and to me, I believe we are losing that war, we are losing it more each and every day, each and every week, each and every month, this Nation, other than a very few voices, seem to have anything to say about it. What is your opinion on that?
Mr. SANDERS. I think you raise a very, very important point, and I tell you that it is a very—the theme that you are talking about suggests to me very frightening and dangerous times, and this is why—

The average worker reads in the paper that the economy is booming; right? That things are going well? And he says to himself or herself: What is the matter with me? Everybody must be doing well except me. My wages have gone down, I do not have health care, I cannot afford to send my kids to college, I am working longer hours, and I do not see it on the paper. So it must be me; right? I must be the only person in America who is suffering economically.

And as you indicate, of course, it is the vast majority of the people who are hurting.

Now you raised the question: Why is it not talked about?

Well, let me offer the gentleman a suggestion on another issue equally important that we also do not discuss. Where do we get our information from? Mr. LIPINSKI. From the news media. Mr. SANDERS. Yes, we turn on the television, for example, and look at that for a moment. Who owns NBC? Well, General Electric Corp., one of the largest corporations in America. The gentleman mentioned them, among others.

Mr. LIPINSKI. Yes, I did.

Mr. SANDERS. General Electric is one of the companies who is busy running to Mexico, I think they have been investing in China, they have laid off significant numbers of workers. They come before this body every day trying to figure out a way not to have to pay taxes, leading the efforts against organized labor.

Well, great shock of all shocks, NBC does not have a feature on the decline of the middle class. They do not talk about it. I think Mr. Simpson, or General Electric, or you can get thousands of hours. Every airplane crash that ever happened, we can see the great visuals. But the fact that the average American worker has seen a decline in their standard of living, struggling just to keep their heads above water, somehow that story, gee, they just did not get it.

Well, what about ABC? We flip the dial and maybe ABC will give us the story. But who owns ABC? Why, that is the Disney Corp. Disney is running to China, they are in Haiti, they are paying people in those countries pennies an hour to produce products that come back into America. I do not recall seeing too many features on their station about the trade issue, or about the exploitation of Haitian or Chinese workers. I do not recall that.

Maybe we will go to CBS, we will get a better story. Well, I guess not. That station is owned by Westinghouse, or maybe its the Fox network that is owned by that strong, progressive Rupert Murdoch worth many billions of dollars. No, I do not think we will see it there either.

So I would argue that one of the reasons that the American people are not seeing the pain of their lives being reflected in the media is that the media is owned by very large multinational corporations, many of whom are taking our jobs to Mexico and China, and the thrust and the policy of those corporations is the word, obfuscate, perhaps, rather give us a lot of entertainment and game shows and soap operas rather than discuss with the American people the important issues, and that would be one reflection I would have on the gentleman’s question.

Mr. LIPINSKI. Mr. Speaker, that certainly is a very interesting reflection. I will have to take that under consideration and I will certainly do that, and perhaps I will come to the same conclusion that the gentleman has come to.

But I want to say to that I admire the fact that my colleague the gentleman from Vermont [Mr. SANDERS] and the gentleman from Michigan Mr. BOWMAN and the gentleman from Oregon [Mr. DeFAZIO] and the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from New York [Mr. OWENS] and a number of other people come down here on Tuesday night and try to articulate this issue out to the American people. I think it is a wonderful effort and I applaud my colleagues for it. I am very happy to participate with the gentleman from Vermont [Mr. SANDERS] tonight in that effort.

But I have to say to the gentleman in all candor, we need to get a much bigger microphone. We have to have these conversations amplified significantly, I believe, in order to have any real impact on this Nation. I believe that we have to find ourselves a presidential candidate who is willing to articulate the issue of economic insecurity in this Nation, because I do not think there is any other way we can once again get this issue back to the front burner, make the American people aware of the fact that we know what their problem is.

There are some people willing to jump into this battle and try to address it, and I think the only way we get them motivated, mobilized, is by having someone running for President in this Nation who is going to articulate that issue.

I ask the gentleman his opinion on that.

Mr. SANDERS. Mr. Speaker, I think that would be of enormous importance, and I think as the gentleman knows, I am an Independent.

Mr. LIPINSKI. And I am not asking the gentleman to support anyone here tonight.

Mr. SANDERS. Mr. Speaker, one of the reasons that I am an Independent is that I feel that to a large degree, both political parties are dominated by big money interests and I would be working very hard for that candidate who is prepared to stand up to the large multinational corporations who have so much influence over our economy and over the politics of what goes on, it is no great secret.

I mean as the gentleman well knows, we hear a whole lot of discussion about the influence of big labor on the political process, the gentleman is aware that corporate America is spending seven times more money than labor does.

Mr. LIPINSKI. Absolutely.

Mr. SANDERS. Mr. Speaker, the gentleman is aware that when we talk about NAFTA or MFA with China that there is a massive lobbying effort going on by corporate America trying to influence the Members of this body. They will put ads in newspapers throughout this country telling everybody how good these trade policies are. Whether or not the two-party system can give birth to a candidate who is prepared to take on these moneymakers I frankly have my doubts.

But one of the things that does concern me is that what does go on here in this body is, instead of dealing with the real issue of the fact that in many ways this Nation is becoming an oligarchy dominated by a relatively few large corporations and wealthy individuals, instead of recognizing that reality and trying to address it, we instead have discussion after discussion after discussion after discussion that address that problem, what we see is a lot of scapegoating. What we see is black being played off against white, native versus immigrant, gay versus straight, everybody against everybody, rather than figuring out how we can come together as a people to try to address the difficult problems that the gentleman articulated about the global economy, can we create, with all of this new technology, every day we hear about the information highway, right, how important the computers are.

Well, if all of that stuff is so valuable, as I expect it is, why are we not seeing increased wealth going to the middle class and the working class? Why are we not seeing working fewer hours rather than longer hours? Why are we not seeing more people covered by health insurance rather than fewer? Why do we have by far the highest rate of childhood poverty in the industrialized world? Why are we in the process right now, as some would have us, cutting Medicare by $115 billion, lowering the quality of health care for our senior citizens?

So the issue becomes how do we come together as a people, as a white, immigrant and native born, woman and men, gay and straight, all of us come together and say do we create decent jobs for our people rather than seeing jobs going to China where workers are being paid 20 cents an hour? How do we use technology to lower the workweek rather than to put American workers out of their jobs?

We are not doing that. We are not addressing that. I think the reason is that big money interests are stepping in with some of the answers to those questions by challenging big money interests and to a large degree, and my feeling is in this body it is almost an issue people
feel uncomfortable talking about. We are just not allowed to talk about the power of the wealthy.

Mr. LIPINSKI. Mr. Speaker, that seems to be the case. A lot of people are very uncomfortable talking about it. I believe that, but I believe that the free market system. But I also believe that an economy should be run for the benefit of the overwhelming majority of the members of that society, and that really should be the principle that guides us in all the legislation we put forth. I believe that the other body, in legislation that the President signs into law. Do what is best for the overwhelming majority of the American citizens economically and in every other way.

It may sound very simplistic, and perhaps it really is. But that is the way the country should be governed; that is the way the legislation should come forward. Unfortunately, the longer I am here, the less and less I believe that is happening.

So I would say to the gentleman, I would like the gentleman to conclude if you have any concluding remarks. I am finished for the evening. I hope to be back next Tuesday, but does the gentleman have anything to say in conclusion?

Mr. SANDERS. Mr. Speaker, I would just certainly agree with the gentleman that clearly the task of Congress is to represent the vast majority of the people and not just the very few who are wealthy and powerful. But I think that that is very often not the case.

Let me just point out one example of that in terms of tax policy. In fact, we are debating that right now in terms of the budget that was recently proposed by the gentleman from Texas [Mr. Archer], which would give huge tax breaks to the wealthy while at the same time we would cut back on Medicare, Medicaid programs and other programs that are very significantly, by the way, on veterans' programs.

In terms of tax policy what has gone on in this country people should know that from 1977 to 1990, the Social Security tax was raised nine times, and today, people are paying, if one is self-employed, one is paying 15 percent before one pays any income tax and a FICA tax. And yet during that same period, while taxes on working people through the FICA tax went way up, taxes for the wealthy and the large corporations went way down, and the Federal Government ended up collecting significantly less money, which helped cause us the deficit problem that we are trying to address right now.

I would just conclude by saying that the gentleman is absolutely right in suggesting what I think the vast majority of the people would agree with at a moment's notice, and that is the function of this institution. The function of this institution is to represent the overwhelming majority of our people who are not wealthy, who work hard, who are struggling to keep their heads above water.

Unfortunately, that is not the case now. The people have the money, have enormous power and enormous influence over this institution. What I would hope is that in the towns and cities all over this country, people who are not as involved in the political process, must study the issues. What is our trade policy? Is it working? Is it not working? Why is it that we have such an unfair distribution of wealth? What about our tax system? Does it favor the corporations and the wealthy, or the middle class and working families?

I would hope that ordinary people begin to study the issues, get involved in the issues, and play a much more active role in the political process, because God only knows, we certainly need their strength and their energy in order to influence what goes on here.

I thank the gentleman very much for allowing me to join him in this special order.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman joining me tonight.

AMERICAN HERITAGE RIVERS INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHENOWETH. Mr. Speaker, I am here tonight to talk about the White House and its Council on Environmental Quality's latest flight from democracy, embodied in the so-called American heritage rivers initiative.

Mr. Speaker, there are many, many things that are wrong with the American heritage rivers initiative. But tonight I would like to focus on just three of those things. Its procedure, its route, its newly mandated separation of powers.

The initiative purports to establish a mechanism by which President Clinton will designate as American heritage rivers 10 rivers per year. It establishes undefined, fictional governing entities known as water communities. These governing water communities will then determine the scope and the size of the designation area, which can include the entire watershed. There are no safeguards for a designation and no safeguards for private property owners within the area who object to this inclusion in the designation.

I will discuss this in detail later, but first, just before Memorial Day district work period, the Council on Environmental Quality, an unauthorized agency existing on misappropriated funds, I might add, published the American heritage rivers initiative in the Federal Register. It is in the May 19, 1997 volume, page 27253, and I urge my colleagues to read it.

Although CEQ has in the past been the primary overseer of the National Environmental Policy Act process, in this instance CEQ appears to have totally abandoned NEPA's threshold requirements. As the administration knows very well, an environmental impact statement, an EIS, is required any time a major Federal action significantly affecting the quality of the human environment is proposed. When CEQ proposes to control our Nation's waters, this, Mr. Speaker, is a significant action. Yet, to my knowledge, CEQ has not even bothered to address NEPA's threshold question.

What is the assessment? How about an EIS, or, at the very least, the very barest recognition under NEPA of finding of no significant impact?

But nothing from the administration. Mr. Speaker, what CEQ has given us is a mere 3-week public comment period, the May 19 date of publication to the June 9 closing of the public comment, with no NEPA documentation. The Administrative Procedures Act, the APA, applicable to any agency action, requires a minimum of 30 days' public comment period. In general, unless there is an emergency, the environmental impact statement requires a 90-day public comment period. Yet, here CEQ blatantly violates its own rules and the rules and requirements of the Administrative Procedures Act and other laws.

I am not aware of an emergency. Why the rush? This violates the Administrative Procedures Act and totally ignores the National Environmental Policy Act. Fortunately, Mr. Speaker, the gentleman from Alaska [Mr. Don Young] of the Committee on Resources and the gentleman from Oregon [Mr. Bob Smith] of the Committee on Agriculture, along with myself and other resources subcommittee chairmen, sent a letter to Katy McGinty strongly advising CEQ to extend the comment period to at least another 90 days. She would have been wise to follow our advice. I entered that letter into the RECORD here on Wednesday, June 4.

Additionally, I am aware of no fewer than 36 other Members making similar extension requests of CEQ. It would certainly be in the best interests of everyone involved in CEQ if that agency would extend the public comment period, and I urge them to do so.

Mr. Speaker, if the comment period closed today. I have yet to hear if its counsel has decided to extend its comment period to even the legally required minimum. I read a news account of how baffled CEQ is by the concerns we have raised. Perhaps if the comment period were extended, enlightenment might follow.

The chairman of the Committee on Resources, the gentleman from Alaska [Mr. Don Young] has also called an oversight hearing for June 26, 1997 in our committee. I have no ill will toward my colleagues to read it.
The last procedural point I would like to point out, Mr. Speaker, is that CEQ has responded to some of these concerns by claiming that the American Heritage Rivers Initiative is not a program, but some other hybrid that does not require a rule. Indeed, CEQ officials have stated that their initiative did not even require a publication in the Federal Register, and to this I say, wrong, absolutely wrong.

Procedurally, I would like to point out that the law, the United States Code designates CEQ is bound by, defines a rule as the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.

Mr. Speaker, despite CEQ's claims, this so-called initiative is indeed an agency statement of general applicability and future effect designed to implement and describe the organization, procedure and practice of an agency. As they say, Mr. Speaker, if it walks like a duck, if it talks like a duck, and swims like a duck, then it must be a duck.

Mr. Speaker, the American Heritage Rivers Initiative is indeed a duck. It is, without a doubt, a rule within the meaning of 5 U.S.C. section 551(4) and is therefore an agency action subject to the procedural requirements under the Administrative Procedures Act; also, under the National Environmental Protection Act. Again, where is the NEPA documentation? Where is the adequate public comment?

Last, the newly enacted congressional review of Agency Rulemaking Act, 5 U.S.C. section 801 et al., requires that the Federal agency promulgating such a rule shall submit to each House of the Congress and to the Comptroller General a report.

To my knowledge, this has not been done. Why? Because CEQ claims that it is not a rule. Again, Mr. Speaker, if it walks like a duck, procedurally, Mr. Speaker, this proposed American Heritage Rivers Initiative is a disaster, procedurally.

The next issue I would like to discuss is the issue of States' rights and water rights. This necessarily implicates private property.

Mr. Speaker, as I said last Wednesday, one of the reasons for America's strength and meteoric rise is because of the wise use of her rivers and waterways for irrigation, travel, recreation, power, flood control, and all other uses. Through the wise use and allocation of water, America has literally turned our deserts into gardens and a once inhospitable land into wonderful places to live and to recreate. In my State of Idaho, water is the absolute lifeblood of this State. We have more than 15,000 farms and over 3 million irrigated acres. That is larger than the sum total of many of the States. Nearly 40,000 individuals are employed in one way or another by agriculture.

Mr. Speaker, many people do not know this, but Idaho has a seaport. The Port of Lewiston and its two adjacent ports via the Snake and Columbia Rivers export 40 percent of America's grain exports to Asia. This is water barge transportation. Yes, Mr. Speaker, water is very important to the State of Idaho and to the Nation.

Mr. Speaker, Idaho's waters or waterways and reclamation projects help make Idaho the gem State. Water is in fact so important that the Idaho Constitution provided by Congress when Idaho entered the Union, expressly states that, "The use of all waters is subject to the regulations and control of the State."

Additionally, Idaho code, section 42-101 states: "All the waters of the State, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the State, are declared to be the property of the State, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose."

Clearly, water within the boundaries of the State of Idaho are, unless privately owned property of the State of Idaho. How, then, can the Clinton administration designate something that is not the Federal Government's to designate? This is an assault on private property rights, States' rights, America's values, and certainly our Western values.

Quite simply, this initiative will simply replace the long-established and constitutionally protected policies that govern the use of our waterways which are critical to our economic survival, not only in the West but to the entire Nation. That is why, for the past century, the Supreme Court has held in case after case that in the West it is the States who control the use of water.

As I did Wednesday, let me quote from one of the seminal U.S. Supreme Court cases, the 1978 case entitled "California v. United States," written by Justice Rehnquist. The Justice writes:

The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved. But through it runs the consistent thread of purposeful and continued deference to State water law by the Congress. Indeed, to take from the legislatures of the various States the control of water at the present time would be something less than suicidal. If the appropriation and use were not under the provisions of State law, the utmost confusion would prevail.

Mr. Speaker, this United American Heritage Rivers Initiative would create utmost confusion. How can the Clinton administration assert control over something that it clearly does not own, and so important to our States? To make matters worse, this initiative is not just limited to the rivers. It redefines communities, watersheds, and jurisdictional boundaries. It creates a governing entity called the river community, but what is a river community, Mr. Speaker? Who belongs to a river community? Do not believe for a minute that a river community will be made up only of people who make their living from and are dependent on our rivers.

Mr. Speaker, this fictional entity, the river community, will then define the area covered by the American Heritage River designation. They decide the length of the area, whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries, including States, including States, including States.

Apparently when it comes to rivers, the Clinton administration believes that it takes more than a village, it takes a river community. When someone sitting in New York City can appeal land management decisions in the West, such as a timber sale and grazing allotment plans, with a mere postcard, who is it that the Clinton administration will decide is a member of the river community? What interests will the members of the river community have? Also, how will the designation be made?

A watershed, as we all know very well, Mr. Speaker, can literally be from mountaintop to mountaintop, and include vast areas. What about private property inside these watershed areas? If a private property designation is being contemplated, will the private owner be able to know and sustain his ownership right? No, he will not. I have learned, Mr. Speaker, through my inquiries that this designation could happen even over the objections of a homeowner, a shopowner, a farmer, a rancher.

What about State and local property? Mr. Speaker, an American Heritage River designation would intrude local control and decisionmaking. It will do nothing but add another layer of bureaucracy that must be dealt with, another hurdle to overcome when an entity, the private landowner or the State, desires to utilize the land.

CEQ has argued that the designation carries no legal meaning. I disagree. The very designation creates yet another obstacle, legal or not, and yet another tool for the use by environmental extremists to stop the wise use of our lands. Mr. Speaker, the Supreme Court recognized the importance of water to the arid western United States. Why cannot the Clinton administration respect this supreme law of the land?

As the Supreme Court has stated in the case entitled "California v. United States" in 1978:

The legislative history of the Reclamation Act makes it abundantly clear that Congress intended to defer to the substance as well as the form of State water law * * * to do otherwise would trivialize the broad language and purpose of the Reclamation Act.

In other words, Mr. Speaker, the utmost confusion will prevail.
The final issue I would like to talk about tonight, Mr. Speaker, is the wisdom of our Founding Fathers as embodied by the doctrine of the separation of powers. As I learned it, the legislative branch creates the laws, the executive branch is to implement and enforce the laws, and the judiciary interprets the laws.

Yet the American Heritage Rivers Initiative was created and tendered solely by the White House and executed without congressional approval. When it comes to our resources issues, the Clinton administration has once again usurped the Congress’ lawmaking authority. Nowhere in law can one find the American Heritage Rivers Initiative, nor has Congress conferred to CEQ the power to govern and control our rivers and watersheds.

This raises some very, very serious issues, going beyond who and how this program is authorized. But how is it paid for?

Since the American Heritage Rivers Initiative has never been authorized by Congress, exactly which land and water projects and resources’ safeguards will CEQ ensure? Why will CEQ be permitted to define areas of land and water as “American Heritage Rivers,” without Congress having any role in that designation? And how will CEQ go about its work of administering this initiative? How will CEQ ensure that its commitments are met?

CEQ has stated that this program is merely a coordination of existing and ongoing Federal programs. Yet the American Heritage Rivers initiative assigns a so-called river navigator, a Federal official, to the river community, the governing body, to help guide it toward presidential designation. But I challenge the CEQ to show me where it is that the Congress has authorized a river navigator. And it would be foolish to believe that these river navigators work for free. Who authorized this position? Who appropriated the funds?

My question, Mr. Speaker, is that if CEQ is simply siphoning off funds to pay for the navigators, and if CEQ is enforcing other Federal programs, then what purpose is this initiative? If CEQ is simply enforcing laws that are already in place, then what is the purpose of the initiative?

For the RECORD, I oppose any designation of an American Heritage River in the State of Idaho or any place in this Nation. But I call the Members’ attention to President Clinton’s designation of the Grand Staircase-Escalante National Monument in Utah. Despite CEQ’s protestsations to the opposite, not one of the members of Utah’s congressional delegation nor the Governor were informed of this pending action, which set aside nearly 2 million acres in the State of Utah plus another 2 million acres in the State of Arizona.

The Resources Subcommittee on National Parks and Public Lands, of which I am a member, held a hearing in which Senators Hatch and Bennett, Utah Governor Leavitt, Secretary Babbitt and CEQ chairman Katy McGinty testified. In the face of both Utah Senators and the Governor, Chairman McGinty stated she informed them of the impending monument designation. Both Senators and the Governor clearly and unequivocally stated they were not informed. At best, the administration acted without consulting the leaders of the State of Utah. At worst, President Clinton acted over the unified objection of that State.

Nonetheless, whether Utah’s delegation knew or not is no matter, and I tend to believe the Senators and the Governor that they had no prior knowledge. CEQ’s promises that only a community that wants these designations are empty to me. Its promises leave me with very, very little comfort. The American Heritage Rivers proposal is just one in a string of Clinton administration attacks on natural resource policies in America and most especially in the West.

This is a nation of laws. But from the Utah Monument Ecosystem Management Projects to BLM’s law enforcement regulations, this administration has not abided by the letter and spirit of our nation’s laws and regulations, including requirements of the environmental laws.

Mr. Speaker, the administration has blatantly ignored Congress’ lawmaking authority, and the American Heritage Rivers initiative is just another example. Take, for instance, Secretary Babbitt’s attempted rewrite of 43 CFR 3809 pertaining to surface mining. Secretary Babbitt has publicly stated that he did not need the “Congress’ help to rewrite the mining law of 1872” but that he could do it administratively.

Mr. Speaker, we cannot allow the administration to ignore this body. Without a check on the executive branch, the Nation will continue down the road to chaos. And unless Congress asserts its constitutional responsibility, it is well on its way to becoming a toothless tiger, capable only of doing out the taxpayers’ hard-earned dollars to fund big bureaucracies like the CEQ.

As I James Madison wrote in Federalist No. 47, the accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.

In closing, Mr. Speaker, I would like to respond to some comments made by CEQ’s Katy McGinty. She is quoted by the Associated Press as stating that she is bewildered and perplexed by our opposition to the American Heritage Rivers initiative. She states that it is 100 percent locally driven. It is government acting purely in partnership with local communities.

To this, Mr. Speaker, I can only say that she simply does not get it. When one sees a person in her position state that it is government acting in partnership with local communities, I have grave concerns. We do not want another Federal designation. We do not want a greater Federal presence, and we do not want enhanced Federal control over our waters.

This is not what this Congress is about. The spirit of this Congress is the revitalization of the 10th amendment, the empowerment of local communities and States, and the recognition that the Federal Government is one of limited and enumerated powers. It is not about another Washington, D.C.-created designation of our resources. It is not about yet another sphere of influence for Federal bureaucrats. And it is certainly not about a Federal Government partnership when the State and local communities are quite capable of governing themselves.

This Congress is about less government, self-determination and freedom. Freedom is still the issue. It is about States rights and property rights and the right of the people to be free of Federal entanglements. And the American Heritage Rivers initiative does not fit this bill.

Mr. Speaker, this issue is really about control, control over our rivers and watersheds. If the Federal Government gains control of the States’ waters, then what is next?

If anyone thinks that this CEQ so-called initiative will be anything but a
tool of the environmental extremists, they had better think again. Just today I read that an organization dedicated to tearing out the dams and transportation waterways along the Snake and Columbia Rivers have already filed a suit in the U.S. District Court to designate the Columbia River as an American Heritage River, which would end the water-based barge transportation, affecting hundreds of thousands of jobs, communities and families in the Northwest. No, this is an issue of control of the wealth and control of our people.

What is next, Mr. Speaker? Part 2, No. 2, calls for aerial and satellite surveillance of the rivers. Well, I ask myself, will I have to wear a number on my hat, on the top of my head, so that the Federal bureaucrats in Washington, DC, using aerial photographs, can monitor when I am out skipping rocks on the river with my grandchildren? What is next?

Yes, Mr. Speaker, this issue is indeed about control of our resources, our wealth and our people. It is sad. As earlier, water is the lifeblood of America, of the West and of my State, Idaho. But it is not just control over water that is threatened by this un-American ‘make our backyard every bureaucrat’s business’ Heritage Rivers initiative.

Nothing less than private property rights and freedom from unnecessary and harmful Federal intrusion is at stake. Farmers, ranchers, fisherman, homeowners and others who live along rivers and deeply love their rivers may find themselves with diminished rights and reduced control over their property and their activities on the river.

Mr. Speaker, these people, the ones who know the river and depend on it for its health and preservation, should not lose their rights because Federal bureaucrats or Eastern environmentalists want a warm and fuzzy, politically correct Federal program or another Clinton photo-op.

State sovereignty, individual freedom, protection of property rights are the ideals that have distinguished this Nation, the greatest Nation. We do ourselves and all American citizens a disservice if we allow power to be usurped in this fashion.

I urge my colleagues to stand up against this ill-conceived and mis-directed American Heritage Rivers initiative and to cosponsor the Chenoweth-Pombo bill.

Mr. Speaker, the imposition of the Clinton-Gore extreme environmentalist policies has taken a tragic toll on the West. We are losing our culture, we are losing our heritage, and we are losing the very way of life that we love so much. Farmer and friend Peter Pudzien sums up this feeling about the West in his book, "War on the West," when he writes, and I quote: ‘The environmental extremists’ vision of the West is of a land nearly devoid of people and economic activity, a land devoted almost entirely to the preservation of scenery and wildlife habitat. In their vision, everything becomes a vast park through which they might drive, drinking Perrier and munching on organic chips, staying occasionally in the bed-and-breakfast operations into which the homes of westerners have been turned, with those westerners who are able to remain fluffing the duvets and pouring cappuccino. They are well on their way to achieving their objective.”

Mr. Speaker, I think Perry Pendley hit the nail on the head. Many people in the United States east of the Mississippi just view the West as one big national park, and the American Heritage Rivers initiative is just one more assault in a long line of programs designed to turn the West into a playground for the East.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLAKE (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. FARR of California (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. CAPP) to revise and extend their remarks and include extraneous material:

Mr. GEPHARDT, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON Lee of Texas, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LAMPSON, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. CLAYTON, for 5 minutes, today.

Mr. HEFFNER, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on June 11 and 12.

Mr. PAPPAS, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. KINGSTON, 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. CAPP) to revise and extend their remarks and include extraneous material:

Mr. BERNAN.

Mr. DAVIS of Illinois.

Mr. RANGEL.

Mr. OLVER.

Mr. Fazio of California.

Ms. SANCHEZ.

Mr. SANDERS.

Mr. LANTOS.

Ms. ESHOO.

Mr. BOYD.

Mr. MORAN of Virginia.

Mr. FRANK of Massachusetts.

Mr. STOKES.

Mr. SABO.

Mr. MEEHAN.

Mr. KUCINICH.

Mr. PASCREL.

Mr. SCHUMER.

Mr. RAHALL.

Mr. PAYNE.

Mr. HOYER.

Mr. TORRES.

Mr. BROWN of California.

Mr. STARK.

Mr. DINGELL.

Mr. FARR of California.

Mr. GEPHARDT.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. QUINN.

Mr. PITTS.

Mr. BURTON of Indiana.

Mr. STEARNS.

Mr. GILMAN.

Mr. COLLINS.

Mr. BONILLA.

Mr. DAVIS of Virginia.

Mr. SPENCER.

Mr. WALSH.

Mr. KNOLLENBERG.

Mr. GOODLING.

Mr. MCCOLLUM.

Mr. LEWIS of California.

Mr. DREIER.

Mr. RIGGS.

Mr. DOOLITTLE.

Mr. MCHUGH.

The following Members (at the request of Mrs. CHENOWETH) to revise and extend their remarks and include extraneous material:

Mr. SHERMAN.

Mr. ETHERIDGE.

Mr. COOKSEY.

Mr. LUCAS of Oklahoma.

Mr. WELDON of Florida.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 610. An act to implement the obligations of the United States under the Chemical Weapons Convention; to the Committee on International Relations 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.

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 June 9, 1997; H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 11, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3693. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Assessment Rate [Docket No. F.F9-979-1 FFR] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


3698. A letter from the Chief, Natural Resources Conservation Service, transmitting the Service's “Major” final rule—Environmental Quality Incentives Program [Workplan Number 96-004] [RIN: 0576-AA19] received June 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3699. A communication from the President of the United States transmitting his requests for an FY 1997 supplemental appropriation and for FY 1998 budget amendments that will adjust his pending budget requests to be consistent with the recently negotiated Bipartisan Budget Agreement between the President and the Leadership of Congress, as amended and pursuant to S. 105 and H.R. 95; to the Committee on Appropriations and ordered to be printed.


3703. A letter from the Chairperson, National Science Foundation and Information Science, transmitting the twenty-fifth annual report of the activities of the Commission covering the period October 1, 1995 through September 30, 1996, pursuant to 20 U.S.C. 1504; to the Committee on Education and the Workforce.


3705. A letter from the Director, National Institute of Education, transmitting a draft of proposed legislation to assist states and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education and employment, and a wide range of opportunities in high-skill and high-wage careers; to the Committee on Education and the Workforce.

3706. A letter from the Director, National Institute of Education, transmitting a draft of proposed legislation to assist states and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education and employment, and a wide range of opportunities in high-skill and high-wage careers; to the Committee on Education and the Workforce.

3707. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's final rule—Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed [Docket No. 96N-0135] [RIN: 0910-AA91] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3708. 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: Revisions to Several Chapters and Appendices of the Agency's Final Rule—Environmental Management (ADEM) Administration Code for the Air Pollution Control Program [AL—044—19701a; FRL—5829-9] received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3709. 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: Revisions to Several Chapters and Appendices of the Agency's Final Rule—Environmental Management (ADEM) Administration Code for the Air Pollution Control Program [AL—044—19701a; FRL—5829-9] received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3710. 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: Revisions to Several Chapters and Appendices of the Agency's Final Rule—Environmental Management (ADEM) Administration Code for the Air Pollution Control Program [AL—044—19701a; FRL—5829-9] received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.


3712. A letter from the Deputy Director, Regulations Policy Management Staff, Office of Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 95-0625-ZA05] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3713. A letter from the Director, Regulations Policy Management Staff, Office of Food and Drug Administration, transmitting the Administration's final rule—Neurological Devices; Effective Date of Requirement for Premarket Approval of Cranial Electrotherapy Stimulators [Docket No. 93N—0027] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3714. A letter from the Secretary of Health and Human Services, transmitting a draft of a final rule and an implementing regulation for revitalizing the Public Health Service; to the Committee on Commerce.


3717. A letter from the Chairman, Board of Directors, Pan American Foundation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.
H.R. 1836. A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. COLLINS (for himself, Mr. Sununu, Mr. Sanders, Mr. Metcalf, Mr. Parker, Mr. Young of Alaska, Mr. Boucher, Mr. Bono, Mr. Pastor, Mr. Stump, Mr. Strickland, Mr. Deal of Georgia, Mr. Wicker, Mr. Graham, Mrs. Cubin, Mr. Herger, Mr. Hill, Mr. Hayworth, Mr. Riggs, and Mrs. Emerson).

H.R. 1843. A bill to amend title 31, United States Code, to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 47 of title 5, United States Code, to the Committee on Transportation and Infrastructure.

By Mr. DOOLITTLE: H.R. 1847. A bill to improve the criminal law relating to fraud against consumers; to the Committee on the Judiciary.

By Mr. RODRIGUEZ (for himself, Mrs. Morella, Mr. Cundegis, Mr. Moran of Virginia, Mr. Fazio of California, Mr. Ford, and Mrs. Davis of Virginia): H.R. 1848. A bill to amend section 201 of title 5, United States Code, to modify the formula under which the Government contributes for a Federal employee or annuitant enrolled in a health plan under such chapter is determined; to the Committee on Government Reform and Oversight.

By Mr. LUCAS of Oklahoma: H.R. 1849. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Resources.

By Mr. McCOLLUM: H.R. 1850. A bill to require the Secretary of Defense to plan and carry out pilot projects to test various test methods for defense inventory management; to the Committee on National Security.

By Mrs. MALONEY of New York (for herself, Mr. DeFazio, Mr. Barrett of Wisconsin, Ms. Slaughter, Ms. McKinney, Mr. Rodchenko, Mr. McGovern, Ms. Norton, and Mr. Rothman): H.R. 1851. A bill to establish the Natural Resources Management and Maintenance Corporation; to the Committee on Natural Resources.

By Mr. ORR of Texas: H.R. 1852. A bill to reduce the duty on a polymer of alkanediols, monomers or precursors; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. Balbach, Mr. Kucinich, Mr. Lantos, Mr. Levin, Mr. Lewis of Georgia, Mr. Lofgren, Mrs. Lowe, Mr. Luter, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Mr. Martinez, Mr. Matsui, Mrs. McCarthy of New York, and Mr. McCarthy of Missouri): H.R. 1853. A bill to amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SALERNO: H.R. 1854. A bill to amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. Allen, Mr. Baldacci, Mr. Delahunt, Mr. Frank of Massachusetts, Mr. Kennedy of Rhode Island, and Mr. Pallone): H.R. 1855. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Resources.

By Mr. SAXTON: H.R. 1856. A bill to amend the Fish and Wildlife Act of 1966 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each U.S. fish and wildlife service region, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER: H.R. 1857. A bill to amend title 28, United States Code, to extend the jurisdiction of certain multiparty, multiform civil actions; to the Committee on the Judiciary.

By Mr. SHAYS (for himself, Mr. Frank of Massachusetts, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Blagojevich, Mr. Blumenauer, Mr. Boehlert, Mr. Bonior, Mr. Brown of California, Mr. Brown of Ohio, Mr. Capps, Mr. Cardin, Mr. Carson, Mr. Christian-Green, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Coyne, Mr. Davis of Illinois, Mr. DeFazio, Mr. DeGette, Mr. Delahunt, Ms. DeLauter, Mr. Dells, Mr. Deutsch, Mr. Dixon, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Farr of California, Mr. Fattah, Mr. Fazio of California, Mr. Filner, Mr. Flake, Mr. Foglietta, Mr. Ford, Mr. Frelinghysen, Mr. Frost, Ms. Furse, Mr. Gejdenson, Mr. Gephardt, Mr. Gilman, Mr. Gonzalez, Mr. Greenwood, Mr. Gutierrez, Ms. Harman, Mr. Hastings of Florida, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Horn, Mr. Jackson, Mr. Jackson, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Kucinich, Mr. Lantos, Mr. Leach, Mr. Levin, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Lowe, Mr. Luter, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Mr. Martinez, Mr. Matsui, Mrs. McCarthy of New York, and Mr. McCarthy of Missouri): H.R. 1858. A bill to modify the Federal experiential learning program; to the Committee on Education and the Workforce.

H.R. 1859. A bill to amend the Communication Act of 1934 to provide for multiwindow media ownership, and for other purposes; to the Committee on Commerce.
By Mr. PAUL: H.J. Res. 80. Joint resolution proposing an amendment to the Constitution of the United States authorizing the State to prohibit the physical desecration of the flag of the United States and authorizing Congress to prohibit desecration of federally owned flags; to the Committee on the Judiciary.

H.J. Res. 81. Joint resolution disapproving the Federal Communications Commission Order 97-27, relating to revision of the Commission's cable television leased commercial access rules; to the Committee on Commerce.

By Mr. WELDON of Florida (for himself, Mr. DEUTSCH, Mr. COOK, Mr. ROHRABACHER, Mr. WEKLER, Mr. MCGOVERN, Mr. WATTS of Oklahoma, Mr. FROST, Mr. CANADY of Florida, Mr. LIPINSKI, Mr. LAHOOD, Mr. Fox of Pennsylvania, Mr. ABERCROMBIE, Mr. MILLER of Florida, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. FORBES, Mr. DELUMMS, Mr. PORTER, Mr. ENGEL, and Mr. DICKEY): H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

128. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 20, 1952 Regular Session, to the Congress of the United States authorizing the State to prohibit the physical desecration of the flag of the United States and authorizing Congress to prohibit desecration of federally owned flags; to the Committee on the Judiciary.

H. Con. Res. 130. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 13 urging Congress to amend President Clinton's unilateral action designating the Grand Staircase-Escalante National Monument; urging Congress to require negotiation with the States and a strong consideration of the social and economic consequences in the designation of national monuments and wilderness areas; and requiring the Secretary of State to transmit copies of the Grand Staircase-Escalante National Monument Resolution; to the Committee on Resources.

130. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Concurrent Resolution 8 urging Congress of the United States to continue the operation of and reverse the decision to close the Astoria Weather Station; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. RAHALL introduced a bill (H.R. 1860) for the relief of certain Persian Gulf evacuees; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. HUTCHINSON, Mr. 15: Mr. RUSH, Mr. LANTOS, and Mr. CALVERT.
H.R. 84: Mr. FILER.
H.R. 96: Mr. JOHNSON of Georgia, and Mrs. FOWLER.
H.R. 108: Mrs. LOWEY.
H.R. 135: Ms. HOOLEY of Oregon, and Mr. COYNE.
H.R. 145: Mr. DIXON and Mrs. LOWEY.
H.R. 197: Ms. ESHOO.
H.R. 230: Mr. SHAWS.
H.R. 245: Mr. FOX of Pennsylvania.
H.R. 404: Mr. SHAWS.
H.R. 407: Mrs. MINK of Hawaii.
H.R. 446: Mr. ROHRABACHER, Mr. EVANS, Mr. CHICHESTER, and Mr. FAWELL.
H.R. 521: Mr. HUTCHINSON.
H.R. 625: Mr. HOLDEN, Mr. GIBBONS, and Mr. BARRETT of Wisconsin.
H.R. 632: Mr. GOODE, Mr. COLE, and Mr. ENJIN.
H.R. 693: Mr. BACHUS.
H.R. 696: Mr. ENGLISH of Pennsylvania.
H.R. 699: Mr. HASTINGS of Washington, Mr. ENJIN, Mr. QUINN, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. REYES, and Mr. SNYDER.
H.R. 712: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HASTERT of Florida.
H.R. 754: Mr. MALONEY of Connecticut and Mr. DELAHUNT.
H.R. 758: Mr. HULSHOF.
H.R. 793: Mr. FILNER.
H.R. 815: Mr. DAVIS of Florida, Mr. WEKLER, and Mr. SHAWS.
H.R. 869: Mr. ROHRABACHER and Mr. STRICKLAND.
H.R. 873: Mr. WELDON of Pennsylvania.
H.R. 880: Mr. YOUNG of Alaska.
H.R. 910: Mr. BONIOR.
H.R. 922: Mr. COOK.
H.R. 923: Mr. COOK.
H.R. 955: Mr. BLILEY.
H.R. 957: Mr. FOX of Pennsylvania.
H.R. 971: Mr. FOX of Florida.
H.R. 983: Ms. MCCARTHY of Missouri, Mr. POSHARD, and Ms. LOFGREN.
H.R. 989: Mr. MCNALLY, Mr. HOUGHTON, Mr. MEENAU, Mr. COLE, Mr. JACKSON, Mr. DEUTSCH, Mr. KING of New York, Mr. CANADY of Florida, Mr. DELLUMS, Mr. PASTOR, and Ms. PRYCE of Ohio.
H.R. 991: Mr. MINGE.
H.R. 1009: Mr. CHAMBLISS.
H.R. 1018: Mr. HALL of Ohio and Mr. McCOLLUM.
H.R. 1054: Mr. PACKARD and Mr. TORRES.
H.R. 1059: Mr. COLLINS and Mr. EWING.
H.R. 1062: Mr. DAVIS of Virginia, Mr. BEREUTER, Mr. COLLINS, Mr. SHADEGG, and Mr. HUTCHINSON.
H.R. 1072: Ms. WOOLSEY, Ms. LOFGREN, and Ms. BROWN of Florida.
H.R. 1114: Mr. FILNER, Mr. WEKLER, and Mr. WALSH.
H.R. 1120: Mr. CARDIN and Mr. LAFAULCE.
H.R. 1126: Mr. COOK, Mr. MENENDEZ, and Mr. HOSSEIN.
H.R. 1134: Ms. DANNER, Mr. BORSKI, Mr. GUTKNECHT, Ms. SLAUGHTER, Mr. GREENWOOD, Mr. TAUSIN, Mr. THOMPSON, Mr. DEUTSCH, Mr. DARGOS, and Mr. KINGSTON.
H.R. 1140: Mr. COBLE.
H.R. 1166: Mr. BORSKI, Mr. MOAKLEY, Mr. BLAGOJEVIC, Mr. BARCIA of Michigan, Mr. BONO, Mr. GOODLING, Mr. Price of North Carolina, Mr. SKELTON, Mr. GEJDENSON, and Mr. DOOLITTLE.
H.R. 1173: Mr. BLAGOJEVIC, Mr. RUSH, Mr. PAYNE, Mr. KENNEDY of Massachusetts, Mr. MCCREY, Mr. FRANK of Massachusetts, Mrs. MECK of Florida, Mr. DAVIS of Virginia, Mr. MCDERMOTT, Mr. WATT of North Carolina, Mrs. MCCARTHY of New York, Ms. PELOSI, Mr. TIERNEY, Mr. PETERSON of Minnesota, Mr. MORAN of Virginia, Ms. DELAURO, Ms. KENNELLY of Connecticut, Mr. GEJDENSON, and Mr. ADAMSKI.
H.R. 1203: Mr. CALVERT.
H.R. 1231: Ms. SLAUGHTER.
SEC. 3. AMENDMENTS TO DEFINITIONS.

The term "sea grant institution" means—

(A) any sea grant college or sea grant regional consortium, and

(B) any institution of higher education, including a State or local agency conducting a sea grant program with amounts provided under this Act.

(b) FIELD RELATED TO OCEAN, COASTAL, AND GREAT LAKES RESOURCES.—Section 203(4) (33 U.S.C. 1122(4)) is amended to read as follows:

(4) The term ‘field related to ocean, coastal, and Great Lakes resources’ means—

(i) any ocean, coastal, or Great Lakes disease or field, including ocean and coastal sciences, resource management, technology, education, or science, which is concerned with implementing, assessing, developing, utilizing, or conserving coastal marine, ocean, or Great Lakes resources.

(c) SECRETARY.—

(1) In General.—(A) The term "Secretary" means the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere. (B) The term "Secretary" means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

(2) CONFORMING AMENDMENTS.—The Act is amended—

(A) by striking section 203(5) (33 U.S.C. 1122(5)); and

(B) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking "the Secretary", and inserting "Secretary", each place it appears and inserting "Secretary".

SEC. 4. CONSULTATIONS REGARDING LONG-RANGE STRATEGIC GOALS, PRIORITIES AND EVALUATION.

Section 204(a) (33 U.S.C. 1123(a)) is amended to read as follows:

"(a) G RANTS, C ONTRACTS, AND FELLOW-\(\text{(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and}

CONGRESSIONAL RECORD — HOUSE

H3661

June 10, 1997

H.R. 1732, Mr. Sanders, Ms. Christian-Green, Mr. Filner, and Mr. Gutiérrez.

H.R. 1764, Mr. Paul.

H.R. 1773, Mrs. Mee of Florida and Mr. Cunningham.

H.R. 1776, Mr. Frelinghuysen and Mr. Sanford.

H.R. 1812, Mr. Burton of Indiana and Mr. Rohrabacher.

H.J. Res. 47, Mr. Lampson, Mr. Berman, and Mr. Reyes.

H.J. Res. 79, Mr. Gibbons, Mr. Hostetter, and Mr. Burton of Indiana.

H.R. 411, Mr. Miller of Florida, Mr. Hinchey, Mr. Stupak, and Mrs. Emerson.

and referred as follows:

U.S.C. 1121 et seq.).

for amendment of a section or other provision of the National Sea Grant College Program Reauthorization Act of 1997. This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997."

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1559: Mrs. Linda Smith of Washington and Mrs. Emerson.

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT ACT OF 1997.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

17. The SPEAKER presented a petition of the Board of Supervisors, County of Santa Barbara, California, relative to a vote of support for S. 515 by Senator John H. Chafee and H.R. 761 by Representative Barney Frank at their regular session; jointly to the Committees on Ways and Means and Agriculture.

PETITIONS, ETC.

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 437

OFFERED BY: Mr. Saxton

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

"(a) AUTHORIZATION.—

(1) In general.—The Secretary shall authorize the National Sea Grant College Program subject to the supervision of the Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A) advise the Secretary with respect to the expertise and capabilities which are available within or through the National Sea Grant College Program, and provide (as directed by the Secretary) those which are or could be of use to other offices and activities within the Administration;

(B) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis; and

(C) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

(D) advise the Secretary on the designation of sea grant institutions and, in appropriate cases, if any, on the termination or suspension of any such designation;

(E) encourage the formation and growth of sea grant programs; and

(F) oversee the operation of the National Sea Grant Office established under section 209.

(2) DUTIES WITH RESPECT TO SEA GRANT INSTITUTIONS.—With respect to the sea grant institutions, the Director shall—

(A) evaluate the programs of the institutions, using the guidelines and priorities established under subsection (a), to ensure that the objective set forth in section 209(b) is achieved;

(B) subject to the availability of appropriations, allocate funding among the sea grant institutions so as to—

(i) promote healthy competition among those institutions,

(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and

(iii) to the maximum extent consistent with the other provisions of this subparagraph, provide a stable base of funding for the institutions; and

(C) make grants, contracts, and awards consistent with the guidelines for merit review published pursuant to section 207(b)(2).

SEC. 3. AMENDMENTS TO DEFINITIONS.

SECTION 2. AMENDMENT OF NATIONAL SEA GRANT ACT OF 1997.

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997.

SEC. 4. CONSULTATIONS REGARDING LONG-RANGE STRATEGIC GOALS, PRIORITIES AND EVALUATION.

Section 204(a) (33 U.S.C. 1123(a)) is amended to read as follows:

"(a) AUTHORIZATION.—The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium of the institution, association, or alliance—

"(1) maintains a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

"(2) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(3) will act in accordance with such guidelines as are prescribed under subsection (b)(2);

"(4) meets such other qualifications as the Secretary may prescribe in consultation with the sea grant review panel established under section 209, considers necessary or appropriate; and

"(5) is recognized for excellence in marine resources development and science.

"(B) REGULATIONS AND GUIDELINES.—

(1) In GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(4).

"(2) MERIT REVIEW.—Within 6 months after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1997, the Secretary, after consultation with the sea grant institutions, shall establish guidelines for the conduct of merit review by the sea grant institutions of project proposals for grants and contracts to be awarded under section 205. The guidelines shall, at a minimum, provide for peer review of all research projects and require standardized documentation of all peer review.

"(C) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after notice and an opportunity to respond, suspend or terminate any designation under subsection (a).

SEC. 5. DUTIES OF DIRECTOR.

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.

"(A) DESIGNATION.—The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium of the institution, association, or alliance—

"(1) maintains a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

"(2) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(3) will act in accordance with such guidelines as are prescribed under subsection (b)(2);

"(4) meets such other qualifications as the Secretary may prescribe in consultation with the sea grant review panel established under section 209, considers necessary or appropriate; and

"(5) is recognized for excellence in marine resources development and science.

"(B) REGULATIONS AND GUIDELINES.—

(1) In GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(4).

"(2) MERIT REVIEW.—Within 6 months after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1997, the Secretary, after consultation with the sea grant institutions, shall establish guidelines for the conduct of merit review by the sea grant institutions of project proposals for grants and contracts to be awarded under section 205. The guidelines shall, at a minimum, provide for peer review of all research projects and require standardized documentation of all peer review.

"(C) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after notice and an opportunity to respond, suspend or terminate any designation under subsection (a).

SEC. 6. DUTIES OF THE SEA GRANT INSTITUTIONS.

"SEC. 208. DESIGNATION OF SEA GRANT INSTITUTIONS.

"SEC. 7. DESIGNATION OF SEA GRANT INSTITUTIONS.

"SEC. 209. NATIONAL SEA GRANT OFFICE.

"SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

"SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.
(2) ZEBRA MUSSEL AND OYSTER DISEASE RESEARCH.—Section 212(b) is amended for a fiscal year under paragraph (1)—

(A) up to $2,800,000 of the amount may be made available for competitive grants for university research on the zebra mussel; and

(B) up to $2,000,000 of the amount may be made available for competitive grants for university research on oyster disease.

(b) ADMINISTRATION.—Section 212(b) (33 U.S.C. 1131(b)) is amended—

(1) by striking so much as precedes paragraph (2), and inserting the following:

The Administration shall be available for any activity whose purpose is described in subparagraph (B) by inserting paragraph (F) is aligned with the left margin to the right, so that the left margin of paragraph (F) is aligned with the left margin of subparagraph (E).

(2) in paragraph (2)—

(A) by striking paragraphs (a) and (c) and inserting the following:

"(a) by striking "five positions" and inserting "six positions"; and"

(B) by striking "the maximum rate for GS-18" and inserting "the maximum rate for GS-18, as established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code.";

(3) in section 209 (33 U.S.C. 1129) is amended—

(A) in subsection (b)(3) by striking "maximum rate for GS-18 and all that follows through the end of "United States Code.";

(B) in subsection (c) by inserting "(1) the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code";

(C) by amending subsection (d) to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(4) Section 206 (33 U.S.C. 1128) is amended by striking all of the following:

"(e) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this section shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(f) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a provision of law that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall be provided to the Appropriations Committees of the House of Representatives, and the Committees on Commerce, Science, and Transportation of the Senate.

(g) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Commerce, Science, and Transportation and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.

SEC. 10. CLERICAL, FORMING, AND TECHNICAL AMENDMENTS.

(a) Clerical Amendments.—

(1) Section 203(3) (33 U.S.C. 1122(3)) is amended by striking "the term" and inserting "the term,";

(2) Section 204(6) (33 U.S.C. 1124(6)) is amended by striking paragraph (2) and inserting the following:

"(f) NOTICE OF REPROGRAMMING.ÐIf any funds authorized by this section are subject to a provision of law that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall be provided to the Committees on Commerce, Science, and Transportation and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.

"(a) FORMING, AND TECHNICAL AMENDMENTS.—

(1) Mr. Choephel was a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968.

(2) Mr. Choephel studied ethnomusicology at Wellesley College and at Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India.

(3) Mr. Choephel returned to Tibet in July 1973 to participate in a project to prepare a film about traditional Tibetan performing arts.

(4) Mr. Choephel was detained in August 1979 by Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1980.

(5) There is no evidence that Mr. Choephel's activities in Tibet involved any- thing other than purely academic research.

should request Mr. Choephel’s immediate and unconditional release;

(3) the United States Government should sponsor and promote a resolution at future meetings of the United Nations Commission on Human Rights and other appropriate international fora regarding China and Tibet which specifically political prisoners and ne-
gotiations with the Dalai Lama, until those situations in China and Tibet improve sub-
stantially;

(4) the United States Department of State should advise American citizens that Tibet is not currently a safe destination for Amer-
ican travelers;

(5) an exchange program should be estab-
lished in honor of Ngawang Choephel, involv-
ing students of the Tibetan Institute of Per-
forming Arts and appropriate educational in-
sstitutions in the United States; and

(6) the United States Government should seek access for internationally recognized human rights groups to monitor human
rights in Tibet.
The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Listen to this remarkable promise from the Prophet Isaiah:

Then you shall call and the Lord will answer; you shall cry, and he will say, “Here I am.”—Isaiah 58:9.

Let us pray.

Almighty God, You also said through the Prophet Isaiah that when we call, You will answer and while we are speaking You will hear—Isaiah 65:24. We thank You that prayer begins with You. It originates in Your heart, sweeps into our hearts, and gives us the boldness to ask what You desire to give.

Today, may constant conversation with You hone the desires of our hearts until they are Your desires for us and for our work together. Then, dear Father, grant us the desires of our hearts. May our human understanding be surpassed by Your gift of supernatural knowledge, our inadequate judgment by Your omniscient wisdom, and our limited expectations with Your provident plans for us. We yield our minds, hearts, wills, and imaginations to be channels for the flow of Your divine guidance.

Bless the Senators in the decisions they must make and the votes they will cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 12:30 p.m., with Senators to speak up to 5 minutes each, with the exception of three Senators. Under a previous consent agreement, from 12:30 until 2:15 p.m. the Senate will be in recess to allow the weekly policy luncheons to meet. At 2:30 today, it is the hope of the majority that the Senate will be able to discharge from the Labor Committee and begin consideration of S. 419, the Birth Defects Prevention Act. This legislation is not controversial. It is hoped that the Senate will be able to consider and pass this important bill in a short period of time. Senators can therefore expect rollcall votes during today’s session of the Senate. As always, Members will be notified accordingly as any votes are ordered with respect to any legislation or executive matters cleared for action.

I thank the Members for their attention.

MEASURES PLACED ON CALENDAR—H.R. 1000, H.R. 908

Mr. THOMAS. I understand there are two bills, Mr. President, due for their second reading, and I would ask that they be read consecutively.

The PRESIDENT pro tempore. The clerk will read the bills for the second time.

The assistant legislative clerk read as follows.

A bill (H.R. 1000) to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits.

Mr. THOMAS. Mr. President, I object to further proceeding on either of these bills at this time.

The PRESIDENT pro tempore. The bills will be placed on the calendar under general orders.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

DISASTER RELIEF BILL

Mr. DORGAN. Mr. President, those who are watching the activities of the Congress now understand that the Congress, after some delay, passed a disaster bill to provide disaster relief to victims, especially the victims of the blizzards and the floods in South Dakota, North Dakota, and Minnesota, but to provide disaster relief on a much broader scale to those who have been victims of disaster in many States around the country.

The Congress did something different this time on disaster relief. In this circumstance, on this disaster relief bill, which is called a supplemental appropriations bill, the Congress decided to attach some very controversial provisions that don’t have any relationship to the bill, that are totally extraneous, unrelated to the disaster bill. They attached these provisions that weeks ago the President said he would not accept. The result was the disaster bill became a political vehicle asking flood victims and disaster victims to wait: “Hold on over there, we’re going to have a political exercise on the disaster bill.” And, in fact, this weekend, following the passage of the disaster bill by the Congress last Thursday night, instead of sending the disaster bill to the President then, this weekend it was held over in the House of
Representatives, and then the Republican National Committee went on paid radio ads in North Dakota, for example, to make a political issue of this so that the bill could be sent down to the President on Monday, so that they would hope the President would pay a political price for not supporting the bill.

I don't care about one or the other. I don't care about this side, that side, your side or my side. What I care about are disaster victims, and disaster bills ought not be the product of political gamesmanship at any time. I ask those who would construct a political strategy on the disaster bill, how on Earth could you construct a strategy by which everybody loses? What kind of a political game is that, a game in which you have constructed an approach so that everybody loses, most especially, the losers are the victims of a disaster? Thousands of them this morning who woke up not in their own homes, because their homes are destroyed, but woke up in neighboring city, relatives' homes, a shelter, a tent, a camper trailer. That is where they are living. They are the first victims of a strategy that plays politics with disaster relief, but there are others.

There are all the folks in the political system. There are no winners here, only losers, and the biggest losers are those who can least afford it: victims of this disaster.

I intend, in just a moment, to ask unanimous consent to call a floor bill that I introduced in the Senate yesterday. It is identical to the bill that Congress passed providing disaster relief, except for two things. It takes out the two major controversial provisions to which the President objects. I say, by doing this, let's pass a clean disaster bill, pass it now, get it to the President, get it signed and get disaster relief to the victims who so desperately need it.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I will be happy to yield for a question.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say to my colleague. I can, as said by the President, feel your pain here, because in 1993, my congressional district was inundated in a Midwestern flood. There are many natural disasters which can befall America and a family. One of them is a flood. A flood just never goes away. Some disasters strike quickly, with a tornado or an earthquake or fire, and by the next day, people are starting to reassemble their lives and clean up the mess and put it behind them. But if a flood inundates a family, that family feels it as long as it lingers, I have watched family after family in my district reach a level of depression, then desperation. About the only thing that sustains them is not only all of the good neighbors and volunteers who come to their assistance, but the belief that the Nation stands behind them; that, as a family, America says, "We will come to your aid, too. We will assist you."

It is interesting to me that during the course of our history, time and time again, without exception, we have said we are going to waive the rules, we are going to drop the politics, we are just going to focus on helping people. We aren't going to ask them whether they're Democrats or Republicans, Independent; it doesn't make any difference. They are Americans, they are neighbors, they are in need.

Let us get on with the business of being a nation that's able to focus on those issues. Why are we going through this exercise? Why haven't we passed the disaster bill to help the victims of the flood in North Dakota and South Dakota and Minnesota, and other places? Unfortunately, it is because some of the leaders here believe that this is the kind of bill that puts pressure on the President. Send him a bill that he has to sign, like a disaster bill, and then like a Christmas tree, put on these ornaments, little things totally unrelated to disaster. "Let's send this to him and, boy, we'll force his hand. No President is going to veto a disaster bill with homeless people. We will force him. We will put a provision in there that says we are going to violate the budget agreement, we are going to set a new standard here for funding agencies."

What does that have to do with disaster assistance? If you were out of your home, if you had seen all of your Earthly belongings inundated with a flood, if you and your kids were huddled in some shelter, would you really want the Congress of the United States of America to get involved in this kind of political gamesmanship?

Even worse, there is a provision in this bill that relates to the taking of the census. Boy, there's a real timely emergency; we better get on this one. Shoot, take a look, it is only 36 months from now that we are going to have to deal with the census. Are we supposed to take the census. The Republican leadership said, "Let's put a provision in this bill that will force the hand of the Federal Government whenever it comes to taking the census."

This is sad. This is really sad for so many people who have been victimized by this flood to now be victimized by politics on Capitol Hill. And it is outrageous. Senator DORGAN is correct, let us not violate the standard which we have established which says when there is a disaster in America, we will rally behind the victims, our neighbors, our fellow Americans regardless of party label, regardless of agenda.

We are losing it in this debate because the Republican leadership insists on amendments to this bill which have nothing to do—nothing to do—with disaster victims.

I salute my colleagues. Let us hope that just for one brief shining moment that this body will rise above politics and support your effort to bring a clean disaster bill to the table, pass it today, pass it in the House, move it on to the President, and get it signed this evening. We can then say to the people huddled in those shelters worried about their future and what they have been through that we have met our responsibility. I thank the Senator.

Mr. DORIAN. Let me make two additional points—

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes, 15 seconds remaining.

Mr. DORGAN. Let me make two additional points before I propose the unanimous-consent request. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me read an editorial from this morning's Fargo Forum, North Dakota's largest newspaper in the Red River Valley. It is, in most cases, a conservative voice. Here is what they say about what is going on in Congress:

The result [of all of this] is to aggravate the tragedy of the flood by extending uncertainty about relief. Last week, community leaders from Grand Forks and East Grand Forks, Minnesota—many of them longtime, loyal Republicans—urged Congress to quit fumbling around with the lives of flood victims. Clean up the disaster bill, they said, so the President can sign it.

Their words were ignored. Instead, Republican congressional leaders and the two governors tried to shift the blame on the president. In a callous display of partisan arrogance, they said his veto would be the deal killer, not the amendments.

It won't fly here in the Red River Valley—

The Fargo Forum says—

... where people are trying to put their homes, businesses and lives back together.

The President made it clear weeks ago: Unless the disaster aid bill was clean, he would veto it. Nevertheless, Republican leaders fouled up the legislation with unrelated riders, knowing the President's veto was certain. So instead of considering the crucial needs of valley flood victims, they opted for a purely partisan agenda. The onus is on the White House.

Apologists for the GOP leadership insists adding unrelated matters to popular bills is routine. Maybe so.

But the flood of this century in the valley is not routine. A disaster of such magnitude is not routine. The pain and destruction are not routine. The short construction season for rebuilding is not routine. Sure, the least flood victims can expect is for Congress to put aside its routine nonsense when circumstances are this extraordinary.

This from the Fargo Forum, not a liberal newspaper, normally speaking for conservatives.

Finally, this point. There are those here who say it doesn't matter that we
June 10, 1997

CONGRESSIONAL RECORD — SENATE

S5433

have messed around with this bill because there is money in the pipeline: no one is being disadvantaged. I heard them spin that yarn for weeks.

We kid people in our part of the country about whoppers. You know the whoppers: You win a belt buckle in a rodeo riding bulls; my pickup truck’s paid for. Now I heard this other whopper: There’s money in the pipeline. Tell that to the folks in Grand Forks.

There is a woman living in a tent right now in Grand Forks with her family. There was a woman in the newspaper yesterday, she and her family are out of work and have been out of their home for 5 weeks living in a camper trailer, and they don’t know when they are going to get back to their home and she doesn’t know when she will have another job. Tell it to them, that there is money in the pipeline.

Better yet, get on a plane and go out there and try to live on that money in the pipeline. The money doesn’t exist except in this bill, and the bill must get passed and must be a clean bill so this aid goes to disaster victims, and it ought to be done now. It can be done simply. I introduced a bill yesterday, and I will call it up now by unanimous consent, and if there is objection, it means the Congress will not allow a clean disaster bill to pass. If not now, when?

Let me call up a clean disaster bill where we take out the census issue and the Government shutdown issue and send this bill, as it was written by the Congress, to the President for signature.

Mr. President, I ask unanimous consent to proceed to Calendar No. 18, H.R. 581, and that all after the enacting clause be stricken and the text of S. 851, the clean disaster bill, be substituted in lieu thereof; that the bill be read a third time and passed; and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. There is an objection. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMAS. Mr. President, the Senators both know there are negotiations going on now. This performance on the floor does not help at all. Our leaders are talking to your leaders. They are working toward doing it. As a matter of fact, if you want to carry on this thing, there may be some time where you can do it this evening. The fact is, this is not the way to solve the issue. The leaders are meeting, and I object to the request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand under a previous order that I have 30 minutes under my control at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

Mr. President, first, I rise on another topic, but I want to say to the Senator from North Dakota that I fully support him on what I consider an excellent position. The flood about which my colleague from Illinois spoke a few minutes ago is the same flood that devastated Iowa in 1993. This Congress and the President came to the assistance of the people of Iowa at that time with a rapid measure. To this day, the people of Iowa talk about how rapidly the funds got out there, the Government was there to help. And the same thing should apply to any disaster anywhere. And it should apply in North Dakota as well.

I want to say to my colleague from North Dakota, he is right on the mark. This legislation ought to get through. The money ought to be sent out without all these other political ramifications. And I ask the Senator from North Dakota, again, his position is the correct one. We ought to get the money through here. And we should not be loading it down with political considerations.

The COMPREHENSIVE TEST BAN TREATY AND THE 34TH ANNIVERSARY OF PRESIDENT KENNEDY’S CALL FOR THE VIGOROUS PURSUIT OF PEACE

Mr. HARKIN. Mr. President, I take the floor today with a couple of my colleagues to note a very important anniversary.

Mr. President, 34 years ago today, on June 10, 1963, President John F. Kennedy delivered a historic address at American University here in Washington, DC, regarding the need for the vigorous pursuit of peace. He declared that the United States has a critical interest in limiting the testing of nuclear weapons. We wanted to mark that occasion today by talking about the need to continue that progress and to bring to completion President Kennedy’s dream and goal of the Comprehensive Test Ban Treaty.

I yield at this time to my colleague from Illinois for his unanimous-consent request and for any comments he wants to make.

I reserve the balance of my time.

The PRESIDING OFFICER. Is there objection? The Senator from Illinois.

Mr. DURBIN. Thank you Mr. President.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that privileges of the floor be granted to the following members of my staff, Thomas Faletti and Robin Gaul during the pendency of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I want to thank my colleagues from Iowa, Senator HARKIN, for reminding us of this important and historic anniversary. President John Kennedy’s speech to American University in 1963, really I think demonstrated a vision of the future which no one believed at the time was really within our reach. We expect leaders in America to challenge us, to think ahead, and to think of a different world. Certainly President Kennedy did that at American University.

In the midst of the cold war, when it was starting to heat up with nuclear missiles being built at great expense in the Soviet Union and the United States, President Kennedy challenged the United States to think of the vision of a world that was a world of peace, a world where the leaders in countries like the United States and Russia would be focusing their resources on good and positive things rather than weapons of mass destruction.

He have tried through the Comprehensive Test Ban Treaty to reach a milestone on the road to the total abolition of nuclear weapons. This treaty prohibits all nuclear weapons test explosions or other nuclear explosions anywhere in the world.

It is verifiable. We have a global network of monitoring facilities and on-site inspections to make sure that each country lives up to its terms.

President Bush, obviously a Republican leader, initiated a test moratorium in October 1992. President Clinton continued it, and then signed the Comprehensive Test Ban Treaty last year, along with 120 other world leaders. It has been endorsed by the United Nations. Now it must be ratified by the United States. The Senate must put its approval on this notion that we are going to eliminate nuclear weapons testing as part of a global plan to bring real peace to this world. Forty-three other nuclear-capable countries must face that same responsibility.

Why should we do this at this point in our history? Are we not making enough progress? Do we really need this? I think the answers to these questions will demonstrate why we are here on the floor speaking to this issue. The Comprehensive Test Ban Treaty would curb nuclear weapons proliferation worldwide.

What does it mean? Not just those nations currently in possession of nuclear weapons, but those that dream—unfortunately dream—of being nuclear powers, they would be held back, too. Our monitoring devices in the test ban treaty will be at the Senate’s disposal, if not a prohibition against their own nuclear testing to become nuclear powers, to join in some nuclear arms race at a new level different from the cold war.

That is another aspect of this that is so troubling. Fully $1 billion of every $3 we spend each year now in the United States on what we call the nuclear weapons program is money spent to clean up the mess, the environmental degradation that is left over from our nuclear program. If we stopped the testing and put a halt to the construction of these weapons, we are going to...
The U.S. nuclear arsenal has consumed about a quarter to a third of all of our defense spending since World War II. I will not recount all the dollars involved; and I am sure my colleagues will during the course of this debate. But I have put ample resources in this program. We must be reminded over and over again of the words of President Dwight Eisenhower, no dove, our leader in World War II, who stood up and reminded us that every dollar spent on weaponry, every dollar spent in this case on nuclear weaponry, is a dollar not spent on the education of a child, on nutrition for a child at risk. These are things which should be constant reminders of the need for this debate.

Despite the end of the cold war and the collapse of the Soviet Union, the United States currently spends at least $33 billion a year on nuclear weapons and weapons-related activity—about 13 percent of the defense budget. These costs continue even though no new weapons or bombs have been built since July 1990.

Nuclear weapons testing has stopped since September 1992. And the size of the nuclear stockpile, because of negotiations, has gone down dramatically; yet, still $33 billion a year right up on the cash register out of the taxpayers’ pockets into a nuclear program. And for what? Unfortunately, a third of it, as I said, is used for environmental cleanup. And that should be done. But so much more is being used to maintain and upgrade existing weapons and retain the capability to produce new ones.

Let us realize the vision of President Kennedy, a vision which 34 years ago challenged Americans to think beyond the current cold war in those days to a more peaceful world.

President Kennedy during his famous speech, 34 years ago today, at American University, called for an end to nuclear testing, and then proceeded to negotiate with the then-Soviet Union and others for an end to atmospheric testing. Four months later this Senate ratified a ban on all atmospheric testing—4 months. And then here we have been 34 years to get to a comprehensive test ban.

So if they could do that in 4 months, I would think now, certainly before the end of this year, we could bring this to a closure.

I yield to my friend and my colleague from Rhode Island.

Mr. REED. I thank the Senator for yielding. I commend him for his leadership on this important issue. And I also want to commend my colleague from Illinois for his very eloquent statement on this very subject.

I join my colleagues today in urging the administration to submit the Comprehensive Test Ban Treaty to the Senate for its consideration and, hopefully, ratification. On this day in 1963, President John F. Kennedy delivered his famous address to the graduates of American University. He made his famous call for peace for all time. He was then searching for a solution to a tense nuclear standoff. He stated in that speech:

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient means of assuring peace.

Mr. President, today we have an alternative means of assuring peace. After years of negotiations and false starts, 60 countries have approved the text of the Comprehensive Test Ban Treaty which would prohibit all nuclear weapons test explosions or other nuclear explosions anywhere in the world.

This treaty would prevent deployment and impede the development of these deadly weapons. It would not enter into force however until ratified by all 44 states which possess nuclear power, including the five countries which have harnessed this power to make nuclear weapons. Its comprehensiveness would reassure the non-nuclear weapons states that nuclear proliferation is waning, thus eliminating the need of these states to develop their nuclear capability.

The Comprehensive Test Ban Treaty clearly has one purpose: To end the arms race and prevent the proliferation of weapons of mass destruction. It seeks to accomplish its goal in an objective and fair manner.

The membership of the executive council, the treaty’s principal decision-making body, will be distributed evenly throughout the world.

An international monitoring system will use scientific methods to detect and identify prohibited nuclear explosions. A network of seismic, hydroacoustic, and radionuclide monitoring stations will continuously collect and analyze data to ensure global compliance.

A consultation and clarification regime will provide state parties with the opportunity to address accusations of noncompliance before an on-site inspection is ordered. And any state party which demands a frivolous or abusive inspection may be subject to punitive measures.

How can the United States not take the lead in this cause? If we ratify this treaty, others will follow. Imagine a day when world peace is not decided by the size of nuclear stockpiles, but rather by the will and wishes of the people of the world. This treaty is the next step toward that reality.

Mr. President, in his book of several years ago, “The Good War,” author Studs Terkel presented an oral history of those touched by World War II. He spoke with many individuals whose lives were shaped by the bomb. Indeed, he spoke with survivors of Hiroshima, who still do not talk about the events of August 6, 1945, without breaking down.

He spoke with an American sailor who swam in the waters of the Marshall Islands the day after a test explosion. He died of cancer before the book was published.

But perhaps Terkel’s most disturbing chapter is his last, when he interviewed some children, aged 11 to 15, on a Chicago street corner.

One child, Sam, stated, “I hope I can die of old age, before the world starts THE war.” Ethel then chimed in, “I wanna see if I’m gonna grow up first. I mean, I might not live to be grown up. Cause I don’t know when my time is up * * * I never know if I could die overnight from the bomb or something.”

And finally Raymond said, “This might sound crazy, but I’d like to see a world without bombs. I mean without wars. Without that we are spending on all these deadly weapons. Maybe we could enjoy it more. Get a lot out of life, without worrying you would be blown up tomorrow.”
Mr. President, generations growing up after World War II were haunted by the specter of annihilation by nuclear weapons. We now have an opportunity to rid these fears, the fears of our children, forever. The American people want this treaty. Eighty percent of the public support its ratification. It is incumbent upon us to consider this treaty and to ratify it, to put to rest once and for all the specter of nuclear annihilation.

I yield back my time to the Senator from Iowa.

The PRESIDING OFFICER (Mr. Sessions). The Senator from Iowa.

Mr. HARKIN. I thank my colleague. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. HARKIN. I thank the Chair. I thank my colleague from Rhode Island.

Mr. President, let me continue for a little while. I would like to talk some more about the aspects of this treaty and why it is so important that we ratify it this year.

Again, to recap, 34 years ago today, on June 10, 1963, President Kennedy made a historic speech at American University here in Washington, DC. He talked about the need for a test ban treaty to limit the number of nuclear weapons tests. Four months after that, President Kennedy negotiated with the Soviet Union, signed and secured ratification of the United States Senate for the limited test ban treaty that banned all atmospheric tests of nuclear weapons. So, since October 1963, the two nations have had no atmospheric tests of nuclear weapons.

But President Kennedy's goal was not just atmospheric tests. His goal was to ban all nuclear weapons tests. As President Kennedy said on June 10, a comprehensive test ban treaty "would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards—**the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war." That is a quote from President Kennedy's speech at American University 34 years ago.

Mr. President, completion of a global nuclear test ban treaty negotiations has been a central nuclear arms control objective for more than 40 years. This long-awaited goal was finally won almost last September, September 24, 1996, when the United States and other countries signed the Comprehensive Test Ban Treaty, the CTBT as it is called, a treaty consistently supported by more than 80 percent of the American public.

Now, we in the Senate must ensure that the Comprehensive Test Ban Treaty is ratified here in the Senate and by 43 other nuclear-capable countries so that it formally enters into force.

The Comprehensive Test Ban Treaty is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent verification program in all environments for any purpose. It's zero-yield prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The treaty would also establish a far-reaching verification program that includes a global network of sophisticated seismic, hydro-acoustic, radio-nuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

I might just add here, Mr. President, one of the important reasons for getting this treaty ratified as soon as possible is that under this regime, newly emerging nations that may be wanting to develop a nuclear weapon will find it thousands of times more difficult to do so. I will not put myself in a position of saying it will be absolutely impossible; nothing is 100 percent perfect, but many of these smaller nations that may want to have a nuclear weapon are going to need a small nuclear weapon. They will need some nuclear weapon technology in order to have it delivered in a vehicle that they have in their possession or that they might soon acquire. To do that would require testing. If they cannot do the testing, then they cannot acquire the technology in nuclear weapon design and construction.

Mr. President, in 1991, the Soviet Union announced a unilateral nuclear weapons test moratorium. In 1992, the House and Senate passed legislation establishing a 9-month U.S. moratorium with restrictions on the number and purpose of any further U.S. tests and a prohibition on U.S. tests after September 30, 1996, unless another nation conducted such tests. In 1993, President Clinton, with advice from the armed services, the nuclear weapons laboratories, and the Energy Department, determined that the U.S. nuclear arsenal was safe and reliable and that even low-yield weapons tests are unnecessary. I even the so-called safety tests intended to guard against defects that could lead to accidental warhead detonations.

Spurred by the independent JASON scientific group's report that the United States nuclear arsenal is safe and reliable without testing, and pursued further by the international outcry when the French resumed nuclear testing after a 3-year hiatus, the United States and France then adopted a zero-yield test ban position in the nuclear weapons test ban talks.

So, by August 1996, the negotiations produced a final nuclear weapons test ban treaty supported by all countries except one, all countries except India, and India sought to include in the treaty a timetable for eliminating all nuclear weapons. India would find its own nuclear weapons development program limited by a ban on testing. So, to overcome one nation's opposition, Australia proposed—and more than 100 other countries supported—a resolution endorsing the Comprehensive Test Ban Treaty, a zero-yield test ban, which was submitted to the U.N. General Assembly and passed by the overwhelming majority of 158–3 on September 10, 1996.

Now, for the Comprehensive Test Ban Treaty to formally enter into force, it must be ratified by 44 named signatory nations, including the five declared nuclear weapons states and the three undeclared nuclear states—India, Israel, and Pakistan. The U.S. ratification requires, of course, a two-thirds vote by the U.S. Senate. However, until the Comprehensive Test Ban Treaty does enter into force, all signatories, including the United States, are bound by article XVIII of the Vienna Convention on Treaties not to undertake any action that violates the purpose or intent of the treaty. In other words, the signatory nations all test nuclear weapons.

That is sort of the recent history. Now, what is the next step? Well, several key steps must now be taken. Before the Comprehensive Test Ban Treaty can be considered by the Senate Foreign Relations Committee and the full Senate, the Clinton administration must submit the articles of ratification and must reach agreement with the Senate leadership to begin formal consideration of the treaty. The treaty must also be considered by the Senate Foreign Relations Committee of the Senate and the Senate in its whole must then proceed with a thorough examination of the treaty and to vote on it. In the end, I believe the Senate will agree that ratification of the treaty is in our country's national security interests just as President Kennedy said 34 years ago today.

The Senator from Illinois mentioned that conservatively we are spending about $30 billion a year now to maintain our nuclear stockpile. I wondered how much we had spent over the intervening years. It turns out that from right after the end of World War II until now, the United States has spent more than $300 billion—that is billion with a "b"—$300 billion, about a third of a trillion dollars, for nuclear weapons and nuclear weapons materials. That does not include all the delivery vehicles—that is, all of the missiles, the silos we build, the Minutemen and the Titans—and it does
not include the cost of all the B–52 bombers, the B–47 bombers, the B–2 bombers, and the B–1 bombers. It does not include that. It does not include the cost of all the submarines, all the Polaris and later the Trident submarines, the space shuttles alone would cost hundreds of billions more. I am talking just about nuclear weapons material alone, and the weapons themselves—$300 billion approximately that we have spent, and now about $30 billion a year. As I mentioned earlier, Mr. President, that is 2 1/2 times what we are spending on all medical research in the National Institutes of Health. We are spending 2 1/2 times every year to maintain the nuclear stockpile than we are spending on all long-term research we do at the National Institutes of Health. That is not right, and that is why it is time to conclude the Comprehensive Test Ban Treaty.

President Kennedy said 34 years ago today that the negotiations for a ban on above-ground nuclear tests were in sight, and he invited the Nation and the international community to bring that treaty to a conclusion. As I said, 4 months later the agreement was reached and the atmospheric test ban treaty became a reality—in just 4 months at the height of the cold war. The Soviet Union no longer exists. We have relations with Russia, open relations. We visit their military establishments; they visit ours. We now have an agreement where they will be an adviser to NATO. Well, now it is time for us to conclude the Comprehensive Test Ban Treaty. It has been around a long time. We are there at the point where we can bring it to its final conclusion.

President Clinton must adopt the same attitude that President Kennedy adopted in 1963. He must insist on a quick closure, to make it a top priority of his administration to get the Comprehensive Test Ban Treaty ratified by the Senate this year. It is in our best interests. It would help secure our place in the world, the threat is there, and we go a long way toward ensuring that newly emerging nations do not get their hands on the nuclear trigger and would begin the process of getting rid of, over a period of time, the nuclear stockpiles that we have and saving all of that money that we are now spending and, hopefully, putting that money into important endeavors such as medical research.

Well, the end is in sight. We soon can have a ban on all nuclear weapons tests.

Mr. President, sometimes it boggles the mind to think of how many nuclear tests we have had in the past. Nuclear tests, underground ones, are permanently out of the atmosphere large amounts of plutonium and other toxic materials. I have seen estimates that tons of plutonium were released during all of these tests into the atmosphere, in the food chain, and in sea life. The half-life of plutonium is tens of thousands. And yet, we know it is one of the most carcinogenic materials known to mankind. One microscopic piece of plutonium can cause cancer.

Who knows how much plutonium is embedded into the ground and into the soils from the underground tests, how much of that plutonium may find itself to underground aquifers later on in the evolution of our planet?

We are paying a terrible price for this sad chapter of our history. We shouldn’t pay the price any longer. Now is the time to end testing once and for all and close the books on it.

I call upon President Clinton to make this a priority of his administration this year, the majority leader of the Senate and the minority leader of the Senate to make it a priority for the U.S. Senate this year that we debate and vote on the comprehensive test ban treaty. I call upon the chairman and the vice chair of the Senate Foreign Relations Committee, as soon as the President sends this down, to take it up, to investigate it, to debate it fully, and to vote on it and report it to the floor of the Senate.

This must be a priority. We must do it this year. Let’s make this 34th anniversary of President Kennedy’s speech at American University the last anniversary before we have a completion of what he called a ban on all nuclear testing.

Mr. FEINGOLD. Mr. President, I rise today to join with my friend, the Senator from Iowa [Mr. HARKIN], in marking the anniversary of President John F. Kennedy’s historic speech on nuclear disarmament. It was in that speech, given June 10, 1963, at American University, that President Kennedy announced the initiation of negotiations for a comprehensive ban on nuclear tests. I am pleased to see that now, 34 years later, a comprehensive test ban is on the verge of becoming reality.

I am a strong supporter of the Comprehensive Test Ban Treaty [CTBT] as an essential complement to the Nuclear Non-Proliferation Treaty and will help to reduce the threat of non-proliferation and the threat of nuclear testing, will provide further assurance that no additional states will develop nuclear weapons. The world will undoubtedly be a safer place once all nuclear explosions, even underground ones, are permanently outlawed.

Since President Kennedy first initiated test ban negotiations, the United States has taken the leading role in ending nuclear testing. We must maintain this momentum. I urge the President to submit the CTBT to the Senate for its advice and consent at the earliest possible date and then I would hope the Foreign Relations Committee would take it up for consideration soon after. The United States should continue its leadership by ratifying the CTBT. We should demonstrate that our commitment to a nuclear test ban is as strong as ever.

Mr. JEFFORDS. Mr. President, it gives me great pleasure to join my colleagues today in marking the 34th anniversary of President Kennedy’s historic call for negotiations aimed at reducing the risk of nuclear war.

President Kennedy’s June 10, 1963, address at American University marked the beginning of serious international efforts to limit the nuclear arms race and to avert the nightmarish possibility of a nuclear war. His initiative received a few months later the Limited Test Ban Treaty, which brought about the first pause in the nuclear powers’ efforts to construct bigger, better, and more nuclear weapons.

It’s worth noting that President Kennedy’s objectives were more ambitious. He hoped to enact a comprehensive nuclear test ban, but was unable to win agreement for such a bold step. Now,
Thirty-four years ago today, President Kennedy called on us to pause and consider the effects of a devastating nuclear conflict. He put us on a path to eliminating this threat. Let’s honor his memory by fulfilling one of his grandest objectives. Let’s act on and ratify the Comprehensive Test Ban Treaty.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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.

Mr. MURKOWSKI. I thank the Chair.

GREAT OUTDOORS WEEK

Mr. MURKOWSKI. Mr. President, I would like to chat a little bit about recreation in America today and announce that Great Outdoors Week for 1997 began on Monday of this week.

From America’s mighty rivers, to her majestic mountains, plains, and valleys, there is the recognition that this Nation is truly blessed with national and natural beauty beyond comparison. As a consequence, it follows that our Nation and our national consciousness are defined in no small part by the great outdoors that we all enjoy.

Coming from my State of Alaska—which is, at least as far as I am concerned, America’s premier outdoor State—I have lived near and experienced some of nature’s greatest handiwork. I have fished, hunted, sailed, hiked, and camped in probably the best places on Earth.

So it is with great pleasure that I come before my colleagues to announce Great Outdoors Week for 1997.

The recreation community is in Washington this week to host a number of activities to remind those of us inside the beltway that outdoor recreation is a good thing for people, for communities, for the economy, and for conservation. Great Outdoors Week will bring together many people and groups who really care about America’s great outdoors. Federal, State, and local officials, recreation enthusiasts, outdoor media, recreation associations, and the recreation industry will all take part in the events scheduled for this week.

I met last night with the Recreation Vehicle Industry Association—the manufacturers and the suppliers of recreation vehicles. There were some 250 to 300 people in the Russell rotunda at a very, very outstanding reception to kick off Great Outdoors Week for 1997.

Mr. President, as an outdoorsman and chairman of the Senate committee with responsibility for our Nation’s public lands, I am also going to take an active role in the other events scheduled for this week.

The work of the Committee on Energy and Natural Resources touches the lives of Americans in many ways but few ways more visible than in our provision of the Nation’s great outdoors. Great Outdoors Week really gives us an opportunity to focus on the value of recreation in our lives, and how we can do a better job of encouraging people of all ages to enjoy America’s natural and national splendor.

The great outdoors is the main focus of our national recreation initiative. The acronym is REC, and it stands for three goals: reinvigorate, enhance, and conserve.

To reinvigorate and rebuild our national parks, forests, and other Federal lands that provide diverse recreation opportunities.

To enhance the visits Americans make to our public land legacy through improved access, facilities, and services.

To conserve America’s natural resources that provide recreation opportunities, particularly through wildlife habitat restoration and protection. It also includes areas in our urban centers with strategies to protect open space, rivers, lakes, and to link parks and trails.

Last year, we passed the largest parks and conservation public lands bill that has passed this body since the 1940’s. Containing 119 pieces of legislation, the bill increased park boundaries, designated historical trails and wild and scenic rivers, protected sensitive lands, and benefited virtually every State in this Nation.

It also protected the Presidio in San Francisco, one of the finest recreation areas in our country, by establishing a new management system which takes advantage of private sector expertise, contribution, and finance.

It will also create the National Recreation Lakes Study Commission. This is a nine-member commission that will examine the demand for recreation at federally managed lakes and reservoirs and help develop plans with the private sector to maximize recreational opportunities. A report is due next year, and we may write legislation to increase opportunities in this area.

Thankfully, after I wrote to the President last week, he told me that he will name the remaining four members of the nine-member commission this week so that they can get down to work.

On April 25 of this year, we held a seminar on outdoor recreation trends and benefits.

This week we will hold an oversight hearing on the state-side program of the Land and Water Conservation Fund. We will hold additional oversight hearings on other aspects of the outdoor recreation capabilities. At least one of them will be a field hearing on the committee report, hopefully, with the Federal Government.
can and should do to reinvigorate, to enhance, and to conserve America’s outdoors.

Our national parks—our Nation’s crown jewels—are losing some of their lustre. We can see, the stateside LWCF program has been shut down. The LWCF stateside program promotes a unique partnership among Federal, State, and local governments. It provides matching grants that enable State and local governments to create recreation facilities, parks, and playgrounds, because they are matching grants, they double the impact.

The LWCF stateside program promotes a unique partnership among Federal, State, and local governments. It provides matching grants that enable State and local governments to create recreation facilities, parks, and playgrounds, because they are matching grants, they double the impact.

The LWCF stateside program has helped finance 37,500 national parks and recreation projects—campgrounds, trails, playgrounds, recreation centers, and gyms. It has also helped in my State of Alaska. We have had a number of very effective State and local parks which received a stateside LWCF grant. The demand continues to increase. As a matter of fact, in fiscal year 1995 over $600 million was requested.

But I want to explain very briefly, Mr. President, that the recent balanced budget agreement between that the administration and the congressional budget negotiators provided $700 million over 5 years for the Federal side of the Land and Water Conservation Fund. That is the portion of the fund used for land acquisition by the Federal government. The administration wants $315 million of that to buy Headwaters Forest and the New World Mine. This is not what LWCF was designed to do. The remaining $385 million, according to the administration, would be spent for Federal land purchases. That is hardly a State matching program. This means the stateside matching land and water conservation fund program would still remain the same.

So what would Americans get for their $700 million? More Federal land acquisitions over the next 5 years chosen by politicians in Washington, DC, rather than State and local recreation projects, the ones closest to the people, get nothing, and that is too bad because those are matching funds and we get twice the bang for the buck. We need a stateside Land and Water Conservation Fund program and I have asked appropriators to provide some money to keep the matching grant program alive.

Mr. President, let me show you a couple of charts, and I will conclude my remarks. This chart shows the Land and Water Conservation Fund authorizations and appropriations. As one can see, the stateside LWCF appropriations in green have dramatically decreased. Of course, the authorizations have gone way up. What we have here is a dropoff from 1983 to 1995 down to 1996 where there is zero money provided for stateside LWCF matching grants. That is probably the greatest single significance of what the Federal role is. It is in matching, if you will, so that Federal appropriations can come on and the priorities can be addressed in an appropriate manner that represent the will and attitudes of States and local communities.

There is just one other chart that I want to show, the receipts. Where does the money come from? It comes from a dedicated fund, the Outer Continental Shelf areas where revenues now exceed more than $3 billion a year. There is very little from recreation fees. There is some from the motor fuel tax and surplus property sales. The funding for the Land and Water Conservation Fund comes from offshore leases.

The Appropriations Committee has seen fit to use those funds for other expenditures.

So, Mr. President, during Great Outdoors Week and every other week of the year, I ask that we all remember the value of outdoor recreation to Americans. We are blessed with a great natural bounty. It is our duty to conserve it. As a consequence, I urge my colleagues to act on the necessity of having a meaningful stateside Land and Water Conservation Fund program which would provide matching grants benefiting the States and allowing the priorities at hand to be met.

Mr. President, I thank the Chair and I yield the floor.

TRIBUTE TO SENATOR THURMOND

Mr. COVERDELL. Mr. President, it is with great pleasure I come to the floor today to speak about a distinguished colleague and dear personal friend, Senator Strom Thurmond. I, like so many American citizens, have admired the senior Senator from South Carolina for his outstanding service to the United States in this chamber, and for the life he has lived through military service in World War II to his years of teaching, coaching, and practicing law in the Palmetto State.

The accomplishments and achievements which have been a part of Senator Thurmond’s life are truly outstanding. Accordingly, his reach across this country, particularly the Southeast, is remarkable. One can go to the Georgia/South Carolina border, traveling along Interstate 20 to Florence, SC, and be driving on the Strom Thurmond Highway. Or take a stroll through the U.S. Capitol and walk into the beautiful Strom Thurmond room, so designated in 1991. These are just two of the many facilities named for the distinguished Senator because of his courage and patriotism. He has set a fine example for all Americans—from the students he taught from 1923-28 in Edgefield, McCormick, and Ridge Spring, SC, to the pages, interns, and staffs to whom he has been so gracious, friendly, and helpful since his arrival in the Senate in 1954.

Senator Thurmond has served diligently on the Armed Services, Judiciary, and Veterans’ Affairs Committees. He has not only been a champion for his State, supporting such vital missions as those performed at the Savannah River site, but also a leader on security issues for our Nation as a whole. In World War II, no question, his knowledge, understanding, and expertise in military affairs and foreign policy has strengthened our national security and helped to maintain the status of the United States as the world’s pre-eminent military and economic power.

As a soldier, the Senator’s record was no less impressive. In World War II, Senator Thurmond volunteered for active service on the day we declared war and flew his glider behind enemy lines during the D-day invasion with the 82nd Airborne Division.

Following these heroics, he was awarded 38 decorations, including the Purple Heart, Bronze Star for Valor, and the Legion of Merit with Oak Leaf Cluster. His military service continued as he was promoted to major general in the U.S. Army Reserve in 1959. This is something no other Senator has distinguished fashion for the next 36 years.

With the rest of his military and political career well documented and chronicled on the floor by my colleagues, I would just like to close now
Mr. President, I ask unanimous consent that my letter and the newspaper article be printed in the RECORD. The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. GRASSLEY. Mr. President, I would like to address some of Mr. Hamre's assertions.

First, Mr. Hamre's remarks imply that my criticism is somehow personal. Nothing could be further from the truth. He is a very likeable person. But my personal feelings have absolutely nothing to do with my position on his nomination.

What I have tried to do is examine all the facts and then reach a conclusion based on those facts. These are the facts as I know them.

In 1992, the inspector general [IG] examined the Department of Defense's (DOD) progress payment procedures. The IG along with legal counsel declared that these policies "resulted in the rendering of false accounts and violations of the law."

The IG told the Department to get on the stick and fix the problem. The bureaucrats balked. Under pressure, they finally signed an agreement in March 1993.

In signing this document, they agreed to comply with the law. One of the persons who signed this agreement was Mr. Alvin Tucker. Well, 7 months after Mr. Tucker signed the agreement, Mr. Hamre became Comptroller and Chief Financial Officer or CFO. Well, guess what?

Mr. Tucker became Mr. Hamre's most senior deputy. He became the Deputy CFO. Mr. President, after becoming CFO, Mr. Hamre did nothing to meet the terms of the agreement and comply with the law.

Instead, he sided with the bureaucrats who were thumbing their noses at the law. He gave them the green light to keep breaking the law. He personally reauthorized their illegal operation.

Then, early this year he floated a legislative proposal. His draft language would have sanctioned the procedure that the IG had declared illegal and that he, Mr. Hamre, had personally authorized. His reasoning is flawed. This is an obvious attempt to deflect responsibility—away from himself. His reasoning is flawed. If Mr. Hamre thinks this is an acquisition issue, maybe he has abdicated his responsibilities under the law—as CFO.


It does it by deliberately charging payments to the wrong accounts and then juggling the books to cover it up. Anyone who thinks this is an acquisition issue needs to consult the law books.

When you go to the law library and locate title 31 and open the book, the subtitle staring you in the face is: "Money and Finance." Section 1301 lies in a chapter entitled "Appropriations."

Mr. President, misappropriation, mischarging and cooking the books takes Mr. Hamre deep into the realm of money and accounting. If this is just an acquisition issue, I'll eat my hat.

Fourth, when Mr. Hamre became CFO in October 1993, he declared war on financial mismanagement. To claim success today, he cites "steep drops in contract overpayments."

Mr. Hamre's claims are not supported by the facts. The General Accounting Office [GAO] has issued a series of reports on DOD overpayments. These reports demolish Mr. Hamre's success stories. The most recent report says Mr. Hamre's progress payments scheme is the biggest, single driver behind overpayments. He's to blame.

That's right. Mr. President, Mr. Hamre's own operations are causing overpayments to happen. That's exactly what it says on page 12 of the GAO report entitled: "Fixing DOD's Payment Problems is Imperative."

This report is dated April 1997 and has the designation NSIAD–97–37. GAO reports also say that DOD has no capability to detect overpayments. Virtually every overpayment ever examined by the GAO was detected by...
the person who got the check in the mail—the contractor—and not the Government.

In almost every case, overpayments were voluntarily refunded by the contractor who got the checks.

Now, Mr. President, if Mr. Hamre were really serious about eliminating overpayments, why didn’t he just shut down the illegal progress payments operation—like the IG asked?

That would have removed the primary source of overpayments.

If Mr. Hamre has no capability to detect overpayments, why does he know whether they are going up or down?

How does he know they are going down, if he doesn’t know how many there are?

Perhaps, if overpayments are really going down—like he says, it must mean the contractors have stopped making voluntary refunds.

Maybe they have decided to keep the money. That would help to keep the numbers down.

Mr. President, I will have much more to say about Mr. Hamre in the weeks ahead.

Some of my colleagues have asked me why I oppose this nomination.

I want to be sure they know where I am coming from.

EXHIBIT 1


President William J. Clinton
The White House, Washington, DC.

Dear Mr. President: I am writing to inform you that I am opposed to the nomination of Mr. John J. Hamre to fill the number two position at the Department of Defense (DOD).

Secretary Cohen has recommended that Mr. Hamre be the next Deputy Secretary of Defense.

I am opposed to this nomination because Mr. Hamre has authorized and protected an illegal payment operation.

The procedure in question is the one DOD uses to make progress payments on contracts. Under Mr. Hamre’s policy, payments are deliberately charged to the wrong accounts when the money was, in fact, spent some other way. Deliberately charging the wrong accounts and then juggling the books to make them look right is what I call “cooking the books.”

Legal counsel has said that DOD’s progress payment procedures “result in the rendering of false accounts and violations of Section 1301.” Section 1301 is a little known but very important law. It embodies a sacred constitutional principle: Only Congress decides how public money may be spent. Section 1301lis the device the Congress uses to control the purse strings.

After the Inspector General declared that DOD progress payment procedures were illegal, the department’s Chief Financial Officer (CFO), Mr. Hamre, had a responsibility to institute some reforms. In fact, his senior deputy made a formal commitment to obey the law. But instead of fixing the problem, Mr. Hamre tried to legalize the crime. Earlier this year, he circulated a piece of draft legislation. His legislation would have sanctioned the payment procedures that the IG had declared illegal and that he had personally authorized in writing after becoming CFO.

Mr. Hamre’s draft bill tells me that he knew full well that his progress payments process was operating outside the law. Otherwise, why was he seeking legal cover?

Mr. President, when I found out about what Mr. Hamre was up to, I went straight to the floor and announced his actions. I did it on two occasions. Once on January 28th (See pages S695-S696 in the Record) and again on February 12th (S1285-S1287).

I think Mr. Hamre has probably done an excellent job in making a case for the DOD budget before Congress. And that is the John Hamre whom the senators know—the one wearing the budget hat. That’s John Hamre, the Comptroller. But the budget is just part of his job. He wears another hat. He is also the department’s CFO. As CFO, he is responsible for financial management and accounting. This has been his downfall. In the accounting field, Mr. Hamre has done a lousy job.

I would give him a grade of F for his performance. The department’s books are in a shambles. True, they were in that way when he became CFO, but that was four years ago, and they are worse that way. The department’s books are in such a mess—so much documentation is missing—that they can’t be audited as required by the CFO Act of 1990. And the situation is not expected to get much better anytime soon. The IG expects to keep giving DOD disclaimers of opinion “well into the next century.”

One reason for the books flunking the CFO audits is sloppy bookkeeping. DOD refuses to do routine accounting work on a daily basis as transactions occur. And one of the most flagrant examples of sloppy bookkeeping is the progress payment process.

As legal counsel said, it results in the rendering of false accounts and violations of Section 1301. Progress payments are deliberately charged to the wrong accounts and then DOD doctors the books to make them right with the law. With this kind of bookkeeping operation, it’s next to impossible to either locate or follow the audit trail.

Mr. President, this is not “mickey mouse” accounting stuff that only “bean counters” need to worry about. This is about the breakdown of discipline and internal controls. That leaves the department’s accounts vulnerable to theft and abuse. In recent years, a few illegal contracts have tapped into the DOD money pipe undetected, stealing millions of dollars. They were caught as a result of outrageous personal behavior and not because of effective internal controls. How many others are still out there, ripping off the taxpayers?

Under the CFO Act, Mr. Hamre is responsible for “improving internal controls and financial accounting.” Because of his personal involvement in the illegal payment process and his failure to clean up the books, I do not believe that Mr. Hamre deserves to be promoted to Deputy Secretary of Defense.

Sincerely,

Charles E. Grassley,
U.S. Senator.

[From the Washington Post, May 29, 1997]

OFFICIAL IN LINE FOR NO. 2 DEFENSE POST

(Draft copy)

(By Bradley Graham)

John Hamre, the Pentagon comptroller in line to become the Defense Department’s new second-in-command, has come under an attack from Sen. Charles E. Grassley (R-Iowa) triggered by a dispute over how the department accounts for progress payments on contracts.

In a letter to President Clinton made public yesterday, Grassley accused Hamre of having “authorized and protected an illegal payment operation” and announced he would oppose Hamre’s expected nomination.

The accounting practice, Grassley said, is symptomatic of the Pentagon’s chronically “sloppy bookkeeping.” He charged Hamre had “done a lousy job” revamping the Pentagon’s financial management during his four years as comptroller, adding that the Pentagon’s books remain a “mess.”

Hamre, a former Senate staff member who enjoys widespread favor on Capitol Hill, was stunned and puzzled by the harshness and personal focus of Grassley’s remarks.

At issue, Grassley said, was just an disagreement over a Pentagon contracting practice that dates back several decades.

“The senator has taken an important but small acquisition policy issue and applied it to the entire tenure,” he said in a brief telephone interview. “I’m sorry he’s done that, and I’d welcome a chance to talk about it.”

Grassley repeatedly has called attention to the Pentagon’s antiquated accounting system, depleting its waste and vulnerability to fraud. Hamre, in turn, declared improvements in controls and methods a top priority when he took over as the Pentagon’s top financial officer in 1993. Since then, the Pentagon has reported steep drops in contract overpayments and unmatched disbursements.

The accounting problem is symptomatic of the Pentagon’s continuing practice of making periodic payments on contracts without waiting for the work to be done, a process that Grassley says the Pentagon’s inspector general declared illegal in 1982.

“Under Mr. Hamre’s policy,” Grassley wrote, “payments are deliberately charged to the wrong accounts. Then, after the payments are made, DOD attempts to ‘adjust’ the accounting ledgers to make them look right by, among other things, putting the charges on the right accounts when the money was, in fact, spent some other way.”

“Deliberately charging the wrong accounts and then juggling the books to make them look right is what I call ‘cooking the books,’” the senator added.

Hamre maintains there is nothing nefarious about the practice. He said the system of progress payments was adopted years ago to allow the contractor to avoid having to borrow money, and thus keep project costs down. If the Pentagon should move to a more precise billing process now, he said, it is a contracting issue, not a financial management one. Just how far Grassley intends to go in thwarting Hamre’s ascension is unclear. While Defense Secretary William S. Cohen has recommended Hamre for the job of deputy secretary, Clinton has not publicly appeared to choose him.

If the nomination goes to Capitol Hill, Grassley could simply vote against it, or, as he has done in previous instances, exercise his senatorial prerogative to block the nomination from coming to the floor.

“I don’t know what we’re going to do yet,” a Grassley aide said.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent I may speak for a few minutes about some concerns about the budget that I have. I understand the chair will be occupied during that time. I therefore ask consent I be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.
VIOLATING THE BUDGET AGREEMENT

Mr. LAUTENBERG. Mr. President, I rise to express some concerns that I have about recent developments that are occurring in the House of Representatives related to the budget. It was just a few nights ago, after we were notified of a conference report from the House that was passed by a substantial margin in the Senate that confirms that the work we did in the budget negotiations was satisfactory to both the Members of the other body and the Senate, we had been through it here once before, the conference report, to get the budget resolution confirmed. It passed 78 to 22. The vote was almost identical when we got the conference report back. That was Thursday evening. I was stunned to read in Friday morning’s newspaper that there were challenges to the assumptions that were made, to the agreements that were made to try to get the budget done, to try to forge a consensus agreement.

I must point out that this is not an agreement that I have heard people standing up and lauding and saying, “I love it. It is the perfect budget agreement.” I am hearing my constituents say it wants it to be.” By no means. But there is in this budget agreement something I think both parties can salute. There is an investment in the middle class, there is an investment in education, there is an investment in the middle class. Once again, if we look at the extrems, we are all woefully short of things that I would have liked to have if I had an ideal opportunity to design it myself. But I do not, and we represent a consensus. Mr. President, 50 States are represented here by the two Senators from each State who are here to argue the case from their particular point of view.

A bipartisan budget agreement was the product of extensive negotiations involving compromises by everyone involved, and many provisions were the subject of protracted discussion, with each word carefully considered and debated. In the end, we struck a delicate balance, and the resulting agreement, if implemented, will provide, I believe, great benefits to our Nation. It will be a substantial margin in the Senate. The preliminary markup documents we reviewed were inconsistent with the agreement in several important respects. I hope that by identifying these issues as early as possible, we will be able to implement the agreement in a bipartisan manner.

Sincerely,

FRANKLIN D. RAINES.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

HON. E. CLAY SHAW, JR.,
Chairman, Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Administration and the bipartisan congressional leadership recently reached agreement on a historic plan to balance the budget by 2002 while investing in the future. The plan is good for America, its people, and its future, and we are committed to working with Congress to see it enacted.

With regard to welfare, the budget agreement called for restoring Supplemental Security Income (SSI) benefits for immigrants who are disabled and who entered the country before August 23, 1996; extending from five to seven years the exemption in last year’s welfare law for refugees and asylees for the purposes of SSI and Medicaid; and making other important changes.

Mr. Chairman reviewed the Subcommittee’s draft markup document, however, and we have found a number of provisions that are inconsistent with the budget agreement in these and other areas. Consequently, if the Subcommittee were to proceed with its legislation in this form, we would be compelled to invoke the provisions of the agreement that call for the Administration and bipartisan leadership to undertake remedial efforts to ensure that reconciliation legislation is consistent with the agreement.

We appreciate the fact that the Subcommittee has a mark that includes several provisions that the Administration supports, such as in the areas of welfare to work and State SSI administrative fees.

Welfare to Work.—We are pleased the budget agreement includes the President’s $3 billion welfare-to-work proposal, and that the Subcommittee included provisions that meet many of the Administration’s priorities. Specifically, we are pleased that the mark provides funds for job programs needed most to help long-term recipients in high unemployment-high poverty areas; directs funds to local communities with large numbers of poor people; awards some funds on a competitive basis, assuring the best use for scarce resources; and gives communities appropriate flexibility to use the funds to create successful job placement and job creation programs.

Though your mark does not address a performance fund, we appreciate your willingness to consider a proposal that would provide needed incentives and rewards for placing the hardest-to-serve in lasting, unsubsidized jobs that promote self-sufficiency. In addition, we stand ready to provide assistance in refining targeting factors.

State SSI Administrative Fees.—The Administration is pleased that the Subcommittee has included a provision, consistent with the budget agreement, to increase the administrative fees that the Federal Government charges States for administering SSI to meet full State supplemental SSI payments and to make the increase available, subject to appropriations, for Social Security Administration (SSA) administrative expenses. It is everything my constituents love it. It is the perfect budget agreement. We have reviewed the Subcommittee’s draft markup document, however, and we have found a number of provisions that are inconsistent with the budget agreement in these and other areas. Consequently, if the Subcommittee were to proceed with its legislation in this form, we would be compelled to invoke the provisions of the agreement that call for the Administration and bipartisan leadership to undertake remedial efforts to ensure that reconciliation legislation is consistent with the agreement.

We appreciate the fact that the Subcommittee has a mark that includes several provisions that the Administration supports, such as in the areas of welfare to work and State SSI administrative fees.

Welfare to Work.—We are pleased the budget agreement includes the President’s $3 billion welfare-to-work proposal, and that the Subcommittee included provisions that meet many of the Administration’s priorities. Specifically, we are pleased that the mark provides funds for job programs needed most to help long-term recipients in high unemployment-high poverty areas; directs funds to local communities with large numbers of poor people; awards some funds on a competitive basis, assuring the best use for scarce resources; and gives communities appropriate flexibility to use the funds to create successful job placement and job creation programs.

Though your mark does not address a performance fund, we appreciate your willingness to consider a proposal that would provide needed incentives and rewards for placing the hardest-to-serve in lasting, unsubsidized jobs that promote self-sufficiency. In addition, we stand ready to provide assistance in refining targeting factors.

State SSI Administrative Fees.—The Administration is pleased that the Subcommittee has included a provision, consistent with the budget agreement, to increase the administrative fees that the Federal Government charges States for administering SSI to meet full State supplemental SSI payments and to make the increase available, subject to appropriations, for Social Security Administration (SSA) administrative expenses.
reflect the budget agreement. The Administration strongly opposes the provision that denies coverage to legal immigrants who were in the United States when the welfare law was signed but who become severely disabled after that date. The budget agreement explicitly expedites SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who enter the U.S. prior to August 23, 1996. The mark, however, does not accomplish another aspect of the agreement, because it only calls on the states in 2000-2002 for Unemployment Insurance administrative funding, rather than making the payments mandatory as the agreement provides. We look forward to working with the Subcommittee to address this issue.

The Subcommitte mark also includes a member of provisions that were not specifically addressed in the budget agreement, and about which the Administration has serious concerns. They include the following:

- **Minimum Wage and Workfare.** —The Administration strongly opposes the Subcommittee’s proposal on the minimum wage and welfare work requirements. Finally, the proposal goes beyond the scope of the budget agreement and, thus, should not be included in the reconciliation bill.

- **Worker Protections in Welfare to Work.** —We are deeply disappointed in the Subcommittee draft’s lack of adequate worker protection and non-displacement provisions. We strongly urge the Subcommittee to adopt, at a minimum, the provision included in H.R. 1385, the House-passed job training reform bill.

- **Retaliation of Maintenance of Effort Requirements on State Supplementation of SSI Benefits.** —Historically, the Administration has strongly opposed the repeal of maintenance-of-effort requirement because it would let states significantly cut, or even eliminate, benefits to nearly 2.4 million poor elderly, disabled, and blind persons. Congress instituted the maintenance-of-effort requirement in the early 1990s to prevent states from transferring Federal benefit increases from SSI recipients to State treasuries. The proposal also could cause some low-income elderly and disabled individuals to lose SSI and Medicaid coverage. The Administration opposed this proposal in last year’s welfare reform bill. Other TANF Provisions. —The Administration is concerned with several provisions in the mark that were not in the budget agreement. For example, the agreement did not address the minimum TANF work requirements regarding vocational education and educational services for teen parents. The Administration opposes the proposal allowing states to divert TANF funds away from welfare-to-work efforts to other social service activities.

The budget agreement reflects compromise on many important issues, and challenges the leaders on both sides of the aisle to achieve consensus under difficult circumstances. We must do so on a bipartisan basis.

I look forward to working with you to implement the historic budget agreement.

Sincerely,

FRANKLIN D. RAINES, Director.

Mr. LAUTENBERG. Mr. President, today the House Commerce Committee, the Subcommittee on Health and Environment, will consider legislation introduced by the chairman of that subcommittee that also breaks the bipartisan budget agreement. The budget agreement calls for $1.5 billion to be transferred from Medicare to accommodate the shift of hospital health care expenditures from part A to part B. We were worried because there is going to have to be, in order to provide the solvency that we found for Medicare to continue, or the Medicare program. A proposed expanding Medicaid premium coverage for Medicare recipients who had incomes of 120 to 150 percent of poverty. That is pretty modest going.

The final agreement throw out the stipulation on a premium proposal. However, it did call for spending the $1.5 billion on whatever policy Congress chose to enact. But that was not the understanding. Regrettably, the House Committee mark, a modification of Medicaid will only include $300 to $400 million for this provision, one we labored long and hard over. It is another clear violation of the budget agreement, and it is very troubling.

I have also been concerned about the tax bill that the chairman of the Ways and Means Committee outlined yesterday. The chairman’s bill would only provide $20 billion—not an insignificant amount—in tax incentives for higher education. That was fought for very stolidly; that it was to get $35 billion. And only about $22 billion of the proposal of this type is for the benefits that were advocated by the President, understood to be something we should support. I quote here, the “roughly $35 billion.” That language was struggled over, “roughly $35 billion.” I tell you this, no one can buy a house for “roughly $15,000,” or a car for “roughly $15,000.” How much is it? Well, that is not what it ought to be. That language was compromise language, because we knew the intent or believed the intent of both Speaker GINGRICH and/or the distinguished leader here, Senator LOTT, was their commitment to the program. Although the word “roughly” was there, it should be interpreted broadly, and I think this, frankly, goes too far, when they start making the cuts in the tax code that are inconsistent with the agreement.

Mr. President, the bipartisan budget agreement calls on the House and Senate leadership to take remedial efforts to ensure that this document is implemented in the process. Leadership action is critical if the agreement is to be implemented properly. And, therefore, I hope that Speaker GINGRICH will intervene promptly and require that in all cases I have mentioned, the House Committee makes the changes necessary to be consistent with the agreement that we have.
If the congressional leadership fails to enforce the agreement, it will not be worth the paper it is written on and in the process of reconciliation we could be looking at very serious problems getting this program into place.

Mr. President, I also want to take a moment to talk about the disaster supplemental. I am pleased to note that yesterday the President vetoed the bill because it contains the so-called automatic CR. The automatic CR also violates this bipartisan budget agreement for two reasons.

First, it would lower the amount of discretionary spending available for fiscal 1998. The budget agreement calls for $227 billion in discretionary spending for fiscal year 1998, which is $17 million over last year's level. If the automatic continuing resolution is enacted, the majority could refuse to pass the 13 appropriations bills, thereby cutting the $17 billion in discretionary spending. That would absolutely violate one of the basic Democratic accomplishments in the budget agreement and, again, the consensus.

The automatic CR would make deep cuts in programs that are protected in the budget agreement. The bipartisan negotiators agreed to provide large increases in 13 major discretionary programs. Examples of these programs include elementary and secondary education, Pell grants, child literacy, Head Start, park service, job training, Clean Water Act, Superfund, and the COPS Program. Some of the programs are preferred by Democrats, some preferred by Republicans, but the fact is we arrived at a consensus. Both parties wanted this done. An automatic CR would freeze these programs at last year's level, and they would not get the increases promised in the budget agreement, at least without further congressional action.

So, I hope the leadership will comply with the budget agreement, put the plight of disaster victims above politics, strip the automatic CR from the bill and send the President a clean version of the disaster relief bill that he can sign.

Mr. President, I conclude and I thank you for your indulgence with this simple message: A promise is a promise. A deal is a deal. The Republican leadership made a promise to the Democrats in the Congress and to the President.

What I am asking here today is that they make sure that promise is kept by their committee chairs, subcommittee chairs, and those who would violate the agreement after all of that labor and what I think was a smashing success.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I send a bill to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senator, we have passed the hour for recess.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent we extend this time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is extended for 10 minutes.

The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. Hutchison pertaining to the introduction of S. 866 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

---

DISASTER RELIEF BILL

Mrs. HUTCHISON. Mr. President, I would like to finish by adding to what Senator Lautenberg has said, that we sent a bill to the President for disaster relief for the victims of North and South Dakota and Minnesota. We sent him a bill that we hoped he would sign. I don't think the President has explained why he would veto a bill that he says is necessary for these disaster victims when, in fact, all we did was say we are also going to make sure that we don't shut down the Government so that the very people we are trying to help get able to get to the checks that they need after September 30 if Congress and the President have not come to agreement.

It is very important that people understand that the budget agreement for the 1998 fiscal year is $17 billion over last year's level. Now, if there is not an agreement and we don't have a provision for continuing Government, then we can shut down Government again. That is not what anyone wants to do.

So Congress has in the disaster relief bill and the supplemental appropriations to go with that bill, the process that says we are not going to shut down Government, we are going to keep spending money at the same level that is in the agreement. If the agreement is not renewed, if they are going on a business trip and they have not renewed their passports, if they plan a family vacation or if they are going on a business trip and they have not renewed their passports, those are the things that are at stake here.

We have a lot of responsibility. We can meet that responsibility by making sure that the disaster victims are covered and that we keep Government going on a rational and responsible basis.

Thank you, Mr. President. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now be in recess until 2:15 p.m.

Thereupon, at 1:05 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Coats).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)
MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:


H.R. 909. An act to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

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–2097. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to assessing and collecting tax settlements in tax court, received on June 2, 1997; to the Committee on Finance.

EC–2098. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to whether section 277 applies to nonexempt cooperatives, received on June 2, 1997; to the Committee on Finance.

EC–2099. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to disablity benefits under the Personal, Family, and Medical Leave Act of 1993, received on June 2, 1997; to the Committee on Finance.

EC–2100. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to whether section 277 applies to nonexempt cooperatives, received on June 2, 1997; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. BEREALDI, Mr. KERRY, and Mr. CONRAD):

S. 863. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the Medicaid program, to the Committee on Finance.

By Mr. MCDONALD (for himself and Mr. SARRANAS):

S. 864. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the Medicaid program, to the Committee on Finance.

By Mrs. HUTCHISON:

S. 866. A bill to amend title 28, United States Code, to provide for certain voluntary reports of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 867. A bill to authorize State and local governments in establishing effective criminal records concerning serious and violent juvenile offenders and information concerning delinquency adjudications and Federal, State, and local criminal justice officials in countering the rise in serious crime, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. HUTCHISON, Mr. REED, Mr. BRYAN, and Mr. ROCKEFELLER):

S. 868. A bill to amend the Social Security Act to prohibit persons from charging for services or products that the Social Security Administration and Department of Health and Human Services have without charge; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. POMPEO, Mr. WYDEN, Mr. BINGMAN, Mr. KERRY, Mr. WELSTON, Mr. HARKIN, Ms. LANDRIEU, Mr. FEINGOLD, Mrs. MURRAY, Mrs. BOXER, Mr. LEVIN, Mr. SARRANAS, Mr. AKAKA, Mr. LITIBERMAN, Mr. DURBIN, Mr. CHAFFEE, Mr. KOHL, Mr. INOUYE, Mr. MIKULSKI, Mr. ROB, Mr. MOWYNN, Mrs. FEINSTEIN, Mr. WOODE, Mr. REID, Mr. LEAHY, Mr. BRYAN, Mr. MOSELLEY-BRAUN, Mr. GLENN, Mr. KERRY, Mr. REED, Mr. D'AMATO, and Mr. CLYDE:

S. 869. A bill to prohibit employment discrimination on the basis of sexual orienta-
violent actions and the philosophy which guided them were not limited to his country, nor his time. His influence in the United States was most notably felt in the civil rights movement, but has also infused all levels of our society.

If my invader ever so slightly the privacy of the President’s luncheon table, in May 1994, Mr. Clinton had as his guest the distinguished Prime Minister of India, Dr. P. V. Narasimha Rao, who in his youth was a follower of Mahatma Gandhi. In a graceful passage, Prime Minister Rao related how it came to pass that Mahatma Gandhi, caught up in the struggle for fair treatment of the Indian community in South Africa, and in consequence in jail, read Thoreau’s essay on “Civil Disobedience” which confirmed his view that an honest man is duty-bound to violate unjust laws. He took this view home with him, and in the end the British raj gave way to an independent Republic of India. Then Martin Luther King, Jr., repudiated the idea and so began the great civil rights movement of this century.

Dr. Martin Luther King, Jr., has written of the singular influence Gandhi’s message of nonviolent resistance had on him when he first learned of it while studying at Crozier Theological Seminary in Philadelphia. He would later describe that influence in his first book, “Stride Toward Freedom”:

As I read I became deeply fascinated by [Gandhi’s] philosophy of non-violent resistance. To enter into the philosophy of Gandhi, my skepticism concerning the power of love gradually diminished, and I came to see its potency in the area of social reform . . . prior to reading Gandhi, I had concluded that the love ethics of Jesus were only effective in individual relationships . . . but after reading Gandhi, I saw how utterly mistaken I was.

. . . It was in this Gandhian emphasis on love and non-violence that I discovered the method. I believe that I had been searching for so many months . . . I came to feel that this was the only morally and practically sound method open to oppressed people in their struggle for freedom. This principle became the guiding light of our movement. Christ furnished the spirit and motivation and Gandhi furnished the method.

Martin Luther King, Jr., believed that Gandhi’s philosophy of nonviolent resistance was the guiding light of the American civil rights movement. As Dr. King wrote, “Gandhi furnished the message of Jesus who helped craft this legislation and was original cosponsors. I also want to thank the many advocacy organizations for their input and support. And I also want to thank some of the managed care organizations who worked with us. I am especially pleased that some of these organizations, such as the HMO Group which is an alliance of health maintenance organizations have endorsed this legislation. Their support is critical to the success of Medicaid managed care.

I ask unanimous consent that the text of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. KERREY, and Mr. CONRAD):

S. 864. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the Medicaid Program; to the Committee on Finance.

The Medicaid Managed Care Act of 1997

Mr. CHAFEE. Mr. President, I am pleased today to introduce The Medicaid Managed Care Act of 1997. This legislation meets two very important objectives in the Medicaid Program. First, it gives States the additional flexibility they need to administer the Medicaid Program by allowing them to enroll Medicaid beneficiaries into managed care programs. Second, the bill sets Federal standards for managed care to ensure that Medicaid patients receive the same quality of care as those patients who are enrolled in private managed care plans.

Under our legislation, States would require Medicaid patients to enroll in managed care plans without going through the lengthy and cumbersome process of applying to the Secretary of Health and Human Services for a waiver of current Medicaid regulations. In exchange for this important flexibility, States will have to meet a set of minimum Federal standards to ensure that Medicaid patients continue to receive quality care. For example, States would be required to offer patients a choice of at least two health plans. Plans would be required to meet certain standards of access to care, quality, and solvency. These standards are especially important given recent problems in States that have set up Medicaid managed care programs under the waiver process. In some instances, plans have failed to contract with enough providers to serve the Medicaid population. Some have been permitted to operate at payments lower than commercial insurers are required to meet, and others have used fraudulent marketing practices to entice Medicaid patients to sign up with their plans. These actions have resulted in patients being denied medically necessary services, and have resulted in States and the Federal Government paying for care that was never given.

Considering these abuses, why should we allow Medicaid managed care at all? Because if implemented correctly, can vastly improve the quality of health care provided to low-income families. In today’s fee-for-service program, patients face myriad problems. Some are forced to get care in hospital emergency rooms because they cannot find a private physician willing or able to accept Medicaid’s low payment rates. Those who do have access to providers often must wait for hours in clinics which are overcrowded and understaffed. And, sadly, they may in some cases not have access to primary and preventive care services which would have prevented them from becoming ill to begin with.

Medicaid managed care, if done well, provides regular prenatal care to assure that children are born healthy. These plans provide coverage for check-ups and immunizations to prevent serious illnesses. And they give patients a medical home—a provider they know they can go to if they are sick, or a number to call if they have questions.

Medicaid managed care also has the potential of benefitting our overall health care system by providing access to primary care providers rather than forcing patients to make costly and unnecessary visits to hospital emergency rooms. It gives providers the opportunity to catch and treat, or prevent, costly health problems.

Mr. President, we have worked very hard to ensure that this legislation strikes an appropriate balance between the needs of Medicaid beneficiaries and the managed care companies. I want to thank Senators BREAUX and KERREY and thank the many advocacy organizations for their input and support. And I also want to thank some of the managed care organizations who worked with us. I am especially pleased that some of these organizations, such as the HMO Group which is an alliance of health maintenance organizations have endorsed this legislation. Their support is critical to the success of Medicaid managed care.

I ask unanimous consent that the text of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 864

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) SHORT TITLE.—This Act may be cited as the “Medicaid Managed Care Improvement Act of 1997.”

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

Sec. 1. Short title; table of contents; amendments to the Social Security Act.

Sec. 2. Improvements in managed care program.

PART B—PROVISIONS RELATING TO MANAGED CARE

“Sec. 1941. Beneficiary choice; enrollment.

“Sec. 1942. Beneficiary access to services generally.

“Sec. 1943. Beneficiary access to emergency care.

“Sec. 1944. Other beneficiary protections.

“Sec. 1945. Assuring quality care.

“Sec. 1946. Protections for providers.

“Sec. 1947. Assuring adequacy of payments to managed care organizations and entities.

“Sec. 1948. Fraud and abuse.

“Sec. 1949. Sanctions for noncompliance by managed care entities.

“Sec. 1950. Definitions; miscellaneous provisions.”
to change enrollment among managed care entities once annually and notifies the individual of such opportunity not later than 60 days prior to the first date on which the individual may change enrollment with the entity that does not have sufficient capacity to enroll all such individuals seeking enrollment under such a process, such individuals are given priority in enrolling with the entity.

(E) Enrollment priorities.—The State establishes a default enrollment process which meets the requirements described in paragraph (2) and under which any such individual who does not enroll with a managed care entity during the enrollment period specified by the State shall be enrolled by the State with an entity in accordance with such process.

(G) Sanctions.—The State establishes the sanctions provided for in section 1949.

(2) Default enrollment process requirements.—The default enrollment process established by a State under paragraph (1)(F):

(A) shall provide that the State may not enroll individuals with a managed care entity which is not in accordance with the applicable requirements of this part;

(B) shall provide (consistent with subparagraph (A)) for enrollment of such an individual with a Medicaid managed care organization—

(i) first, that maintains existing provider-relationship obligations or that has entered into contracts with providers (such as Federally qualified health centers, rural health clinics, hospitals that qualify for disproportionate share hospital payments under section 1886(d)(5)(F), and hospitals described in section 1886(d)(1)(B)(iii)) that have traditionally served beneficiaries under this title, and

(ii) lastly, if there is no provider described in clause (i), in a manner that provides for an equitable distribution of individuals among all qualified managed care entities available to such individuals through such default enrollment process, consistent with the enrollment capacities of such entities;

(C) shall permit and assist an individual enrolled with an entity under such process to change such enrollment to another managed care entity during a period (of at least 90 days) after the effective date of the enrollment; and

(D) may provide for consideration of factors such as quality, geographic proximity, continuity of care, and capacity of the plan when conducting such process.

(3) Notice of reenrollment.—The State shall provide timely notice to an individual of any reenrollment of an individual under this subsection.

(4) Other enrollment-related provisions.

(I) Nondiscrimination.—A managed care entity may not discriminate on the basis of health status or anticipate need for services in the enrollment, reenrollment, or disenrollment of individuals on the basis of whether such individual is able to receive medical assistance under a State plan under title XIX is enrolled with the entity or because of the method of enrollment under which such individual is enrolled.

(II) Termination of enrollment.

(A) In general.—The State, enrollment broker, and managed care entity (if any) may permit an individual receiving medical assistance under the State plan under this title who is enrolled with the entity to terminate such enrollment for cause at any time, and without cause during the 90-day period beginning on the date the individual receives notice of enrollment and at least every 12 months thereafter, and shall notify the individual of the opportunity to terminate enrollment under these conditions.

(B) Fraudulent inducement or coercion as grounds for cause.—For purposes of subparagraph (A), an individual terminating enrollment with a managed care entity on the grounds that the enrollment was based on fraudulent inducement, or was obtained through coercion or pursuant to the imposition against the managed care entity of any requirement of the sanction described in section 1949(b)(3) shall be required to terminate such enrollment for cause.

(C) Notice of termination.—

(I) Notice to State.—

(1) by individually. Each individual terminating enrollment with a managed care entity under subparagraph (A) shall do so by...
(8) DISABLED INDIVIDUALS.—Individuals who are disabled (as determined under section 1614(a)(3)).

(7) PERSONS WITH AIDS OR HIV INFECTION.—An individual who is immunodeficiency syndrome (AIDS) or who has been determined to be infected with the HIV virus.

SEC. 1942. BENEFICIARY ACCESS TO SERVICES

(a) ACCESS TO SERVICES.—

(1) IN GENERAL.—Each managed care entity shall provide or arrange for the provision of all medically necessary medical assistance in a manner which—

(B) INFORMATION TO HEALTH CARE PROVIDERS, ENROLLEES, AND POTENTIAL ENROLLERS.—Each Medicaid managed care organization shall—

(i) request, make the information described in section 1945(e)(1)(A) available to enrollees and potential enrollees in the organization's service area and

(ii) provide to enrollees and potential enrollees information regarding all items and services available and accessible to provide the treatment of such condition or disease that—

(1) IN GENERAL.—A managed care entity may not require prior authorization by the individual’s primary care provider or otherwise restrict the individual’s access to gynecological and obstetrical care provided by a participating provider who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and may treat the ordering of other obstetrical and gynecological care by such a participating provider as the prior authorization of the primary care provider with respect to such care under the coverage.

(2) SPECIALTY CARE.—

(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term ‘special condition’ means a physical or mental condition or disease that—

(i) is life-threatening, degenerative, or disabling,

(ii) requires specialized medical care over a prolonged period of time,

(iii) may not be treated by a primary care provider and

(iv) is described in paragraph (1) of this subsection as conditions requiring special care.

(b) OBSTETRICAL AND GYNECOLOGICAL CARE.

(1) IN GENERAL.—A managed care entity shall have a procedure by which a new enrollee upon enrollment, or an enrollee upon diagnosis of an ongoing special condition (as defined in subparagraph (C) of this paragraph) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the enrollee’s primary and specialty care. If such an enrollee’s care would most appropriately be coordinated by such a specialist, the entity shall refer the enrollee to such specialist.

(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term ‘ongoing special condition’ means a physical or mental condition or disease that—

(i) is life-threatening, degenerative, or disabling,

(ii) requires specialized medical care over a prolonged period of time,

(iii) may not be treated by a primary care provider and

(iv) is described in paragraph (1) of this subsection as conditions requiring special care.

(b) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) of this subsection shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

(c) AFFIRMATIVE ACTION.—Each entity shall have a procedure by which a primary care provider shall be provided with information regarding potential enrollees for whom the entity has been notified by the specialist that such enrollee is in need of special care. The information provided to the primary care provider shall include the enrollee’s name, address, and a description of the enrollee’s need for special care.

(d) Timely Delivery of Services.—Each managed care entity shall have a procedure by which it shall provide the enrollee with information regarding potential enrollees for whom the entity has been notified by the specialist that such enrollee is in need of special care. The information provided to the enrollee shall include the enrollee’s name, address, and a description of the enrollee’s need for special care.
“(1) makes such assistance—

“(A) available and accessible to each such individual, within the area served by the entity, with reasonable promptness and in a manner consistent with the capability of the emergency department to provide such assistance; and

“(B) when medically necessary, available and accessible 24 hours a day and 7 days a week; and

“(2) with respect to assistance provided to such an individual other than through the entity, or without prior authorization, in the case of a primary care case management provider, such assistance includes reimbursement to the individual (if applicable under the contract between the State and the entity) if—

“(A) the services were medically necessary and were provided because of an unforeseen illness, injury, or condition and meet the requirements of section 1943; and

“(B) it was not reasonable given the circumstances to obtain the services through the entity, or, in the case of a primary care case management provider, with prior authorization.

“(e) INTERNAL GRIEVANCE PROCEDURE.—Each medicaid managed care organization shall establish an internal grievance procedure under which an enrollee who is eligible for medical assistance under the State plan under this title, or a provider on behalf of such an enrollee, may challenge the denial of coverage of or payment for such assistance.

“(f) External Review Process.—Each managed care entity shall inform each enrollee, in a written and prominent manner, of any benefits to which the enrollee may be entitled to medical assistance under this title but which are not made available to the enrollee through the entity. Such information shall include information on how such enrollees may access benefits not made available to the enrollee through the entity.

“(g) Due Process Requirements for Managed Care Entities.—

“(1) DENIAL OF OR UNREASONABLE DELAY IN DETERMINING COVERAGE AS GROUNDS FOR HEARING.—If a managed care entity (or entity acting in an agreement with a managed care entity)—

“(A) denies coverage of or payment for medical assistance with respect to an enrollee for such assistance under the State plan under this title; or

“(B) fails to make any eligibility or coverage determination, by action or inaction, with respect to such assistance under the State plan under this title; or in the case of a Medicaid managed care organization, by a participating health care provider or enrollee, in a timely manner, depending upon the urgency of the situation, the enrollee's medical condition, and furnishing such assistance to the enrollee (as applicable) may obtain a fair hearing before, and shall be provided a timely decision by, the State agency administering the State plan under this title in accordance with section 1902(a)(3). Such decisions shall be rendered as soon as possible in accordance with the needs of the enrollee and, if the enrollee has not been referred for treatment under paragraph (1) of such section 1902(a)(3), within 72 hours after a request for such assistance is made.

“(h) Demonstration of Adequate Capacity and Services.—

“(1) In general.—Subject to paragraph (3), each Medicaid managed care organization shall provide the State and the Secretary with adequate assurances (as determined by the Secretary) that the organization, with respect to a service area—

“(A) has the capacity to serve the expected enrollment in such service area.

“(B) offers a range of services for the population expected to be enrolled in such service area, including transportation services and translation services consisting of the principal languages spoken in the service area;

“(C) maintains a sufficient number, mix, and geographic distribution of providers of services. Under subsection (a), the State or the Managed Care Organization shall ensure that services are available to individuals receiving medical assistance and who are enrolled in or otherwise determined to be eligible for or enrollees in the managed care organization to the same extent that such services are available to enrollees in the organization who are not recipients of medical assistance under the State plan under this title;

“(D) maintains extended hours of operation with respect to primary care services that are beyond those maintained during a normal business day;

“(E) provides preventive and primary care services in locations that are readily accessible to members of the community;

“(F) provides information concerning educational, social, health, and nutritional services offered by other programs for which enrollees may be eligible; and

“(G) complies with other requirements relating to access to care as the Secretary or the State may impose.

“(2) PROOF OF ADEQUATE PRIMARY CARE CAPACITY AND SERVICES.—(A) a Medicaid managed care organization that contracts with a reasonable number of primary care providers (as determined by the Secretary) and that has a sufficient mix of primary care practitioners that includes a reasonable number (as determined by the Secretary) of the following providers will be deemed to have satisfied the requirements of paragraph (1):

“(A) Rural health clinics, as defined in section 1905(l)(1).

“(B) Federally-qualified health centers, as defined in section 1905(l)(2)(B).

“(C) Clinics which are eligible to receive payment for services provided under title X of the Public Health Service Act.

“(3) SUFFICIENT PROVIDERS OF SPECIALIZED SERVICES.—(A) a Medicaid managed care organization that contracts with a reasonable number of providers of specialized services (as determined by the Secretary) and that has a sufficient mix of providers of such services, including pediatric health care, that such services are available and accessible.

“(i) COMPLIANCE WITH CERTAIN MATERNITY AND MENTAL HEALTH REQUIREMENTS.—Each Medicaid managed care organization shall comply with the requirements of paragraph 3 of section 1128A of the Social Security Act insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage that includes benefits for maternity care.

“(j) TREATMENT OF CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—(1) In general.—In the case of an enrollee who is a child receiving services under—

“(A) a program administered under part B of title XIX of the Individuals with Disabilities Education Act; or

“(B) any other program for children with special health care needs identified by the Secretary,

“(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

“(ii) serious impairment to bodily functions, or

“(iii) serious dysfunction of any bodily organ or part.

“(B) EMERGENCY SERVICES.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severity of pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

“(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

“(ii) serious impairment to bodily functions, or

“(iii) serious dysfunction of any bodily organ or part.
are required under section 1867 to stabilize the patient.

(C) Trauma and burn centers.—The provisions of clause (ii) of subparagraph (B) apply to trauma or burn center, in a hospital, that—

(i) is designated by the State, a regional authority of the State, or by the designee of the Secretary under paragraph (1);

(ii) is in a State that has not made such designations and meets medically recognized national standards.

(D) Network restrictions not permitted in certain exceptional cases.—

(A) In general.—Except as provided in subparagraph (B), if a managed care entity in relation to services provided under a title denies, limits, or otherwise differentiates in benefits or payment for benefits other than emergency services on the basis that the physician or provider of such services is a nonparticipating physician or provider, the entity may deny, limit, or differentiate in coverage or payment for emergency services, on such basis.

(B) Network restrictions not permitted in certain exceptional cases.—The denial or limitation of, or differentiation in, coverage or payment of benefits for emergency services on the basis of subparagraph (A) shall not apply in the following cases:

(i) Circumstances beyond control of enrollee.—The enrollee is unable to go to a participating hospital for such services due to circumstances beyond the control of the enrollee (as determined consistent with guidelines and subparagraph (C)).

(ii) Likelihood of an adverse health consequence based on layperson’s judgment.—A prudent layperson possessing an average degree of knowledge of health and medicine could reasonably believe that, under the circumstances and consistent with guidelines, the time required to go to a participating hospital for such services could result in any of the adverse health consequences described in a clause of subsection (a)(2)(A).

(iii) Physician referred.—A participating physician or other person authorized by the plan refers the enrollee to an emergency department of a hospital and does not specify an emergency department of a hospital to which the participating hospital with respect to such services.

(C) Application of ‘beyond control’ standards.—For purposes of applying subparagraph (B), a network restriction of emergency services from a nonparticipating hospital shall be treated under the guidelines as being ‘due to circumstances beyond the control of the enrollee’ if any of the following conditions are met:

(i) Unconscious.—The enrollee was unconscious or in an otherwise altered mental state at the time of initiation of the services.

(ii) Ambulance delivery.—The enrollee was transported by an ambulance or other emergency vehicle directed by a person other than the enrollee to the nonparticipating hospital in which the services were provided.

(iii) Natural disaster.—A natural disaster or emergency prevents the enrollee from presenting to a participating hospital for the provision of such services.

(iv) No good faith effort to inform of change in participation during a contract year.—The status of the hospital changed from a participating hospital to a nonparticipating hospital with respect to emergency services, on a contract year, unless the entity failed to make a good faith effort to notify the enrollee involved of such change.

(E) Other conditions.—There were other factors (such as those identified in guidelines) that prevented the enrollee from controlling selection of the hospital in which the services were provided.

(B) Assuring Coordinated Coverage of Maintenance Care and Post-Stabilization Care.—

(i) In general.—In the case of an individual who is enrolled with a managed care entity and who has received emergency services, the entity shall, if it determines post-stabilization care is required, conduct (or supervise) by a treating physician at a hospital that is a nonparticipating provider with respect to emergency services, if—

(A) pursuant to such evaluation, the physician identifies post-stabilization care (as defined in paragraph (3)(B)) that is required by the enrollee during the period described in subparagraph (C) (i) that is required by the enrollee during the period described in subparagraph (C), and

(B) the coverage the entity under this title provides benefits with respect to the care so identified and the coverage requires (but for this subsection) an affirmative prior authorization determination as a condition of coverage of such care, and

(C) the treating physician (or another individual acting on behalf of such physician) initiates, not later than 30 minutes after the time the treating physician determines that the condition of the enrollee is stabilized, a good faith effort to communicate directly with a physician or other individual who is authorized by the entity (by telephone or other means) to obtain an affirmative prior authorization determination with respect to the request for the prior authorization determination within 30 minutes of the time when the entity receives the request unless a person authorized by the entity involved communicates (or makes a good faith effort to communicate) a denial of the request for the prior authorization determination within 30 minutes of the time when the entity receives the request and the treating physician does not request under clause (ii) to communicate directly with an authorized physician concerning the denial.

(ii) Request for direct physician-to-physician communication concerning denial.—If a denial is requested under clause (i), the treating physician shall request to communicate directly with a physician who is authorized by the entity to deny or affirm such a denial.

(C) When no timely response to request for physician-to-physician communication is made.—If a request for physician-to-physician communication is made and post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the entity receives the request from a physician, the entity may request to communicate directly with a physician involved in the care of the individual to confirm whether the denial is appropriately requested or to request the denial be rescinded.

(D) Disagreements over post-stabilization care.—If, after a direct physician-to-physician communication under subparagraph (C), the denial of the request for the post-stabilization care is not reversed and the treating physician communicates to the entity that such decision is inappropriate, the post-stabilization care requested is required to be covered under this subsection beginning as follows:

(i) Delay to allow for prompt arrival of physician assuming responsibility.—If the issuer communicates that a physician (designated by the entity) with privileges at the hospital will arrive promptly (as determined under guidelines) at the emergency department of the hospital in order to assume responsibility with respect to the care of the enrollee involved, the required coverage of the post-stabilization care begins after the passage of such time period as would allow the prompt arrival of such a physician.

(ii) Other cases.—If the entity does not so communicate, the required coverage of
the post-stabilization care begins immediately.

"(6) NO REQUIREMENT OF COVERAGE OF POST-
stabilization care is not required under this sub-
section with respect to an individual when—

"(i) the managed care entity (including any entity with which the
managed care entity has a contractual or other arrange-
ment) is not subject to subsection (a)(1) during an episode of care
(determined by guidelines) for which the treating physician
initiated such care (consistent with the requirements of subpara-
graph (A)(i) during the episode of care) before the arrival of a
physician described in such subparagraph,

"(ii) the treating physician and the entity agree that the medical
condition is not likely to result from or occur before an individual can be transferred
from the facility, in compliance with the require-
ments of section 1867 of the Social Secu-
try after consultation with an advisory
organization, hospitals, employers,

"(B) SPECIAL RULE WHERE ONCE CARE INITI-
"NATED.—Required coverage of post-request-
stabilization care shall not end by reason of
subparagraph (A)(i) during an episode of care
(as determined by guidelines) if the treating
physician initiated such care (consistent with a
paragraph (B)) before the arrival of a
physician described in such subpara-

"(7) CONSTRUCTION.—Nothing in this sub-
section shall be construed as—

"(A) preventing a managed care entity from
authorizing coverage of maintenance care
or post-stabilization care in advance or at
any time on

"(B) preventing a treating physician or
other individual described in paragraph
(1)(C) and such an entity from agreeing to
modify any of the time periods specified in
paragraphs (5) as it relates to cases involving
such persons.

"(c) STABILIZATION ORGANIZATION.—A managed care entity, to the en-
tent the entity offers health insurance cov-
orange, shall provide education to enrollees on

"(1) coverage of emergency services (as de-
ined in subsection (a)(2)(B)) by the entity in accordance with the provisions of this sec-

"(2) the appropriate use of emergency ser-
"vices, including use of the 911 telephone sys-
tem or other means of urgency,

"(3) any cost sharing applicable to emergen-
y services,

"(4) the process and procedures of the plan
for obtaining emergency services; and

"(5) the locations of—

"(A) emergency departments, and

"(B) other settings, in which participating physicians and hos-
pitals provide emergency services and post-
stabilization care

"(d) GENERAL DEFINITIONS.—For purposes of this section:

"(I) COST SHARING.—The term 'cost shar-
ing' means any deductible, coinsurance amount, copayment or other out-of-pocket payable (other than premiums or enrol-
fee) that a managed care entity issuer imposes on enrollees with respect to the cov-
erage of benefits.

"(II) GOOD FAITH EFFORT.—The term 'good faith effort' has the meaning given such term in guidelines and requires such appro-
date documentation as is specified under such guidelines.

"(III) GUIDELINES.—The term 'guidelines' means guidelines established by the Sec-
retary after consultation with an advisory panel on such guidelines represents health care providers, emergency physicians, managed care enti-
ties, including at least one health mainte-
nance organization, hospitals, employers, the

"(IV) PRIOR AUTHORIZATION DETER-
mination.—The term 'prior authorization deter-

minates care if, after stabilizing care is not required under this sub-
section with respect to an individual when—

"(i) the managed care entity (including any entity with which the
managed care entity has a contractual or other arrange-
ment) is not subject to subsection (a)(1) during an episode of care
(determined by guidelines) if the treating physician
initiated such care (consistent with the requirements of subpara-
graph (A)(i) during the episode of care) before the arrival of a
physician described in such subpara-

"(ii) the treating physician and the entity agree that the medical
condition is not likely to result from or occur before an individual can be transfered
from the facility, in compliance with the require-
ments of section 1867 of the Social Secu-

"(4) STABILIZATION ORGANIZATION.—The term 'to stabilize'
means, with respect to an emergency med-
ical condition, to provide (in complying with section 1867 of the Social Security Act) such medical treatment of the condition as may
be necessary to assure, within reasonable
economic probability, that no material dete-
rioration of the condition is likely to result
from or occur before the transfer of the
individual from the facility.

"(6) STABILIZED.—The term 'stabilized'
means, with respect to an emergency med-
ical condition, that no material deteriora-
tion of the condition is likely, within reason-
able medical probability, to result from or occur before an individual can be transferred

"(7) TREATING PHYSICIAN.—The term 'treat-
ing physician' means any health care profes-
sional who is licensed under State law to provide emergency services other than under the supervision of a physician.

"(II) the organization is accredited by an
organization approved by the Secretary under which a medicaid managed care orga-
ization, ex-

"(III) notification of the entity and the
organization under such a contract in the same manner as

("(IV) MEDIACARE ORGANIZATIONS.—The require-
ments of paragraph (1) shall not apply with respect to a medicaid managed care organi-
organization if the organization is an eligible
organization with a contract in effect under

"(V) PRIVATE ACREDITATION.—

"(I) IN GENERAL.—The requirements of para-
graph (I) shall not apply to a medicaid managed care organization if—

"(II) the standards and process under which the organization is accredited meet such requirements as are established under rules of the Secretary. Such requirements must be made available in a manner that discloses the identity of any individual patient.

"(III) CONSTRUCTION.—Nothing in this subsec-
tion shall be construed as—

"(A) preventing a managed care entity from
authorizing coverage of maintenance care
or post-stabilization care in advance or at
any time on

"(B) preventing a treating physician or
other individual described in paragraph
(1)(C) and such an entity from agreeing to
modify any of the time periods specified in
paragraphs (5) as it relates to cases involving
such persons.

"(c) STABILIZATION ORGANIZATION.—A managed care entity, to the en-
tent the entity offers health insurance cov-
orange, shall provide education to enrollees on

"(1) coverage of emergency services (as de-
ined in subsection (a)(2)(B)) by the entity in accordance with the provisions of this sec-

"(2) the appropriate use of emergency ser-
"vices, including use of the 911 telephone sys-
tem or other means of urgency,

"(3) any cost sharing applicable to emergen-
y services,

"(4) the process and procedures of the plan
for obtaining emergency services; and

"(5) the locations of—

"(A) emergency departments, and

"(B) other settings, in which participating physicians and hos-
pitals provide emergency services and post-
stabilization care

"(d) GENERAL DEFINITIONS.—For purposes of this section:

"(I) COST SHARING.—The term 'cost shar-
ing' means any deductible, coinsurance amount, copayment or other out-of-pocket payable (other than premiums or enrol-
fee) that a managed care entity issuer imposes on enrollees with respect to the cov-
erage of benefits.

"(II) GOOD FAITH EFFORT.—The term 'good faith effort' has the meaning given such term in guidelines and requires such appro-
date documentation as is specified under such guidelines.

"(III) GUIDELINES.—The term 'guidelines' means guidelines established by the Sec-
retary after consultation with an advisory panel on such guidelines represents health care providers, emergency physicians, managed care enti-
ties, including at least one health mainte-
nance organization, hospitals, employers, the

"(IV) PRIOR AUTHORIZATION DETER-
mination.—The term 'prior authorization deter-
“(C) ACCREDITING ORGANIZATION.—An accreditating organization meets the requirements of this subparagraph if the organization—

“(i) is a private, nonprofit organization;

“(ii) exists for the primary purpose of accrediting managed care organizations or health care providers; and

“(iii) is not associated with the provision of health care or health care providers or associations of health care providers.

“(D) USE OF PROFESSIONAL ADVISORY COUNSEL.—Each primary care case management provider shall be subject to an annual external independent review by a professional advisory counsel to determine—

“(1) whether the professional advisory counsel is acceptable to the Secretary;

“(2) the identity, locations, qualifications, and availability of participating health care providers;

“(3) the rights and responsibilities of enrollees.

“(E) TORRENTS OF INFORMATION.—The Secretary shall provide the professional advisory counsel with a copy of all information pertaining to such a center for services described in subsection (b) or (c) of section 1902(a)(13), unless the health care entity otherwise directs.

“(F) SCREENING, DIAGNOSTIC, AND TREATMENT SERVICES.—Each medicaid managed care organization shall provide, at the election of such center, for such a center for services described in section 1902(a)(13), unless the health care entity otherwise directs.

“(G) PROFESSIONAL CREDENTIALING.—Each medicaid managed care organization shall maintain an adequate system to evaluate and credential health care providers who deliver services to enrollees and to otherwise ensure that all practitioners providing services to enrollees are qualified and capable of providing such services.

“(H) PROFESSIONAL CREDENTIALING.—Each medicaid managed care organization shall maintain adequate systems to evaluate and credential health care providers who deliver services to enrollees and to otherwise ensure that all practitioners providing services to enrollees are qualified and capable of providing such services.

“(I) WRITTEN PROVIDER PARTICIPATION AGREEMENTS FOR CERTAIN PROVIDERS.—Each Medicaid managed care organization that enters into a written provider participation agreement with a provider described in section 1942(h)(2) shall—

“(1) include terms and conditions that are no more restrictive than the terms and conditions of the Medicaid managed care organization includes in its agreements with other participating providers with respect to—

“(A) the scope of covered services for which payment is made to the provider;

“(B) the assignment of enrollees by the organization to the provider;

“(C) the limitations on financial risk or availability of financial incentives to the provider;

“(D) accessibility of care;

“(E) professional credentialing and recredentialing;

“(F) licensure;

“(G) quality and utilization management:

“(1) confidentiality of patient records;

“(J) grievance procedures; and

“(K) indemnification arrangements between the organizations and providers; and

“(2) provide for payment to the provider on a basis that is comparable to the basis on which other providers are paid.

“(J) PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.—Each medicaid managed care organization that has a contract under this title with respect to the provision of services of a federally qualified health center shall provide, at the election of such center, that the organization shall provide payments to such a center at rates described in section 1905(a)(2)(C) at the rates of payment specified in section 1902(a)(15)(E).

“SEC. 1947. ASSURING ADEQUACY OF PAYMENTS TO MEDICAID MANAGED CARE ORGANIZATIONS AND ENTITIES.

“(a) ADEQUATE RATES.—As a condition of approval of a State plan under this title, a State shall find, determine, and make assurances satisfactory to the Secretary that—

“(1) the rates it pays medicaid managed care organizations for individuals eligible under the State plan are reasonable and adequate to assure services to access to services meeting professionally recognized quality standards, taking into account—

“(A) the items and services to which the rate applies,

“(B) the eligible population, and

“(c) the limitations on financial risk or availability of financial incentives to the provider.

“(2) the methodology used to adjust the rate adequately reflects the varying risks associated with individuals actually enrolling in each medicaid managed care organization; and

“(3) it will provide for an annual review of the management organization for an independent actuary selected by the Secretary and for a copy of the actuary’s report on
each such review to be transmitted to the State and the Secretary and made available to the public.

"(b) ANNUAL REPORTS.—As a condition of approval of a State plan under this title, a State shall report to the Secretary, at least annually, on the rates the States pays to medical managed care organizations.

"SEC. 1948. FRAUD AND ABUSE.

"(a) PROHIBITIONS APPLICABLE TO MANAGED CARE ENTITIES.—

"(1) PROHIBITION OF MARKETING FRAUD.—Each managed care entity shall comply with such procedures and conditions as the Secretary prescribes in order to ensure that, before an individual is enrolled under a contract with an individual, the individual is provided accurate oral and written and sufficient information to make an informed decision whether or not to enroll.

"(2) PROHIBITION OF CALL MARKETING.—Each managed care entity shall not, directly or indirectly, conduct door-to-door, telephonic, or other ‘cold call’ marketing of enrollment under this title.

"(b) PROHIBITIONS APPLICABLE ONLY TO MEDICAID MANAGED CARE ORGANIZATIONS.—

"(1) PROVIDING AFFILIATION INFORMATION TO SECURED APPLICANTS.—Each Medicaid managed care organization shall—

"(i) provide to the Secretary the number of medicaid managed care organizations in the State; and

"(ii) not distribute directly or through any marketing materials in violation of clause (i).

"(2) REQUIREMENT OF DISCLOSEMENT OF FINANCIAL INFORMATION.—Each Medicaid managed care organization shall—

"(A) make available to the Secretary and the public the number of medicaid managed care organizations in the State; and

"(B) make available to the Secretary and the public the number of medicaid managed care organizations in the State.

"(c) CONSIDERATION OF OTHER STANDARDS.—In establishing the standards described in subparagraph (A), the Secretary shall consider solvency standards applicable to eligible organizations with a risk-sharing contract under section 1876.

"(D) PROHIBITION OF COLD CALL MARKETING.—Each Medicaid managed care organization shall submit a report to the Secretary and the State not later than 12 months after the close of a contract year containing the most recent audited financial statement of the organization’s net earnings and consistent with generally accepted accounting principles.

"(E) DISCLOSURE OF TRANSACTION INFORMATION.—Each Medicaid managed care organization shall provide for disclosure of information in accordance with section 1124.

"(F) PROHIBITION OF CONTRACT MARKETING.—Each Medicaid managed care organization shall provide for adequate arrangements to protect members.

"(G) ADEQUATE PROVISION AGAINST RISK OF INSOLVENCY.—

"(a) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish standards, including appropriate equity standards, under which each Medicaid managed care organization shall make adequate provision against the risk of insolvency.

"(b) CONSIDERATION OF OTHER STANDARDS.—In establishing the standards described in subparagraph (A), the Secretary shall consider solvency standards applicable to eligible organizations with a risk-sharing contract under section 1876.

"(c) MODEL CONTRACT ON SOLVENCY.—At the earliest practicable time after the date of enactment of this section, the Secretary shall issue guidelines concerning solvency standards for risk contracting entities and providers of such entities, such guidelines to take into account characteristics that may differ among risk contracting entities including whether such entity is at risk for inpatient hospital services.

"(d) DISCLOSURE OF TRANSACTION INFORMATION.—

"(1) IN GENERAL.—Each Medicaid managed care organization shall provide for adequate arrangements to protect members.

"(2) REQUIREMENT OF DISCLOSURE OF TRANSACTION INFORMATION.—Each Medicaid managed care organization shall provide for disclosure of information in accordance with section 1124.

"(e) CONTRACT OVERSIGHT.—Each such organization shall make the information reported pursuant to paragraph (d) available to its enrollees upon reasonable request.
"(1) IN GENERAL.—The Secretary must provide prior review and approval for contracts under this part with a Medicaid managed care organization providing for expenditures under section 1396m(b)(3) of title XIX, or (under law or under such entity's contract with the State) to be provided to an enrollee under the contract with such entity; or

"(2) Authority to terminate contract.—In the case of a managed care entity which has failed to meet the requirements of paragraph 2, the State shall have the authority to terminate its contract with such entity under section 1941(a)(1)(B) and to enroll such individuals with another managed care entity (or to permit such enrollees to receive medical assistance under the State plan under this title other than through a managed care entity).

"(e) Availability of sanctions to the Secretary.—

"(1) INTERMEDIATE SANCTIONS.—In addition to the sanctions described in paragraph (2) and any other sanctions available under law, the Secretary may provide for any of the sanctions described in subsection (b) if the Secretary determines that a managed care entity with a contract under section 1941(a)(1)(B) fails to meet any of the requirements of this part.

"(2) Denial of payments to the State.—The Secretary may deny payments to the State for medical assistance furnished during the period the contract under section 1941(a)(1)(B) for individuals enrolled after the date the Secretary notifies a managed care entity of a determination under subsection (a) and until the Secretary is satisfied that the basis for such determination has been corrected and is not likely to recur.

"(d) Due process for managed care entities.—

"(1) Availability of hearing prior to termination of contract.—A State may not terminate a contract with a managed care entity under section 1941(a)(1)(B) unless the entity is provided with a hearing prior to the termination.

"(2) Notice to enrollees of termination hearing.—A State shall notify all individuals enrolled with a managed care entity with a contract under section 1941(a)(1)(B) that the State intends to terminate the entity's contract with the State of the hearing and that the enrollees may immediately disenroll with the entity without cause.

"(3) Other protections for managed care entities against sanctions imposed by state.—Before imposing any sanction against a managed care entity other than termination of the entity's contract, the State shall provide the entity with notice and such other due process protections as the State may provide, except that a State may not provide a managed care entity with a pre-termination hearing before imposing the sanction described in subsection (b)(2).

"(4) Importation of civil monetary penalties by Secretary.—The provisions of section 1126(b) (other than subsections (a) and (b)) shall apply with respect to a civil money penalty imposed by the Secretary against a managed care entity other than termination of the entity's contract.

"(a) Definitions.—For purposes of this title:

"(1) Managed care entity.—The term 'managed care entity' means—

(A) a Medicaid managed care organization; or

(B) a primary care management provider.

"(2) Medicaid managed care organization means a health maintenance organization, an eligible organization with a contract under section 1876, a provider sponsored network or any other organization which is organized under the laws of a State, has made adequate provision (as determined under standards established for purposes of eligibility organizations) and through its capitalization or otherwise) against the risk of insolvency, and provides or arranges for the provision of one or more types of covered services for medical assistance under the State plan under this title in accordance with a contract with the State under section 1876 of title XVIII.

"(3) Primary care management provider—

SEC. 1940. SANCTIONS FOR NONCOMPLIANCE BY MANAGED CARE ENTITIES.

"(a) Use of intermediate sanctions by the State to enforce requirements.—Each Medicaid managed care organization, which is subject to sanctions, which may include any of the types described in subsection (b) other than the termination of a contract with a managed care entity, which the State may impose against a managed care entity with a contract under section 1941(a)(1)(B) if the entity—

"(1) fails substantially to provide medically necessary items and services that are required (under law or under such entity's contract with the State) to be provided to an enrollee under the contract with such entity; or

"(2) imposes premiums or charges on enrollees in excess of the premiums or charges permitted under this title; and

"(3) Primary care management provider—
(a) REPORT ON PUBLIC HEALTH SERVICES.—

(1) IN GENERAL.—Not later than January 1 of each year, the Secretary of Health and Human Services (in this section referred to as the ‘‘Secretary’’) shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on the timely delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act and on the proper and efficient administration of the Social Security Act.

(b) REPORT ON PAYMENTS TO HOSPITALS.—

(1) IN GENERAL.—Not later than October 1 of each year, the Secretary of Health and Human Services (in this section referred to as the ‘‘Secretary’’) shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on the Medicare program and the provision of the Social Security Act to determine if such provisions are adequate to ensure the timely delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(c) EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN PROGRAM.—

(1) IN GENERAL.—Not later than October 1 of each year, the Secretary of Health and Human Services shall report to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(d) INDEPENDENT STUDY AND REPORT ON QUALITY ASSURANCE AND ACCREDITATION STANDARDS.—The Institute of Medicine of the National Academy of Sciences shall conduct a study and analysis of the quality assurance programs and accreditation standards applicable to managed care entities operating in the private sector or to such entities that operate under contracts under the Social Security Act to determine if such programs and standards are adequate to ensure the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(e) EXTENSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE.—Section 1902 (42 U.S.C. 1396a(a)) is amended by striking ‘‘the date on which such contract was entered into’’ and inserting ‘‘the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into’’.

(f) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1903 (42 U.S.C. 1396b) is amended in subsections (a)(1), (a)(2), (c)(2)(D), and (d)(2) by striking ‘‘a health maintenance organization’’ and inserting ‘‘a managed care entity’’.

(g) EXTENSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE.—Section 1903(a)(3)(C) (42 U.S.C. 1396a(b)(3)(C)) is amended by striking ‘‘the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into’’ and inserting ‘‘the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into’’.

(h) UPLINKING OF DATA FOR MEDICAL ASSISTANCE.—Section 1903(a)(3)(C) (42 U.S.C. 1396a(b)(3)(C)) is amended by striking ‘‘the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into’’ and inserting ‘‘the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into and the date on which such contract was entered into’’.

(i) IN GENERAL.—Not later than January 1 of each year, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives a report on the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(j) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1903 (42 U.S.C. 1396b) is amended in subsections (a)(1), (a)(2), (c)(2)(D), and (d)(2) by striking ‘‘a health maintenance organization’’ and inserting ‘‘a managed care entity, as defined in section 1903(a)(1)’’.

(k) IN GENERAL.—Not later than January 1 of each year, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives a report on the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(l) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1903 (42 U.S.C. 1396b) is amended in subsections (a)(1), (a)(2), (c)(2)(D), and (d)(2) by striking ‘‘a health maintenance organization’’ and inserting ‘‘a managed care entity, as defined in section 1903(a)(1)’’.

(m) IN GENERAL.—Not later than January 1 of each year, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives a report on the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(n) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1903 (42 U.S.C. 1396b) is amended in subsections (a)(1), (a)(2), (c)(2)(D), and (d)(2) by striking ‘‘a health maintenance organization’’ and inserting ‘‘a managed care entity, as defined in section 1903(a)(1)’’.

(o) IN GENERAL.—Not later than January 1 of each year, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives a report on the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.

(p) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1903 (42 U.S.C. 1396b) is amended in subsections (a)(1), (a)(2), (c)(2)(D), and (d)(2) by striking ‘‘a health maintenance organization’’ and inserting ‘‘a managed care entity, as defined in section 1903(a)(1)’’.

(q) IN GENERAL.—Not later than January 1 of each year, the Secretary of Health and Human Services shall submit to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives a report on the timeliness of the delivery of the services traditionally provided through providers described in section 1115(a)(2)(B)(i) of the Social Security Act.
(1) Section 1128A(b)(2)(B) (42 U.S.C. 1320a-
7(a)(b)) is amended by inserting , including section 1944(b) after title XIX.
(2) Section 1128A(b)(7)(d)(1) (42 U.S.C. 1320a-
7(b)(1)) is amended by inserting or, in the case of an individual enrolled with a man-
cared entity under part B of title XIX, the applicable effective date described in sub-
section (a), the Secretary, prior to extending any waiver granted under section 1115 or 1915 of
the Social Security Act (42 U.S.C. 1315, 1396n) or otherwise which relates to the pro-
vision of medical assistance under a State plan under title XIX of the such Act (42 U.S.C. 1396 et seq.),
(a) conduct an evaluation of—
(I) the waivers existing under such sections
or other provision of law as of the date of the
enactment of this Act; and
(ii) submit a report to the Congress recom-
mending whether the extension of a waiver
program under such sections or other provision
of law, and
(b) if the Congress shall approve such report,
no liability in the case of certain beneficiaries
enrolled with managed care entities, see sec-
tion 1915, and section 1941,;
and inserting subsection (g), sec-
tion 1915 and inserting subsection (a), the amendments made by this Act shall be
consist with the terms of the waiver.
(2) SECRETARIAL EVALUATION AND REPORT
For existing waivers and extensions—
Prior to the applicable effective date described in sub-
section (a), the Secretary, prior to extending any waiver granted under section 1115 or 1915 of
the Social Security Act (42 U.S.C. 1315, 1396n) or otherwise which relates to the provision
of medical assistance under a State plan under title XIX of the such Act (42 U.S.C. 1396 et seq.),
conclude or otherwise notify the Secretary that the waiver is inconsistent with the terms of the
waiver.
(3) REFRAIN FROM CERTAIN RESTRICTIONS ON
Of the Federal Regulations (relating to upper
limits of payment: risk contracts), is hereby
nullified.
"(2) For provision providing for extended
liability in the case of certain beneficiaries
enrolled with managed care entities, see sec-
tion 1915, and section 1941,;
and inserting subsection (g), sec-
tion 1915, and section 1941,; and
(2) in subparagraph (B), by striking a health-
care provider, health care organization, or a and
inserting or with a managed care entity, as
defined in section 1903(a)(2)(A).
SEC. 5. EFFECTIVE DATE, STATUS OF WAIVERS.
(a) Effective Date—Except as provided in sub-
section (b), the amendments made by this Act
shall apply to managed care assistance fur-
nished—
(1) during quarters beginning on or after
October 1, 1997; or
(2) in the case of assistance furnished under
Section 1902(a)(23) (42 U.S.C. 1396a(a)(23)) as amended—
(A) the date of the expiration of the con-
tract; or
(B) the expiration of the 1-year period
which begins on the date of the enactment
of this Act.
(b) APPLICATION TO WAIVERS.—
(i) EXISTING WAIVERS.—If any waiver grant-
ted to a State under section 1115 or 1915 of the
Social Security Act (42 U.S.C. 1315, 1396n), or
otherwise which relates to the provision of
medical assistance under a State plan under
title XIX of the such Act (42 U.S.C. 1396 et seq.),
before the expiration (determined without
regard to any extensions) of the waiver to
the extent such amendments are inconsis-
tent with the terms of the waiver.
However, a balanced budget does not come
without some pain—some con-
sequences. For instance, the Medicare
Program will realize cuts of approxi-
mately $115 billion over the next 5
years. We will be asking our Nation’s
seniors to share in the sacrifice along
with the rest of the country.
Congress cannot, in good conscience,
approve the Medicare Program and its
beneficiaries to access care unless we
also work hard to eradicate fraud and
abuse. Passage of the Kennedy-Kasse-
baum legislation last year was a step in the
right direction. But the cheats and swindlers are clever at gaming the
system. It is a sad fact that there will
always be greedy people looking to
take advantage of our Nation’s seniors.
So it is imperative that Congress be
equally vigilant by cracking down on
fraud wherever possible. Passage of my
bill will continue the process and send
this signal to the con artists and thieves: “Your days are numbered.”

My legislation is crafted to build on
State successes. For instance, one of
the most crucial provisions in my bill,
modelled after an extremely successful
Florida Medicaid antifraud program,
requires providers of durable medical
equipment, home health, and transpor-
tation services to post a $50,000 surety
bond to participate in the Medicare
Program. While a $50,000 bond is relatively
expensive to post for scrupulous con-
tactors, at the cost of between $500
and $1,500 the requirement has
achieved tremendous results in my
State. Since implementation of the
surety bond requirement, the fly-by-
night providers have scattered like so
many roaches when the lights are
turned on.

Durable medical equipment suppliers
have dropped by 62 percent, from 4,146
to 1,565; home health agencies have
decreased by 41 percent, from 738 to 441;
pension of transportation services
have decreased by 49 percent. These
State’s Medicaid Programs in droves—from 1,759 to
742, a drop of 58 percent. Fewer pro-
viders bilking the State’s Medicaid
Program is projected to save over $192
million over the next 2 years in Flori-
da.

Two years ago I spent a day working
in the U.S. attorney’s Office in south
Florida. I realized then that it was
ever easier to get a provider number under
Medicare than a personal VISA; easier
to get a blank check paid for by the
Treasury than a VISA or MasterCard.

This bill requires individuals to
provide their social security number
(SSN) and employer identification number (EIN) to get a Medicare pro-
vider number. This will make it more
difficult for swindlers to enter the pro-
gram. This bill has additional provi-
sions which are critical to stemming
 rampant fraud in the Medicare Pro-
gram:

My bill would enable State fraud con-
trol units, often the first line in the
fight against health care fraud, to investigate and prosecute fraud in Federal health care programs.

It would also prevent providers from discharging Medicare debt by declaring bankruptcy. The bill would also preclude Medicare swindlers from transferring their assets to a family member in order to circumvent exclusion from the Medicare Program.

This legislation enacts a broad-based Federal statute aimed at suppressing Medicare fraud—enhances the arsenal of weapons to combat fraud and prescribes stiff penalties against those convicted of fraud.

At the signing of the Medicare bill in Missouri 30 years ago, President Johnson said that Medicare had been planted with "the seed of compassion and duty which have today flowered into care for the sick and serenity for the fearful." Medicare has lived up to its promise. But fraud is threatening to compromise the integrity of the system. We have the prescriptions to combat fraud. Now is the time to employ them if we want to save the integrity of Medicare.

By Mrs. HUTCHISON:

S. 866. A bill to amend title 29, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP

Mrs. HUTCHISON. Mr. President, the title of the bill I send to the desk is the Environmental Protection Partnership Act of 1997. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What my bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance and go to do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

We think this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure that, in the same fashion as many States have done, it does not preclude the Federal government from acting to immediately come into compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will conduct their own audits. Many more violations will be corrected, and many others will be prevented.

Under my bill, if a company voluntarily completes an environmental audit that shows a problem with environmental compliance and environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems after they occur. Even EPA agrees that to achieve this, companies need to play an active role in environmental protection. In a recent policy statement, EPA pointed out that because of governmental limitations, maximum compliance cannot be achieved without active efforts by the regulated community to police themselves. The Environmental Protection Partnership Act will make companies active partners with EPA in assuring compliance with environmental laws.

I am very pleased to be working with the majority leader on this legislation and I hope Members on both sides of the aisle will join me in this effort to increase environmental protection.

By Mr. HARKIN (for himself, Mr. HUTCHINSON, Mr. REID, Mr. BRYAN and Mr. ROYCE):

S. 868. A bill to amend the Social Security Act to prohibit persons from charging for services or products that the Social Security Administration and Department of Health and Human Services provide without charge; to the Committee on Finance.

THE SOCIAL SECURITY CONSUMER PROTECTIONS ACT

Mr. HARKIN. Mr. President. Today, I am introducing, on behalf of myself,
Senators HUTCHINSON, REID, BRYAN, and ROCKEFELLER, the Social Security Consumer Protection Act. This is a simple, commonsense legislation that will arm consumers with the information they need to protect themselves from this growing problem.

Several years ago Congress took an important step toward stamping out frauds against older Americans. We passed a law making it illegal for companies to defraud senior citizens and others by misrepresenting an affiliation with Social Security or Medicare. After some delay, the Social Security inspector general has begun to enforce this important new consumer protection law. However, we are finding that many scam artists are squirming through a loophole in the law that allows them to charge unwitting consumers for services that are available free of charge from Social Security or Medicare.

A recent investigation by my staff found that unsuspecting consumers—from new parents to senior citizens—are falling prey to con artists charging them for services that are available free of charge from the Social Security Administration. Many of the schemes involve use of materials and names which mislead consumers into believing that the scam artists are affiliated with the federal government.

Companies wrongfully using official sounding names like Federal Document Service, Federal Records Service Corp., National Records Service, and U.S. Document Services are mailing information to hundreds of unsuspecting Americans, including many Iowans. These companies are scaring people into remitting a fee to receive basic Social Security benefits and eligibility information such as a new Social Security number and card for a baby and changing names upon marriage or divorce.

We began to look into this problem based on a number of complaints from Iowans who had received these deceptive mailing circulars. One such example was sent to me by Deb Conlee of Fort Dodge. She received a mailing from a company called Document Service. The official looking letter starts: "Read Carefully: Important Facts about your Social Security..."

The Social Security Consumer Protection Act would require that any such solicitation prominently display the following consumer alert: "IMPORTANT PUBLIC DISCLOSURE: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration or the Department of Health and Human Services." Armed with this information, consumers would be able to make informed decisions about where to obtain the services they need or want. Companies found to be in violation of this simple requirement would face fines.

Our legislation would not stop the provision of services by private companies. Rather, it would simply make sure that consumers are fully informed, so that they can make an informed choice about where and how they prefer to receive certain services. These scams must be put to an end. A simple change in the law would go a long way toward stopping them. The bill we are introducing today would make such a change without imposing an undue burden on legitimate businesses or restricting consumer freedom of choice.

Mr. President, this legislation has been endorsed by the National Committee to Preserve Social Security and Medicare. The National Committee is an effective and aggressive advocate of the rights of older Americans. I am pleased to have their endorsement and ask unanimous consent to include a copy of their letter of support be printed in the RECORD.

I urge my colleagues to review this bill and to work with us to ensure its prompt approval. The provision of services by private companies may be an undue burden on legitimate businesses. Rather, it would simply make services which the Social Security Administration and Medicare make available free of charge available to all consumers.

We should arm consumers with the information they need to better protect themselves from this growing problem. The Social Security Consumer Protection Act of 1997 (S. 869) is a bill to prohibit employment discrimination on the basis of sexual orientation. By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WYDEN, Mr. BINGAMAN, Mr. KERRY, Mr. WELSTONE, Mr. HARKIN, Ms. LANDRIEU, Mr. FEINGOLD, Mrs. MURRAY, Mr. BOXER, Mr. LEVIN, Mr. SARBANES, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mr. CHAFEE, Mr. KOHL, Mr. INOUYE, Ms. MIKULSKI, Mr. ROBB, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. REED, Mr. LEAHY, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. KERREY, Mr. REED, Mr. D'AMATO, and Mr. CLELAND):

The Employment Non-Discrimination Act of 1997

Mr. JEFFORDS. Mr. President, I am pleased to be here today to introduce the Employment Non-Discrimination Act of 1997 (ENDA). A majority of this Chamber, as well as my colleagues and I introduced similar legislation in the last Congress. While we were unable to pass ENDA in the last Congress, I was encouraged that ENDA was only narrowly defeated, by a vote of 50 to 49. It is my hope that in the 106th Congress, we can bridge that narrow gap and pass this legislation. By extending to sexual orientation the same federal employment discrimination protections established for race, religion, gender, national origin and disability, ENDA will further ensure that principals of equality and opportunity apply to all Americans.
I believe that all Americans deserve to be judged at work based on their ability to do their jobs and not their sexual orientation. People who work hard and perform well should not be kept from leading productive and rewarding careers because of an individual's sexual orientation or non-work-related prejudice. Unfortunately, many responsible and productive members of our society face discrimination in their workplaces based on nothing more than their sexual orientation. Because this insidious discrimination persists, there is a need for Congress to pass the Employment Non-Discrimination Act.

Mr. President, the Senate's vote last Congress is no doubt reflective of the American people's support of the concept behind ENDA. In a recent poll, 83 percent of the respondents support the passage of a law extending civil rights and preventing job discrimination against gays and lesbians. While ENDA will achieve this goal of equal rights for jobs, it does not create any special rights for gays and lesbians. Specifically, this legislation prohibits preferential treatment based on sexual orientation. In addition, ENDA does not require an employer to justify a policy or practice that has a statistically disparate impact based on sexual orientation, nor provide benefits for the same-sex partner of an employee. Rather, it simply protects a right that should belong to every employee—freedom from discrimination at work because of personal characteristics unrelated to successful performance on the job.

Since ENDA's narrow defeat last September, we have taken a fresh look at this important legislation in an attempt to allay some of the concerns raised by ENDA's detractors in the last Congress. I am pleased to announce that we have made several significant improvements in the bill.

Our goal is to address the concern raised that employees' privacy rights would be violated if the Equal Employment Opportunity Commission (EEOC) required employers to provide the Government with data on the sexual orientation of their employees. As a result, the bill now prohibits the EEOC from collecting such statistics and from compelling employers to do so. Opponents of the previous legislation were also concerned that ENDA would limit employers who have violated ENDA to hire gay and lesbian employees as part of its enforcement scheme. To alleviate that possibility, the new legislation precludes the EEOC from entering into a consent decree that includes quotas, or gives preferential treatment based on sexual orientation. In addition, we have narrowed the language of the previous bill so that only actual paid employees are protected and we have attempted to ensure that exempted religious organizations from coverage.

In today's global economy, our Nation must take full advantage of every resource that is at our disposal if we want U.S. companies to maintain their competitive advantage over their international competitors. The fact that a majority of Fortune 500 companies have incorporated many of ENDA's policies, clearly indicates the acceptance and the value of inclusion within the workplace. In fact, it can be stated that without these American companies, on their own, undertaking these actions to insure adequate working protections for all of their employees and customers, we may even be unable to maintain their existence within this fiercely competitive international environment.

Mr. President, some concern has been raised by my colleagues that passing ENDA will create a new wave of litigation. I am proud to say that my home State of Vermont is one of several States and localities that have enacted a sexual orientation anti-discrimination law, and it is no surprise to me, that the enforcement of the State's laws has been very successful. Vermont's Attorney General has initiated only four investigations of alleged sexual orientation discrimination over the past three years. Seven are pending at this time. Fifty-three complaints have been brought to EEOC in Vermont with determinations that unlawful discrimination cannot be proven to have occurred. Four have been closed for miscellaneous administrative reasons, unrelated to the merits of the charges, and one resulted in a settlement. In addition, I am not aware of a single complaint from Vermont employers about the enforcement of the State law. However, I do know that thousands of Vermonters no longer need to live and work in the shadows. The facts bear out my belief that the effect experienced in Vermont on litigation has been experienced in other States and the District of Columbia that have implemented policies similar to the one of my home State of Vermont.

As I have stated before, success at work should be directly related to one's ability to do the job, period. The passage of ENDA would be a significant step toward opportunity for all people, be they gay, lesbian, or heterosexual, to be fairly judged on their work product, not on an unrelated personal characteristic. I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 869
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 "Employment Non-Discrimination Act of 1997".

SEC. 2. PURPOSES.
The purposes of this Act are—
(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;
(2) to provide prompt and effective remedies for employment discrimination on the basis of sexual orientation; and
(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate interstate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.
In this Act:
(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.
(3) EMPLOYER.—The term "employer" means a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1)) who has 15 or more employees (as defined in section 701(f) of such Act (42 U.S.C. 2000e(f)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include the Government Employee Rights Act of 1991 (2 U.S.C. 2301(a)(1)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 2301(a)(1)) applies, as defined in section 191 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).
(4) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).
(5) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—Except as provided in section 10(a)(1), the term "employment or an employment opportunity" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment, but does not include the service of a volunteer for which the volunteer receives compensation.
(6) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).
(7) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).
(8) RELIGIOUS ORGANIZATION.—The term "religious organization" means—
(A) a religious corporation, association, or society;
(B) a school, college, university, or other educational institution or institution of learning; if—
(i) the institution is in whole or substantially controlled, managed, or sponsored by a religion, religious corporation, association, or society; or
(ii) the curriculum of the institution is directed toward the propagation of a religion.
(9) SEXUAL ORIENTATION.—The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether the orientation is real or perceived.
(10) STATE.—The term "State" has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

SEC. 4. DISCRIMINATION PROHIBITED.
A covered entity shall not, with respect to the employment or an employment opportunity of an individual—
(1) subject the individual to a different standard or different treatment, or otherwise discriminate against the individual because of the individual's—
(A) actual or perceived sexual orientation; or
(B) actual or perceived non-discrimination on the basis of sexual orientation; and

SEC. 5. REMEDIES.
A covered entity shall not—
(1) discriminate against an individual who is a covered entity; or
(2) discriminate against an individual who is an officer, agent, or employee of a covered entity; and

SEC. 6. INJUNCTIONS.
The Attorney General may bring an action in an appropriate Federal district court for enforcement of the provisions of this Act.

SEC. 7. JUDICIAL REVIEW.
Any person who suffers injury under this Act may bring an action in an appropriate United States district court against any person who is believed to be in violation of any provision of this Act.

SEC. 8. CONSTRUCTION.
Nothing in this Act shall be construed to affect any prohibition or remedy available under Federal, State, or local law.

SEC. 9. RULES OF CONSTRUCTION.

SEC. 10. ENFORCEMENT.
(a) COMMISSION.—The Commission may enforce any provisions of this Act and any regulations prescribed under this Act by any process that the Commission considers necessary or appropriate to carry out this Act.
(b) ACTION BY THE ATTORNEY GENERAL.—The Attorney General may bring an action in an appropriate United States district court for enforcement of the provisions of this Act.

SEC. 11. JUDICIAL REVIEW.—Any action brought under subsection (a) or (b) of section 10 shall be reviewed pursuant to section 1601 of title 28 of the United States Code.

SEC. 12. EFFECTIVENESS OF ACT.
Nothing in this Act shall be construed to affect any prohibition or remedy available under Federal, State, or local law.

SEC. 13. FILING OF ACTION.
The Commission shall file a complaint under this Act no later than 6 years after the filing of the charge.

SEC. 14. PUNITIVE DAMAGES.
Nothing in this Act shall be construed to authorize the recovery of punitive damages.

SEC. 15. RIGHTS OF PERSONS WITH DISABILITIES.
The rights of persons with disabilities under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) are not affected by this Act.

SEC. 16. INTERSTATE COMMERCE.
Nothing in this Act shall be construed to authorize the Commission to enforce provisions of this Act affecting only interstate commerce, except that this Act shall be enforced in the absence of any provision of a State's law permitting discrimination on the basis of sexual orientation and preventing job discrimination against individuals on the basis of sexual orientation.

SEC. 17. REPORT.
Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report on the administration of this Act, including the number of complaints received under this Act, the number of complaints that have resulted in a successful settlement, the number of complaints that have resulted in a successful conciliation, the number of complaints that have been resolved through the voluntary enforcement mechanism, and the number of complaints that have resulted in an administrative decision.

SEC. 18. EFFECTIVE DATE.
This Act shall take effect 120 days after the date of enactment of this Act.
discriminate against the individual, on the basis of sexual orientation; or
(2) discriminate against the individual based on the sexual orientation of a person with whom the individual is believed to associate or to have associated.

SEC. 5. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because the individual opposed any act or practice prohibited by this Act or because the individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) CONSENT DECrees.—The Commission shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of having exercised, enjoyed, assisted in, or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of the partner of the individual.

SEC. 7. NO DISPARATE IMPACT; COLLECTION OF STATISTICS.

(a) DISPARATE IMPACT.—The fact that an employer has a disparate impact on any race is not in itself an act that is prohibited by this Act, but, if the employer has a disparate impact on the basis of sexual orientation, the employer may be engaged in an unlawful employment practice,” as the term “disparate impact” is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation, shall be established by a prima facie violation of this Act.

(b) COLLECTION OF STATISTICS.—The Commission shall collect statistics on sexual orientation from covered entities, or compel the collection of such statistics by covered entities.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(a) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

(c) CONSENT DECrees.—The Commission may not enter into a consent decree that includes a quota, or preferential treatment to an individual, based on sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to a religious organization.

(b) UNRELATED BUSINESS TAXABLE INCOME.—If a religious organization has an employment position of a covered entity that is an unrelated business taxable income subject to taxation under section 511(a) of the Internal Revenue Code of 1986,

(c) IMMUNITY OF THE CONGRESSIONAL ACCOUNTABILITY ACT.—Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

SEC. 12. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220); in the case of a claim alleged by the individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220); in the case of a claim alleged by the individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1201)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1201) in the case of a claim alleged by the individual for a violation of such title;

(4) the Board (as defined in section 101 of such Act (2 U.S.C. 1201)) shall have the same powers as the Board has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(b) ENFORCEMENT OF RIGHTS.—The Commission, or the Librarian of Congress, or the Board shall have authority to issue regulations to carry out this Act.

(c) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a violation of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by the individual for a violation of such section shall be—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by the individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by the individual for a violation of such section; and

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, in an action or proceeding for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(a) of the Revised Statutes (42 U.S.C. 1981a(b)).

SEC. 14. ATTORNEYS’ FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an attorney described in section 12(a)(3) (other than paragraph (4) of such section), in the discretion of the entity, may allow the prevailing party, other than the United States, a reasonable attorney’s fee (including expert fees) as part of the costs. The United States shall be liable for the costs to the same extent as a private person.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members with whom the entity is engaged in an employment relationship described in section 12(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10).

SEC. 16. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to the Library of Congress.

(c) BOARD.—The Board referred to in section 12(a)(3) shall have authority to issue regulations to carry out this Act in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 401 of such Act (2 U.S.C. 1301).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act in accordance with section 302 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by a covered employee, as defined in section 401 of title 3, United States Code.
work out of concern for their job security. This result, although unfortunate, is not surprising in light of a University of Maryland study that found gay men’s income to be 11 to 27 percent lower than that of heterosexual men, thanks to the effects of discrimination. This hateful treatment extends far beyond its effect on those individuals who must live in fear and without full employment opportunities. It also takes an unacceptable toll on America’s definition of itself as a country of equitable opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness—that and no more. It says only what we already have said for women, for people of color, and for others: that you are entitled to have your ability to earn a living depend only on our ability to do nothing else. In fact, the bill would even do somewhat less than it does for women and people of color, because it would not give gay men and women all of the protections we currently provide to other groups protected under our civil rights laws.

Mr. President, this bill would bring our Nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 220 years ago when he wrote that all of us have an inalienable right to life, liberty, and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

By Mr. WELLSTONE:

S. 870. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of all citizens, and for other purposes; to the Committee on Labor and Human Resources.

THE MEDICAL TECHNOLOGY, PUBLIC HEALTH, AND INNOVATION ACT OF 1997

Mr. WELLSTONE, Mr. President, the legislation that I am introducing today, the Medical Technology, Public Health and Innovation Act of 1997, takes a significant step toward improving the effectiveness, timeliness, and predictability of the FDA review process for medical device technologies.

It is important that we improve the system for device approval in order to provide access to optimal technology to American consumers. We need to do this in order to promote the public health. We must also maintain protection for consumers, which are provided by the FDA’s oversight of device manufacturing, development, and marketing. This legislation maintains those protections, while allowing for new efficiencies within the FDA.

Over the last 25 years, I have met with numerous representatives of Minnesota’s medical device industry, patient advocates, clinicians, and officials from the FDA, and have concluded that there are indeed steps that Congress should take to make the regulatory process for medical devices more efficient. Minnesotans want the FDA not only to protect public health, but also to promote public health. They want to know not only that new technologies will be available to them, but that they will be available to them in a timely manner.

Many of Minnesota’s medical device manufacturers, researchers, clinicians, and patients in need of new and improved health care technology have become increasingly concerned about the regulatory environment at the FDA. While there have been some improvements in the device review process, there is still a need to increase communication between the FDA and industry; to decrease review times; and to have consistency in the review process.

These needs are highlighted by the following example. A plant operated by a Minnesota-based device company was developing a new treatment for aortic aneurysms, which would require less invasive measures than are currently used. The company developed a protocol for testing its product, submitted the protocol to the FDA and was told by the reviewer that the protocol was invalid. The reviewer suggested a different protocol and the company followed it. Upon completion of the clinical trial, the company submitted the required data to the FDA. The original reviewer was on extended leave of absence, so the data went to a different reviewer. The new reviewer deemed the protocol that was used to be invalid, and requested a new clinical trial, which basically followed the protocol that had been rejected by the first reviewer.

The company then proceeded to do a new trial, which resulted in significant delays in getting this important product to market for patient use. I am certain that this is but one of many examples of inconsistently applied processes that delay the availability of life-saving technology to the consumer.

The technologies that the FDA regulates are changing rapidly. We cannot afford a regulatory system that is ill-equipped to speed these advances. As a result, both Congress and the Administration are reexamining the paradigms that have governed the FDA. Our challenge will be to devise a process and scope of responsibility, as well as to give guidance on an appropriate balance between the risks and rewards of streamlining all aspects of how FDA does its job—including the approval process for breakthrough products.

The legislation that I am introducing would begin to address these issues in three important ways:

First, it would enable the FDA to adopt nationally and internationally recognized performance standards to improve the transparency and effectiveness of the device review process.
Resource constraints and the time-consuming rulemaking process have precluded FDA promulgation of performance standards in the past. This legislation would allow the FDA, when appropriate, to simply adopt consensus standards already being used by most of the world and use those standards to assist in determining the safety and effectiveness of class III medical devices. The FDA could require additional data from a manufacturer relevant to an aspect of a device not covered by an adopted performance standard if necessary to protect patient safety. Currently, the lack of clear performance standards for class III medical devices is a barrier to the improvement of the quality and timeliness of the premarket approval process.

Second, it would improve communication between the industry and the FDA and the predictability of the review process. I believe that these two factors are extremely important. The bill includes provisions for meetings between the applicant and the FDA to ensure that applicants are promptly informed of any deficiencies in their application, that questions that can be answered easily will be addressed right away, and that applicants will be well informed about the status of their application. I believe that improving communication between the FDA and industry will result in greater compliance with regulations and that this will ultimately benefit consumers and patients.

Third, the legislation would help the FDA focus its resources more appropriately. FDA supplements or 510(k)s that relate only to changes that can be shown to not adversely affect the safety or effectiveness of the device would not require premarket approval or notification. Manufacturers would instead make information and data supporting the change part of the master record for the device. In addition, technology that would be able to exempt from premarket notification requirements those class II devices for which such requirements are unnecessary to ensure the public health without first having to go through the time consuming and bureaucratic process of reclassifying them to class I. The FDA would also have the option of relying on postmarket controls classifying devices. Enabling the FDA to focus its attention on real risks and not merely on timely clinical research will not only streamline the approval process but also benefit consumers.

I look forward to working with Senator Jeffords, the chairman of the Labor and Human Resources Committee, and my other colleagues on the Committee on the concepts included in my proposal. I will work vigorously to ensure that they are included in FDA legislation considered by the Senate this year. I look forward to continuing to work at these issues with Members. Clearly, there are actions that Congress can take to improve the FDA without sacrificing the assurance of safety that all Americans depend on.

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. 870

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

SECTION 1. SHORT TITLE AND REFERENCES.

(a) Short Title.—This Act may be cited as the “Medical Technology, Public Health, and Innovation Act of 1997”.

(b) Reference.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

SEC. 2. FINDINGS; MISSION STATEMENT.

(a) FINDINGS.—The Congress finds the following:

(1) While the United States appropriately puts a top priority on the regulation of medical technologies to ensure the safety and effectiveness of devices that are introduced into the marketplace, the administration of such regulatory effort is causing the United States to lose its leadership role in producing innovative, top-quality medical devices.

(2) One of the key components of the medical device regulatory process that contributes to the United States losing its leadership role in medical device development is the inordinate amount of time it takes for medical technologies to be reviewed by the Food and Drug Administration.

(3) The most important result of the United States losing its leadership role is that patients in the United States do not have access to new medical technology in a timely manner.

(4) Delayed patient access to new medical technology results in lost opportunities to save lives, to reduce hospitalization and recovery time, and to improve the quality of life of patients.

(5) The economic benefits of the United States medical device industry, which is composed principally of smaller companies, has provided through growth in jobs and tax revenue by the slow and unpredictable regulatory process at the Food and Drug Administration.

(6) The pace and predictability of the medical device regulatory process are in part responsible for the increasing tendency of United States medical device companies to shift research, product development, and manufacturing offshore, at the expense of American jobs, patients, and leading edge clinical research.

(b) MISSION STATEMENT.—This legislation seeks to improve the timeliness, effectiveness, and predictability of the medical device approval process for the benefit of United States patients and the United States economy by—

(1) providing for the use of nationally and internationally recognized performance standards to assist the Food and Drug Administration in determining the safety and effectiveness of medical devices;

(2) facilitating communication between medical device companies and the Food and Drug Administration;

(3) targeting the use of Food and Drug Administration regulated medical devices that are likely to have serious adverse health consequences; and

(4) requiring the Food and Drug Administration to use, to the extent possible, the least burdensome, most efficient approach to reasonably assuring the safety and effectiveness of devices.

SEC. 3. DEVICE PERFORMANCE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

“(c)(1)(A) The Secretary, through publication in the Federal Register, issue notices identifying and listing nationally and internationally recognized performance standards for which persons may provide a certification of a device’s conformity under paragraph (3) in order to meet the premarket submission requirements or other requirements under the Act to which the standards are applicable.

(B) Any person may elect to utilize data other than data required by the standards described in subparagraph (A) to meet any requirement under the Act to which the standards are applicable.

(2) The Secretary may remove from the list of standards described in paragraph (1) a standard that the Secretary determines is no longer appropriate for making determinations with respect to the regulation of devices.

(3) (A) A person may provide a certification that a device conforms to an applicable nationally recognized performance standard listed under paragraph (1) to meet the requirements described in paragraph (1) and the Secretary shall accept such certification.

(B) The Secretary may, at any time, request a person who submits a certification described in subparagraph (A) to submit the data or information upon which the person relied on in making the certification.

(C) A person who submits a certification described in subparagraph (A) shall maintain the data and information upon which the certification was made for a period of 2 years after the submission of the certification or a time equal to the expected design life of a device whichever is longer.

(4) In subparagraph (A) of section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(f) other less burdensome controls, such as

(A) are necessary;

(B) are scientifically and ethically feasible;

(C) are less burdensome, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness;

(D) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(E) other less burdensome controls, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness;

(F) are required by the Secretary.

(F) is amended by adding at the end the following:

“(B) by adding at the end the following:

“(c) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(D) are required by the Secretary.

(E) in subparagraph (F), by striking “; and” and inserting a semicolon.

(F) in paragraph (1)–

(F) in subparagraph (G), by striking “; and” and inserting “; and”;

(G) by adding at the end the following:

“(C) other less burdensome controls, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness; a reasonable assurance of safety and effectiveness of a device in a case in which the effects of the progression of a disease are clearly defined and well understood.

(H) the Secretary may require the sponsor of an application to conduct clinical trials for a device using randomized controls uses the controls;

(I) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(J) in section 501(e) (21 U.S.C. 351(e)) is amended by striking “established” and inserting “established or listed”;

(J) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(J) by adding at the end the following:

“(C) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(K) by adding at the end the following:

“(C) other less burdensome controls, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness; a reasonable assurance of safety and effectiveness of a device in a case in which the effects of the progression of a disease are clearly defined and well understood.

(K) by adding at the end the following:

“(C) other less burdensome controls, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness; a reasonable assurance of safety and effectiveness of a device in a case in which the effects of the progression of a disease are clearly defined and well understood.

(k) the Secretary may require the sponsor of an application to conduct clinical trials for a device using randomized controls uses the controls;

(l) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(m) the Secretary may require the sponsor of an application to conduct clinical trials for a device using randomized controls uses the controls;

(n) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(o) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(p) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(q) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(r) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;

(s) by adding at the end the following:

“(A) an identifying reference to any performance standard listed under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section;
SEC. 5. PREMARKET NOTIFICATION.
(a) Regulations. —Section 510(g) of title 21, United States Code, is amended —
(1) in subsection (k), by striking “intended for human use” and inserting “intended for human use”;
(2) in subsection (i), by striking “device that is classified into class II” and inserting “device that is classified into class II”;
(3) in subsection (f), by inserting “device that is classified into class II” after “section 510(k)”;
(4) in subsection (o), by striking “intended to be used” and inserting “intended to be used”;
(5) in section 510(l)(1), by striking “intended” and inserting “intended”; and
(6) in section 510(l)(2), by striking “when such representations are not true nor misleading in any particular” and inserting “when such representations are not true nor misleading in any particular”.
(b) Special Exemption for Class I Devices from Section 510(k). —The exemption of a class I device from the notification requirement of section 510(k) shall not apply to a class I device that —
(1) is an extension of the design or manufacture of a device subject to an approved application under section 510(k); or
(2) is an extension of the design or manufacture of a device subject to an approved application under subsection (a) of section 510(k) unless such representations are not true nor misleading in any particular.
(c) Repeal. —Section 510(f) of title 21, United States Code, is repealed.
SEC. 6. INVESTIGATIONAL DEVICE EXEMPTION.
(a) Regulations. —Section 520(e) of title 21, United States Code, is amended —
(1) in subsection (k), by striking “device that is classified into class II” and inserting “device that is classified into class II”;
(2) in subsection (i), by striking “intended to be used” and inserting “intended to be used”;
(3) in subsection (f), by striking “intended” and inserting “intended”;
(4) in subsection (o), by striking “intended to be used” and inserting “intended to be used”;
(5) in section 510(l)(1), by striking “intended” and inserting “intended”; and
(6) in section 510(l)(2), by striking “when such representations are not true nor misleading in any particular” and inserting “when such representations are not true nor misleading in any particular”.
(b) Special Exemption for Class I Devices from Section 510(k). —The exemption of a class I device from the notification requirement of section 510(k) shall not apply to a class I device that —
(1) is an extension of the design or manufacture of a device subject to an approved application under section 510(k); or
(2) is an extension of the design or manufacture of a device subject to an approved application under subsection (a) of section 510(k) unless such representations are not true nor misleading in any particular.
Mr. NICKLES (for himself, and Mr. INHOFE):

S. 871. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Energy and Natural Resources.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. NICKLES, Mr. President, I rise today to introduce legislation with Senator INHOFE to establish the Oklahoma City National Memorial and create the Oklahoma City Memorial Trust. The memorial will commemorate the national tragedy ingrained in all of our minds that occurred in downtown Oklahoma City at 9:02 a.m. on April 19, 1995, in which 168 Americans lost their lives and countless thousands more lost family members and friends. The Oklahoma City National Memorial, to be established as a unit of the National Park Service, will serve as a monument to those whose lives were taken and others will bear the physical and mental scars for the rest of their days. It will stand as a testament to the hope, generosity, and courage shown by Oklahomans and fellow Americans across the country following the Oklahoma City bombing. This will be a place of remembrance, peace, spirituality, comfort, and learning. The memorial complex will include a special place for children, 19 of whom were killed in the blast, to assure them that the world holds far more good than bad.

The memorial site will encompass the footprint of the Alfred F. Murrah Federal Building between Robinson and Harvey, the site of the Water Resources Building, and the Journal Record Building. Both Park Service and non-Park Service personnel will staff the memorial grounds and interpretive center on the site. The Memorial Trust, comprised of nine unpaid trustees, will administer the operation, maintenance, management, and interpretation of the memorial.

While the thousands of family members and friends of those killed in the bombing bear scars of grieving their loved ones taken away, the Oklahoma City National Memorial will revere the memory of those lost and venerate the bonds that drew us all closer together as a result. I welcome all Members to cosponsor this important piece of legislation.

By Mr. ASHCROFT:

S. 873. A bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism; to the Committee on the Judiciary.

THE PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

Mr. ASHCROFT, Mr. President, I would like to introduce The Prohibition on Financial Transactions with Countries Supporting Terrorism Act of 1997. This legislation will further isolate state sponsors of international terrorism from the community of responsible nations. By prohibiting financial transactions between U.S. persons and such criminal regimes, this bill will also reduce the financial resources available to terrorist states.

Unfortunately, this is the second time this session that I have had to consider legislation to prohibit financial transactions with state sponsors of terrorism. The Anti-terrorism and Effective Death Penalty Act, passed by Congress and signed into law by the President on April 24, 1996, contained a similar provision—section 321—which prohibited financial transactions with state sponsors of terrorism. Unfortunately, the manner in which the State Department implemented section 321 effectively exempted at least two terrorist States, Sudan and Syria, from the ban on financial transactions with United States citizens.

The Clinton administration seemingly misinterpreted the clear language of section 321 which states that: 'any United States person, knowing or having reasonable cause to know that a country is designated as a country supporting international terrorism, engages in a financial transaction with or for the benefit of the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.'

Somehow, our Government read such plain language to permit—not prohibit—all financial transactions with terrorist states. The only transactions the lawyers down at Foggy Bottom saw fit to prohibit were financial transactions which might further terrorism within the United States.

The bureaucrats at the State Department evidently feel that transactions which further terrorism against citizens of foreign countries or Americans abroad—such as Pan Am flight 103—should not be targeted by this law.

Mr. President, the Congress of the United States has worked extensively in a bipartisan manner to provide the legislative tools needed to defend America and our allies against the rising threat of international terrorism, and I think we must now revisit this anti-terrorism legislation to correct the misguided efforts of this administration to confront and isolate terrorist-supporting nations in an effective manner.

We no longer live in a cold war world where the threats to our national security are easily identifiable. The fluid and complex international environment we face today demands the highest national security vigilance, the kind of vigilance that appears to be lacking in the Clinton administration. The administration’s abysmal perform- ence in enforcing U.S. antiterrorism laws against the proliferation of weapons of mass destruction by China is now mirrored by the administration’s evisceration of Congress’ antiterrorism sanctions. This administration finds no inconsistency between President Clinton’s claim in an August 1996 speech at George Washington University that America “cannot do business with * * * terrorists who kill * * * innocent civilians,” and the State Department’s denial that it has authorized within a single year transactions totaling almost $6 billion in commerce with Sudan, Syria, Libya, Iraq, and Iran through its blanket waiver authority.

State sponsors of terrorism possess a hatred of global dimensions, and America is one of their primary targets. Our policies must reflect this understanding.

Mr. President, in the Africa Subcommittee, I have followed closely the global efforts of one particular country on the list of terrorist nations. Since democracy was overthrown by a radical Islamic military coup in 1989, Sudan has been on the list of the world’s state sponsors of terrorism. Sudan’s Government harbors elements of the most violent terrorist organizations in the world: Jihad, the Armed Islamic Group, Hamas, the Palestinian Islamic Jihad, Hezbollah, and the Islamic Group all run terrorist training camps in Sudan.

Those groups are responsible for hundreds of terrorist attacks around the world that have killed thousands of innocent people. Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries which have killed or injured almost 800 people. Jihad is responsible for the assassination of Egyptian President Mubarak and Jihadi’s leader, Sheikh Omar Abdel Rahman, who is the ideological ringleader of the terrorists that attacked the World Trade Center and plotted to bomb the United Nations in New York. Another Islamic terrorist group, the Islamic Movement in Egypt, regularly targets westerners in Egypt for attack and claims responsibility for the failed assassination attempt on Egyptian President Hosni Mubarak during his visit to Washington in 1995.

Sudan’s neighbor, Ethiopia, shared borders with such terrorist organizations, Sudan has also given refuge to some of the
most notorious individual terrorists in the world, including Imad Moughniyeh who is believed to be responsible for the 1983 bombing of the United States Marine barracks in Beirut which killed 241 American soldiers.

Sudan is not only a favorite training camp for terrorists, Mr. President. The Sudanese Government actively supports this terrorist activity. For instance, Sudan reportedly provided the weapons and travel documentation for the suicide bombers who attacked President Mubarak during his Ethiopia visit. Two Sudanese diplomats at the United Nations in New York conspired to help Jihad terrorists gain access to the U.N. complex in order to bomb the building.

The conspiracy to bomb the United Nations was just one in a series of terrorist plots to bomb numerous locations around New York, including the Lincoln and Holland Tunnels, the George Washington Bridge, and various U.S. military installations. Five of the twelve convicted in this series of terrorist plots were Sudanese nationals. Thankfully, law enforcement authorities thwarted most of these tragedies before they occurred, but the earlier terrorist attack against the World Trade Center was carried out by the same broader terrorism network in New York and killed six people. Those who bombed the World Trade Center only expressed regret that the twin towers were not toppled as they had planned, a catastrophe that in an instant could have resulted in more American casualties than the entire Vietnam war.

Sudan’s involvement in the conspiracy to wage an urban war of terrorism in New York makes it patently clear why our Government has justifiably designated some nations as state sponsors of terrorism and has imposed upon them the most severe penalties and sanctions provided by United States law. I am quite grateful that America has been relatively isolated from most of the world’s terrorist violence, but just as terrorists have targeted Americans abroad in the past, they are now targeting Americans here at home. International terrorism is one of the great threats to our national security, but unfortunately yet another example of a national security threat this administration is failing to forcefully address. By cutting off the flow of financial resources to these rogue regimes, it will be more difficult for them to seed the globe with their acts of violent cowardice.

Mr. President, the legislation I am introducing today will effectively prohibit financial transactions with state sponsors of terrorism—regardless of whether the terrorist attack occurs within the United States or abroad. This prohibition is one step in the fight against international terrorism the administration is evidently unwilling to take.

An analysis of Sudan’s involvement in international terrorism gives us an idea of the global designs of terrorist states. Business as usual should not proceed with such regimes, and President Clinton should not have to be coaxed into aggressively enforcing U.S. antiterrorism law to isolate these countries. This legislation will diminish the financial resources available to terrorist networks engaged in acts of violence and hatred, and I urge the Senate’s prompt consideration and passage of this bill.

By Mr. FAIRCLOTH (for himself and Mr. SHELLY):
S. 874. A bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer; to the Committee on Finance.

ELECTRONIC BENEFITS TRANSFER LEGISLATION

Mr. FAIRCLOTH. Mr. President, I am pleased to introduce legislation today that would modify the mandatory EBT legislation that was passed in 1996. Mr. President, in 1996, the Congress amended the Federal Financial Management Act of 1994—as part of the Omnibus Appropriations Act of 1996, Public Law 104-134—to require that all Federal payments after January 1, 1999, be made by electronic funds transfer.

The legislation I am introducing today would provide an exemption from that requirement for Social Security and veterans benefits, except that a recipient may send written notification to their head of agency that such payments be made electronically. Thus, the legislation makes it optional for the vast majority of Federal beneficiaries, particularly retirees.

This would affect nearly 20 million Social Security recipients who still receive their check through the mail. Also, nearly 40 percent of veterans benefits are still by mail.

Mr. President, I have found that many retirees are unaware of this requirement, and do not desire to have their checks electronically deposited. Mr. President, these are not welfare checks. The Government should not force retirees to accept this mandate.

In fact, AARP testified before the House Government Reform and Oversight Committee last year, stating that “AARP believes that direct deposit of federal payments should remain optional for current payment recipients.” Further, AARP has found that Social Security recipients receiving checks by mail were clustered in a handful of States, including my home State of North Carolina.

Mr. President, many people worked all of their lives for these benefits. They have the right to receive them.

An analysis of Social Security recipients receiving their checks by mail shows that many people served their country for these benefits. The very notion that they will be told where their benefits are being sent is abhorrent. Further, it has even been suggested that benefits could be withheld if persons do not choose a bank to receive their benefits. Mr. President, this is wrong. I am not opposed to direct deposit, but I am opposed to it being forced on people. I would urge the Senate to act soon on this legislation.

ADDITIONAL COSPONSORS

S. 121
At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 121, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 127
At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 278
At the request of Mr. GRAMM, the name of the Senator from Oklahoma [Mr. DOUGLE] was added as cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 356
At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 387
At the request of Mr. HATCH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389
At the request of Mr. ABRAHAM, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from New York [Mr. D’AMATO] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 394
At the request of Mr. HATCH, the names of the Senator from California [Mrs. BOXER] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their equivalent in real income and establish the procedure for adjusting future compensation of justices and judges of the United States.
At the request of Mr. BOND, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at the prevention of birth defects, and for other purposes.

S. 509

At the request of Mr. BURNS, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 598

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 598, a bill to amend section 3006A of title 18, United States Code, to provide for the public disclosure of court-appointed attorneys' fees upon approval of such fees by the court.

S. 607

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. REID] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 714, a bill to make permanent the National American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs.

S. 735

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 735, a bill to amend title 10, United States Code, to restore the Department of Defense loan guarantee program for small and medium-sized business concerns that are economically dependent on defense expenditures.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 855

At the request of Mr. FAIRCLOTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 855, a bill to provide for greater responsiveness by Federal agencies in contracts with the public, and for other purposes.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARRANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

NOTICE OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the June 12, 1997, hearing to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park which is scheduled by the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled.

The hearing will now take place on Thursday, July 10, 1997, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC, instead of on June 12, as previously scheduled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

ADDITIONAL STATEMENTS

HONORING ARGONNE-WEST SCIENTISTS

Mr. KEMPTHORNE. Mr. President, I rise today to give recognition to four very important individuals involved in the advancement of engineering and science relating to nuclear activities for our country, and specifically within the State of Idaho. I would like to commend Douglas C. Crawford, H. Peter Planchon, John I. Sackett and Bobby R. Seidel on their various efforts in this area which have warranted top awards from the American Nuclear Society.

These four scientists, all employees of the Argonne National Laboratory-West, have made tremendous advances in terms of the science involving the safe generation of nuclear power. For example, Dr. Douglas Crawford was awarded the Young Member Engineer-

ing Division's Materials Technology Section at Argonne-West. Dr. H. Peter Planchon, who serves as an Associate Director of the Engineering Division, received the American Nuclear Society's Seaborg Medal which is awarded for outstanding long-term individual excellence in nuclear investigation and study. Dr. Planchon developed reactor modeling and experiments which have led to the use of passive response to accidents in sodium-cooled reactors. His work and efforts were demonstrated in a 1986 experiment in which Experimental Breeder Reactor—II, at the time operating at full power, was exposed to accident conditions. The reactor safely shut itself down without operator intervention. Thanks to Dr. Planchon's efforts, subsequent tests have shown that simplified nuclear plants could be safely designed for the future.

Dr. John Sackett's contributions to fast reactor technology, resulting in new and better approaches to plant protection and safety, have earned him great recognition and the honor of receiving the Walker Cisler Medal. This medal is a special award which recognizes outstanding scientific or engineering research achievements in the design and development of the fast breeder reactor as applied to electric power generation. Dr. Sackett's efforts truly are outstanding scientific achievements which have led to better plant operation. He currently serves as the Deputy Associate Laboratory Director for Argonne-West.

And finally, the American Nuclear Society's Public Communications
Award was given to Dr. Bobby Seidel for his exceptional service in communicating unbiased facts regarding nuclear power to the public, which, as you know, Mr. President, is not always an easy task. Dr. Seidel directs the student and faculty programs at Argonne-West, which propels efforts behind the planning and construction of the nuclear energy display for the Idaho Falls-Bonneville County Museum. This is a particularly important exhibition of nuclear technology for the people of the Idaho Falls area because so many times a hands-on look at how this process works is a much more effective means of education, rather than merely reading about such technology in a pamphlet or newspaper.

The American Nuclear Society is a nonprofit, international agency comprised of individuals who represent the 1,600 corporations, educational organizations, and Government with these people, most of whom are engineers, scientists, educators, and students, have created an astounding membership number of over 17,000. Each year, the society chooses the top contributors to the institutes of nuclear science and engineering, and recognizes them with distinctive awards, specific to their fields of work. I am proud to know that this year a few of these awards were given to four outstanding Idaho citizens.

Again, Mr. President, I would like to commend and congratulate gentlemen on their accomplishments and contributions to the nuclear scientific and engineering community. These individuals are a valuable asset not only to Argonne-West, but to all of us who rely on nuclear power as an inexpensive, renewable, and reliable source of energy.

THE BRONX RECEIVES RECOGNITION AS A TOP 10 ALL-AMERICAN CITY

Mr. MOYNIHAN. Mr. President, the New York City borough once derided as “the worst slum in America” has been named an All-American City by the National Civic League. This achievement, announced last weekend by Bronx Borough President Fernando Ferrer, is the result of a decade of hard work and careful planning. Improved economic conditions have spawned a renewal of spirit; a cultural and economic renaissance that gives hope for the future.

In his 1997 State of the Borough Report, President Ferrer writes, “Ten years ago, the Bronx was best known as the borough of window decals and trash-strewn vacant lots. Abandoned buildings. Illegal Medicaid mills. With its broken windows and broken dreams, the Borough of the Bronx stood as the international symbol of urban failure.” What a difference a decade can make. The National Civic League Award confirms what the residents of the Bronx already knew; their community has undergone an unprecedented transformation. This metamorphosis is evidenced by strong economic growth, 522 new businesses, the preservation of the Old Bronx Borough Courthouse, improvements in transportation, 30,000 new housing units, new parks and recreational facilities, and a celebration of the cultural and ethnic diversity of the people of the Bronx.

President Ferrer, New York City officials and community leaders deserve our praise and our admiration. Together, they have earned an honor for the Bronx New Yorkers are proud. In so doing, they have provided hope to other communities throughout the world. I ask that news stories from the New York Times and the Daily News be printed in the RECORD.

The material follows:

[From the New York Times, June 9, 1997]

THE BRONX IS NAMED AN ALL-AMERICA CITY

The Bronx—once called “the worst slum in America” by former President Carter—is one of America’s top communities, the National Civic League announcing its annual top 10 All-America Cities.

Other winners were Fremont, Calif.; Hillside Neighborhood (Colorado Springs), Colo.; Aberdeen, Md.; Statesville, N.C.; Statesville, N.C.; Bismarck, N.D.; Aiken, S.C.; and Texas City, Texas.

Mr. MOYNIHAN. Mr. President, I am proud of these students. These bright young people are a credit to themselves, their school, their families, and their community. I thank Dr. Seidel for his exceptional service in communicating unbiased facts regarding nuclear power to the public, which, as you know, Mr. President, is not always an easy task. Dr. Seidel directs the student and faculty programs at Argonne-West, which propels efforts behind the planning and construction of the nuclear energy display for the Idaho Falls-Bonneville County Museum. This is a particularly important exhibition of nuclear technology for the people of the Idaho Falls area because so many times a hands-on look at how this process works is a much more effective means of education, rather than merely reading about such technology in a pamphlet or newspaper.

The American Nuclear Society is a nonprofit, international agency comprised of individuals who represent the 1,600 corporations, educational organizations, and Government with these people, most of whom are engineers, scientists, educators, and students, have created an astounding membership number of over 17,000. Each year, the society chooses the top contributors to the institutes of nuclear science and engineering, and recognizes them with distinctive awards, specific to their fields of work. I am proud to know that this year a few of these awards were given to four outstanding Idaho citizens.

Again, Mr. President, I would like to commend and congratulate gentlemen on their accomplishments and contributions to the nuclear scientific and engineering community. These individuals are a valuable asset not only to Argonne-West, but to all of us who rely on nuclear power as an inexpensive, renewable, and reliable source of energy.

THE BRONX RECEIVES RECOGNITION AS A TOP 10 ALL-AMERICAN CITY

Mr. MOYNIHAN. Mr. President, the New York City borough once derided as “the worst slum in America” has been named an All-American City by the National Civic League. This achievement, announced last weekend by Bronx Borough President Fernando Ferrer, is the result of a decade of hard work and careful planning. Improved economic conditions have spawned a renewal of spirit; a cultural and economic renaissance that gives hope for the future.

In his 1997 State of the Borough Report, President Ferrer writes, “Ten years ago, the Bronx was best known as the borough of window decals and trash-strewn vacant lots. Abandoned buildings. Illegal Medicaid mills. With its broken windows and broken dreams, the Borough of the Bronx stood as the international symbol of urban failure.” What a difference a decade can make. The National Civic League Award confirms what the residents of the Bronx already knew; their community has undergone an unprecedented trans-
Ms. MOSELEY-BRAUN. Mr. President, I rise today to pay special tribute to an exceptional hometown hero. John Tallman, who is retiring as president of the Bourbonnais, IL, Fire Protection District after 48 years of distinguished service.

On June 7, 1997 colleagues, friends, and family gathered to celebrate John’s retirement after a lifelong commitment to the fire department and the community of Bourbonnais. He certainly deserves such recognition.

Although a farmer by profession, at age 26 he began his service with the volunteer-operated fire protection district as an appointed trustee and was then elected president. As testimony to his commitment and integrity, John has remained the only president in the fire protection district’s 49-year history.

Over the years, John guided the fire protection district through remarkable periods of growth and modernization. Under John Tallman’s tenure, the Bourbonnais Fire Protection District distinguished itself as one of the outstanding all-volunteer fire departments in the State. Improvements to the fire department facilities, equipment, and service instituted under John’s direction enabled the department to better respond to the growing number of emergencies and helped save lives and property.

In addition to his duties with the fire protection district, John has also been a dedicated husband and father, an 18-year member of the Bourbonnais Elementary School Board, a farmer, and a 19-year member of the Kankakee County Board of School Trustees.

John is a role model for all Americans and I commend him for his selfless service and effective leadership to the citizens of Bourbonnais and of our State. A fellow firefighter once described John as being one of a kind. John Tallman leaves behind big shoes to fill, and his leadership and vision as fire protection district president will be missed.

IN REMEMBRANCE OF JOHN SENGSTACKE

Ms. MOSELEY-BRAUN. Mr. President, I rise today to pay special tribute to an exceptional hometown hero. John Sengstacke, Chicago Defender publisher and owner, a Chicago native.

Mr. Sengstacke was a man of vision, who promoted and created opportunities through his words and his actions. He was a person who valued commitment, always urging others to follow through. Under his tutelage, the Chicago Defender became one of the most widely read, informative, and important, independent newspapers for countless Chicagoans.

His was a courageous life, and he always took a stand against segregation and discrimination, always fought to give a voice to the voiceless. Most notable are his efforts as a member of Truman’s committee to desegregate the military and his vigilant effort to get the first African-American correspondent into the White House.

He worked clear that his role was not only to inform but to educate, by both his personal and professional actions.

John Sengstacke knew the power of the pen was one of the strongest weapons available to African-Americans. He worked tirelessly to get the National Newspaper Publishers Association established, and it became an organization that would help more than 200 African-American-owned newspapers provide a voice for the African-American community.

We have truly lost one of our finest freedom fighters, but he left a legacy of tenacity and resilience that will endure.

We have much to celebrate in remembering the life of John Sengstacke. I thank John for his friendship, and thank him for blessing us with his legacy.

WEST VALLEY DEMONSTRATION PROJECT

Mr. MOYNIHAN. Mr. President, I rise to note that May 28 was a significant day in West Valley, NY, and in the field of nuclear waste disposal. In 1982 we authorized the West Valley demonstration project, in which we would learn to take liquid nuclear waste and mix it with glass. The process is called vitrification, and yields ten foot high glass logs that can be stored safely.

After 14 years of preparation, research, and testing, vitrification began last July. On May 28th the 100th glass log was produced.

The success of the vitrification process developed at West Valley and at the Savannah River in Georgia led the Department of Energy to select it as the preferred method of disposal for such wastes. This is an accomplishment that the many hundreds of people in western New York who worked on the project can be most proud of.

They have another 110 logs to go at West Valley, but it is clear that the technology works. It can and will be replicated at other sites around the country, helping to solve one of our most vexing and serious waste disposal problems. Moreover, vitrification can be used for all types of hazardous waste without fear of leaking. I congratulate all those at Westinghouse and the many agencies involved with the West Valley project for achieving this milestone.

CBO COST ESTIMATES—S. 430 AND S. 210

Mr. MUKOWSKI. Mr. President, when the Committee on Energy and Natural Resources filed its reports on S. 390, the New Mexico Statehood and Enabling Act Amendments of 1997 and S. 210, a bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes, the estimates from the Congressional Budget Office were not available. Those reports have now been released, and I ask that copies be printed in the RECORD for the information of the Senate and the public.

The material follows:


Hon. FRANK H. MUKOWSKI, Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enacted cost estimate for S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Marjorie A. Miller (for the state and local impact), and Victoria V. Heid (for federal costs).

Sincerely,

JUNE E. O’NEILL, Director.

Enclosure.
CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 210—A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes

Summary: S. 210 would make several changes to existing laws governing the relationship between the United States and the insular areas, which include Guam, the Virgin Islands, the Republic of the Marshall Islands, and others. In addition, the bill would establish the Commission on the Economic Future of the Virgin Islands and the Commission on the Future of American Samoa to recommend policies and programs to assist the Virgin Islands and American Samoa in developing secure and self-sustaining economies.

Subject to appropriation of the necessary funds, CBO estimates that implementing S. 210 would cost the federal government about $6 million over the 1997-2002 period. In addition, the Joint Committee on Taxation (JCT) estimates that this bill would decrease federal revenues by about $14 million over the 2003-2007 period. Enacting this legislation also could affect direct spending by reducing the amount of offsetting receipts from the sale of federal property. Hence, pay-as-you-go considerations would apply to the bill. CBO estimates, however, that any potential loss of such receipts would not be significant.

S. 210 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated costs to the Federal Government: The estimated budgetary impact of S. 210 is shown in the following table. Assuming appropriation of the amounts specified in the bill for the proposed commissions and amounts estimated for other costs, CBO estimates that implementing S. 210 would cost about $6 million over the 1997-2002 period.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated authorizations</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>(1)</td>
<td>(1)</td>
</tr>
<tr>
<td>Estimated outlays</td>
<td>(1)</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>(1)</td>
<td>(1)</td>
</tr>
</tbody>
</table>

Less than $500,000.

The costs of this legislation fall within budget function 500 (general government).

Basis of estimates:

Spending subject to appropriation

S. 210 would extend the Department of Agriculture’s (USDA’s) authority to continue shipping excess food commodities to the Marshall Islands through fiscal year 2001. According to the department, $381,000 was appropriated in fiscal year 1997 for the program. Of that amount, about $525,000 is for food commodities and about $55,000 is for administrative expenses. In addition, the bill would require that the amount of commodities provided to the Marshall Islands reflect changes in its population that have occurred since enactment of the Compact of Free Association in fiscal year 1986. The amount provided to the program has varied since it began in fiscal year 1987. According to USDA, the program received about $381,000 in fiscal year 1986. Between 1988 and 1992, the program received, on average, about $465,000 a year. Since fiscal year 1993, $561,000 has been appropriated for the program. The program authorized by S. 210 only specifies a base year from which to calculate changes in the islands’ population but not a base level of funding. The estimate adjusts the program funding received in fiscal year 1988—$501,000—for changes in the price level and for changes in the population since fiscal year 1986. (CBO estimates that the population will have increased by about 60 percent between fiscal years 1986 and 1996.) Under these assumptions, the program would cost about $4 million over the 1998-2001 period.

The bill also would establish the Commission on the Economic Future of the Virgin Islands and the Commission on the Future of American Samoa to recommend policies and programs to assist the Virgin Islands and American Samoa in developing secure and self-sustaining economies.

Subject to appropriation of the necessary funds, CBO estimates that implementing S. 210 would decrease federal revenues by about $21 million over the 1998-2002 period and by about $37 million over the 1998-2007 period.

time and the Senate proceed to a vote on passage of the bill as amended with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President, I am a co-sponsor of that particular legislation and I appreciate having the chance to debate it on the Senate floor. I think there is probably broad bipartisan support for it. But I have indicated to the majority leader on a number of occasions our strong desire to delay the consideration of any other legislation until we have the opportunity to consider again the disaster bill.

There are people out there that have birth defects. There are people out there that do not have homes. There are people out there that do not have their farms, their businesses. There are people out there that do not have the opportunity to conduct their lives in a normal way that are waiting day by day and hour by hour for a meaningful way to their circumstances.

People in 35 States now have been affected by the disastrous circumstances that are addressed in this piece of legislation. We ought not do anything until we have the opportunity to pay more to consider that legislation. So on behalf of the Democratic caucus, Mr. President, I object to the unanimous-consent request.

The PRESIDENT pro tempore. Mr. LOTT. I regret that the Democrats will not allow the Senate to consider this bipartisan legislation. I know there are a number of Democrats that are co-sponsors of it. I presume we are going to find a way to consider this. This legislation would establish a national birth defects prevention research system. I point out that our bill is co-sponsored not only by the Democratic leader, but Senator DORGAN, Senator HOLLINGS, Senator CAROL MOSLEY-BRAUN, just to name a few, and a number of Senators on this side of the aisle.

As I know the co-sponsors are aware, an estimated 150,000 infants are born each year with serious birth defects, resulting in 1 out of every 5 infant deaths. The bill is designed to establish regional birth defects research programs, establishes the Centers for Disease Control as the coordinating agency for birth defects surveillance and prevention, and authorizes grants to public and nonprofit organizations to develop new public awareness to reduce the incidence of birth defects.

With regard to the supplemental bill, I presume that we are going to continue to work to try to find a resolution to this problem. I think I have proven over the past year that I always believe you can find a way to work through disagreements. Quite often here in the Senate, when we seem to be in an immovable position, when everyone is intractable, Senator DASCHLE and I have found if we go to the Senators that say, “No deal ever,” and ask them, “OK, what’s the solution?” I think quite often they say, “Well, we can do it this way or that way.”

What I have suggested to Senator DASCHLE and to the House of Representatives and to the leadership in the Senate, including the chairman of the Appropriations Committee, is we can work together and see if we can come up with language that we can agree on with regard to this very important issue and with regard to preventing a Government shutdown at the end of the fiscal year and find a way to move the bill with some of the other language that is in there. Some of it may have to be removed—some of it may be compromised.

But, you know, compromise is not something where you work it out with yourself, on one side of the aisle or one side of the Capital. Now we have to work among Republicans and Democrats, House and Senate and the administration. It involves engagement.

And I have asked several times along the last couple weeks, including last Friday, asking for direct conversations with the President—“You know, can’t we find a way to come up with some language that you can live with and that we can live with and move this issue beyond us and go on.”

I want to note also for one and all that this bill was originally requested to be $4.1 billion. It is now at least $8.6 billion. And it is not just funds for disasters around the country, it is also funds for the Department of Defense and a lot of other programs that were not originally requested.

I will just give you some idea what we are talking about. I hope I have the list here. It does include things like—these are all good and fine programs, I guess—but $33 million I think it is for the Botanical Gardens, not exactly emergency disaster funding; $23 million for a parking garage in Cleveland, OH. I do not have the list here with me, but there is a long list of things that have been added along the way.

Barncides have been picked up on this ship. So one of the things I have suggested is, while we continue to work to try to find some consideration—to come up with a supplemental that did not have all kinds of extraneous language, all kinds of add-ons. If necessary, as the afternoon progresses, I will read the list. Many of the supplemements that went to President Reagan, President Carter, and President Bush had not one or two little pieces of language, lots of pieces. I will give you some idea of how on every supplemental, I believe without many exceptions, the Congress has expressed its will. We have input. We deserve some consideration. These are not insignificant issues.

I am not convinced, for instance, on census, that at some point, once we fully understand how the sampling might work, that we would not want to do it. I think the ultimate questions that I do not know the answers to yet. Rather than let the administration start on down the trail, and we will do this by sampling, I want to know for sure how that is going to be done. I want to know to who is going to do it, and how it will be done. I do not know the answers.
Mr. President, there is no way to compromise with something like that. Now, like the majority leader, I have tried to find ways, and I give him credit for trying to come up with innovative ways with which to address this problem. But I must say we are in a set of circumstances for which there can be no compromise when it comes to holding hostage victims of natural disasters, holding hostage people serving their country in Bosnia.

We cannot allow that to happen. So, let's take the pieces out, let's have a good debate on them, and maybe, in the process, we can find a compromise. But until that happens, Mr. President, as I said a minute ago, we are going to object to any other piece of legislation coming to the floor. And I object.

THE SUPPLEMENTAL APPROPRIATIONS BILL
Mr. LOTT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the list of some of the extraneous items that have been added to this bill.

These being no objection, the material was ordered to be printed in the RECORD, as follows:

[(In millions of dollars)]

<table>
<thead>
<tr>
<th>Highway trust fund</th>
<th>Title 1 grants (poor and disadvantaged schools)</th>
<th>VA compensation (mandatory)</th>
<th>WIC</th>
<th>Botanical Gardens</th>
<th>Law Enforcement Commission</th>
<th>Breast cancer research</th>
<th>Retired Coast Guard pay</th>
<th>Olympics counterterrorism fund</th>
<th>Indian health</th>
<th>California vineyards</th>
<th>Customs Service expenses</th>
<th>VA parking garage OH</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mr. LOTT. I note the figure I used on the parking garage in Cleveland, OH, was not the accurate number. It is actually $12 million. It also has other interesting things in here, including $3 million for the Olympics counterterrorism fund, $3 million for Indian health care, $9 million for California vineyards.

These may all be good programs and all deserving, but I wonder how they found their way into this supplemental appropriations bill.

Also, I was here during the 1980's and early 1990's. I remember how supplemental appropriations worked. Unfortunately, I used to plead with President Reagan not to send supplemental requests up here because I knew it would become a freight train pulling all kinds of things through. I remember Presidents of both parties objecting to things that Congress added to the supplemental appropriations bill. The one we had June 30, 1989, I see one, two, three, four, five, six, seven. Some are not exactly insignificant, either, like East European refugee assistance, foreign aid to Haiti, funds for the Washington Convention Center. The supplemental appropriations also had about nine add-ons, including renewing section 8 housing contracts.

Remember, supplementals are always alleged to be—while they may not all be natural disaster—they are always alleged to be somewhat emergency, or otherwise they would not be coming to the floor of the Congress saying, "Give us some more money." Most administrations and Congress always underfund the stamp programs, knowing full well we will come back next year and add more money to it.

Again, some of this is pretty significant legislation and pretty costly, also. And the same thing again in 1991 and 1994. There is always language that is added. There is always funding that is added to these bills beyond what was originally requested. So, to infer that this is really something new or different is not the case.

Now, what I maintain is different here, if I could make this point.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. I will be glad to respond if I could make this point.

When I have suggested, and others have suggested, let's work together to work this out, I give credit to the Democratic leader. He has always been willing to listen, and I think that some of the things we have suggested he has been willing to think about and discuss with his colleagues. And he, like I, we cannot always say it will be this way or that way. We have a conference we deal with and you have an administration that you have to deal with. I have asked the President and his chief of staff, "Please respond. Come back. Let's see if we cannot work this out." Basically, what they are saying is, "Give us the money and no language. We want it our way, or no other way." It does not work that way.

However, in the realization and in recognition of the need for some of this to be done, I am advocating while we continue to work on that, that we do a smaller bill that we can do some of the concerns that the Senator from South Dakota has.

I yield to the Senator from North Dakota, if I could.

Mr. DORGAN. I very much appreciate that. Mr. LOTT. Only for a question.

Mr. DORGAN. I appreciate the Senator from Mississippi yielding for a question.

I ask the Senator if it is not unusual when very controversial amendments are added to disaster bills. I have been witness to that for some while, as well, and it is clear there have been on the other side of the aisle disaster bills, but not in my memory have very controversial measures been added to disaster bills that attract a Presidential veto and thereby delay or derail the bill.

It seems there are two ways out of this. I ask the Senator from Mississippi
about both of them. One approach to resolve this issue is an approach that I offered this morning on the floor by unanimous consent, and the Senator from Minnesota has also, I believe, suggested something similar; and that would be to simply take the two big controversial items out of this, pass the bill, get a Presidential signature and get disaster aid to the victims of disasters.

The second approach is an approach that the Senator from Mississippi seemed to suggest a few moments ago, and I would like to ask a question about that. As the Senator from Mississippi will recall, about 2 1/2 weeks ago, just prior to the Congress breaking for the Memorial Day recess, there was some discussion that if the larger bill cannot go, at least extract the body of real disaster aid and allow that to happen quickly. Now, that could happen this afternoon if others around here believe that.

Mr. LOTT. If the Senator would yield, I have been an advocate of doing that for probably about 3 weeks, and I would entertain doing it. I tell you why I said it to Senator Daschle earlier today, so that we can do something quickly. Even if we did come to an agreement here in the next 24 hours on how we would do this, it would still have to go through the committees and both floors, with amendments in order. It would take time.

The point is that you are suggesting, and I am suggesting, could take 24 hours if we put our heads to it, and we could go on and continue to work and think about the additional money. And the language, keep it in mind now, I do not know how much they are worried about some of these other issues, but I have the impression from the administration that they have a couple of other issues that they are very, very interested in. So it is not just two.

But I am interested in, and I would like to work that out, and, again, we would have to do it over here, and we would have to get it done on the other side of the Capitol and the President would have to be willing to sign it. I think that approach makes sense—that is all I am saying. Common sense around here usually works pretty darn good.

Mr. DORGAN. If the Senator will yield further for an additional question, we had someone on the other side of the Capitol suggest prior to the weekend break, if this does not get resolved the way we—that being them—want it, we may very well cut the amount of disaster aid that is available to victims of disaster. Over the weekend in North Dakota, we had a lot of folks reacting to that with some real quaking, wondering, what does this mean? I hope that cooler heads will prevail and some common sense will prevail too.

I assume there has not been that discussion here in the Senate. We had bipartisan cooperation putting together the disaster portion of the bill, and for that we are very thankful. The trick now, the goal now, is to get that aid to people who woke up this morning and who are homeless, not just dozens but thousands of them, and the Senator suggests an approach I would support, and that is to take those portions of the bill that represent the aid that is necessary to go to disasters to help get their life back in order and pass that.

Mr. LOTT. I just ask if we could assume, with your willingness to do that rather quickly, what kind of impediments does the Senator see to having that get to the President for his signature in the next 24 hours or so?

Mr. DORGAN. I just ask if we could done quickly. It would take—I don’t think it could get done right here and how. I’d like to talk further with your leader. One of the problems with the appropriations is they generally begin on the floor, and the Senator mentioned some of what you are saying. I have discussed this morning with the chairman of the Appropriations Committee here in the Senate and with the Speaker of the House. I presume he is consulting with his chairman and others. Some think this is the process by which we might move pretty quickly.

I think there are opponents to this. There are urgent things sort of now with regard to some of the disaster programs, perhaps some of the housing-type programs, perhaps some of the agriculture. There is a need to get this done as soon as possible because of weather considerations and so forth.

There is a second and third component. There are some other parts of it, some money that will need to be available and that will be available for months and even years down the line.

So there are really two parts of it. The part that is somewhat in the emergency category is different from what we usually have because you are talking about some new programs and some new ideas—which I think have some attractiveness, by the way. I have said that publicly and to the people from your State; I think it is the way to go. I think it would save money if we can find a way to move people out of what you call the floodway—what we call the floodplain in my neck of the woods—and we will not be flooded year after year. That would wind up in the long saving money. So there is that part.

Then there is the funding for the longer term which could be available maybe for your State and may be available for other States as we look at these various disasters.

I will yield to the Senator from Missouri. Let me wrap this up. I am ready. I am willing. And I want to work with you to see if we can do it that way.

Mr. BOND. Mr. President, I would like to ask the majority leader a series of questions that I think are necessary to clarify where we stand. I apologize for not being on the floor when he began.

I have the responsibility for the subcommittee that appropriates money for FEMA. It is wonderful—as has been made clear on the floor, the emergency money is now flowing. There is money—$2 billion in FEMA—that is going for the immediate needs right now. So there is money which can be spent out right now prior to the issuance of the completion of plans and assessments being available.

Is that clear? Has that been made clear?

Mr. LOTT. That has not been made clear, if I could respond to the question in this discussion. But I think repeatedly it has been noted that there is money in the pipeline. The distinguished Senator from Missouri is the chairman of the subcommittee that has jurisdiction in that area. He knows what is available and what should be available to FEMA for housing-type programs. Clearly those funds are flowing. If we need to put money over here have additional funds. But the money is there.

I have spoken to the head of FEMA, James Lee Witt, to ask him that specific question. I have asked him, “Do you need to do something more; something different? You do have the money, don’t you? You do have temporary housing available, don’t you? If you do not, we would like to help make sure that you have that temporary housing money available and the temporary housing available.”

So I think the Senator makes a very good point.

Mr. CONRAD. Mr. President, will the Senator yield?

Mr. BOND. If I could ask another question—

Mr. LOTT. If I could take another question, then I will go back to the Senator from North Dakota.

Mr. BOND. It has been made clear to our colleagues and to the people viewing this that before major disaster relief can start flowing, to begin damage assessments. I guess it is the understanding of the majority leader that they are at least 2 weeks away from getting the damage assessments. The State has to have a plan submitted and approved by the Federal Emergency Management Agency. Dollars then go to the State from FEMA and from the Department of Housing and Urban Development. Is it the clear understanding that this is a long process which is not being held up during this day or tomorrow, but the money is needed, and we will provide it? But the time required to get the plans in place still has not been completed.

Is that the understanding?

Mr. LOTT. In answer to the Senator’s question, that is my understanding. I have been through these disaster situations. I know there is a painful period during which you have assessments and you must have plans. It is the most difficult time of all. It is actually worse a month after a disaster.
than it is the day after, in some respects. Or certainly after 6 months you begin to see the light at the end of the tunnel.

We checked this morning from the staff standpoint with regard to FEMA funds available. I understand there is $1.5 billion available as of this morning.

So there are funds available, and they are, I believe, probably flowing to the various States that have been affected.

Mr. CONRAD. Will the Senator yield? Mr. BOND. I have one final question to the majority leader. I very much appreciate his efforts to bring up the Birth Defects Prevention Act, which would deal with a very serious problem of 150,000 babies being born each year with birth defects in this country. We would like to go to it.

It is my understanding that, even if there were no other measure on the floor, the supplemental appropriations bill would have to come over from the House. There is no reason to filibuster or delay the Birth Defects Prevention Act, because taking care of this bill this afternoon will in no way delay the disaster. It will deal with the disaster of both events which we can deal with today without slowing down any supplemental emergency appropriations.

Is that correct?

Mr. LOTT. In answer to the Senator's question, it is absolutely right.

I thank the Senator from Missouri for his work on this legislation. He has worked for a good long while and with the help of a lot of other Senators.

He is absolutely right, also, that we have tried this afternoon, during which time we can do this birth defects legislation while we see if we can work out some agreement or some emergency disaster bill. It would have to pass the House. Also, in connection with the Senator's stand, we want to talk about the supplemental appropriations.

I am prepared to work with the Senator from South Dakota to make sure we have adequate time later on this afternoon and tonight to have a full discussion.

I thought last week having protracted discussion would have been counterproductive to trying to get an agreement, to get it completed. If the Senators feel strongly that they want time to do that tonight, my advice is to do it in that effort. Of course, we will want Senators from our side of the aisle to have equal time or opportunity to speak also.

I thank the Senator for his questions.

I know he is prepared and ready to go to the birth defects legislation.

Mr. President, I am glad to yield to the Senator from North Dakota for a further question.

Mr. CONRAD. Will the Senator yield?

Mr. BOND. I understand we can't use these dollars until the plans are available to use them. Anyway, we are still waiting on plans from FEMA or from the States.

Mr. CONRAD. Will the Senator yield?

Mr. LOTT. Yes; I am glad to yield for a question only.

Mr. CONRAD. If I could ask the Senator, with this question of the money in the pipeline, is the Senator aware that there are other pipelines that deliver assistance that in fact don't have money in them? That is, housing doesn't have money in their pipeline, agriculture doesn't have money in their pipeline. So the referral for the Senate and the House with respect to those parts of disaster relief that they address.

Mr. LOTT. In responding to the question, there are perhaps some programs or agencies that may not have specific funds. I know the Senator from South Dakota has advocated something new or different with regard to livestock, if that is an accurate way to put it.

I know that agriculture has a good bit of money that they could use in a variety of ways that would be helpful. But, as I understand it, this would be a new program which I am sympathetic to. But before any of this is done, I repeat once again, there has to be a plan.

I just say to my colleagues here again, that as soon as we complete this dialog and then we hear from others who are awaiting to speak from both sides of the aisle, including the Senator from Minnesota, who wishes to be heard, I will be glad to talk further with the Senators from North Dakota, Minnesota, and South Dakota, or any other States. We can talk about how we can do this thing expeditiously while we continue to work on the bigger package.

Also, I would like to note, if I could, that we hope to move other issues in the days ahead.

I mentioned that I believe we hope to consider the State Department authorization bill next week, as well as the DOD authorization bill. We need to get this resolved as soon as we can so we can get on to those other issues.

I understand that my Democratic colleagues have also objected to the permission of committees to meet during today's session. One of those committees, which is very important, is the Armed Services Committee. The Armed Services Committee is marking up the Department of Defense authorization bill for the next fiscal year.

This year, unlike a lot of past years, I had the impression that the DOD authorization bill and the Armed Services Committee was going smoothly and that it is not going to be as controversial as it has been in the past; that we may have one or two big amendments, but that this is something we can do in a relatively short period of time—perhaps 3 days.

The Armed Services Committee had three subcommittee meetings planned today in an effort to prepare or report the Department of Defense authorization bill.

I really regret that objection. Needlessly say, this objection to committee meetings will only delay and hamper their ability to report this bill.

Then, of course, during the week of the 23rd, the Senate will consider both
reconciliation bills, both the spending restraint and realignment-of-spending bill. And the tax legislation will be reported out of the Finance Committee.

So we are going to have long days and nights ahead of us. I want the Members to be prepared to be here at least next week throughout all of the week and probably the next week, too. The objection to the birth control issue that was introduced the other day by the provision for committees to meet, will only make these last few weeks even longer. I understand what you are trying to accomplish here. I hope that we can find a way to allow the committees to meet, and I hope to do that later on this afternoon.

Then I would like also to talk to the Senator from South Dakota the Democratic leader about exactly what we need to do in terms of debate tonight and how long you are thinking about. Also, I need to talk to all of you about how we can move something very quickly and expeditiously.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. LOTT. Mr. President, I yield to Senator SARBANES for the purpose of a question only.

Mr. SARBANES. Will the Senator agree with me that all Members of the Senate have an interest in making sure that disaster relief is provided to the people who have been hit by this extraordinary national disaster, and that there is a constant reference to the Senators from North Dakota, South Dakota, and Minnesota? Of course, they have been most immediately impacted, but it seems to me that every Member of the Senate has an interest in responding to this.

Mr. LOTT. In response to that question, why, of course. We all have that interest, whether it be a matter of fact, 35 States have had some amount of disasters—whether it is flooding, freezes, or whatever it may be—including my own State, in which I think for three or four counties a request was made by our Governor to have disaster assistance available, which I might note has been turned down by FEMA even though the State right across the river, which was also flooded, was approved.

But in answer to the Senator's question, the Congress always shown a desire to, as a matter fact, address natural disasters; and also a desire to avoid manmade disasters like the flascoes we have had 11 times since 1981 of Government shutdowns that also cause people pain and suffering and loss of their jobs and income. So, yes, I feel that sympathy. I have been through it. I have been through hurricanes, tornadoes, freezes, droughts—

Mr. SARBANES. That is the other question.

Mr. LOTT. Ice on the trees, endless amounts, and we have always been sympathetic to each other, and we are this time. We are this time. We are going to provide the disaster assistance the people in the affected States need. We are going to do it.

Mr. CONRAD. Will the Senator yield? Can we do it today?

Mr. LOTT. The question is, how do we do it?

Mr. CONRAD. Can we do it today?

Mr. LOTT. I hope so. I would like to do that. But we can do it one or two ways. We can do sort of the new portion, the emergency portion, or we can work out an agreement on the bigger package. And I am ready to do either one of those. I think we can do it once we make up our minds to do it.

Mr. WELLSTONE. Will the Senator yield?

Mr. SARBANES. Will the Senator yield for one further question?

Mr. LOTT. I will yield.

Mr. SARBANES. I recall the Senator's own State was struck with a disaster.

Mr. LOTT. We have had them all. We have had them all.

Mr. SARBANES. We have a major hurricane, and I remember voting to send disaster relief to the Senator's State in order to meet that situation. I don't recall it being caught up in these kinds of delays.

Mr. LOTT. Well, understand once again—

Mr. SARBANES. In personal disaster relief.

Mr. LOTT. There seems to be an abundance of selective memory around here. I remember—in fact, I have been through how that disaster legislation has worked. In fact, I was a staff member one time on the biggest one of all where we did not have FEMA. We did not have existing law. In fact, if you go back and look at the history of what has led to FEMA, it was in legislation we drafted in 1969. The disaster occurred August 18, as I recall it was, some time ago, and we had to rely on the Corps of Engineers and people, volunteers to come in and help us. It was weeks, weeks before we got the legislation and, in fact, got many of the programs to help us. In fact, we did not have a lot of the programs that are now on the books.

I am not saying that that is good. I think we have learned from that experience.

Mr. SARBANES. I hope so.

Mr. LOTT. I am glad we have been through that, and now we are going to provide, as we always have, the assistance that is needed to the people in America who cannot help themselves.

There is one thing that worries me about part of this bill. There is a lot of spending in here that does not relate to these disasters. It has just sort of been added as it’s gone along, and I am not putting that just on Democrats either. A lot of these projects, if I go down the list, I can track them back to some of my colleagues. But we are going to get this done. We can do the emergency stuff, and we can do the bigger package.

But right now everybody is trying to find a way to prevail or to claim victory or to get the PR victory, and I am not—I did not say you. I said we. And when we decide, once we make up our minds we are going to get this done, it is not—I hope we are going to find a way to do it. But the fact is, as has always been the case—and it will be this time—the people who have been hurt and hit with these disasters in a variety of States are going to get the help they need.

Mr. WELLSTONE. Will the Senator yield for one final question?

Mr. LOTT. I will be glad to yield for a question from the Senator from Minnesota.

Mr. WELLSTONE. I thank the majority leader. Let me see if I understand what the majority leader said, and I think I do. I expect it to be a friendly question.

Mr. LOTT. I would not expect it to be any other way from the Senator from Minnesota.

Mr. WELLSTONE. The majority leader keeps saying he is determined to get this assistance to the people in South Dakota, North Dakota, and Minnesota. Of course, they have been hit, I hope you understand that. But right now everybody is trying to find a way to do that. It is going to take more time than just me though. But that is my desire.

Mr. WELLSTONE. I understand. But the reason I ask the majority leader this, since he is the majority leader, is that—and I put this in the form of a question—is the majority leader aware—and I believe you are because I think that, agree or disagree on issues, you are very adept at sort of understanding the mood of people in Mississippi or for that matter in the country—is the majority leader aware that the people in our States are just getting sick and tired of it all and they do not understand all the debate about census and all the debate about continuing resolution and all the rest; that we are not mind boggling over separate debate on that and they understand there are disagreements. They do not understand why we just cannot get a clean disaster relief bill to them.

Can the majority leader commit to us that that is what we will do this week, get a clean disaster relief bill that will provide the assistance to people that need it and we will get it done this week? Can the majority leader make that commitment?

Mr. LOTT. I say again I would like that to happen. I am hopeful, and I believe we can get a clean bill through this week but it will not be $8.6 billion. It would be only—the only chance we have to do that, what you are suggesting, at this point, would be the truly emergency portions of the bill.

Now, we may also get an agreement on the bigger package and language that would be attached to it, but based on what I have experienced during the last few days, I think that is going to take a little longer.

Keep in mind now, I have not been up in Minneapolis, MN, or the delta of...
Mississippi and not thinking about this. I have been on the phone. I have been probing. I have suggested a variety of ways to solve these problems. I did it on Friday. I did it on Monday. I did it last night. I am trying to find a way to solve this problem, and I am open to suggestions with regard to the census language, for instance. I confess this openly here because I am not ashamed of it at all. I went to the Democratic leader, and I said I think you see what our concerns are. Is there some language that you all could live with?

This is not insignificant. When you talk about changing the way the census is done, this is not without major implications. We do have language in the Constitution with regard to the census. I talked to the Secretary of Commerce this very morning. I am not sitting over in a corner just trying to oust you guys. I have talked to FEMA, the head of FEMA. I have talked to the Secretary of Commerce. I have talked to the Chief of Staff of the President of the United States. I have talked to the President of the United States, the Democratic leadership, the Speaker of the House.

This morning I was talking to the Secretary of Commerce. I said one of the things—or he suggested one of the things we might do would be to set up a process where there could be a quick judicial determination of this constitutional question.

That is important. And census is important for more than just how you count. It is also important from the standpoint of how many representatives a State has—very important. It also has a great impact on how you get Federal funds. I have towns in my State of Mississippi, and I know it is true that because of the census count, either undercounting or not proper counting programs, that are not eligible as far as some of our Federal programs, some of the Federal grants and loans, and so this is very important for a time.

Mr. WELLSTONE. Last question.

Mr. LOTT. Sure. I will be glad to yield further for a question.

Mr. WELLSTONE. I will not hold the floor any longer. I just want to say to the majority leader I am a little troubled by the very lengthy explanation on the census count only because again I think the question that we have put to the majority leader is why not take that issue, around which there is disagreement, and debate it separately and not raise the issue of appropriations bills and the continuing resolution and debate it separately? But that is what we do not agree on. That is controversial. We can have an honest debate. Why link it to what should be a separate relief issue?

Mr. LOTT. I have an answer.

Mr. WELLSTONE. Providing assistance to people in our States?

Mr. LOTT. I have two answers to that question.

Mr. WELLSTONE. Does the majority leader understand that in our States—

Mr. LOTT. I have two answers.

Mr. WELLSTONE. People do not care a lot about what the majority leader is saying. They are not worried about the whole lot of pain they are dealing with. We want to get help to them. Can we get the commitment to get help to them?

Mr. LOTT. As a matter of fact, I have two answers. I have suggested to you today, to the other side of the aisle and the Senators from North Dakota, there is a way we can get the emergency funding and do it quickly if we make up our minds and are determined to do that while we continue to work on the solutions here.

But the other point with regard to the census, the reason why I make the explanation is to show once again an abundance—we can solve this. We can solve this problem, but there is a reason why we have to do it now. The die is being cast. The Census Bureau and the Department of Commerce have indicated we are going to do this. And if we wait until October to deal with this issue, we are going to be in a position of having to reverse something that is already set and are getting ready to do it. So we do not have the luxury of saying, well, we will pick up on this in July or September or October. It would be a fait accompli by then.

So that is a consideration. But we will continue to work on that, and we will find—I think we can find a way to do this this afternoon.

Does the Senator from North Dakota wish to ask another question?

Mr. DORGAN. Yes. I do not want something the Senator said a moment ago to stand here and be misinterpreted. The Senator indicated potential existed—in the past some kind of emergency provision—that it would not be $8.6 billion. My assumption is that you all could live with that number. I think we have to talk—

Mr. LOTT. I also supported, I believe it was about $1 billion right before the Memorial Day recess.

Mr. DORGAN. That is correct.

Mr. LOTT. And I realize the situation is different now. But I do not know, I do not know how much different it is. I supported a lower figure. I supported a higher figure.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. LOTT. Now, look, again, this bill is $8.6 billion and it has got a lot more in it than just disaster aid. It has some disaster relief that is not emergency and not needed for months and even years.

Mr. DORGAN. If the Senator will yield for one additional question. I appreciate the majority leader’s indulgence.

I am more concerned than I was before I left my chair.

My assumption has been that we negotiated a disaster relief package. It is significant. It is important. And it is vitally needed by the areas in my part of the country and many others around America as well, and I hope very much that there is no one here who seriously entertains backing away from that commitment.

In any event, one of the reasons that I ask this question is the point that the Senator from Mississippi provided as samples of nonemergency spending in the supplemental included, for example, $694 million for the highway trust
fund. And let me just describe something. Maybe the Senator does not understand this, but we have, for example, in North Dakota right now a highway called Highway 57. It is a link to the Spirit Lake Indian Nation. It is now underwater, inundated, and there are young kids who need doctors’ attention and medical help who at this point have to go far around in order to get it. Their lives are at risk. Second,ly, Emergency medical assistance is not available. And so we need to deal with these emergency road needs, for example, in Devils Lake which has been flooded every year.

Mr. LOTT. If I can respond to that, it is interesting the Senator would raise that. As a matter of fact, I believe that one of the things that will probably be indicated as urgent disaster need would be in the transportation area which is different from the $694 million that is in the bill because it just emphasizes this. The President in that area asked I think for about $300 million, but along the way that figure grew to almost $1 billion. I have seen this figure I believe that is there, $694 million. I think that I will go with ISTEA and the allocation formula and that there is a separate emergency transportation item that we might consider. It may not be accurate, but that is the impression I have. That $694 million is for funds billed the country not related to the disaster.

Mr. DORGAN. I would say to the Senator that I have visited with the Department of Transportation Secretary and others, and they are awaiting this disaster bill in order to unlock the money necessary to deal with these critical road problems in the one area I have mentioned, which is Devils Lake, where an entire Indian tribe is isolated out there because the roads are inundated with water. But let me go back to the point I originally made today to the Senator from Mississippi.

I urge you to consider this afternoon doing the following, which would very simply and quickly unlock this issue. There are two major stumbling blocks to having the President sign this disaster bill. One is the attachment of the anti-Government-shutdown provision and the second is the census issue. Let us, as the Senator from Minnesota and others, set the Senate on a course and move on. We will not stand in the way of debating and voting on those issues. And let’s take the other bill that has been crafted by a bipartisan majority, Republicans and Democrats in the Senate and the House, and I was on the conference committee, let us take that to the floor, vote it out, send it, and get it signed and get disaster relief. We could do that this afternoon.

I just don’t understand why that is not possible today. Maybe the Senator from Mississippi can tell me why that is practically impossible. I would think it would be the easiest and most immediate solution to getting disaster aid to disaster victims.

Mr. LOTT. As a matter of fact, one of the things that amazes me is the President of the United States would veto a disaster bill because he doesn’t want language in there that says we won’t have a Government shutdown. As a matter of fact, if we can get this problem worked out now, it will avoid a problem we are surely going to have in October, where, once again, like we do almost every year, we have these fun games where there is a threat of a shutdown of various departments or agencies or Government shutdowns that has been used by Democrats and Republicans—most effectively, by the Democrats. And all I am saying is, you know, we could work this out. I have suggested some language that I believe most of you could live with, and we ought to go back and do that and get this issue resolved and move on.

Of course, obviously, the purpose here will be to separate these things out where the President could veto them, if he wanted to, and not resolve the problem. Why move these on down the line toward another disaster—as I have already pointed out, a manmade disaster—at the end of the fiscal year?

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Let me just say, in order to allow other Members to speak, would the minority leader be willing to allow us consent to provide for speeches by Senators DASCHLE, GRAMS, HUTCHINSON, DORGAN, SARBANES, BOND, WELLSTONE, NICKLES, or his designee, say for 10 minutes each, and following those statements that I be recognized?

Mr. DASCHLE. Mr. President, there are many other Senators who want to be recognized to speak, so I wouldn’t want to exclude other Senators who would like very much to participate.

Mr. LOTT. I would not want to exclude them. I think this would just get an agreement that these Senators that are here, waiting for an opportunity to speak—I would like to amend that list to include the Senator from North Dakota—that we get a lineup of speakers, led off by the distinguished Democratic leader. Senator GRAMS has been waiting to speak; Senator HUTCHINSON, who is an original cosponsor of the Government shutdown prevention language, and Senator DORGAN and Senator SARBANES have been waiting. Senator BOND is here and wishes to speak on his birth defects bill. That has been blocked now. It is a bill we should be able to have some limited debate on and get agreement to remove Senator WELLSTONE. I am sure, would like to be recognized, Senator CONRAD and Senator NICKLES, or his designee, for 10 minutes each with their statements, and then I be recognized at end of that.

Then, if others come in, we will get time for others to speak, too. There is no desire to cut Senators off. I am just trying to set up some regular order where I don’t hog all the time and I am in a position of saying to you I will not yield for a question only so I do not lose control of the floor.

Let’s set up an orderly process and we all get our chance to make our speeches, make our statements, with one unanimous-consent response to the question. Would the Senator object to that?

Mr. DASCHLE. Mr. President, I would have two concerns. One is that some Senators I have wish to speak longer than 10 minutes.

Mr. LOTT. Would you like to make it 15?

Mr. DASCHLE. Second, they may wish to come back and speak again.

Mr. LOTT. We wouldn’t limit that, either.

Mr. DASCHLE. I wouldn’t want it to be precluded.

Mr. LOTT. I hope before the afternoon is over, we will have an opportunity to get an extended period of time to speak which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Again, I want to talk to the Senator about what length of time he is talking about.

Mr. DASCHLE. Mr. President, so long as no Member is precluded a second time or speaking for a period longer than 10 minutes at a later time, only so long as no other Senator is precluded from speaking at all by this unanimous consent request—I think that is the assertion, now, of the majority leader?

Mr. LOTT. If I could suggest, again, let’s talk about this and then I talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn’t get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly want to try to get an agreement for an extended period of time which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Mr. LOTT. If I could suggest, again, let’s start with this and then I talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn’t get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly want to try to get an agreement for an extended period of time which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Mr. LOTT. If I could suggest, again, let’s start with this and then I talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn’t get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly want to try to get an agreement for an extended period of time which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Mr. LOTT. Mr. President, so long as no Member is precluded a second time or speaking for a period longer than 10 minutes at a later time, only so long as no other Senator is precluded from speaking at all by this unanimous consent request—I think that is the assertion, now, of the majority leader?

Mr. LOTT. If I could suggest, again, let’s talk about this and then I talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn’t get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly want to try to get an agreement for an extended period of time which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Mr. LOTT. If I could suggest, again, let’s start with this and then I talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn’t get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly want to try to get an agreement for an extended period of time which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Mr. LOTT. If I could suggest, again, let’s start with this and then I talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn’t get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly want to try to get an agreement for an extended period of time which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.
whether we are going to face an adjournment request later.

Mr. LOTT. Well, could I inquire if the leader would be willing to give us consent for our committees to meet, if we could go ahead and lock in a unanimous-consent agreement, or an agreement on how long you all would like to go tonight? Would the Senator like to respond to that?

Mr. DASCHLE. Mr. President, we discussed this matter in the caucus. I think it was unanimous in the caucus that committees would not meet this afternoon, because we really need to have attention focused on this issue. I am afraid I am not able to give that agreement to the majority leader.

Mr. LOTT. Mr. President, if I could say, then, I would like to—and I will talk to the Senators about how we do this—with their cooperation, and I am talking about not just committee meetings, because we will do what we need to do there. But when we begin the debate or comments other Senators are going to make, we will talk with you about how much time we think we need and how we will do that. It is my inclination to try to work that out, where we could have an understanding, an understood period of time, and to not go with a motion to adjourn.

Mr. DOBORGAN. I wonder if the Senator would agree to the proposition that we not propose a motion to adjourn the Senate without agreement obtained with the minority leader for such a motion.

Mr. LOTT. You know, I am asking here for some process whereby the Senators from the various States would have a chance to make comments for a specified period of time. I asked for 10 minutes. Do you want me to expand that to 15 minutes?

Mr. DASCHLE. I think there are Senators who wish to speak longer than 10 minutes. Whether it is at the first opportunity or whether they have the opportunity to come back, that is a concern. It is a concern expressed by the Senator from North Dakota.

Mr. LOTT. If I could—excuse me for interrupting you, but we are going to have an opportunity for them to speak now and speak again later. And we will have to work out the process to do that.

Mr. CONRAD. Reserving the right to object, Mr. President, I renew my request that the Senators that I outlined be allowed to speak for 10 minutes and that I be recognized at the end of this list, at which time, if there are other Senators who wish to speak, they will be recognized or we will work out an order so the debate can continue.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. DASCHLE. Would he entertain a unanimous-consent request which would say we would not adjourn without the consent of both leaders tonight? Because I think, if that were the case, then there would be no objection on this side to working through whatever schedule may accommodate speakers on both sides.

Mr. LOTT. It is my intent, Mr. President, to work with the leader and get an agreement on what time will be needed. I would like to do that. I prefer not to move for adjournment. I think we could work that out. I am indicating to you I would like for you to be able to have that time tonight. But I have been asked for three different things to accommodate one thing in return, and that’s for committees to meet. I am going to have to go through a parliamentary procedure here in order for committees to be able to meet.

Let us do this. Let us talk while others are talking and we could work this out. I think there is no question we can get that done.

Mr. President, I renew my request that the Senators that I outlined be allowed to speak for 10 minutes and that I be recognized at the end of this list, at which time, if there are other Senators who wish to speak, they will be recognized or we will work out an order so the debate can continue.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, Mr. President, I say to you I would be forced to object if there is no assurance that the rights of this Senator and other Senators will be protected. Because, as the Senator has outlined, the Senator would be able to speak perhaps 10 or 15 minutes and that’s it, under this formulation.

Mr. LOTT. I am saying to the Senator from North Dakota, I would like to be able to work with him to do that. I intend to do that. We will talk and we will make that agreement. We will make it in a request at a period of time after we have had some of these speeches so we can talk.

I don’t think exactly what you all are thinking about or what you want, but there is no desire to cut the Senator from North Dakota off today. I want him to be able to make his case. I am going to work with you to do that, and I think the record will show I have done that sort of thing in the past. I am telling you here, now, we are going to find a way for you to be able to make the speech you want to make. What more can you ask of me now? And then, we will talk that through while others are speaking.

Mr. CONRAD. I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—COMMITTEE MEETINGS

Mr. LOTT. Mr. President, I have five unanimous consent requests for subcommittees to meet during today’s session of the Senate. I ask unanimous consent these request be agreed to en bloc and that each request be printed in the Record.

Mr. DASCHLE, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, my consent request was for the Armed Services Committee to meet on S. 450, the Department of Defense authorization bill. They are the Subcommittees on Airland Forces, Acquisition, and Technology, Seapower, and Strategic Forces, Joint Support, and Foreign Relations. Also, for the Subcommittee on Near Eastern and South Asian Affairs and the Subcommittee on Foreign Relations to meet on some very important issues, with witnesses to be Senator LIEBERMAN of Connecticut, Mr. William J. Bennett, and Michael J. Horowitz of the Hudson Institute, Father Keith Roderick of the Coalition for the Defense of Human Rights, prepared and waiting to testify before that committee.

The second panel includes Col. Sharbel Barakat, a witness from Iran, and an anonymous witness from Pakistan.

In addition to that, we asked for the Science, Technology and Space Subcommittee, Committee on Commerce, to meet with regard to NASA’s international space program, which we have been working feverishly to make work, with other countries including Russia. Those are the committees that are prepared to meet this afternoon. They have witnesses lined up of both parties and a variety of positions. That has been objected to. I thought it was appropriate we put in the Record that objection is heard.

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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued the call of the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
UNANIMOUS-CONSENT REQUEST
Mr. LOTT. Mr. President, I ask unanimous consent that the next hour be equally divided between Senators LOTT and DASCHLE and, at the end of that hour, that Senator LOTT be recognized to move to adjourn.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I can inquire of the Senator from South Dakota, is it his desire that we not have any further debate at this time?

Mr. DASCHLE. Mr. President, it is the desire on the part of many of our colleagues to speak longer than the time allotted in the unanimous consent request, and it is certainly the desire of our colleagues not to allow the Senate the opportunity to adjourn the Senate. For that reason, I am compelled to object.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have very important committee work that needs to be done. As the Senate knows, the bulk of the work and the writing that we want to do in the Senate does occur in committees at the hearings and markups. We have a very important markup now that we need to get done in the Armed Services Committee. The defense of our country is, obviously, something that we want to pay very close attention to. We have less than a week in which the Armed Services Committee needs to complete its work.

I would prefer that we get an agreement that the Armed Services Committee, as is always—almost always—the case, be allowed to meet with these other committees. I understand the Senator has a problem, some objections from his conference. I also would prefer that we have an hour of debate equally divided so that Senators who have been divided so that Senators who have been patiently waiting for quite some time can be heard, including Senators here now, and Senator Grams of Minnesota who has been waiting to be heard.

I also had hoped that we could work together and get a time worked out whereby we could have extended debate tonight. It doesn’t appear that we can work that out. So, I would be prepared to proceed at this time.

Does the Senator have any other comment he would like to make before I proceed a unanimous-consent request?

Mr. DASCHLE. Mr. President, the distinguished majority leader mentions the defense markup. I also remind him, as he is very aware, there is money in this supplemental, for our troops in Bosnia. Time is running out there, too. There is virtually no time left for us to get the supplemental assistance to the troops in Bosnia. It sends a terrible message to them not to address this legislation more successfully than we have.

I can’t think of anything more important in that regard, not only to address the disaster victims but to address the troops in Bosnia, to address all of those who are waiting for some sign that we understand how difficult their circumstances are, including people defending our country in faraway lands.

So, I am compelled to object, and I only hope that at some point in the not-too-distant future, we are going to be able to resolve this matter, because they can’t wait any longer.

Mr. LOTT. Mr. President, I also had hoped that we would be able to work out an agreement where there wouldn’t be objection to my motion to proceed to the Birth Defects Prevention Act—this is broadly supported legislation; I don’t see how there could be objection to it—while we continue to work to find ways to move other legislation while committees are meeting.

I understand the pressure that Senators feel on both sides of the aisle on other issues, but I don’t see why that should prevent us from taking up a very noncontroversial, broadly bipartisan supported legislation like S. 419.

I am also hopeful that this week we could take up the adoption legislation that has been in that committee in abeyance for a week. And the Senator from Ohio, Senator DeWine, has done very good work on that and I believe is prepared to spend time on the floor when we call up that legislation. I hope it will be in the next coming days.

Let us be clear about what this legislation does, the birth defects legislation. No one in this body needs to be told that birth defects are the leading cause of infant mortality in this country. They are directly responsible for one of five infant deaths. Here is a chance to do something about that, not in a week, not in a month, but this afternoon with, I am sure, not very long debate but enough debate so that the issue can be resolved.

We have spent the last couple of hours or so talking about other issues other than this bill which we had hoped to call up and begin debating.

No one needs to be told that every year some 150,000 infants are born with a serious birth defect. Here is a chance to do something about that.

Here is a chance to foster the most effective—and, by the way, the most cost effective—ways to prevent birth defects.

We now know that folic acid vitamin supplements can prevent spina bifida. We know that programs to promote avoidance of alcohol, especially early in pregnancy, can dramatically reduce a whole range of birth defects. We want to get that knowledge out to those who need it. Senator Bond’s bill would do that through regional research programs to identify the causes of clusters of birth defects.

His bill, which, by the way, is cosponsored by more than 90 Senators on both sides of the aisle, makes the Centers for Disease Control the lead agency for surveillance of birth defects and prevention activities to reduce their incidence.

His bill proposes grants to public and nonprofit groups to foster public awareness in ways to prevent birth defects. It would also set up a National Information Clearinghouse on Birth Defects.

This legislation, to which there has been objection, is really important and is endorsed by a wide range of groups: American Academy of Pediatrics, the American Association of Mental Retardation, the American Hospital Association, the Association of Maternal and Child Health Programs, the American Public Health Association, the Council of State and Territorial Epidemiologists, the March of Dimes, the National Association of Children’s Hospitals, the National Perinatal Association, the National Easter Seal Society, and the Spina Bifida Association.

This very serious, again, renew my concern. There has been objection to this bill. On their behalf, I ask that we confer and see if we cannot find a way to bring up this legislation, if not today, tomorrow, while we work on other solutions to other problems.

It is not a partisan issue. It is not controversial. And all that Senator Bond has sought has received support across the political lines and he has urged that we take it up this week. It would be different if it were controversial or if this were a partisan issue. But it is not. It is one that I think we certainly need to get passed. And a lot of good work has gone into it. And I will continue to ask that we take it up this week. And I will certainly confer with the leaders on the other side of the aisle as we try to find a way to bring to the consideration of the Senate legislation that would help with this important, very, very difficult problem of birth defects.

So now I ask—

Mr. DASCHLE addressed the Chair.

Mr. LOTT. I will be glad to yield for a comment or question from the Democratic leader.

Mr. DASCHLE. As I indicated earlier, Mr. President, I am a cosponsor of this legislation. So obviously I am very supportive of it. But it should be noted this legislation has not had a hearing, it has not been marked up in the committee.

The majority leader—and it is his right to do so—is discharging the committee to bring this to the floor. Now, that is an abnormal procedure. That is not something we do every day. Yet the distinguished majority leader has seen fit to bring this bill to the floor without an official markup, and then to amend it with an amendment nobody has seen fit to do. And so it is really not normal legislative procedure to consider a bill of this import, even though there may not be much controversy associated with it, to discharge it, to amend it with an amendment nobody has seen, and to move in this process.

So it is not only our concern for the disaster legislation but our concern for
Mr. GRAMS. Mr. President, I would respond to that, if I could, that certainly it is again not controversial. There has been a lot of work done on it. There have been hearings on this bill. And I believe an almost identical provision, if not identical, was a part of the comprehensive health legislation that came out of the Senate last year. That was a different Congress, but it is not as if it is a new idea. It has been around for awhile. And a number of Senators are very familiar with what it would do, including the Senator from South Dakota.

Mr. President, I just really am concerned and disturbed by the fact that he has been so diligent in his effort to wait to be heard, and recognizing that it does not appear we are going to be able to work out some agreement where he could make a statement, I, if I can, yield to the Senator from Minnesota for the purposes of a question so that he could at least address a question that frames his concerns in this area.

Mr. GRAMS. Thank you very much, Mr. Leader. I just would like to take a few moments to address a couple concerns and questions. And as I think we are all very disappointed in the fact that yesterday President Clinton vetoed the emergency aid bill which would provide $5.5 billion in disaster relief nationwide—and that comes with a major portion of those dollars directed toward rebuilding and repairing those communities that have been devastated by floods in my home State of Minnesota and, of course, the Dakotas—our legislation I think sent a very clear message that the people of Minnesota have not been forgotten by Congress at this time.

And I just really am concerned and disturbed by the fact that the President has used, as his primary excuse for vetoing the emergency flood relief bill, our inclusion of a measure that would go on to protect these very same victims this fall from what could become a manmade disaster if we do not come to some agreement between the Congress and the President on funding legislation in the budget debates coming this fall. So for those reasons, I raised repeatedly on the floor that I believe that delivering this bill to the President is of utmost importance.

And I just ask the leader if all considerations have been made or taken into account of trying to get this issue to the President again, to have him somehow—I would like to remind my colleagues who voted for this bill a week ago, that if they say these issues are so controversial, why did they then vote and approve this bill by 67 votes, as the President then had to sign it last week and move this on to the President?

So when they say that we are unbending and not willing to compromise on the issue, that it is "our way or no way," really that is what we are hearing from Pennsylvania Avenue, that if it is not the President's way, it will be no way.

Mr. LOTT. Mr. President, I will respond to the question and comments framing that question by the Senator from Minnesota. I appreciate what he has had to say. And I appreciate his interest in getting this assistance provided. He has been constructive and helpful in that he has been having a variety of ways we could try to come to an agreement on how to proceed here.

He is absolutely right that, as a matter of fact, what we passed last week was a compromise. There had been funds added, language added. And, as a matter of fact, what we are doing today with the Government shutdown provision was a compromise provision. Senator McCain, one of the original sponsors, along with Senator Hutchison, offered an amendment and actually raised the level of funding whereby the Government would continue basically at the current year level until an agreement was reached on the next year's appropriations bills.

So it was a compromise language. I mean, it should not go without people's notice that it got 67 votes here in the Senate. This matter can be resolved. It can be done quickly. It could have already been dealt with if the President just signed the bill.

The President is not without tools to work with the Congress. But he must understand—and I know the American people understand—that we, as representatives of the people, have a equal voice in this Government. We have a right to be heard. And we have a right to have very important issues that we are concerned about addressed.

So I again appreciate the Senator's patience here and his suggestions. I know he is going to continue to work with leadership on both sides of the aisle and on the Capitol where he served in trying to find an appropriate solution to this problem.

Mr. GRAMS. Thank you, Mr. President.

Mr. LOTT. Mr. President, I would also like to inquire of the Senator from Texas. Senator Hutchinson, had indicated that she had hoped to be able to speak. I wonder if she has a question she would like to propound at this time because I would be able to yield to her at this time; under the rules we find ourselves confronted with, only for a question. So I ask that she frame her comments in the form of a question.

Mrs. HUTCHISON. Thank you, Mr. President.

I was really wanting to question in the arena of a timetable for kinds of disaster relief. It was indicated by one of the Senators from North Dakota that perhaps it was all or nothing, as if the entire supplemental appropriations bill was part of an emergency disaster. And I was just going to ask the distinguished majority leader if he was not thinking that perhaps there are only judgments that we can make.

I think the majority leader is saying that if we are going to make some very slimmed down bill to provide for emergency assistance—I think the distinguished majority leader would agree with me, there is also $30 million for plane crash investigations; $6 million to the FBI to reimburse New York State, but New York State has had on-going expenses with regard to TWA flight 800; $197 million for the National Park Service; $163 million for Forestry and Wildlife; $67 million for the Forest Service; $20 million for the Bureau of Indian affairs; $385 million for the Army Corps of Engineers.

I am just wondering if the majority leader doesn't think that perhaps these are supplemental appropriations that are not of an emergency nature and that maybe Congress would be able to make a judgment call if in fact we were talking about emergency relief. Because it seems to me that some of the Senators are saying that, "Look. We want everything, but your issues aren't important. The issue of process, of not being able to shut down Government isn't important."

It may not be important to someone on the other side of the aisle, but it is very important to many people on our side of the aisle that we have a process by which we say to people, here is what you can expect. Veterans can expect to get their pension benefits on time, regardless of whether Congress and the President have not agreed on a particular appropriations bill, that Federal employees can expect to get their checks on time regardless of whether there is an agreement between the President and Congress.

So, you know, I think that there are a lot of issues. And I sincerely believe that it is important for us to set the process of how we are going to handle appropriations this year. Perhaps other leaders do not think that, but to say, "You take all of our issues. Throw away all of yours. And that's the only thing that will be acceptable," seems to me to be a little unreasonable.

I just ask the majority leader if he would put all of these other supplemental appropriations in the same position as some part of the emergency bill that really is an emergency where funds really might not be available if there are funds like that.

Mr. LOTT. Mr. President, in responding to the question by the Senator from Texas, obviously I think that she
is suggesting a route that is appropriate. There is a difference between a supplemental appropriations in its normal sense and a supplemental appropriations that includes emergency provisions. Clearly, they can be separated and moved as the Senator from Texas has suggested.

I want to commend the Senator from Texas for her work as a member of the Appropriations Committee, a member that knows what is in the bill and what is not. And I think some Senators have not had an opportunity to look at all the things that have been added in terms of language and additional spending and programs which may be worthwhile but which are much more in the supplemental range, not in the emergency range, and also could be dealt with in the regular appropriations process.

We are in the period of time now in this year when we ought to be doing our appropriations bills. And the need for a supplemental for many of these provisions has been long since past.

Also, I just have to say, the idea of resolving this issue about the annual confusion at the end of the fiscal year, the threats of and in fact the shutting off of these provisions has been long since this year when we ought to be doing it.

Also, I just have to say, the idea of resolving this issue about the annual confusion at the end of the fiscal year, the threats of and in fact the shutting off of these provisions has been long since this year when we ought to be doing it.

I think to say that now all of a sudden it is not just emergency relief but also everything in the supplemental appropriation which is important to many people in this body—but so is the resolution about not shutting down Government important to a number of people in this body.

I think the distinguished majority leader in good faith said, well, would you like for us to consider a pared down emergency for anything that would not be covered already under the Federal Emergency Management Agency funds which we know have at least $2 billion in the coffers right now that are going right now to the victims in North Dakota, South Dakota and Minnesota? The money is going in. There may be a few places where it is not going in, so the distinguished majority leader, as I understand it, is saying, OK, we should make a list of those where there really is an emergency, not supplemental but emergency, and would you consider working with us to pass that?

Now, all of a sudden, it seems that the argument is changing and we are saying, oh, no, we not only need the emergency appropriations that might not be covered if there are categories like that, but, in addition, we must also have all of the supplemental appropriations for the National Park Service, for the Fish and Wildlife Service, for the Forest Service, for the Bureau of Indian Affairs, for the Army Corps of Engineers, for the Postal Service fund, for the bulk cheese price survey, for the food stamp changes, for grants to local education agencies.

Now, I have no doubt these are important appropriations, but are they emergency? That is the question that I ask the distinguished majority leader.

Once he said, "I am willing to talk about a pared down real emergency." All of a sudden, all of a sudden now we are shifting to a different issue. We are shifting now to a whole different argument, and they are saying you have to take everything in the bill that the distinguished Senators from North Dakota want, take away that the distinguished Senators on this side of the aisle were hoping to get in the way of process to establish a process in the appropriations bill, the first one this year.

It is like saying we have all the cards. But that is not the way America is. We work together here. I think we have the ability to determine if there are emergencies that are not being met, and if that is the issue, then I think we would be able to solve it.

I just ask the majority leader if he believes that we have the ability to determine what is an emergency and what is a supplement.

Mr. LOTT. Mr. President, clearly, the Senator from Texas, Senator Hutchison, is right on this. She knows her business. She is on the Appropriations Committee.

I do not know what the exact figure is but probably of the $8.6 billion in the supplemental, well over half of it could not remotely qualify as disaster. It is probably in the range of $5 billion to $6 billion of the $8.6 billion that would not qualify as emergency disaster, either because it is not directly needed and/or because it could be handled through the regular appropriations bills.

Clearly, a large portion of this bill would not qualify as emergency disaster. Again I do not know the exact amount. We have to hear further from the committee members, and I presume we will as the time goes forward.

Mr. DORGAN. I wonder if the Senator—

The PRESIDING OFFICER. Does the majority leader yield?

Mr. LOTT. I will yield if the Senator allows me to make a couple of points. I want to go back and reconfirm something I said a moment ago to make sure it is correct in the RECORD.

The bill that we are trying to get brought up, the bulk is not a new bill. It was one that has had a lot of work, and the substitute that we now have is going to be considered when we get permission to bring it up. There has been objection to bringing up the birth defects bill by the Democrats. It is almost identical to the language that was approved by the committee on Labor and Human Resources in 1995 and passed the full Senate in September 1996 as part of the Health Profession's Education Consolidation and Reauthorization Act, S. 555.

So the Senate is familiar with this. The Senate has worked on it. The Senate has voted on it. It is not a new

June 10, 1997 CONGRESSIONAL RECORD — SENATE S5479
In fact, there is a House appropriations bill on the calendar, H.R. 581, that the Senator from Texas and others who wish to propose their amendment could offer to attach their amendment to. In addition to that, there are 13 additional appropriations bills that will follow that they can certainly attempt to attach their amendment to.

But the title of this piece of legislation is an appropriations bill making emergency supplemental appropriations for natural disaster and so on. I am assuming that those who decided to attach it to this piece of legislation did so because by its very title it is an emergency supplemental appropriations bill for recovery from natural disasters.

The Senator from Texas makes the point, as the Senator from Mississippi, there are some things in here that are not an emergency. That is a quarrel I suspect the Senator would have with the Appropriations Committee heads and others. There may well be some things in here that are not an emergency. I have no objection to taking those things and moving them aside and passing the disaster portions of this bill.

I say that it seems to me, at least viewing it, that those who have attached this amendment to this bill have done so believing that this bill is a must-pass piece of legislation because it is an emergency and, therefore, it is a way of moving their agenda along on this Government shutdown amendment. My point is there are 13 more bills. Do it on another bill. Do it on the House bill resting at the desk of the Senate, but do not do it in a way holding up disaster relief.

I am happy to propound the question. It is now 2 1/2 weeks beyond the adjournment for the Memorial Day recess, which is the time when we should have passed this legislation weeks beyond that. That is to say we are now in a circumstance where it does not appear we are any closer to passing a piece of legislation that the President will be able to sign. Will the majority leader, at least from the Senate side, indicate to us that he feels that we can get this thing passed this week in a manner that allows it to be signed?

Mr. LOTT. I would be willing to work with him in that regard. I think we definitely can do it. I believe we will have some time here in a moment where maybe we can talk about that.

Here is the chairman of the Appropriations Committee. He is convening the Senate. I have seen him work miracles before, and I know he is prepared to do that again this time with the help from the Senators from North Dakota and the Senator from Texas.

Does the Senator from Oklahoma wish to ask a question with regard to the situation as I stated it?

Mr. NICKLES. If I could just ask a question, because I understand our colleagues from North Dakota wish to speak on this issue. I know some colleagues on this side of the aisle would like to speak.

Correct me if I am wrong; did you not offer to allow debate on this and other issues, maybe debate as late at 12 o’clock tonight? That is almost an additional 8 hours.

Mr. LOTT. I knew it came as a shock to the Senator from Oklahoma, but he is right.

Mr. NICKLES. I did not want to stay for all of that, but I think the Senator from Mississippi, the majority leader, is giving genuine consideration to the birth defect legislation. If our colleagues are going to object to the offer that the majority leader made, I do not think they are showing good faith, and that does not increase the likelihood of getting things done.

Now, correct me if I am wrong; I ask the majority leader this question, the majority leader asked permission for the committees to meet?

Mr. LOTT. Correct.

Mr. NICKLES. And stated his intentions to allow the Senate to be able to debate on this and other issues on time equally divided; is that not correct?

Mr. LOTT. That is correct.

Mr. NICKLES. My comment would be to the majority leader that I think you are being very generous and I hope our colleagues will cooperate.

Mr. LOTT. Mr. President, I appreciate the questioning of the Senator from Oklahoma, and I say that the procedure which I am about to carry out here has been forced by the fact that we can’t get consideration of the birth defect legislation, we can’t get permission for key committees to meet, and we can’t get a time agreement on how the debate will occur.
Mr. BURTON of Indiana. Mr. Speaker, I am pleased to introduce today, H.R. 1836, the Federal Employee Health Care Protection Act of 1997. This is significant legislation for our Federal employees and taxpayers because it will help strengthen the integrity and standards of the Federal Employees Health Benefit [FEHB] Program, and allow it to maintain its reputation as a high quality and cost-effective program. H.R. 1836 includes three main provisions that will improve and protect the FEHB Program. First, it gives OPM better tools to deal swiftly with health care providers who try to defraud or abuse the FEHB Program. Second, it requires full disclosure of discounted rate agreements between health care providers and health benefit carriers to prevent the fraudulent use of such discounts, and third, it provides the same Federal health benefits coverage for Federal Deposit Insurance Corporation and Federal Reserve Board employees that other Federal employees have.

The FEHB Program is the largest employer-sponsored health insurance system in the country. In 1997, the $16 billion FEHB Program will insure more than 9 million Federal employees, retirees, and their dependents. Partial portability, no preexisting condition limitation, and an annual open enrollment period are facets of the FEHB Program that make it an extremely attractive health care system. The free enterprise-based program has effectively contained costs through private sector competition with limited governmental intervention. The program is often cited as a model of efficiency and effectiveness that the private sector and the public sector should attempt to replicate. The bill I introduced today will improve the program and its performance, without changing the market principles that are key to the program’s success.

One of the most important provisions of this bill addresses the debarment of health care providers engaging in fraudulent practices. This provision would strengthen the ability of OPM to bar FEHB Program participation by, and impose monetary penalties on, health care providers in the FEHB Program who engage in professional or financial misconduct. Under this bill, the administrative sanctions authority would conform more closely with the Medicare Program, particularly with regard to grounds for imposing sanctions and the general availability of post-termination appellant rights.

Another important component of this bill is that it would provide consistent health benefit coverage for employees of the Federal Reserve Board [FED] and the Federal Deposit Insurance Corporation [FDIC]. A number of years ago the FED decided to drop out of the FEHB Program and offer its employees a separate health care plan. Then, in 1993, the FED elected to abandon this health care experiment and offer its employees only FEHB health care options. However, under current law, all employees must have 5 years of continuous enrollment in the FEHB Program to carry their health benefit coverage into retirement. As a result a number of employees who retired during the years when the FED had its own health care system, and some employees currently approaching retirement, are not eligible for FEHB coverage. This faces a similar situation because it plans to eliminate its alternative health insurance plan at the end of 1997, and go with FEHB options. Without this legislation, the FDIC and the Board will have to establish a non-FEHB plan for those employees who are ineligible for coverage. This would be administratively burdensome and costly to these Federal agencies and, ultimately, to taxpayers. Under this proposal, these ineligible employees would be offered FEHB coverage at no additional cost to the Government.

The third key provision in this bill would require FEHB carriers and their subcontractors to disclose in writing any discounted rate contracts with health care providers. If carriers do not include the required disclosure, they will be prohibited from accessing discounts. I believe that this language is necessary because it will eliminate the practice of silent preferred provider networks [PPO’s]. Under conventional PPO arrangements, networks offer enrollees discounted fees to use network providers, or preferred providers. However, under silent PPO’s, these discounts are being applied to patients that are not contractually covered by the PPO network. I have great concerns over the ethics and legality of the practice of these types of organizations. The effect of such practices is to reduce carriers’ free market bargaining power. It also undermines the value of, and jeopardizes the expansion of, legitimate PPO networks. According to the American Hospital Association, discounts paid to silent PPO’s may account for as much as $1 billion in costs for providers throughout the industry. This type of abusive practice should not be allowed in the health care arena, and I believe that the language in this bill will address this problem and protect providers, patients, and legitimate PPO’s.

I believe that the changes made in this legislation proposal are important to help improve and strengthen the FEHB Program. I urge my colleagues to join me in supporting this essential legislation.

STATEMENT BY PATRICK EDWARD HOULE, CANAAN MEMORIAL HIGH SCHOOL, REGARDING CENSORSHIP AND EDUCATION

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues, I would like to have printed in the RECORD this statement by a high school student from Canaan Memorial High School in Vermont, who was speaking at our recent town meeting on issues facing young people.

Mr. HOULE: Congressman Sanders, imagine if you will a world where you have personal choice and freedom to express your inner thoughts and soul through forms of art and media. It would be a world where if someone was offended, they would make the choice not to listen; but they would not try to suppress your right to express it. In this world everyone respects an individual’s right to free expression and speech.

Recently K-Mart has said they refuse to sell CDS with offensive lyrics. This is blatant censorship. When someone tries to take away your right to hear something, it is censorship.

There have been many incidents in the United States recently in which censorship has become a factor. For example, in Arizona Norman Greenbush called for the banning of the Flag Art Exhibit. In Florida a Cuban scholar’s visit was canceled after a citizens protest. In Utah a printing company refused to reproduce photos for a magazine. In Michigan a ‘Where Do Queers Come From’ exhibit at a local college was closed. And finally in Kentucky, ‘blasphemous art’ caused an outcry at the University of Kentucky. In school libraries Ernest Hemingway’s novels are banned as are several good pieces of literature. Around the world films are banned and are censored. Film festivals and exhibitions are censored as well.

Our ground for this censorship is broad and well-defined, but are speculative and opinionated. Unfortunately, opinions vary and freedom of speech is a right, but unfortunately rights are being ignored and opinions are preordained.

As you can see, censorship is alive and well in America where our First Amendment right is supposed to be enforced. It has gotten so bad around the world that the life of Salman Rushdie was threatened for writing The Satanic Verses. It’s gotten so bad that we’ve had to turn to a porno king, Larry Flynt as a savior of the First Amendment right.

Basically what it comes down to is if it offends you, you can always turn the other cheek. Pornography even has its value. Some people just cannot live without their pornography, and if it was not for pornography they could be doing much worse things.

If you deny someone’s right to see something or say something that they want to say, that eventually they are just going to express.

I myself do not want a burned flag, but I think if someone wants to protest that way it should be allowed because I know myself I do not pledge allegiance to the flag, I pledge allegiance to the country.

In conclusion, one can censor a work of art but not the idea. The idea will fester and come out in a much more explosive, sometimes more violent way.

Thank you for your time, Congressman Sanders. We hope you help us fight for the cause in your position of leadership.
HONORING ST. MARTIN OF TOURS SCHOOL AS A BLUE RIBBON SCHOOL

HON. LOUIS STOKES
OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. STOKES. Mr. Speaker, I rise to honor St. Martin of Tours School in Maple Heights, OH, of my district, for being selected as a Blue Ribbon School. I would also like to recognize the school’s principal, Mrs. Rozann Swanson, M.A.Ed., for the excellent leadership she has provided to the St. Martin of Tours academic community. This year, the U.S. Department of Education gave this prestigious award to only 263 public and private elementary and middle schools across the Nation in recognition of their effectiveness in meeting local, State, and national education goals.

St. Martin of Tours School is very deserving of this distinguished achievement. As we seek to improve education across the Nation, this school serves as a model of educational excellence. St. Martin of Tours School won the Blue Ribbon Award because of its high academic standards, warm and nurturing environment, innovative programs and methods of instruction, as well as parental involvement. This is a school where faculty, staff, students, and parents join together in community to ensure that the students are fully equipped for success in our changing global economy.

At St. Martin of Tours School, instruction is based on the goals of fully engaging the interest, thinking, and participation of students. Active learning lessons allow students to gain knowledge and understanding of subject matter by doing, acting, inquiring, and discovering. Teaching is respected as an art, and instruction is approached as much more than simply imparting factual information. Faculty serve as facilitators for their classes and carefully guide their students intellectual growth. Additionally, the school’s curriculum is focused on building students’ critical thinking and problem solving skills.

Mr. Speaker, I want to extend my best wishes to St. Martin of Tours School and offer congratulations to the students, faculty, and administration of St. Martin of Tours School in Maple Heights, OH, for their dedication, leadership, and standards of excellence.

A CONGRATULATORY STATEMENT TO SANJAY SHARMA

HON. DANNY K. DAVIS
ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I rise to congratulate Sanjay Sharma, a junior at St. Ignatius College Prep in Chicago, IL, who has been named a national winner for the 1997 Voice of Democracy Program for the State of Illinois, and the recipient of the $2,500 Troy Voice of Democracy Program for the State of Illinois.

Sanjay was sponsored by the Veterans of Foreign Wars Post 1612 in Chicago, IL. The program requires high school student entrants to write and record a 3- to 5-minute essay on an announced patriotic theme. This year’s theme, “Democracy—Above and Beyond,” attracted over 109,000 students to participate in the competition nationwide.

The Voice of Democracy Scholarship Program was started 50 years ago by the National Association of Broadcasters, the Electronic Industries Association, and the State Association of Broadcasters, with the endorsement of the U.S. Office of Education. Starting in the 1958-59 program year, the Veterans of Foreign Wars became a secondary sponsor in cooperation with other sponsors.

Mr. Speaker, I would like to highlight a portion of Sanjay Sharma’s well-written essay on democracy.

Democracy is a form of government above and beyond all other forms of government because democracy explores our human essence. Democracy explores what it means to be an American and what makes each and every one of us who we are and who we can be.

The United States of America has emerged as a pillar among nations, through the 220 years of ups and downs of its charismatic history. You can’t help but realize that there is something special about this democracy business. The power of democracy delves into our hearts, our minds, and our inner beings, revealing to us, that Destiny. It fills all the same breeze that floats over eternity and turns the windmill of our lives.

I am including the entire text of Sanjay Sharma’s essay on democracy for the Record. All of us in the Seventh Congressional District of Illinois are rightfully proud of Sanjay Sharma.

“DEMOCRACY—ABOVE AND BEYOND”
(By Sanjay Sharma)

Democracy is a form of government above and beyond all other forms of government because democracy explores our human essence. Democracy explores what it means to be an American and what makes each and every one of us who we are and who we can be. The United States of America has emerged as a pillar among nations, through the 220 years of the ups-and-downs of its charismatic history. You can’t help but realize that there is something special about this democracy business. The power of democracy delves into our hearts, our minds, and our inner beings, revealing to us, that Destiny. Fate, and Choice are all the same breeze that floats over eternity and turns the windmill of our lives.

Inside each one of us there burns a flame of love, hope, and leadership; and from that flame, there shines a light of character and personality. This light, inside each of us, is enveloped by a cocoon of windows that are encroached by shutters. One by one, Democracy throws up those shutters, opens those windows, and allows the light within us to shine forth.

Bringing freedom, responsibility, and opportunity into our lives, democracy challenges us to live up to our greatest individual potential, to pool our talents and ideas together as a nation, in harmony and progress. And truly the glories of democracy guiding our inner strengths are exhibited in the events of our past and present and the prospects for our future.

Throughout history, an American legacy has taken shape from the past wonders of democracy. In the worldwide conditions of the United States, the opportunities of democracy brought out a light of innovation and pioneering in the millions of immigrants who came from the world and answered democracy’s call by helping to build America. Estefan Mazzuca was a little girl when she arrived from Italy, when she returned to Ellis Island seventy-four years later, she came with eighty-one American descendants. In the 1960s the power of the demons of democracy was brilliantly displayed, as lights of unity and hope beamed forth from Martin Luther King, Jr. And his followers in their peaceful demonstrations against segregation and in their answers of democracy unveiled lights of goodwill and service in forty-five music celebrities who gathered together to record: “We Are the World,” and donate the album’s earning (almost $62 million) to the poverty-stricken nations of Africa. Now think, for a moment, about a time when we needed together with others of the good of a common cause. The warmth and belonging you felt was the warmth of a ray of inner light shining from one of the opened windows inside of you—opened by the power of democracy.

The sands of time are piled in our hands, as memories are being made in our present day moments. In Missoula, Montana, when the children needed a merry-go-round, Chuck Koparich started to carve the horses himself, and as the contagious democracy spread, soon schoolkids had collected one million pennies and grown-ups assisted in the carving. After four years of communal effort, Mr. Koparich had one horse in-ground.

As a little girl performs with her class in their first school pageant, singing her heart out, a tear of joy falls from her parent’s eye. This performance of tears is the school’s symbol of the efforts, choices, and qualities which illuminate democracy. A grandmother and grandfather look into the blackness of the night sky as a rocket shoots upwards, then disappears beyond the stars, only to burst forth in a fountain of blazing reds and blues, in the true fashion of a Fourth-of-July firework. As the night sky is lit up in celebration, there is, for a moment, a twinkle in their eyes—a symbol of the light with which democracy guides America.

As we look toward the future, we are awed by the dawn of a new century—the 21st century. The younger generations of Americans now grow with democracy, and in their own inner lights of unity, hope, and leadership shining in democracy’s freedoms, responsibilities, and opportunities.

Democracy’s wonderful umbrella of freedom finds a balance between absolute freedom and absolute control. The guiding light of democracy shines above and beyond, showing us that even freedom is the key to freedom and opportunity demand our devotion and perseverance—indeed, democracy challenges us to use our talents, ideas, and skills, to carry the nation to its greatest potential.

HONORING HENMPFIELD HIGH SCHOOL STUDENTS COMPETING IN THE “WE THE PEOPLE” FINALS

HON. JOSEPH R. PITTS
PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. PITTS. Mr. Speaker, today I would like to honor several students from Hempfield High School in Lancaster County, PA who have recently traveled to Washington to compete in the “We the People . . . The Citizen and the Constitution” national final.

The Hempfield students—who were part of teacher Elaine Sawick’s advanced placement government classes—won first and second place in the Pennsylvania “We the People” contest.
The “We the People” competition tests students’ knowledge of the Constitution and the Bill of Rights—the two historic documents on which the country was founded. I cannot emphasize enough the positive impact that gaining a solid understanding of the Constitution and the Bill of Rights will have on these gifted students.

It is vital that America’s students follow the lead of those who so diligently studied, learned, and competed in the “We the People” national finals. By taking part in the competition, the Hempfield participants are true winners. Their work will benefit them and their communities long into the future.

Mr. Speaker, I want to congratulate the government students from Hempfield High School and we wish them the best in their futures.

TRIBUTE TO DR. JEFFREY MEILMAN
HON. JACK QUINN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. QUINN. Mr. Speaker, I rise today to pay tribute to Dr. Jeffrey Meilman. For almost 70 years, Variety Clubs International and their thousands of members worldwide have led the fight to aid sick and handicapped children. Variety Clubs legendary fundraising efforts have helped build hospitals, schools, and playgrounds bringing countless untold joy to young people and their families.

Each year Variety Clubs holds an International Convention to share new ideas and give special recognition to those individuals who have merited distinguished achievement. This year, one of my constituents, Dr. Jeffrey Meilman, was honored with Variety’s Sir James Carreras Award. This prestigious honor recognizes those physicians whose dedication and skills in pediatric medicine is truly exceptional.

Dr. Meilman has provided plastic surgery to countless children throughout the world, many times at his own expense. The result is that through the skillful hands and extraordinary care provided by Dr. Meilman, children in the United States, China, Poland, and throughout the Third World have had the opportunity for physical health and emotional well being to be restored.

Mr. Speaker, today I would like to bring Dr. Meilman’s superlative achievements to the attention of my colleagues in the House, and ask that they join me in expressing our heartfelt appreciation to Dr. Jeffrey Meilman and Variety Clubs International. May they continue to work together to utilize their God-given talents to save the lives of so many of our children.

TRIBUTE TO CATHY MAGUIRE
HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Cathy Maguire, who has just completed a 1-year term as president of the San Fernando Chamber of Commerce. Under Cathy’s dynamic leadership, the chamber strengthened the ties between businesses and residents in the city of San Fernando. She will be a tough act to follow.

Anyone who knows Cathy—and there are a lot of us—is not surprised by her successful tenure as chamber president. She is a very hard worker, as well as a regular presence at business and community events throughout the San Fernando Valley. I am amazed at her energy and impressed by her dedication.

The San Fernando Chamber is only one of many organizations to have been the beneficiaries of Cathy’s leadership skills over the years. For example, she is also on the board of directors of the Valley Industry and Commerce Association; a member of the Community Advisory Board of El Nido Family Services, San Fernando Valley; president of Soroptimist International, San Fernando Valley; and a member of the board of directors of New Directions for Youth.

In addition to her outside activities, Cathy is district manager for the Southern California Gas Co., where she plays a key role in strategic planning and implementation, financial management and marketing and advocacy. Indeed, the gas company is fortunate to be represented by a person as devoted and personable as Cathy.

I ask my colleagues to join me today in saluting Cathy Maguire, whose selflessness and spirit are an inspiration to us all. I am proud to be her friend.

TRIBUTE TO JUDGE RUDOLPH A. SACCO
HON. JOHN W. OLVER
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. OLVER. Mr. Speaker, balancing the scales of justice is often a very difficult task. The work of a judge is demanding, complex, and difficult, and it takes a very rare breed to handle the job successfully.

I am honored to have such a judge within the First Congressional District of Massachusetts. During his 23 years on the bench, Probate Court Judge Rudolph A. Sacco has admirably served the citizens of western Massachusetts.

A Boston College and Suffolk Law School graduate, Judge Sacco has never forgotten his alma mater or Pittsfield High School, Judge Sacco returned to Berkshire County with his degrees, prepared to give back to the community.

After some years in private practice, Judge Sacco was appointed as a special probate judge in 1973. He flourished in that part-time position, and was named a full judge in 1979. As probate judge, Rudolph Sacco has logged thousands and thousands of miles traveling the beautiful landscape of western Massachusetts. His territory not only covered his home Berkshire County, but Hampshire, Hampden, and Franklin Counties as well.

But Judge Sacco has done much more for his community than doling out justice. In 1957, he—along with his wife, the former Katherine Turschmann—founded Camp Karu, a day camp for area children.

Judge Sacco is also a proud father and grandfather, and has been an inspiration to his family.

TRIBUTE TO CATHY MAGUIRE
HON. LORETTA SANCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to address my colleagues about an issue that affects every family in this country. I am certain that all of you have a friend or relative, as I do, that has been afflicted by the scourge of cancer. Cancer is a disease that does not discriminate, it strikes every race, every economic level, every age, and every ethnic group. In 1997 alone we can expect over 130,000 new cases of cancer to be diagnosed, and that will be in the State of California alone.

However, in the war against cancer, we are beginning to see success. Effective and dedicated organizations such as the American Cancer Society are leading the fight in the battle for a cure. For the first time in history, over all death rates from cancer are actually declining, and with an enhanced nationwide effort, the cancer death rate could be cut in half by the year 2015. A major part of that nationwide effort is the contribution of the Orange County American Cancer Society, which served over 5,000 cancer patients in the county last year.

On June 20 and 21, 1997, the Orange County American Cancer Society will hold its annual Relay for Life to raise awareness of the disease and call attention to the work of the American Cancer Society. Community colleges from around Orange County will host teams of runners and walkers competing against each other to raise money for cancer research. Each team will field from 15 to 20 runners. For 18 hours, one team member will be on the track at all times, walking, jogging, or wheelchairing in 30-minute intervals. During the race an all night vigil entitled “The Mile of Hope” will take place to honor cancer survivors and those who have lost their battles against cancer. The Relay for Life is sure to affect every family in this country. I am certain that all of you have a friend or relative, as I do, that has been afflicted by the scourge of cancer. Cancer is a disease that does not discriminate, it strikes every race, every economic level, every age, and every ethnic group. In 1997 alone we can expect over 130,000 new cases of cancer to be diagnosed, and that will be in the State of California alone.

However, in the war against cancer, we are beginning to see success. Effective and dedicated organizations such as the American Cancer Society are leading the fight in the battle for a cure. For the first time in history, over all death rates from cancer are actually declining, and with an enhanced nationwide effort, the cancer death rate could be cut in half by the year 2015. A major part of that nationwide effort is the contribution of the Orange County American Cancer Society, which served over 5,000 cancer patients in the county last year.

On June 20 and 21, 1997, the Orange County American Cancer Society will hold its annual Relay for Life to raise awareness of the disease and call attention to the work of the American Cancer Society. Community colleges from around Orange County will host teams of runners and walkers competing against each other to raise money for cancer research. Each team will field from 15 to 20 runners. For 18 hours, one team member will be on the track at all times, walking, jogging, or wheelchairing in 30-minute intervals. During the race an all night vigil entitled “The Mile of Hope” will take place to honor cancer survivors and those who have lost their battles against cancer. The Relay for Life is sure to be an enlightening and consciousness raising event. It is the only relay event that raises money for the American Cancer Society in Orange County. I am pleased to call attention to the event and I wish to commend the Orange County American Cancer Society for its work on behalf of our families. I look forward to its continued efforts in the areas of cancer research, education, advocacy, and service.
DEATH OF AUDLEY “QUEEN MOTHER” MOORE

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. RANGEL. Mr. Speaker, I rise to pay respect and tribute to Audley Moore, affectionately known as Queen Mother Moore, who died in a Brooklyn nursing home on May 2 at the age of 98. She was given the honorary title of “Our Queen Mother” by an Ashanti tribe in Ghana.

Mother Moore lived a long and active life, dedicated to public service and improvement of the lives of African-Americans. Born on July 28, 1898 in New Iberia, LA, to second generation freed blacks, she became a revered public figure in Harlem, best known as an advocate for Africa and African-Americans. Moore’s ideas and teachings of Pan-African Nationalism was influenced by great political personalities such as W.E.B. DuBois and Marcus Garvey. As a civil rights activist, Mother Moore worked closely with leaders of the Scottsboro Boys. Internationally, she spoke on her disapprival of the Italo-Ethiopian war.

“I am not a part-time struggle,” she once said. “I’m in the movement for the liberation of African people full-time, 7 days a week, 24 hours per day, for life.”

Her career was influenced by the violence and hatred she endured as a young child and young woman. While in the fourth grade, Moore’s parents died and thus ended her formal education. During World War I while in Alabama, Moore was a volunteer nurse who involved herself in the first of her movements for the equality of blacks by organizing support services for black soldiers that were denied by the Red Cross.

Mother Moore was drawn to the idea of black nationalism and economic independence by the oratory of Marcus Garvey, founder of the Harlem-based Universal Negro Improvement Association. She became an active member of the organization, and founded the Harriet Tubman Association to better the condition of black women. Through this organization, Moore advocated issues such as higher wages, better education, and the lowering of food prices to help improve the conditions of the poor. Following her brief membership in the Communist party—at the time, the only organization that accepted her radical ideas—she focused her attention on seeking economic reparations for descendants of the victims of slavery, cultural identity, and education. She launched a national campaign in support of economic reparations. Moore believed that economic reparations were the first constructive step in black nationalists ideology.

As an orator, her rhetoric on this issue was powerful—

Ever since 1950, I’ve been on the trail fighting for reparations. They owe us more than they could ever pay. They stole our language; they stole us from our mothers and fathers and took our names from us. They worked us free of charge 18 hours a day, 7 days a week, under the lash for centuries. We lost over 100 million lives in the traffic of slavery.

In 1962, Mother Moore met with President John F. Kennedy, the United Nations, and the Congressional Black Caucus about the issue of economic reparations. She later organized and directed the Reparations Committee of Descendants of United States Slaves.

One of her last public appearances was at the Million Man March in Washington, DC. Although weak, her poignant speech was delivered by an associate. Her presence was strongly felt as the great African-American heritage and she will be greatly missed. I send my deepest condolences to her son, Thomas, grandchildren, and great-grandchild.

TRIBUTE TO DR. GERALD S. LAZARUS

HON. VIC FAZIO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. FAZIO of California. Mr. Speaker, my colleagues, Mr. Matsui, and I rise today to pay tribute to Dr. Gerald S. Lazarus, who is stepping down as dean of the School of Medicine at the University of California at Davis, a position he has held since 1993.

A graduate of Colby College and the School of Medicine at the George Washington University, Dr. Lazarus has established an outstanding reputation in the field of dermatology. His work within this discipline includes a residency at the University of Michigan, as well as the position of chief resident in dermatology at Harvard Medical School from 1969 until 1970. From 1975 until 1982, Dr. Lazarus held the post of chairman of the division of dermatology at the Duke University Medical Center.

Following his time in North Carolina, Dr. Lazarus was the Milton B. Hartzell Professor and Chairman of Dermatology at the University of Pennsylvania School of Medicine in Philadelphia from 1982 until 1993.

In 1993, Dr. Lazarus, by then a nationally known figure in academic medicine, assumed the high position of dean of the School of Medicine at UC Davis, and professor in the departments of dermatology and biological chemistry. Dr. Lazarus’ leadership at Davis quickly enhanced the medical school’s already superior academic standing.

In March 1996, Dr. Lazarus accepted the UC Davis Annual Affirmative Action and Diversity Achievement Award, a worthy recognition of his steadfast commitment to diversity among medical students.

Also in 1996, Dr. Lazarus’ alma mater honored him in Washington, DC, with the George Washington University's Distinguished Alumni Achievement Award. This distinction acknowledged his association to the highest levels of academic medical excellence.

While administering one of the Nation’s finest medical schools, Dr. Lazarus has also found time to author extensive scholarly publications in numerous academic journals. He has penned more than 125 original papers, including a number of books, during an amazing prolific career.

His leadership also extends to a variety of professional medical and scientific associations. Dr. Lazarus is currently president of the Society of Investigative Dermatology, as well as a member of the American Society for Clinical Investigation and the American Association of Physicians.

Mr. Speaker, throughout his long and successful career Gerald Lazarus had shown himself to be a great asset to such prominent academic institution with which he has been affiliated. This is certainly true of his tenure at the UC Davis School of Medicine.

On the occasion of his departure from the dean’s office at the UC Davis Medical School, we all wish our colleagues to warmly thank Gerald S. Lazarus, M.D., a remarkable educator, physician, and citizen. Let us wish him every success in his future academic endeavors.

STATEMENT BY SANU MISHRA, BRATTLEBORO HIGH SCHOOL, REGARDING SWEATSHOP LABOR

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by a high school student from Brattleboro, VT, who was speaking at my recent town meeting on issues facing young people.

Ms. Mishra: Good morning, Congressman Sanders. I have come here today to speak about the issue of sweatshops.

The dictionary defines a sweatshop as a factory where workers work long hours for low wages under unhealthy conditions. You know as well as I that this type of work exists today and it is being used by many rich and famous companies. I would like to focus on one particular company, Disney, and its factories in Haiti.

Disney exploits thousands of people in Haiti every day. It hires the Haitian people to work in its sweatshops, paying them only 28 cents an hour, requiring them to strive toward fairly impossible quotas and keeping them from ever being able to change their conditions.

But which responsibility does a company like Disney have for the well-being of its employees? According to the United States government the responsibility is large. Corporate codes of conduct guarantee the human rights of any person working for a U.S. company be it in the U.S. or abroad.

Trade benefits are given to Disney by the U.S. and Haiti on the condition that there is respect for human rights, but while Disney enjoys the tax exemptions, it doesn’t live up to its part of the bargain. 28 cents an hour is not enough to cover the cost of living wages and working conditions. Its manufacturers know this. While it may indeed be the minimum wage in Haiti, we must ask ourselves is it enough for a person to survive?

If you believe as does Disney that it is not an essential, that it is an essential part of everyday life to eat, that education isn’t important, and that diseases such as malaria and dysentery can be fought off without even medicines then 28 cents is more than enough. But if you would agree that living on sugar water, going to bed hungry and being in constant debt is unfair and not right, then you would side with the Haitian workers.

The average Haitian Disney employee after paying off all her debts she possibly can comes home to her family with little more than $3 in her pocket. Keep in mind that the
The Haitian workers are not being extravagant in their requests, asking for a 30 cent pay raise from 28 to 58 cents an hour. Right now the workers are receiving less than one half of one percent in the total cost of the merchandise they make, earning 7 cents for every $11.97 pair of pajamas they sew. If granted their request they would be earning 9 cents out of every $11.97 pair of pajamas they sew; that is a two cent difference. This would mean Disney, their contractors and Walmart with over 99 percent of the profit.

Disney can afford to give a pay rise for its Haitian workers. It pays its CEO, Michael Eisner over $10,000 an hour; $10,000 compared to 28 cents. It would take a worker in Haiti sewing Disney clothes 14 and a half years to earn what Michael Eisner earns in one hour, and 29,000 years to earn what he earns in one year.

Finally, raising the wages of the Haitian workers would not only be beneficial to the workers themselves but to U.S. residents as well. A person earning 28 cents an hour who cannot even afford to feed her own family cannot afford to buy products made in the U.S.

I urge you, Congressman Sanders to look into the dealings of Disney in Haiti; I urge you to put pressure on companies such as Disney to stop the use of sweatshops; I urge you to get Disney to live up to its responsibilities as an employer. The Haitian people deserve better.

In the case of Disney I know that in Grand Rapids there is a factory and Disney moved its company overseas and a lot of people in Grand Rapids lost their jobs. They had been working there for 20 years, as much as 20 years, and now they are without jobs, working at McDonald's or whatever they can find.

Citizens can watch what they are buying if they see something made from Disney, look at where it is made, and if it is made in Haiti you know these people are working for so long and have such hard hours and they are not earning anything. They do not even have enough food to eat. You have to consider that. The clock is really nice, but do you really want to support a sweatshop in Haiti?

HONORING GESU CATHOLIC SCHOOL AS A BLUE RIBBON SCHOOL

HON. LOUIS STOKES OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. STOKES. Mr. Speaker, Mr. I rise to recognize the outstanding achievements of Gesu Catholic School in University Heights, OH, of my congressional district. Richard Riley, Secretary of the Department of Education has named Gesu Catholic School a Blue Ribbon School. This prestigious award is given to schools in recognition of excellence in teaching and learning. As one of only 263 public and private elementary and middle schools across the Nation to receive this honor, Gesu Catholic School should be commended as should its principal, Sister Mary Reiling, SND, for her strong leadership to the Gesu academic community.

Gesu Catholic School has a strong reputation for excellence in teaching and learning, family involvement, as well as a longstanding commitment to social justice and community outreach. In fact, every Gesu student participates in the gifted/enrichment program and is expected to achieve their maximum potential. Through a well rounded academic curriculum, supportive learning environment, and classroom experience that has been expanded beyond school walls, Gesu is helping its students gain a clear understanding of academic subjects and is teaching them to effectively and appropriately apply their knowledge to real experiences.

Secretary Riley honored Gesu Catholic School because it provides students with a safe, disciplined, and drug-free environment in which to pursue a challenging and rigorous academic experience. Gesu is a Blue Ribbon School because of the hard work of its students, the staunch commitment of its faculty and staff, and the continued support of its parents and graduates.

Mr. Speaker, I am very pleased to commend the faculty, staff, students, and parents of this fine academic institution. By joining their efforts together, the Gesu academic community is providing excellent education for many students in my district.

THE CASE FOR A MUCH SMALLER MILITARY

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, in the June 23rd issue of Fortune magazine, Doug Bandow of the Cato Institute has a column entitled and persuasive statement of the case for a substantial reduction in U.S. military spending. At a time when we are facing drastic measures in various places to meet the widely shared goal of a balanced budget, we can afford even less than before tens of billions of dollars in unnecessary military spending. As Mr. Bandow notes, “the bulk of the Pentagon budget continues to fund Washington’s Cold War alliances. For example, through the North Atlantic Treaty Organization, 100,000 U.S. soldiers stand guard lest phantom Soviet divisions invade Europe.”

The notion that the United States must spend tens of billions of dollars a year for a valid military purpose but simply to enhance our world leadership, as Mr. Bandow goes on to point out, is simply wrong. Few dispute the importance of the United States being by far the largest military power. What is disputing is the need for us to spend tens of billions per year beyond what it takes to maintain position for the nebulous privilege of leadership which, according to some apparently, we must purchase from our wealthy allies by subsidizing them. Indeed, in the New York Times for June 4, an article noted that the Japanese plan to deal with their budget deficit by, among other things, further reducing their already very small military budget—secure, no doubt, in the knowledge that the United States taxpayers will provide.

I ask that Mr. Bandow’s very thoughtful article be printed for the edification of Members as we debate the budget.
Tribute to Robert Doyle

Hon. Allen Boyd
Of Florida
In the House of Representatives
Tuesday, June 10, 1997

Mr. BOYD. Mr. Speaker, I rise to celebrate the 28th birthday of Robert Doyle, a loyal member of my staff. As a lifelong, faithful Democrat, Bob has served the party with tireless dedication.

Bob's interest in politics began at a young age. His 3-year service as his high school's class president began a noteworthy career in politics. Bob has also worked on several political campaigns including Leader Gephardt's Presidential campaign and the Maryland gubernatorial election. In his most recent venture, Bob managed my own successful congressional campaign this past November. He has worked for the office of the majority leader in the Florida State House of Representatives, and as vice president of the Windsor Group, a political consulting firm in Tallahassee.

Bob and I quickly became friends during my time in the Florida Legislature and while working together on the campaign trail. He is like family to me and I am proud to rise today to wish him all the best on his 28th birthday.

Mr. Sanders. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Enosburg High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. LUDLUM: Good afternoon, Congressman Sanders. It is generally acknowledged that an educated citizenry is a desired thing for the United States. It is said that it is imperative in this age of globalization. Through it the skills, knowledge and value of our democratic capitalist system are imparted to the next generation, thus enabling us to better compete globally. However, many American public schools are not adequately preparing their students. Too many graduates of American high schools are ill prepared to compete in the global marketplace. The question is how best to fix this?

Ms. STANLEY: Many educational models, theories and philosophies to make public schools more effective. While educational theorists, politicians and practitioners are locked in a constant tug of war over the most effective practices to follow. Students needs and wants are not being met. Without a school choice most students are simply going through the motions. They wish to get an education which meets their needs and wants must wait until they graduate from high school. At that point they can, within the limits of their financial needs, attend the school of their choice. But why wait until then? Why not extend school choice to all high school students or for that matter to all students who want to attend public schools.

Mr. WHITEHEAD: A student who chooses not to go to Enosburg whether they are from Enosburg or not, if they are from a different town from Enosburg their town would pay for them to go. They would pay as much or roughly as much as they would pay for a public education in Enosburg.
Tribute to Ambassador Dick Carlson

Hon. Henry Bonilla
Of Texas
In the House of Representatives
Tuesday, June 10, 1997

Mr. BONILLA. Mr. Speaker, I rise today to pay tribute to Ambassador Dick Carlson, the former president of the Corporation for Public Broadcasting [CPB]. Ambassador Carlson's strong leadership and commitment guided the CPB during its most turbulent years.

Ambassador Carlson brought his broad experience as a journalist and former news anchor in Los Angeles and as a public servant under the Reagan and Bush administrations to the CPB. He served in the Reagan and Bush administrations as director of the Voice of America and was appointed as Ambassador to the Seychelle Islands by President Bush. The unique combination of diplomatic skills, knowledge of journalism, and broadcasting, and widening contacts proved to be a powerful attribute for successfully leading CPB for the last 5 years.

Ambassador Carlson leaves a legacy of commonsense reform at CPB at a time when Congress is moving to balance the budget. Under his leadership CPB moved in the direction of becoming a system of greater efficiency. He helped bring improved ideological balance to the CPB.

CPB should continue in the direction Ambassador Carlson has set out. Following in Ambassador Carlson's footsteps to bring modernization to the CPB as we encounter the 21st century will protect the future of public broadcasting. We salute him and thank him for a job well-done.

Tribute to Irmo Elementary School

Hon. Floyd Spence
Of South Carolina
In the House of Representatives
Tuesday, June 10, 1997

Mr. SPENCE. Mr. Speaker, as the 1996-97 school year comes to a close, I would like to take this opportunity to bring to the attention of my colleagues the achievements of Irmo Elementary School, in Irmo, SC. This outstanding school was one of only two South Carolina elementary schools to receive the Carolina First School award. It is the only school in the Syracuse area to receive the commendation. Many of the programs at Porter are innovative. They involve parents in creative ways, such as communication through audio and visual tapes in instances where literacy at home is a question. The faculty, led by Principal Octavia Wilcox, has worked hard to produce a learning environment which challenges the students. Using tax dollars wisely in pursuit of high standards in education is a top priority.

But more importantly than the hardware, Porter prides itself in a philosophy, Every child can learn. Parents must be involved. Excellence is worth pursuing. Principal Wilcox says the faculty tries to compete with other forces, negative forces, for students' time. The curriculum stresses the future and the students are taught to think about what comes next—the next level of education and then careers.

I am very proud to congratulate the Syracuse School District in general for its support of programs like the one at Porter School.

Honor William F. Goodling
Of Pennsylvania
In the House of Representatives
Tuesday, June 10, 1997

Mr. GOODLING. Mr. Speaker, I rise today to honor one of my constituents. Mr. Lawrence William Walsh, who will retire on July 3, 1997, after nearly 40 years of distinguished public service in the Federal Government.

Mr. Walsh began his career in 1958 with the Civil Aeronautics Administration and most recently served as Manager of the Federal Aviation Administration's [FAA] Airports District Office in Harrisburg, where he directed the development of public airports in Pennsylvania and Delaware. He administered a total of 1,262 grants representing $970 million in Federal funds for airports in Pennsylvania and Delaware.

Mr. Walsh has been recognized for his superior performance and has received many commendations during his tenure with the FAA. These awards include: the Airports Division Employee of the Year, Regional Administrator Human Relations Award, Federal Aviation Council of Pennsylvania Achievement Award, and the Regional Administrator's STAR Award.

Mr. Speaker, I am pleased to have the opportunity to honor Mr. Walsh's long record of service and excellence. His dedication to his career and his country is most worthy of special recognition. On behalf of the residents of Pennsylvania's 19th Congressional District, I wish him the very best on his retirement.

Tribute to Paul Cronin

Hon. Martin T. Meehan
Of Massachusetts
In the House of Representatives
Tuesday, June 10, 1997

Mr. MEEHAN. Mr. Speaker, at just 12 years of age, Paul Cronin knew he wanted to serve the Commonwealth of Massachusetts. Through hard work and dedication, Paul was able to achieve his dream. He served his hometown, Andover, MA, first as a Selectman and then at age 24 as a State Representative, making him the youngest elected official in the State at the time. His career in public service culminated when he was elected to represent the Massachusetts Fifth District in the U.S. House of Representatives, the seat I now hold.

Paul Cronin passed away on April 5, 1997, at just 59 years old, after a lengthy battle with cancer. It was an especially sad day because just 4 months earlier another great man from the fifth district was taken from us, Paul Tsongas.

Like Tsongas, politics did not consume Cronin's life. Paul Cronin gave unselfishly of himself to his community. He was particularly proud of his long association with the Lawrence Boys and Girls Club, which named its new girls' gym for his mother, Anna Marie Cronin, only after Paul declined the honor for himself.

His career and personal life were marked by optimism and achievement and he faced death as he faced life, with dignity, courage, and perseverance.

If NATO is expanded, our allies must pay more of the costs

Hon. Bernard Sanders
Of Vermont
In the House of Representatives
Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, I would like to make a few observations today about the European Security Act (H.R. 1758), which authorizes United States taxpayer dollars to prepare the Baltic States for NATO expansion.
Let me begin with a quote by former United States Secretary of State, Lawrence Eagleburger, from the Bush administration, commenting on NATO expansion and the Baltic countries:

"If we ever think of bringing the Baltic countries into NATO we ought to have our heads on our place, it would be a real threat—threat maybe not but a real challenge—to the Russians. Think about the commitment to defend them—we couldn’t do it even if we were the only superpower in the world, which we seem to be.

First of all, Russia clearly perceives that the expansion of NATO into the Baltics would be an aggressive, wholly unjustifiable move by the United States. On May 22, 1997, President Boris Yeltsin’s spokesman, Sergei Yastrzhembskii, stated that if NATO expands to include former Soviet Republics, Russia will review all of its foreign policy priorities and its relations with the West. Since the cold war is over, why are we militarily provoking Russia?

Second, how much more are we going to ask United States taxpayers to ante up to defend Europe in an expanded NATO with a still undefined mission? The total price tag is estimated at anywhere from $27 billion to $150 billion over the next 10 to 12 years. The Congressional Budget Office has estimated that the cost of NATO expansion will be between $60.6 billion to $124.7 billion over 15 years. Don’t forget that we have already paid $60 million through the NATO Enlargement Facilitation Act in order to assist Poland, the Czech Republic, Hungary, and Slovenia in bringing their Armed Forces up to NATO standards.

Lastly, I am also concerned about reports that several of the prospective new NATO member states have been involved in arms sales to terrorist countries. For example, Poland has made five shipments to Iran of T72 tanks, equipment and trainers. Slovenia sent 60 tanks to Iran, and Bulgaria sent North Korea 15 tons of explosives.

After four decades of the cold war and trillions of United States taxpayer dollars allocated to the arms race, many of our constituents understand that it is not the time to continue wasting tens of billions of dollars helping to defend Europe, let alone assume more than our share of any costs associated with expanding NATO eastward.

Mr. Speaker, in the words of New York Times columnist Thomas Friedman, “We [get] nothing for NATO expansion but a bill.”

APPOINTMENT OF REPRESENTATIVE THOMAS FOGLIETTA AS U.S. AMBASSADOR TO ITALY

HON. ANNA G. ESCHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Ms. ESCHOO. Mr. Speaker, I rise today to honor one of the House’s most distinguished Members, Representative Thomas Foglietta of Pennsylvania, for his upcoming appointment by the President as the next U.S. Ambassador to Italy. This is an extraordinary and well-deserved honor for a true gentleman who has given four decades of his life to public service.

Since his election to the House of Representatives in 1980, Tom Foglietta has been a tireless fighter for his constituents in Philadelphia and Delaware County. As a member of the Appropriations Committee and a leader of the Urban Caucus, he has protected city jobs, helped restore Independence Hall, and put more police on the streets.

Perhaps just as important to his new duties, Tom Foglietta has been on the forefront of global affairs. He has worked to provide famine relief to starving people overseas and has never hesitated to speak up against tyrants around the world.

Only in America would the grandson of immigrants who came from Italy over 100 years ago live the dream of representing the birthplace of this Nation’s freedom in the Halls of Congress and go on to serve his country as its representative in the land of his family’s heritage. Tom Foglietta is an outstanding example of what is possible for those who serve the United States with honor and distinction.

Mr. Speaker, Washington’s loss is Italy’s gain. Congress will undoubtedly be a lesser place when Tom Foglietta takes his intelligence, dedication, integrity, and charm to the Eternal City. I am proud to tell you that my colleague is extend- ing best wishes and a fond arrivederci to Tom Foglietta as he stands ready to embark on another exciting chapter of his career, and insert the following editorial from the Philadelphia Inquirer to be included for the Record.

ARRIVEDERCI—Tom Foglietta Has Earned His New Job. Let’s Hope His Successor Serves the Region as Well as He Did

After four decades of public service, Tom Foglietta has shown that melds diplomacy and la dolce vita: U.S. ambassador to Italy. So even though the Philadelphia area stands to lose its most senior member of the U.S. House, his constituents in the city and in Delaware County can still salute the (unofficial) news that he’s headed for Rome.

Mr. Foglietta has worked hard for the needs of Philadelphia and other cities. As a member of the Appropriations Committee since 1993 and as a prime mover of the Urban Caucus, he’s helped many dollars at urban needs. His local causes have included protecting jobs at the Philadelphia Yards, reversing the neglect of Independence Hall, and funding more police for the city of Chester.

Not all of his votes on pocketbook issues have been dead-on. He backed the Clinton economic package, tax hikes and all, but loudly opposed the modest, Penny-Kasich spending cuts. He sided with labor over consumers by voting against NAFTA.

But Mr. Foglietta is more than a bring-home-the-bacon guy. He’s been a leading voice against deserts across the globe. He’s been as committed to famine relief in Africa as he was to food assistance at home.

A fair assessment of Mr. Foglietta’s contributions must look beyond his specific stands on issues renowned for political corruption, Mr. Foglietta stood against the tide.

Running for Congress as an independent in 1980, he beat the comeback bid by Democrat Michael “Ozzie” Myers, who had been expelled from the House after being convicted of taking an Abscam bribe. In 1984 and 1986, Mr. Foglietta turned back strong challenges by a future felon: then-Councilman James Brady. Neither of them stacks up to Tom Foglietta.

EXPAND PRIVATE INSURANCE COVERAGE FOR KIDS

HON. MARTIN O’LEARY SABO
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. SABO. Mr. Speaker, one out of every seven American children is going without health insurance. These 10 million children—including 70,000 in my home State of Minnesota—are less likely to get preventive care to keep them healthy, or see a doctor when they get sick. These obstacles to health care can lead to harmful and lasting effects. For example, children whose ear infections go undiagnosed and untreated can suffer from permanent hearing loss.

Sadly, there are signs that the prognosis for the health of America’s children is getting worse. The number of families receiving insurance sponsored by their employer has declined from 67 percent in 1987 to 59 percent in 1995. Additionally, premium costs for family coverage are on the rise, placing health insurance beyond the reach of an increasing number of working families.

Enough is enough. It is time for all of us to commit to solving this problem. Today, I am introducing legislation that takes one step toward a comprehensive solution.

The Children’s Health Coverage Improvement Act of 1997 would mandate children’s-only policies widely available to families at more affordable group rates. Federally regulated self-insured health plans would be required to offer these policies as one of the options available to their employees.

Many low-income working families simply cannot find room in the family budget to pay the increasingly large premiums for family policies. Moreover, many financially strapped single parents cannot afford to pay family premiums designed to cover two adults plus children. The only policy that answers for these hard-working and hard-pressed families.

According to a recent survey of 600 employers, the majority of respondents indicated a strong sense of responsibility toward their workers and expressed sympathy for those who are uninsured. My legislation builds upon this sense of community, and creates a new way for employers to make coverage available to children.

This legislation is also sensitive to employers’ concerns that they cannot assume further insurance costs. Instead of requiring an employer to shoulder a specified portion of insurance costs, this bill allows the dynamics of the
group insurance market to create affordable kids-only policies.

Shoring up the decline in employer-sponsored health care is one way to help get kids insured. Ten million American children need help. It’s time for all of us—in both the private and public section—to pitch in and make sure they get it.

IN HONOR OF RICHARD D. ACTON
HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997
Mr. KUCINICH. Mr. Speaker, I rise to honor Richard D. Acton, a union leader for over 45 years who has worked tirelessly for his members and for his community.

Dick began his union career as a member of the International Brotherhood of Electrical Workers Union, Local No. 38. He rapidly earned the respect and visibility for guidance, service, and achievement. As part of her missionary duties, Emma visits the sick and shut-in at home, hospitals, and nursing homes. Beyond merely visiting, Emma and her group clean the homes and fix meals for the members who are unable to do so for themselves.

Emma volunteers as a teacher in the Saturday Outreach Program and Vacation Bible School. She supports these groups by preparing and serving refreshments for use during group activities. Emma is also a member of the Music Ministry Committee and is a supporter of the current youth leaders of the group.

Emma has served many years on the Board of Christian Education and on the Calvary Baptist Scholarship Committee. Her belief in the future of our children has led her to faithfully make a regular individual donation to the Calvary Baptist Scholarship Fund.

Emma provides a support role as a current and past member of Calvary’s Trustee Group. She is a loyal and dedicated member of the Chancelor choir and actively supports all the programs and events the church sponsors each year, including Women’s Day.

Emma religiously dedicates her time in prayer to the growth of Calvary Baptist Church and its programs. This time is not only given at Wednesday prayer service or Saturday morning prayer service but faithfully and regularly at home for the church, its people and its mission as well.

Mr. Speaker, I ask that you join me, our colleagues, Emma’s family and friends, and the congregation of Calvary Baptist Church in recognizing Deaconess Emma P. Urquhart’s outstanding and invaluable service to the community.

EMMA P. URQUHART, DEACONESS OF CALVARY BAPTIST CHURCH
HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997
Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Emma P. Urquhart, deaconess of Calvary Baptist Church in Paterson, N.J.

A faithful, dedicated, and active member of Calvary Baptist Church, Emma is president of the Senior Missionary Society. As a member of the Progressive Women of Calvary, she supports the Christian ministries in both these organizations. She is also one of the devotion leaders for the Golden Keys senior group.

Emma is very active in Calvary’s bereavement endeavors, whether helping in the kitchen, serving the congregation, or attending to the families spiritual needs during their time of sorrow.

Emma is an encourager to the youth, the sick and shut-in, the entire congregation of Calvary Baptist Church, and the community. She calls upon delinquent and past members, and invites them not to be freeloaders.

As part of her missionary duties, Emma visits the sick and shut-in at home, hospitals, and nursing homes. Beyond merely visiting, Emma and her group clean the homes and fix meals for the members who are unable to do so for themselves.

Emma volunteers as a teacher in the Saturday Outreach Program and Vacation Bible School. She supports these groups by preparing and serving refreshments for use during group activities. Emma is also a member of the Music Ministry Committee and is a supporter of the current youth leaders of the group.

Emma has served many years on the Board of Christian Education and on the Calvary Baptist Scholarship Committee. Her belief in the future of our children has led her to faithfully make a regular individual donation to the Calvary Baptist Scholarship Fund.

Emma provides a support role as a current and past member of Calvary’s Trustee Group. She is a loyal and dedicated member of the Chancelor choir and actively supports all the programs and events the church sponsors each year, including Women’s Day.

Emma religiously dedicates her time in prayer to the growth of Calvary Baptist Church and its programs. This time is not only given at Wednesday prayer service or Saturday morning prayer service but faithfully and regularly at home for the church, its people and its mission as well.

Mr. Speaker, I ask that you join me, our colleagues, Emma’s family and friends, and the congregation of Calvary Baptist Church in recognizing Deaconess Emma P. Urquhart’s outstanding and invaluable service to the community.

STATEMENTS BY ALYSSA LEACH AND SAM HERR, GAILER SCHOOL, MIDDLETOWN, VT, REGARDING THE INTERNET VERE THE FIRST AMENDMENT
HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997
Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Gailer School in VT, who were speaking at my recent town meeting on issues facing young people.

Ms. LEACH: Congressman Sanders, the United States government wants to regulate the information available on the Internet via the U.S. Communications Decency Act and Exxon-Garten Communications Decency legislation.

We as adult citizens in the United States believe that this legislation is violating our First Amendment rights to the freedom of expression.

The First Amendment was created by the American founders to protect the individual’s rights, two of these rights being freedom of speech and freedom of expression. The CDA is going to be both rights and violating the First Amendment. Is this right? No. The CDA calls for a $100,000 fine and up to two years in jail for transmitting indecent material over the computer networks.

What is indecent? What is indecent to someone may not be the same to another. This is why it is self-expression which is protected by the First Amendment. Expressing yourself is an American right. It may come in the form of unconventional speech down to pornography, but it is all self-expression.

Americans should be able to speak freely over the Internet about controversial issues such as abortion or sex without fear of prosecution. We are not a free people if we cannot speak freely and share our opinions. As for children, they are under their parents’ responsibility for guidance on the Internet. Adult expression should not be prohibited for the protection of children. The government does not parent children, parents parent children.

So I say to you, please protect our rights. The Internet is a wonderful way to express and share our opinions with the world. Don’t let us have to be afraid of prosecution if we have unconventional, maybe indecent opinions which we wish to express. If the CDA is passed we will start losing our First Amendment rights. Keep us a free people, free to express ourselves.

Mr. HERR. There are also important technological concerns. If the websites on the Internet are located on the hard drives of computers that are physically located outside of any area in which the United States can be said to have jurisdiction and this number is growing. How would the Communications Decency Act prevent children within the United States from accessing information and pictures contained within these sites? In addition, it would be entirely possible for United States citizens to rent space on one of these foreign and post any information or pictures that he or she wanted to.

The Communications Decency Act makes it illegal for an Internet service provider such as America Online to provide material that is patently offensive to minors. It is possible for these organizations to not directly to provide such information to minors by not carrying it on the Internet service which they control. However, there are many public Internet servers that are available for use by anyone attached to the Internet. The CDA would not be regulated by the Communications Decency Act. Therefore, any Internet service provider whose users could access any of these servers would be open to prosecution under the Communications Decency Act.

As you can see, Representative Sanders, it is clearly unfair to any Internet service provider and could in fact act to shut down the Internet within the United States whereby denying U.S. citizens access to a valuable tool.

Lastly, because of the way Internet protocols are written there is no way of confirming the age of persons accessing a website or server. The way the CDA is written causes many Internet sites to provide material solely for adult audiences because they have been technically unable to prevent minors from accessing them. Electronic ID is the best quick fix for this problem as minors can get these IDs and there...
are so many competing standards that adults cannot access some sites. We do not object to your controlling what comes through the Internet to your own children, so long as you tell your child safety. There are softwares available for just for that purpose. It's low cost and schools can obtain that as well.

Ms. LEECH: Also monitoring what your children are seeing on the Internet is very important. Relating to what the kids are doing on the Internet is important so you know what they are looking at. It is the parents' responsibility just as it is with television to watch what your kid are looking at and whether you want them to see or not to see. I have heard things like yelling fire, which is inappropriate but that is a totally different subject, that is a different kind of expression.

Mr. HERR: I would argue that it is their right to yell fire, but they have to face the consequences of their actions which would be prosecution for manslaughter in that case. It is a valid idea from that person's point of view and whoever did the acts that were portrayed on that Internet site would be liable for prosecution under the current laws.

TRIBUTE TO JAN KARSKI
HON. T. LANTOS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the extraordinary and heroic accomplishments of one of the last of the true heroes that defined our times. Mr. Karski joined the Polish underground at the age of 18 and risked his life for strangers to fulfill what he insisted he did "nothing extraordinary." When visiting the National Holocaust Museum, he came upon the Wall of Righteous, the tribunal of those who risked their lives for strangers. Mr. Karski's humility is always evident.

The true nature of Jan Karski, despite his protestations, is summed up by two men whose words speak for themselves. Shimon Peres said, "a great man is one who stands head and shoulder above his people, a man who, when surrounded by overpowering evil and blind hatred, does all in his power to stem the tide. Karski ranks high in the all-too-brief list of such great and unique personalities who stood out in the darkest age of Jewish history."

In 1944, Jan Karski wrote the book "Story of a Secret State" detailing his experiences, which became a bestseller. After the war, he moved to the United States where he married, became an American citizen, and received a doctorate from Georgetown University. Mr. Karski went on to a distinguished teaching career at Georgetown University.

Mr. Karski's humility is always evident. When visiting the National Holocaust Museum, he came upon the Wall of Righteous, the tribute to non-Jews. He quickly passed the plaque upon which his name was inscribed, instead preferring to seek out the names of his underground comrades. Mr. Karski is quick to point out that "the Jews were abandoned by governments, by church hierarchies, and by societal structures. But they were not abandoned by all humanity." He feels that he is no different from anyone else who tried to ease the plight of the Jewish people. Remarkably, he insists he did "nothing extraordinary."

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

HON. JAMES P. MORAN
of Virginia
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. MORAN of Virginia. Mr. Speaker, it is a great honor to rise today in appreciation of Chief Bankruptcy Judge Martin V.B. Bostetter, Jr. and to introduce legislation naming the U.S. Courthouse on South Washington Street in Alexandria in his honor. Chief Judge Bostetter was born on March 11, 1926, in Baltimore, MD, and attended Mount Vernon High School and Fairfax County Public Schools. After World War II, he served in the U.S. Navy and then attended the University of Virginia where he obtained his bachelor of arts degree in 1950 and his Latin bachelor of laws degree in 1952.

Since 1952, his entire legal career has occurred within an eight-mile radius in Old Town Alexandria. He began the practice of law in the city of Alexandria, and in 1953, he was appointed special assistant to the city attorney, serving in the capacity of city prosecutor. He resigned that position in 1957 to become associate judge of the municipal court of the city of Alexandria, where he served for a period of 2 years, resigning in 1959.

Judge Bostetter was appointed to the U.S. Bankruptcy Court in 1959, and presently serves as U.S. Bankruptcy Judge for the Eastern District of Virginia, having been appointed chief judge on February 1, 1985. He ranks among the longest sitting full-time bankruptcy judges in the United States.

In 1959, Judge Bostetter established the First Bankruptcy Court in Alexandria, in the former Federal District courthouse—the very building he now occupies as chief judge of the Bankruptcy Court for the District of Virginia, 38 years later. He has taken special interest and great pride in the ongoing renovation of this historic building and landmark.

When Judge Bostetter first sat on the bench in 1959, there were approximately nine bankruptcy filings per month and the bankruptcy court had only one employee. He remained the only full time bankruptcy judge in Alexandria Division from July 1959 until December 1994. During the late 1980's and early 1990's, he handled the caseload of approximately 2 1/2 judges.

During his service on the bench, Chief Judge Bostetter has seen the Bankruptcy Court for the Eastern District of Virginia grow to three divisions with 5 full-time judges and staff, 90 employees in its clerk's office and averages of more than 2,600 bankruptcy filings per month. The Alexandria Division where he sits has two full-time judges, 22 employees and averages approximately 790 bankruptcy filing per month.

Chief Judge Bostetter has been a dedicated and loyal public servant serving the people of Virginia faithfully with honor, integrity, and distinction during his tenure as a bankruptcy judge. He has fulfilled his duties with a strong sense of fairness and pragmatism, while at the same time adhering to the constraints imposed by the bankruptcy code and related case law. Moreover, he has set high standards for the lawyers who practice before him making those lawyers better prepared and more effective advocates for their respective client's interests.

In addition to his responsibilities as a bankruptcy judge Chief Judge Bostetter has served as a member of the Committee on Court Administration of the Judicial Conference of the United States from July 1, 1982, until it was dissolved by reorganization of the Judicial Conference in 1987. On October 16, 1984, he was elected by the Judicial Council, serving in that position until September 1987. He is a former member of the Transition Advisory Committee on Bankruptcy to
that these soldiers were reported missing in about the condition of Zachary Baumel, Zvi very little information has been forthcoming by the Syrian Government and by the PLO, because the area in Lebanon where the sol-responsible for the fates of the Israeli soldiers United Nations, and other international bodies. national Committee of the Red Cross, the information about the fate of these missing sol-Baumel, 1st Sgt. Zvi Feldman and Cpl. in northeastern Lebanon. Sgt. Zachary the Israeli soldiers captured by the Syrians during the 1982 Israeli war with Lebanon. Zachary’s parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, the Amer-ican Coalition for Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organi-ations. These groups have been at the forefront of this pursuit of justice. I want to recog-nize their good work and ask my colleagues to join me in supporting their efforts. For 15 years, these families have been without their children. Answers are long overdue.

HONORING REV. MATTHEW J. PEARSON

HON. THOMAS M. DAVIS OF VIRGINIA IN THE HOUSE OF REPRESENTATIVES Tuesday, June 10, 1997
Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the esteemed pastor of Warner Baptist Church, the Reverend Matthew J. Pearson. The Warner Baptist Church is celebrating their 45th anniversary of guidance under Reverend Pearson.

Pearson was born in Washington, D.C., on June 23, 1930. He first studied Bible courses at the Moody Bible Institute in Chicago, Ill., and later graduated from the Washington Bible College in Washington, D.C. In 1951, he mar-ried Mildred Robinson and together they have been blessed with two children, a son, Melvin, and a daughter, Donna. Matthew has been in- volved in the ministry for 36 years. Previous to this time, he spent 2 years in the United States Army during the Korean war, again showing his dedication to his country and serving others.

In 1955 Matthew joined the Warner Baptist Church where he began serving God as presi-dent of the senior choir, member of the deacon board, and as a Sunday school teacher. In 1961, he was called to the ministry and was licensed at the Warner Baptist Church, where he was ordained in 1963. Reverend Pearson became the pastor of Warner Baptist Church in 1972 and a number of accomplishments have been achieved under his leadership. One of his goals has been organizing the ministries of the church for all ages of parishioners. Matthew is not only heavily involved in his church, but also in his community. He is the chaplain for HOSPICE of Arlington, member of the Lott Carey Foreign Mission, member of the Annandale Christian Community for Action, and an active participant in the Meals-On-Wheels’ program. He was also instrumental in organizing the Baileys Crossroads Shelter for the Homeless. Reverend Pearson was re-cently honored for his devotion to public serv-ice by being asked to give the opening prayer at the House of Delegates in Richmond.

The Warner Baptist Church has been blessed for 25 years with Reverend Pearson’s religious teachings. I know my colleagues and the congregation of Warner Baptist Church will join me in saluting Reverend Pearson on this special anniversary. It has been a great honor and pleasure to work with Matthew Pearson for nearly 20 years. He is someone who has made a difference in our community. I wish him the best for continued success in the future.

EQUAL PAY ACT

HON. BERNARD SANDERS OF VERMONT IN THE HOUSE OF REPRESENTATIVES Tuesday, June 10, 1997
Mr. SANDERS. Mr. Speaker, today marks the 34th anniversary of the Equal Pay Act, the original legislation to address the wage dispar-ity between men and women. I am of the opin-ion, Mr. Speaker, that while the Equal Pay Act is a necessary piece of legislation, it has not yet lived up to its promise of ensuring equal pay for equal work.

I recently attended a rally held in my district commemorating Pay Inequity Day, which fell on April 11, 1997. Pay Inequity Day marks the day when working women’s 1996–97 pay-checks will, on average, finally equal what men earned in 1996 alone. This day falls over 4 months into 1997. This is simply unaccept-able.

In my work as a Member of Congress, I often focus on the growing problem of income disparity and how the families of America are affected by this, and the growing inequality of wealth in our country. In looking at the statis-tics we see that even 34 years after enacting the Equal Pay Act, the wage disparity between men and women still plagues this country. In 1995, women earned only 71 percent of wages earned by men. According to the Na-tional Academy of Sciences, between one-third and one-half of the wage difference be-tween men and women cannot be explained by differences in experience, education, or other legitimate qualifications. Bureau of Labor Statistics data indicates that women earn equal pay in only 2 out of 90 detailed occupa-tions.

What does this mean for the American fam-ily? The picture is not good. Vermont families and families across the country are becoming more and more dependent on women’s wages. Today, 40 percent of all working women have children under the age of 18— children who depend upon them for care, shel-ter, food, clothing, et cetera. Although most American families today must rely heavily on women’s wages, women with the same quali-fications and men continue to make less than their male counterparts.

If we look closely at the wage gap between men and women over the years, we notice...
that it narrowed slightly in the 1980’s. Some may have looked at that as a gain for women. The truth is however, that the narrowing of the gap was largely due to a decline in men’s wages. Now how does that fare for American families?

As for my district, according to data supplied by the Institute for Women’s Policy Research, Vermont ranks 3d in the Nation for wage equity. The Vermont female/male ratio is 75 percent while the U.S. average is 68 percent. Vermont shares its ranking with Alaska and sits below only Washington, DC. Some may try to attribute this to the fact that since Vermont is ranked third, we do not have a problem and we can relax. I say that is just not acceptable. It is our job to respond that no pay inequity is acceptable—not 68 percent, not 75 percent, not 95 percent. Women should expect and receive 100 percent—equal pay for equal work.

TRIBUTE TO DR. ANTHONY EVANS, RETIRING PRESIDENT OF CALIFORNIA STATE UNIVERSITY AT SAN BERNARDINO

HON. GEORGE E. BROWN, JR. OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to Dr. Anthony Evans, the retiring president of California State University at San Bernardino (CSUSB). Dr. Evans came to CSUSB in 1982, bringing with him the experience of an already illustrious career. He received his doctorate from the University of California, Berkeley, and served as the director of planning for the Peace Corps in addition to specializing in Far East affairs with the U.S. State Department.

In his 15 years at CSUSB, Dr. Evans has led the school through remarkable changes. Major construction projects have added, or expanded to, 10 campus buildings, the number of students and faculty have more than doubled, CSUSB was awarded university status, 15 degree programs have been added and alumni have more than tripled.

CSUSB has blossomed under Dr. Evans’ leadership. His presence will be sorely missed, however his legacy to the region will continue to provide the highest quality education to the adults of our community for many years to come. I would like to recognize Rocky Bettar, Rowland Adult School’s director, Melissa Seshide, program specialist, and Gabe Manass, curriculum coordinator, as well as the many teachers, staff members, instructional assistants and students who will be celebrating Rowland Adult School’s 25th anniversary this evening.

THE CITY OF SAN BRUNO RECYCLING PROGRAM

HON. TOM LANTOS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the outstanding efforts of the city of San Bruno for its recycling program.

The city of San Bruno, located in the heart of my congressional district, was the first city in San Mateo County to implement a weekly curbside recycling program. Starting in 1988, the program grew to be one of the outstanding environmentally-conscious recycling programs in the State of California. The tremendous efforts of the city of San Bruno earned it numerous awards.

One year after implementing the curbside recycling program, the city of San Bruno received the Helen Putnam Award for Excellence in Citywide Weekly Curbside Program by the California League of Cities. Working in conjunction with community leaders, the recycling program was able to boast that 70 percent of the city’s households actively participated in recycling, compared to the statewide average of 30 percent.

In 1997, San Bruno received the first place award from the California State Department of Conservation and the merit of excellence for its curbside recycling program. The growing success of San Bruno’s recycling effort is attributed to the proactive partnership between the San Bruno City Council, the San Bruno Garbage Co., city residents, businesses, schools, apartment complexes, and office parks.

Recently, the city of San Bruno renewed its recycling efforts by reinstating the San Bruno Environmental and Recycling Committee. The Recycling Committee brings together members of the community and the city of San Bruno to coordinate recycling efforts. The committee, comprised of city council members, teachers, business professionals, and residents, advises the city of San Bruno on methods to improve the recycling campaign.

Empowering communities with the ability to recommend policy on environmental and recycling efforts has proven to be a highly effective technique to ensure the long-term success of this community-based recycling effort.

San Bruno’s newest effort is driven by the mandate from the State of California that all cities reduce their solid waste by 50 percent by the year 2000. In response to this ambitious goal, the San Bruno Recycling Committee launched its SPACE 2000 Program [Save, Protect and Clean our Environment]. This effort aims to bring recycling to the forefront of community. In addition to focusing on government and corporate office recycling, SPACE 2000 targets youth. The SPACE 2000 program reaches out to a new generation in order to keep San Bruno an environmentally healthy community.

On June 1, 1997, over 1,000 children marched for the environment and recycling in San Bruno’s annual Posy Parade, the longest running children’s parade in the United States.

I am pleased to recognize San Bruno’s proactive, leadership role in reengineering and revitalizing its environment and recycling efforts. As we move into the 21st century, conservation and recycling programs will be the cornerstone of our environmental policy. I am proud of San Bruno’s efforts to strengthen community involvement, and its vision and commitment to renew, reuse, and recycle our Nation’s resources.

SHIRLEY KLEIN OF DUNBAR, WV, MEMORIALIZES FRANKLIN ROOSEVELT THROUGH POETRY

HON. NICK J. RAHALL II OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. RAHALL. Mr. Speaker, I am pleased to call my colleagues’ attention to a most beautiful tribute to Franklin D. Roosevelt, written by Shirley Klein of Dunbar, WV.

As we are all aware, there has been much controversy recently over the dedication of the Franklin D. Roosevelt Memorial because it does not depict that much-loved President in his wheelchair. The disabled community has come out in strong favor of adding to the memorial, a statue of President Roosevelt in the wheelchair that was so much a part of his every-day life as he struggled to lift this Nation from its knees during our worst depression, as well as bring us to the United States and World War II. I agree that the memorial ought to be augmented to show this great President in his wheelchair.
Mr. Speaker, Shirley Klein is, like Franklin Roosevelt, disabled and in a wheelchair and, like Franklin Roosevelt, her heart and mind are strong and vibrant and immensely productive. Knowing they shared this particular challenge, even as a child, she wrote a most beautiful poem in tribute to him. If anyone still believes the Roosevelt Memorial ought not to depict him in his wheelchair, Shirley’s poem will surely change their minds. Shirley’s poem follows:

MEMORIAL
(By Shirley Klein)

Deny him not his throne of grace.
Its wheels were his wings
On which he flew
To save a world,
To heal a land.
Let ages know
This was a man
Who seated firm,
Towered tall.
And I, a child
Who saw him there,
Knew at last
I too could soar.

INTRODUCTION OF LEGISLATION TO ESTABLISH A PERMANENT FORMULA FOR GOVERNMENT CONTRIBUTIONS TO FEDERAL EMPLOYEE HEALTH BENEFIT PLANS

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. HOYER. Mr. Speaker, today, I am introducing legislation to set a permanent formula for calculation of the Federal contribution to the Federal employee health benefit plans. My bill would ensure that the Government contribution for civil servants and Federal retirees would remain at approximately 72 percent.

Under existing law, the contribution is set by a formula based on the premiums of five of the largest plans and a sixth, so-called phantom, premium that represents a large plan that dropped out of FEHBP. This formula, passed in 1989, has held the Federal contribution near 72 percent but will expire at the end of calendar year 1998.

It is estimated that failure to extend or replace this formula would cost an enrollee about $20 a month or $240 per year. That is unacceptable—especially at a time when the budget resolution asks Federal employees to pay an additional five tenths of 1 percent into the CSRS and FERS retirement systems.

I want to thank the many people on the House Budget Committee and at the Office of Management and Budget who responded to my strenuous objections to not replacing the current formula. I am pleased that the budget agreement and resolution assume continuation of the 72-percent contribution. This legislation therefore has no budget implications and, according to preliminary OPM cost estimates, may actually save a small amount of money over the budget agreement baseline.

This bill will calculate, each year a weighted average of the subscription charges for all plans. The employee’s or retiree’s premium for each plan will be calculated by subtracting 72 percent of that weighted average from the total charge. Unlike previous formulas, this bill establishes a permanent formula that will automatically adjust as carriers enter or leave the FEHBP Program.

The concept of this stable fair share formula was developed by the Office of Personnel Management at my request. It has been refined through extensive discussions with Federal employee organizations, health plan carriers, and other interested parties. I am pleased that Mrs. MORELLA, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. FAZIO of California, Mr. FORD, and Mr. DAVIS of Virginia have joined as original cosponsors.

I am hoping that working with Mrs. MORELLA and Mr. CUMMINGS, we can add this important legislation to the reconciliation measure as it is marked up in the Government Reform and Oversight Committee. I invite Members who share my concern about protecting this critical benefit for Federal employees and retirees to join us as cosponsors of this legislation.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF COL. PETER HUISKING

HON. DAVID DREIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DREIER. Mr. Speaker, I would like to recognize the outstanding military service and contributions to our country of a native of Pomona, CA, on his retirement, from military service on December 1, 1996:

Col. Peter V. Huisking, Military Intelligence Corps, U.S. Army.

Born in Pomona, CA, in 1949, Colonel Huisking attended St. Joseph Elementary School, the Webb School of California, and received an Army Reserve Officer Training Corps [ROTC] scholarship to attend Pomona College in 1967. He was commissioned in field artillery upon graduation from Pomona College in 1971. He served in junior officer positions at the artillery battery level with 2d Battalion, 92d Field Artillery, V Corps, in Giessen, Germany, from 1972 to 1974. As a first lieutenant, he was commander of Battery C, 2d Battalion, 92d Field Artillery.

Colonel Huisking transferred to the Military Intelligence branch in 1974, and served in numerous tactical and strategic intelligence assignments over the next few years: assistant S2, 42d Field Artillery Group, 1974 to 1975; chief, all source production section, 2d Armored Division, Fort Hood, TX, 1975 to 1977; commander, Headquarters and Operations Company, 52nd Military Intelligence Battalion, Fort Hood, TX, 1977 to 1978; and staff and faculty, Defense Intelligence College, Washington, DC, 1979 to 1982.


Colonel Huisking was assigned to Fort Huachuca, AZ, in 1988, where he served as the manager of the Intelligence-Electronic Warfare Program Office. He later commanded the 304th Military Intelligence Battalion at Fort Huachuca, from 1989 to 1991, and served with Headquarters, United States Armed Forces, Central Command in Riyadh, Saudi Arabia, during Operation Desert Storm as the G2 plans officer for unmanned aerial vehicles.

Currently serving as the Assistant Chief of Staff, G2, 1st Cavalry Division, at Fort Hood, TX, from 1991 to 1992, Colonel Huisking was assigned as a staff officer in the Directorate of Force Development in the Office of the Deputy Chief of Staff for Operations and Plans at Headquarters, Department of the Army, Washington, DC, from 1992 to 1993. He later served as the deputy director for planning in the Directorate of Strategy, Plans, and Policy on the Department of the Army staff from 1993 to 1994. Colonel Huisking’s last military assignment was Assistant Chief of Staff, G2, for the U.S. Army Signal Command at Fort Huachuca, AZ, from 1994 until his retirement in December 1996.

Colonel Huisking is a graduate of the U.S. Army Intelligence Special Warfare Program, the Intelligence Meritorious Service Medal, the Meritorious Service Medal with Oak Leaf Cluster, and several service medals including the Saudi Arabia Kuwait Liberation Medal. He is also a recipient of the U.S. Army Signal Corps Regiment’s Order of Merwy. Additionally, Colonel Huisking is authorized to wear the Army staff identification badge.

Colonel Huisking is married to the former Henrietta Hardy of Tucson, AZ. They have three children: Elisabeth, who lives in Virginia; Thomas, a college student in Texas; and Andrea, a student at Smith Middle School, Fort Huachuca, AZ. Colonel Huisking is joining JBLM’s Aerospace School, Fort Lewis, WA, and will work at the U.S. Army Intelligence Center in support of the Directorate of Combat Developments.

Colonel Huisking has served as both American soldiers as a battalion commander, a company commander, and a battalion commander. He served as a intelligence officer in key positions from Army Intelligence Group to Major Army Command. His service has been characterized by his emphasis on two key elements: training for war and taking care of soldiers. This emphasis paid off during the successful deployment of elements of his battalion to Desert Storm. In the words of Maj. Gen. John Stewart, the Assistant Chief of Staff, G2, U.S. Army Forces Central Command, during the Gulf War:

Lieutenant Colonel Huisking’s tireless, professional, and consistently correct staff work was a major factor in the success of Intelligence and Electronics Warfare during the Persian Gulf War. A great job.

Colonel Huisking was also an outstanding supporter of every military community he lived in, both in the United States and overseas. He was a strong supporter of the Scouting Program, both boys and girls, and served as chairman of the Boy Scout program. His involvement in youth athletics included coaching in youth T-ball and soccer, and service on Catholic parish councils in communities.
in Germany and Fort Huachuca, AZ. Additionally, he has served as a lay eucharistic minister and lector since 1979.

As a professional intelligence officer, Colonel Huisking has made a particular impact on tactical intelligence units, having served in four combat divisions, and having been instrumental in the successful implementation of the combat electronic warfare intelligence [CEWI] concept in the Army beginning in 1976. Additionally, his training of the Army's only unmanned aerial vehicle unit before the Persian Gulf war was critical to his successful development and use during the conflict. His pioneering work in this area ensured that the Army will always go to war with this important intelligence capability.

Colonel Huisking's service to the Army and his country spans a quarter of a century. It included the years of rebuilding the Army after the Vietnam war; standing guard on the frontiers of freedom from the demilitarized zone in Korea to the Iron Curtain in Central Europe; training units which ensured the readiness of the Army to deploy, fight and win; and preparing and leading soldiers to victory in the Gulf war; and maintaining and equipping a force ready to deploy to Somalia, Haiti, Bosnia, and other areas of the world during a time of declining resources and increased requirements. Colonel Huisking played an important role in all of these areas. His legacy is in the outstanding soldiers and units who benefited from his leadership, and who will carry the Army into the 21st century.

The citizens of the State of California, particularly the 28th Congressional District, are proud of the service of this native son. They join me in thanking him and his family for their contributions to the Army and the United States, and in wishing them all the best both now and in the future.

WELCOME TO HURRICANE SEASON

HON. BILL MCCOLLUM
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. McCOLLUM. Mr. Speaker, today I rise to highlight the fact that hurricane season is upon us. The official start of hurricane season is June 1. With that comes an entire east coast and gulf coast that braces for the worst—a hurricane ravaging the landscape.

Hurricanes are inevitable. They are unpredictable. They are destructive. And this year, 1997, looks to be a particularly bad year. In fact, the New York Times recently ran a story titled "Storm Warning: Bigger Hurricanes and More of Them." That is not exactly good news. I am attaching the article for the record.

The damage that these storms can cause is absolutely staggering. When measured in today's dollars and projected damage based on property value, the worst hurricane occurred in 1928, before a storm was named. It hit southeast Florida and Alabama, and had it hit in the same spot today, it is estimated that it would have caused $72.3 billion in damages. That's right: $72.3 billion. And we thought Andrew in 1992 was bad, hitting only an estimated $33.1 billion in damages if the same hurricane swept through today.

Mr. Speaker, this is virtually beyond comprehension. And it isn't just Florida. If New England were hit today by the same hurricane that did in 1938, damages could exceed $16 billion. II Camille—1969—hit Mississippi, Louisiana, and Virginia today we'd be looking at almost $11 billion. If Hugo—1989—hit South Carolina today it would be almost $10 billion. And while these projections are correct, it appears that the major storm lines of Andrew slamming into the east coast or gulf coast this summer or fall. On top of this frightening thought is the aftermath of such a tragic event. Andrew put a dozen insurance companies into insolvency and forced federal and three north Florida hospitals in Florida into turmoil. Reinsurance for hurricanes has virtually disappeared in Florida. Today, rates are skyrocketing if coverage is available at all. What would another hit like that do to Florida? What would such a disaster do to North Carolina? Or Louisiana? Or Texas?

Mr. Speaker, I do not think that we necessarily have to find out just how bad things can get. There is a way to ensure that disaster insurance remains a viable option for homeowners. In fact, there is a proposed legislation which would directly address this problem.

H.R. 230, the Natural Disaster Protection and Insurance Act, would provide a Federal backstop for truly disastrous events. Essentially, Treasury would auction reinsurance contracts to be bid upon by private and Federal insurance pools. These contracts would be actually sound, protecting the Government against undue loss, while injecting reinsurance back into the disaster insurance market. The contracts would cover disasters that cause over $10 billion in insured losses up to $35 billion. Payment on the reinsurance would come from the proceeds of the auction.

This legislation would be just what the doctor ordered if we are to ensure continued insurance availability in disaster prone areas. Not only does it cover hurricanes, but earthquakes, volcanoes, and tsunamis as well. Perhaps it is appropriate to discuss this when the House is considering a supplemental bill to pay for other disasters, which we are currently discussing. Imagine the burden on the Federal Government if people who cannot get adequate insurance come looking for assistance? Just another reason we need to act.

Mr. Speaker, the House Committee on Banking and Financial Services, on which I serve, is scheduled to begin hearings on this and similar legislation in the near future. I urge my colleagues to support a solution to this current and future crisis affecting people in my State and across the country. H.R. 230 is a solid beginning and I look forward to its consideration.

[From the New York Times, June 3, 1997]

STORM WARNING: BIGGER HURRICANES AND MORE OF THEM

(William K. Stevens)

The East and Gulf Coasts of the United States may be entering a long-anticipated, prolonged siege of more frequent and more destructive hurricanes, forecasters say.

They predict that this summer, more hurricanes than normal will develop in the tropical North Atlantic for the third straight year. This would make the most active three-year period on record for the pinwheeling oceanic cyclones, and experts say that could be only the beginning.

The 1997 forecasts were a time of relatively infrequent hurricanes. Those years did have their big storms: 7 of the 10 most costly hurricanes ever to strike the United States mainland did so over that stretch, including Hurricane Andrew in 1992, the costliest ever. But a new Federal study says the trend of the past two years, damage over that period to expanding population and exploding development rather than more frequent or powerful storms. The study shows that the atmosphere and ocean appear to have entered a new and more ominous hurricane phase. Some experts believe the turbulence which began two years ago signifies a return to the 1950's, 1960's, and 1970's, a period of high hurricane activity in the United States. If that is so, according to the Federal study, the damage wrought by hurricanes—already the most expensive natural disasters in America—could soar to new heights.

Scientists offer varying explanations of what is responsible for the increase in hurricane frequency. One new study has found that sea-surface temperatures in 1995 were the highest on record in the tropical North Atlantic. That year, 19 tropical storms and hurricanes, double the 1946-1995 average, swept across the region of hurricanes between 10 degrees and 20 degrees north latitude, have remained above average since 1995.

Coincidentally or not, 1995 also saw the highest average global sea-surface temperatures on record, and some scientists say this raises the possibility that global warming is contributing to the increased frequency of hurricanes. Coincidentally or not, the coincidence "is suggestive of some link to global warming, but that needs to be proved," said Dr. Mark A. Saunders, chief author of the study. It is "just one of the possibilities," he said.

Others say that global warming is almost certainly not the cause. One is Dr. William M. Gray, an atmospheric scientist and hurricane expert at Colorado State University in Fort Collins. The rise in sea temperature "is not related to the warming of the planet," he said, noting that global warming has been slow, while the Atlantic sea-surface temperature jumped in a matter of months.

Dr. Gray and his research team, which had predicted that 1995 would be one of the most active seasons on record, although they underestimated 1996. In April, the group forecast that 1997 would bring more hurricanes than average, including the more intense ones. These major storms are defined as those with peak sustained winds of more than 100 miles per hour. They account for 75 percent of all hurricane damage. Lesser hurricanes have peak winds of at least 74 miles an hour.

The forecasters predicted that the 1997 hurricane season, which officially began on Sunday and lasts through November, would produce 7 hurricanes, 3 of which would be in the intense category, and 4 lesser tropical storms. The group forecast that 1997 would bring more hurricanes than average, including the more intense ones. These major storms are defined as those with peak sustained winds of more than 100 miles per hour. They account for 75 percent of all hurricane damage. Lesser hurricanes have peak winds of at least 74 miles an hour.

The Colorado group's forecast applies to an area encompassing the Atlantic Ocean, the Caribbean Sea and the Gulf of Mexico. It is to be updated on Friday, but Dr. Gray said the update was not expected to depart substantially from the original prediction. The forecasters do not attempt to predict whether or where any of the hurricanes will strike land.

The forecasts are based on an array of predictive signs and atmospheric phenomena that Dr. Gray has identified as determining hurricane activity. These include the amount of rainfall in the Sahel region of western Africa, where the small areas of low pressure...
that are the embryos of hurricanes first form. When the Sahel is wetter, Dr. Gray found, more embryos form. This year, the Sahel is wetter.

Another factor is the phenomenon known as El Nino, the huge pool of warm water that develops every two to seven years in the eastern tropical Pacific, changing weather patterns worldwide. When it is in place, high-level winds blowing from the west tend to shear off the tops of developing hurricanes in the adjacent Atlantic, causing them to abort. Dr. Landsea may make an appearance later this year, forecasters say, but the Colorado group predicts that it will not do so in time to affect the hurricane picture.

Other factors include the behavior of stratospheric winds that circle the globe high above the equator and weather features far radius the Atlantic hurricane belt—things, for example, like the temperature high above Singapore. On balance, the forecasters say, the indicators point to higher-than-average activity this year.

One of the most powerful indicators, according to the new study by Dr. Saunders and Andrew R. Harris, climate scientists at University College London in Britain, is the Atlantic ocean’s temperature. Their statistical analysis found that while most of the relevant factors were indeed favorable for hurricane development in the banner year of 1995, the dominating influence was the unusually warm ocean. The temperature in the region where hurricanes develop was 1.2 degrees higher than the 1946–1995 average, a record. The development region was 0.36 of a degree warmer than average last year and is about 0.9 of a degree warmer now. This, said Dr. Saunders, presages another active season. His study appeared in the May 15 issue of the journal Geophysical Research Letters.

The researchers suggest that warmer seas cause more water to evaporate from the surface. With evaporation, latent heat is released in the atmosphere, and the researchers believe that this is what imparts more energy to the embryonic storms coming out of Africa, making it more likely that they will develop into hurricanes. “It seems that this is a stronger effect that any other mechanism, like El Nino or the monsoon in the western Sahel,” Dr. Saunders said.

The question, he said, is whether the rising sea temperature is a natural expression of the climate system’s variability, independent of any influence from a warming atmosphere. If so, says Dr. Saunders, the warmer ocean temperature is “a manifestation of a major change in North Atlantic ocean circulation.” Stately currents in the North Atlantic undergo periodic shifts on decadal time scales. Dr. Gray said he believed that a new pattern was in place, and that it was likely to presage a decade or two of above-average hurricane activity. “This is the greatest fear we have,” he said, “that we’re entering a new era. I believe we are.”

If so, the new Federal study on hurricane damage may offer a preview of what lies ahead. In the study, Dr. Roger Pielke jr. of the National Center for Atmospheric Research in Boulder, Colo., and Dr. Christopher Landsea of the National Oceanic and Atmospheric Administration’s hurricane research division in Miami calculated how much damage would result from past hurricanes if they had occurred in 1995, when the coasts held many more people and much more wealth than ever before.

The calculation, which also accounts for inflation, shows that if the more numerous storms of the very active quarter-century prior to the main one hit the main coast, each of the storms would cause far more damage than it did back then.

It has been suggested in the past that escalating hurricane damage in more recent decades has resulted from an increase in the number and severity of storms. The Pielke-Landsea analysis found this is not so. In fact, when all hurricane damage was assessed as if it had occurred in 1995, the four biggest hurricanes of the last eight years were no longer the most damaging. Hurricane Andrew, which exacted an all-time record $26.5 billion in actual damages, was downgraded to second place by a monster that struck Florida and Alabama in 1996. Hugo (1989), Opal (1995) and Fran (1996) slip far down the list.

The analysis, its authors wrote, indicates clearly “that the United States has been fortunate in recent years with regard to storm losses.” Now, they wrote, multibillion-dollar losses may become increasingly frequent, and it may be “only a matter of time” before a single storm exacts $50 billion in damages.

TWENTY-FIVE YEARS OF DEDICATION

HON. CLIFF STEARNS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, recently in my district a celebration was held for Cecil Clark of Leesburg, FL on the 25th anniversary of Cecil Clark Chevrolet. I appreciate this opportunity to congratulate Cecil for a quarter century of service to our community.

Fifty years ago Cecil Clark sold his first Chevrolet, along with his first Frigidaire appliance. In 1972, he opened up his own car dealership—Cecil Clark Chevrolet. Over the last 25 years he has sold 25,000 new cars and trucks, and he has sold over 40,000 used vehicles.

His wife Jackie has shared his vision for almost 50 years and has worked with him at his dealership. Now, his son Greg has assumed responsibilities for the dealership as co-owner, and Mr. Clark’s daughter, Cindy Clark Brooker, opened her own dealership last year in Wildwood, FL.

Our society is a mobile society, and we are dependent on automobiles. Cecil Clark and his family have been essential in meeting the needs of thousands of people in my district. Congratulations, Cecil, and my best wishes to you and your family.

FATHER CUNNINGHAM: PASSION, COURAGE, TENACITY

HON. JOE KOLNENBERG
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. KOLNENBERG. Mr. Speaker, I rise today to honor a special person—Father William Cunningham—who passed away last week. Detroiters, those in need and Catholics around the world,的确 have lost a hero, friend, and a perfect model of inspiration and hope.

The pastor of Mary Star of the Sea, where they have lived ever since. Barney went into law practice in 1949, while Roz became a history instructor at Los Angeles City College, where they have lived ever since. Barney went into law practice in 1949, while Roz became a history instructor at Los Angeles City College. In 1952 she left teaching to raise a family.

Almost as long as they have been married Roz and Barney have been involved in community and political affairs. Barney has served on the boards of a public radio station, a teacher-training nursery school and Temple Israel of Hollywood. He also started a leading Democratic club, organized local Democratic nominations, and served on the state Democratic Central Committee. In 1980 Barney was appointed to the bench as a superior court judge, in which position she served with great distinction until 1995.
As a mother and teacher, Roz has been quite active in the area of education. She has served on the Los Angeles Unified School District's Gender Equity Commission, the LAUSD's Parents' Collaborative and on the Intergroup Relations/Multicultural Education Committee. She has otherwise worked with pro-choice groups and on issues such as welfare reform and affirmative action. She is truly a model of civic involvement.

We ask our colleagues to join us today in saluting Roz and Barney Cooperman, whose devotion to each other and their community is a model for us all. Will they have many more years of happiness together.

**DISMANTLING THE SAFETY NET**

**HON. FORNEY PETE STARK**
**OF CALIFORNIA**
**IN THE HOUSE OF REPRESENTATIVES**
**Tuesday, June 10, 1997**

Mr. STARK. Mr. Speaker, in the few short months since Congress has embarked on the misguided and destructive mission of welfare reform, the dismantling of the safety net necessary for the health and well-being of our Nation's most vulnerable populations—our children and the elderly—has reaped deadly effects. The Republican wish has come true. Republicans have successfully removed the neediest Americans from the rolls—permanently.

In March of this year, one man took his own life to avoid the uncertainty of the future. After receiving a letter informing him that he might be cut off from Social Security, Ignacio Munoz, a 75-year-old elderly legal immigrant, put a gun to his head and pulled the trigger. Mr. Munoz had worked in the United States for 40 years, but the Social Security Administration had payment records only for 10 years. Mr. Munoz committed suicide because of extreme fear of being cut off from his only means of support. Mr. Munoz' fear of being left out in the cold continues to grip the legal and elderly immigrant community.

Still, with vehement opposition from State and local governments, advocacy groups, and poor and disabled Americans themselves, publicans continue to turn a deaf ear while unashamedly forging ahead. As the Ways and Means Committee begins the welfare reconciliation markup, I believe it is important to heed these predictions from experts concerning the impact of welfare reform:

**CHILDREN**

In California, nearly 250,000 children would be denied benefits. —Children’s Defense Fund

Nationwide, nearly 1/2 of all children with disabilities, or 14,000, will lose SSI. —Children’s Defense Fund

Nearly 3.3 million children would be denied welfare assistance. —Children’s Defense Fund

1.14 million children will be driven into poverty, making one child in four poor in America. —Children’s Defense Fund

Nearly 134,000 children in New York State would be impoverished. —Children’s Defense Fund

300,000 children will be cut from SSI. —Social Security Administration

50,000 children will lose Medicaid benefits. —Social Security Administration

Over 57,000 children in Texas would be reduced to poverty. —Children’s Defense Fund

Nearly 64,000 children in Michigan would be made poor. —Children’s Defense Fund

1.2 million legal immigrants, including 450,000 children, would lose SSI and/or food stamps. —Children’s Defense Fund

10% of all families nationwide would lose some benefits. —Children’s Defense Fund

For families with children, more than 20% would lose some benefits. —Children’s Defense Fund

20% of families with children would have their incomes reduced by $1,300 a year. —Children’s Defense Fund

**LEGAL IMMIGRANTS**

500,000 legal immigrants will be cut off the SSI rolls. —Washington Post, May 3, 1997

Nearly 1,000,000 legal immigrants will lose food stamps. —Washington Post, May 3, 1997

400,000 elderly legal immigrants will not receive SSI. —Los Angeles Times, June 5, 1997

100,000 severely disabled legal immigrants will be cut off SSI. —New York Times, June 5, 1997

1,000,000 legal immigrants could lose food stamps nationwide. —Los Angeles Times, May 2, 1997

Four states—California, New York, Florida, and Texas, with 1/3 of the House of Representatives and all with Republican governors—would be the hardest hit under this new law. —Newsday, April 10, 1997

Legal immigrants account for 5% of those in the U.S. who receive welfare, but will bear 44% of the cuts. —San Francisco Chronicle, February 13, 1997

Legal immigrants—including those poor legal immigrants over 75 or permanently disabled—are wholly ineligible for food stamps. —Center on Budget

**CALIFORNIA**

224,000 legal immigrants will be cut off in California. —Rocky Mountain News, May 17, 1997

Over 3,000 elderly legal immigrants will lose welfare benefits in Sacramento County. —Sacramento Bee, May 17, 1997

41% of all legal immigrants who are scheduled to lose disability payments live in California. —Los Angeles Times, May 2, 1997

427,000 legal immigrants live in California. —Los Angeles Times, May 2, 1997

135,000 legal immigrants over 65 years old live in California. —San Francisco Chronicle, April 19, 1997

Three-fold increase in the number of new homeless. —Alameda County Health Care Services

In California, hundreds of thousands coming off the welfare rolls would vie with one million already on the unemployment rolls for entry-level jobs. —San Francisco Chronicle, January 10, 1997

**LOUISIANA COUNTY**

In Los Angeles County, 450,000 legal immigrants could lose food stamps and other federal aid. —San Francisco Chronicle, February 13, 1997

In Los Angeles County, welfare cutbacks will impact 518,000 people. —Children’s Defense Fund

Up to 227,600 people could lose health care insurance in Los Angeles County. —Children’s Defense Fund

Up to 30,000 women could lose prenatal care in Los Angeles County. —Children’s Defense Fund

Up to 21,000 additional children could wind up in Foster Care in Los Angeles County. —Children’s Defense Fund

Nearly 200,000 legal immigrants on AFDC in Los Angeles County would lose their benefits. —San Francisco Chronicle, February 13, 1997

150,000 receive SSI in Los Angeles County. —San Francisco Chronicle, April 19, 1997

Nearly 90,000 receiving SSI in Los Angeles County are children. —San Francisco Chronicle, April 19, 1997

200,000 legal immigrants in Los Angeles County on AFDC face a cutoff. —San Francisco Chronicle, April 19, 1997

Nearly 200,000 legal immigrants on AFDC in Los Angeles County would lose their benefits. —San Francisco Chronicle, February 13, 1997

**CONNECTICUT**

19,000 legal immigrants in Connecticut are on SSI. —Hartford Courant, January 31, 1997

484,000 families on AFDC will be affected in Connecticut. —Pittsburgh Post-Gazette, March 2, 1997

**NEW YORK**

The new law will affect 70,000 in New York City. —Newsday, April 22, 1997

85,000 legal immigrants will lose benefits in New York City. —New York Times, May 10, 1997

In an area of Brooklyn called Southside, nearly 1/2 of the 27,000 residents receive some form of public assistance. If thousands lose their benefits, it would bring extreme hardship to this neighborhood. —New York Times, March 10, 1997

**FLORIDA**

54,000 legal immigrants live in Florida. —Sun-Sentinel, April 20, 1997

39,000 legal immigrants in Florida are over 65 years old. —Sun-Sentinel, April 20, 1997

43,000 legal immigrants in Florida live in just one county, Dade County. —Sun-Sentinel, April 20, 1997

**GRAND OPENING OF THE SUTTER ROSEVILLE MEDICAL CENTER**

**HON. JOHN T. DOOLITTLE**
**OF CALIFORNIA**
**IN THE HOUSE OF REPRESENTATIVES**
**Tuesday, June 10, 1997**

Mr. DOOLITTLE. Mr. Speaker, I would like to call to your attention the momentous occasion of the grand opening of the new Sutter Roseville Medical Center, located in Roseville, CA. The center will officially open its doors to patients on Sunday, June 22, 1997.

Sutter Roseville Medical Center is an affiliate of Sutter/CHS, one of northern California's largest not-for-profit health care systems. The medical center will open with 168 licensed beds and the capacity to expand to 188 beds if the need arises. The inpatient areas of the new medical center will include a dedicated birth center, an emergency department and trauma center that is three times the size of the existing Sutter Roseville, and a beautiful, home-style skilled nursing facility.

The 315,000-square-foot medical center was designed by staff, physicians and members of the community to be responsive to patient and family needs. A critical aspect of the
INTRODUCTION OF THE CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS OF 1997

HON. FRANK RIGGS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. RIGGS. Mr. Speaker, today I am introducing the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997. This bill reauthorizes and reforms the current vocational education statute.
Let me state for the record that this legislation is not, nor is it intended to be, comprehensive school reform. Neither is this legislation intended to be school-to-work or expansion of the School-to-Work Act. School-to-work is a separate freestanding act.
Seventy-five percent of our Nation's youth do not receive a 4-year college degree. It is imperative that our youth receive a high quality education whether they are bound for college, the military, further education or training or directly into the work force.
Too many high school graduates are functionally illiterate—unprepared to meet the needs of the next century. I believe this bill—which focuses on strengthening the academics of vocational-technical education—will work toward eradicating this problem. According to a witness who testified before my subcommittee on the legislation, functional illiteracy costs U.S. business $300 billion annually.
Our Nation's youth do not get a quality education—whether they pursue a vocational-technical course of study or college prep. We should have high expectations of our students. Education is the key to our Nation's future economic prosperity and the cornerstone of equal opportunity in America society. It is my hope that this legislation broadens the opportunities for vocational-technical students after high school. We held a hearing at Thomas Jefferson High School for Science and Technology in Fairfax, VA and were told by northern Virginia because individuals do not have the skills to fill them, the average salary for these jobs is over $45,000.
If we are going to ensure that America meets the next century as a world leader, we need to focus on making sure our citizens have the technological skills to compete. I want to eliminate the functional illiteracy that permeates our work force.
It is my intent with this legislation that we do not leave behind the 75 percent of students who do not receive a 4-year college degree. I truly think it is time that we stop telling 75 percent of our country they are not good people because they do not have a baccalaureate degree.
This bill would also send 90 percent of funds to the local level. If we are going to see true change in vocational-technical education, it is not going to come from the Federal level. It is going to come from the local level—from the teachers who are in the classroom making a difference.
I have been working very closely with the ranking member of the subcommittee, MARTY MARGTINE, and hope that he will support the bill and that we can have a bipartisan bill with a broad base of support.
Concerns have been raised regarding the authorization level of the bill—that the number is too low. The 1990 amendments reauthorized the program at $1.6 billion—a number that was never reached. Current appropriation amounts for vocational-technical programs are a little over $1 billion to believe we should authorize more closely to achieve the appropriations amounts. Some have suggested using such sums for an authorization amount. While I support this idea, I have been told that the Congressional Budget Office for scoring purposes recommends an actual dollar figure.

INTRODUCTION OF THE LOCAL TELEVISION COMPETITION AND DIVERSITY ACT

HON. CLIFF STEARNS
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, I rise today to offer a substantive piece of legislation regarding the duopoly rules of broadcast ownership under the current law.
In the historic Telecommunications Act that was introduced in 1995, the Commerce Committee of the House of Representatives included provisions in its version of the act that would have allowed ownership of two broadcast stations in a local market. The members of the House Commerce Committee who supported duopoly reform believed that allowing one person or entity to own two such stations would not have a negative effect on local communities, but would in fact promote programming diversity and would strengthen local broadcast owners who could not operate their businesses in a way that provided the best programming services to their local communities.
Unfortunately, our efforts were not agreed to by our Senate colleagues and the duopoly provisions were not a part of the final conference report to the Telecommunications Act, which was signed into law by President Clinton in 1996.
In order to rectify this situation, I have introduced this legislation to provide for real duopoly reform. The heart of the legislation would allow a person or company to own two stations in a local market, but one would have to be a UHF station. Therefore, such an entity could own two UHF stations or a VHF-UHF combination. Notwithstanding, however, the FCC still would have an override of that duopoly condition if they significantly harm diversity in their opinion.
This bill also would allow the FCC, under unusual and compelling circumstance, to allow a person or company to own two VHF stations. Relaxation of the duopoly rule will mean more local programming in the market, more news, more sports, and more children's programming. This change is necessary to ensure that free, over-the-air television continues in a multichannel world.
The communications marketplace today is vastly different than when the television local ownership rule was last examined in 1964. Since that time, there has been a substantial increase in the number of broadcast television stations and phenomenal growth in other video technology and outlets, including cable, DBS, wireless cable, and Internet broadcast.
Today I am submitting a bill that would give these airmen their long-overdue recognition, and I am proud to say that it has already garnered the bipartisan support of 21 of our House colleagues. Representative Peter Deutsch assisted me in this important effort, and I thank him for his early support of this bill. An identical bill will be introduced this week by Senators Tim Hutchinson and Joseph Lieberman.

The Nazi concentration camps will forever occupy a ignominious place in our human history, and we have long recognized the bravery and daring of many prisoners who fought their oppressors to struggle for political and religious freedom. But tragically, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners at the Buchenwald Concentration Camp.

My bill, which is endorsed by the American Ex-Prisoners of War and the Veterans of Foreign Wars, would recognize these 82 American airmen and ask that the President issue a proclamation commending them, by name, for their service. I have also included a list of these airmen, which I would ask be inserted in the Congressional Record.

I encourage all of my colleagues to join us in support of this important measure, so that those veterans still living, and the families and friends of those who have passed on, can fully realize the public recognition these brave men so sorely deserve.

LIST OF WWII AMERICAN AIRMEN HELD AT BUCHENWALD CONCENTRATION CAMP

NOT LOCATED

Freeman, E.C.
Hanson, J.T.
Horrigan, R.J.

DECEASED

Alexander, William
Beck, Levit C.
Crouch, M.E.
Duncan, James H.
Heimerman, L.A.
MacLenahan, J.H.
Mauk, W.E.
Pecus, Steve
Pennel, Sam

STILL LIVING

Bauder, W.F.
Bedford, R.L.
Bowen, C.E.
Brown, R.H.
Carr, F.W.
Chalot, J.A.
Chessir, D.
Coats, B.A.
Cowan, F.K.
Coffman, J.D.
Dauteul, D.F.
Denaro, Joe
Fore, J.W.
Hastin, J.D.
Hilding, R.D.
Hunter, H.F.
Johnson, R.T.
King, Myles A.
Larson, M.E.
Little, B.S.
Ludwig, E.F.
McLaughlin, D.G.
Mitchell, G.E.
Moser, J.F.
Pacha, A.M.
Paul, S.K.
Powell, W.
Raymonds, N.L.
Richey, G.T.
Ritter, E.W.
Robinson, C.W.
Ryder, W.H.
Shearer, D.R.
Straulka, P.A.
Thompson, C.
Thompson, W.A.
Vratney, Frank
Watson, J.P.
Ward, Robert
Williams, W.J.
Zander, A.E.
Phelps, B.F.
Pelletier, A.J.
Petrick, Edward J.
Petrich, M.R.
The IRS has attempted to change the historical tax treatment of certain aviation maintenance expenses by denying the industry's ability to deduct those that arise from ordinary and necessary maintenance and repair of aircraft. Instead, the IRS is requiring that these maintenance costs be treated as nondeductible capital improvements. Previously I joined with several of my colleagues and asked Secretary Robert Rubin to reverse the agency's position. Although I was assured the issue would be studied and I would receive a response, to date I have received no reply.

I strongly support a clarification of the tax treatment of these maintenance expenses so the aviation industry may continue to deduct these expenses. Doing so is important in order to prevent increasing the costs of aviation safety.

I strongly encourage my colleagues to join this effort by cosponsoring this legislation.

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. GILMAN. Mr. Speaker, today, I received a copy of an excellent paper from Frank Gaffney with the William J. Casey Institute of the Center for Security Policy. The paper makes the excellent point that: "While MFN is a blunt instrument—it is also the only measure proportionate to the magnitude of the danger Beijing is creating, to a considerable degree with resources it is garnering from trade with the United States."

I ask that my colleagues read the paper and request that the full text be printed at this point in the RECORD.

NON-RENEWAL OF MFN FOR CHINA: A PROPORTIONATE RESPONSE TO BEIJING'S EMERGING, TRADE-SUBSIDIZED STRATEGIC THREAT

WASHINGTON, D.C.—Congress is expected shortly to consider President Clinton's proposal to renew China's so-called Most Favored Nation (MFN) status. While there are many compelling reasons for opposing such a renewal, the William J. Casey Institute for Security Policy believes that there is one overarching factor that demands this step: Communist China is utilizing much of the huge trade surplus it enjoys thanks to this privileged trading status to mount a strategic threat to the United States and its vital interests in Asia, the Middle East and beyond.

While MFN is a blunt instrument— affecting, if it is denied, millions of innocent Chinese workers, the economy of Hong Kong, U.S. jobs associated with exports to and imports from China, etc.—it is also the only measure proportionate to the magnitude of the danger Beijing is creating, to a considerable degree with resources it is garnering from trade with the United States.

CHINA'S OFFENSIVE STRATEGY

In the summer 1994 edition of Orbis, Ross H. Munro reported that, in 1993, the West was afforded unprecendented—and at times disturbing—inside look at how important elements in China's armed forces view neighboring countries as well as the United States. Munro's book was obtained when a Western diplomat serendipitously obtained a copy of a book entitled "Can China's Armed Forces Win the Next War?" that had been published by the People's Liberation Army (PLA) for internal consumption only.

According to Munro, this book provided "virtual enlightenment" to the Chinese leadership in general and the senior Chinese officer corps in particular. In particular, it signaled Beijing's willingness to engage in "nuclear blackmail" against the United States by suggesting that American forces in Asia could be rendered harmless. Beijing saw American power as a strategic advantage for the PRC; now, it has decided that American power represents a threat, not just to China's security but to China's plans to grow stronger and to play a paramount role in the affairs of Asia.

"China, in short, has determined that the United States—despite the trade, the diplomatic contacts, the technology transfers, the numerous McDonald's and Kentucky Fried Chicken outlets in Beijing—despite even the limited amount of cooperation that still existed between the two countries—is its chief global rival." 2

The enormous efforts China has determined to make acquiring a modern military capable of decisively projecting power derives from this zero-sum view of the U.S.-PRC relationship. The Chinese leadership believes, after all, that it must be able not only to dominate the nations of East Asia and the South China Sea. It sees China as having to exercise control over the Pacific out to where the Chinese call "the second island chain" (i.e., the Philippines, Japan and even the U.S. territory of Guam). 3 The larger purpose appears to be even more ambitious: to render the United States incapable of exercising influence in Asia that would compete with, let alone counter, Chinese hegemony in the region.

IMPLEMENTING THE STRATEGY

The Chinese are pursuing a multifaceted campaign to accomplish these strategic objectives. The following are among the means the PRC is pursuing toward such ominous ends:

Strategic Force Modernization: The Washington Times recently reported that China is expected to begin deploying by the year 2000 an advanced intercontinental-range ballistic missile, designated the Dong Feng-31 (DF-31). This missile will give Beijing the ability to deliver nuclear warheads with greater accuracy throughout the Pacific and parts of the western United States.

The DF-31 reportedly is benefitting from SS-18, SS-25 and Topol-M ICBM technology. China is obtaining from Russia and/or Ukraine. Its lethality—and that of other Chinese strategic forces—will be greatly enhanced by supercritical weapons. China has provided to Beijing's military-industrial complex. 3 And the DF-31 is expected to be fielded on a mobile transporter-erector-launcher, which confounds attempts to intercept this weapon by friendly forces. The DF-31 also is expected to be used by China's emerging long-range artillery, including the new large-caliber guns it has purchased from Russia. The DF-31 will be capable of holding American cities and other targets credibly at risk.

A foretaste of the use to which China may be put such a weapon can be seen in a report published on the front-page of the New York Times on 24 January 1996. It described how a senior Chinese official had signaled Beijing's willingness to engage in "nuclear blackmail" against the United States by suggesting that American forces in Asia could be rendered harmless.

China's drive to modernize the non-nuclear elements of its military is also benefitting hugely from imported technology. Thanks to advanced machine tool design capabilities, composite materials, chip-manufacturing technology and the other foreign dual-use technology like—whether acquired legally or illegally—whether acquired legally or illegally—together with its purchase of full-up military hardware or components, Beijing is now acquiring new generations of highly competitive jet fighters, missiles, attack submarines and armored vehicles. The threat posed by such weaponry will not arise from China alone; given past Chinese practices, such equipment will be used to develop a successor base from rogue states from Iran to North Korea.

Espionage: The illegal acquisition of U.S. technology—especially that of the dual-use variety—is a priority assignment for the hundreds of People's Liberation Army-owned or -affiliated front companies operating in the United States. Together with larger numbers of intelligence operatives, 40,000 graduate and undergraduate students and Overseas Chinese entrepreneurs doing business in China's country cousins, 4 China faces a literally unprecedented risk of penetration and espionage and, consequently, an immense counter-intelligence problem in his new era of economic espionage, "War by Other Means." John Fialka declares that China's prime intelligence agency, the Ministry of State Security, has "flooded the United States with spies, sending in far more than the Russians even at the height of the KGB's phenomenal campaign.

Not least is the danger that China's penetration of the computer and telecommunications industries will translate into a significant capability, if not untraceability, to wage information warfare (IW) against the United States. This capability is especially sinister since the vulnerability of America's computer infrastructure to IW attacks offers Beijing a means to inflict great harm on the U.S. economic and national security in a way that may enable the attacker to avoid detection by responsibility for the act.

Arming U.S. Gangs and Drug Lords: China has been caught shipping AK-47s and other lethal firearms to criminal elements in this country with the potential to sow mayhem in American society. PLA-affiliated companies have offered to sell undercover U.S. law enforcement officers illegal arms—only automatic weapons—whose lethal effects were evident when the streets of Los
Angels were turned into a war zone by bank robbers wielding AK-47s manufactured by the Chinese firm Norinco—but rocket-propelled grenade launchers, light armored vehicles and shoulder-fired surface-to-air missiles.

China is also believed to be active in supplying ballistic and cruise missiles to rogue states. President Clinton has nonetheless personally intervened no fewer than three times on COSCO’s behalf in connection with the effect of all of the PLA has been making to take over the U.S. Navy’s vast Long Beach Naval Base. This is all the more extraordinary since, according to a senior Soviet official, China is likely collaborating with Russia in utilizing COSCO assets and facilities for signals intelligence and other espionage activities, pursuant to the two nations’ bilateral intelligence cooperation agreement of 1992.

Financial Penetration: Since 1988, China has issued some 160 bonds on the U.S. and Western securities markets. While the bulk of these have been yen-denominated bonds, the total amount of dollar-denominated Chinese securities issued in the market has now reached at least $6.7 billion.

This preferred borrowing venue provides major international enterprises and banks intimately connected with the PLA and Beijing’s security services with access to large sums of undisciplined, unconditioned and inexpensive cash. This money can be easily diverted to finance activities inimical to U.S. security interests—not to mention American principles and values. Worse yet, in the course of recruiting numerous politically influential constituencies in this country that will have a financial vested interest in ensuring that China is not subject to U.S. economic sanctions, containment strategies or other forms of isolation and/or penalties.

A sense of the implications of such financial operations can be gleaned from the case of one of the conglomerate’s run by Wang Jun, the arms dealing Chinese “princeling” who was invited to attend a Democratic party fundraiser at the White House last year. The Chinese International Trade and Investment Corporation (CITIC) has, thus far, floated $100 million in dollar-denominated, non-repayable credits on foreign financial markets that are now in the portfolios of U.S. pension funds, securities firms, insurance companies and other prominent players in the American investor community.

While the full dimensions of China’s efforts to utilize the political access afforded by its financial inroads into the international economy in the United States are, at this writing, far from clear—and currently the subject of intensive congressional and Justice Department scrutiny—the point is that the Chinese government has a keen interest in shaping systematic seeding of the Middle East, Persian Gulf and South Asia with chemical, biological, and nuclear technology—plus with ballistic and cruise missiles with such arms can be delivered over increasingly long ranges.

This danger is increased by the prospect that the Peoples Republic of China regards these transactions as more than simply a valuable means of generating hard currency, securing technology, and garnering influence around the world. If Beijing is also using proliferation as an integral part of a campaign to diminish U.S. presence and influence in the Western Pacific, the possibility of a high-magnitude and vastly greater complexity than that mounted by the Soviet Union at the end of the Cold War. It behoves the United States correctly to assess this danger and respond appropriately before it becomes any harder to do.

FootNotes

1According to a front-page article in the 21-25 May 1997 issue of Defense News, the Pentagon has just released a study entitled “Chinese Views of Future U.S. Strategy: A Report of Covert Engagement” to the U.S. that was prepared by the respected British journalists, Humphrey Hawkins and Simon Holberston. Of such a development, see Dragonstrike: The Mil"

2According to the New York Times of 28 May 1997, the Chinese government has on occasion sent vessels to China over the last 18 months, “giving the Chinese possibility more supercomputing capacity than the the United States has sold 46 supercomputers to the in-theater bases, logistical facilities and staging points that were decisive to the Gulf War’s outcome. Accordingly, while the United States would prefer to avoid confronting China, it has no responsible choice under present and foreseeable circumstances but to stop engaging in activities that are having the effect of making it yet more difficult and more dangerous to challenge the PRC. The William P. Rogers report, “Security Policy believes that the place to start is by non-renewal of MFN for China.

This action should be complemented, however, by a number of other, critically important initiatives. These include:

Denying PLA-front companies and other inappropriate Chinese borrowing opportunities to sell bonds in the U.S. market. This step can be taken in a non-disruptive fashion (e.g., by creating a security-minded screen for the United States to ensure receipt of the security point.”

3Although the selected instances cited were drawn from a study entitled “Chinese Views of Future U.S. Strategy: A Report of Covert Engagement” to the U.S.”

4For a frightening illustration of the implications of such a development, see Dragonstrike: The Millennium War by the respected British journalists, Humphrey Hawkins and Simon Holberston.

5Two articles documenting China’s acquisition of militarily relevant technology can be found in the United States and other Western nations are: a front-page Wall Street Journal article by Robert S. Dunn, which appeared in the 26 June 1996 and was entitled “Let’s Make a Deal—Chinese Find Bargains in Defense Equipment as Firms Unload Assets,” and an Unilateral Action Against China’s Position in the World is Better Defined, Western Countries Should Stop Selling Arms to Beijing,” by Richard Fisher, Jr. which appeared in the 2 June 1997 edition of National Review.

6Insight Magazine’s Tim Maier cites Wall Street Journal reporter John Funk reporting that “about 450 Chinese companies are under federal investigation for economic espionage in the United States.” See “PLA Expands its Reach,” 24 March 1997, pp. 8-14.


8According to the New York Times of 28 May 1997, the Chinese government has on occasion sent vessels to China over the last 18 months, “giving the Chinese possibility more supercomputing capacity than the the United States has sold 46 supercomputers to the in-theater bases, logistical facilities and staging points that were decisive to the Gulf War’s outcome. Accordingly, while the United States would prefer to avoid confronting China, it has no responsible choice under present and foreseeable circumstances but to stop engaging in activities that are having the effect of making it yet more difficult and more dangerous to challenge the PRC. The William P. Rogers report, “Security Policy believes that the place to start is by non-renewal of MFN for China.

This action should be complemented, however, by a number of other, critically important initiatives. These include:

Denying PLA-front companies and other inappropriate Chinese borrowing opportunities to sell bonds in the U.S. market. This step can be taken in a non-disruptive fashion (e.g., by creating a security-minded screen for the United States to ensure receipt of the security point.”

3Although the selected instances cited were drawn from a study entitled “Chinese Views of Future U.S. Strategy: A Report of Covert Engagement” to the U.S.”

4For a frightening illustration of the implications of such a development, see Dragonstrike: The Millennium War by the respected British journalists, Humphrey Hawkins and Simon Holberston.

5Two articles documenting China’s acquisition of militarily relevant technology can be found in the United States and other Western nations are: a front-page Wall Street Journal article by Robert S. Dunn, which appeared in the 26 June 1996 and was entitled “Let’s Make a Deal—Chinese Find Bargains in Defense Equipment as Firms Unload Assets,” and an Unilateral Action Against China’s Position in the World is Better Defined, Western Countries Should Stop Selling Arms to Beijing,” by Richard Fisher, Jr. which appeared in the 2 June 1997 edition of National Review.

6Insight Magazine’s Tim Maier cites Wall Street Journal reporter John Funk reporting that “about 450 Chinese companies are under federal investigation for economic espionage in the United States.” See “PLA Expands its Reach,” 24 March 1997, pp. 8-14.

Mr. PAYNE. Mr. Speaker, Thursday will mark a milestone in the life of one of our outstanding, upstanding, and understanding constituents. This exceptional person is William H. Oliver. Mr. Oliver will celebrate his 85th birthday on June 12.

Mr. Oliver has lived in East Orange, NJ for 46 years. He is a native of Chase City, VA where he grew up. A true believer in the strength of family, Mr. Oliver has dedicated his life to raising and supporting a family that continues to grow in terms of number, scope, and purpose. Mr. Oliver’s family reaches beyond his bloodline and includes his church family and the community-at-large.

Mr. Oliver is a very active man. He is thankful for his good health and uses his energy and resources to better himself and the world around him. He is a deacon and the treasurer of his church, Messiah Baptist Church, East Orange. He has held these positions for more than 20 years. His church activities have also included being a member of the trustee board, the male chorus, and past chairman of the Flower Guild. His religion and the love and teaching of Jesus have helped to sustain and refresh him. He is also a Master Mason. His lodge, Jeptha 56, is very fortunate to have him involved in their activities.

When we become older our relationships with our children sometimes change, the provider/director roles are switched. That is not the case in Mr. Oliver’s life. His two children, William H.L. and Gloria are both accomplished, caring, and committed individuals who serve the law enforcement community. His son is captain of investigators with the Essex County Prosecutor’s Office and his daughter is lieutenant in the Orange County Police Department. They use their careers to truly serve, protect, and guide. What is wonderful about these two is their relationship with their dad. They proudly and constantly display their love and respect. It is uncommon for them to seem like the boy and girl of their youth when they come to their dad.

Captain Oliver can be seen raptly listening to advice from his experienced elder. Lt. Oliver can be overheard extolling the virtues of her dad and saying how fortunate she is to have him around.

Mr. Speaker, I am sure my colleagues will want to join me as I wish Mr. William H. Oliver a happy birthday and happy Father’s Day. I would also like to extend best wishes to Mr. Oliver’s descendants in this strong, stable, and viable family—son, William H.L.; daughter, Gloria; grandchildren, Shelly and Kristal, and their husbands, Oran and Vincent; and great-granddaughters, Kourtney and Madison; and the next great-grandchild to be born in December, May God continue to keep and bless each of you.
CAME OF CAPTAIN BODGIT’S INJURY, WHICH WAS KNOW. OUT DREAMS WERE SHATTERED WHEN WORD OF BODGIT’S RACE.

MONT AT A MILE AND A HALF WAS CAPTAIN FREE HOUSE OR TOUCH GOLD, I BELIEVE THE BELMORE REMARKABLE. THE COURAGE HE DISPLAYED AT THE END TO LOSE BY ONLY A NECK WAS ALL THE MENT AND GOOD LUCK. HOWEVER, MY THOUGHTS WERE OF THE SACRIFICE, THE DISCIPLINE AND HARD WORK THAT HE TOOK TO GET TO THE KENTUCKY DERBY.


YEARS OF GOING TO THE RACES AND ENJOYING MANY GREAT JERSEY DERBY TIME. MR. Speaker, I WILL NEVER FORGET THE WAY THE CAPTAIN TOOK CARE OF HIS HORSES AND HIS WORKOUTS AND THE MARVELOUS EXAMPLE THAT SETS FOR EVERYONE.

I THOUGHT OF SO MUCH IN THOSE FEW MINUTES BEFORE THE RACE, INCLUDING THE MARVELOUS SUPPORT OF RACING FRIENDS, FANS AND FAMILIES, AND SOME OF MY FORMER COLLEAGUES IN CONGRESS—ALL OF WHOM I KNEW WASROOTING FOR CAPTAIN BODGIT. I THOUGHT OF MY MOTHER AND FATHER AND THE MANY FUN TIMES WE HAD AT DELAWARE PARK. AS THE GATE OPENED, THE EUPHORIA AND RUSH OF ADRENALIN I FELT WERE ALMOST BEYOND COMPARISON.

THE STIRRING STRETCH DRIVES OF THE CAPTAIN AND THE COURAGE HE DISPLAYED ALONG WITH FREE HOUSE AND SILVER CHARM WILL FOREVER BE ETCHED IN MY MIND. TAKING NOTHING AWAY FROM ANY OF THE OTHER HORSES, AND ESPECIALLY SILVER CHARM AND FREE HOUSE, I WILL ALWAYS BELIEVE IN MY HEART THAT OUR HORSE COULD HAVE WON BOTH RACES WITH ANY DEGREE OF RACING LUCK.

BEING FORCED TO CHANGE LEADS IN THE STRETCH ROBBED HIM OF HIS MOMENTUM IN THE DERBY, AND STILL, HE LOST BY ONLY A HEAD. DRAWING A HOLE IN THE STRETCH, HE’D HAVE NO MARGINS LEFT TO LOSE BY ONLY A HEAD. I ONLY HOPE THAT HIS OUTFIT WILL BE BRED HERE IN AMERICA. THAT WAY WE CAN LOOK FORWARD TO SEEING YOUNG CAPTAIN BODGIT GIVING US SOME OF THE SAME THRILLS AND DISPLAYING THE SAME COURAGE AND THE GREAT CAPTAIN DID FOR ALL TOO SHORT A TIME.

FAMILY FARM AND SMALL BUSINESS ESTATE TAX RELIEF ACT OF 1997

HON. BOB ETHERIDGE OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
TUESDAY, JUNE 10, 1997

Mr. ETHERIDGE. Mr. Speaker, today I am introducing legislation designed to help preserve and protect our Nation’s most valuable assets: Families and Family-Owned Businesses.

Family-owned farms and small businesses are the backbone of my State and our Nation. They employ our people, generate economic growth and strengthen our communities. However, Uncle Sam has soaked it to family-owned businesses for over the years with increasing regulations and taxes. Families are finding it harder and harder to continue operating the family business.

One of the largest obstacles to staying in business for families is Federal estate taxes or death taxes. Before a family has even had the opportunity to properly mourn the passing of a loved one they must begin to face the task of settling the estate. Often a family must endure two deaths: the death of a loved one followed by the death of a business. With tax rates as high as 55 percent on assets in excess of $600,000, death taxes can sap the lifeblood out of a family-owned business and in many cases force the sale of the entire business to settle up with the IRS. Family farms and small businesses are frequently cash poor but rich in assets such as land and equipment. The current $600,000 exemption can often be eaten up in the increased value of land which often has no correlation to the income generating value of the business.

Small businesses and family farm make up 98 percent of all businesses in North Carolina and employ over 50 percent of all workers in our State. Right now, $600,000 exemption is too low and places a burden on some family-owned businesses so severe they cannot survive. People labor too long and hard through-out their lives to see the fruits of their work disappear into Uncle Sam’s pockets.

That is why today I am introducing the Family Farm and Small Business Estate Tax Relief Act of 1997. This bill will raise the current exemption for family-owned farms and small businesses from $600,000 to $1.5 million. It will also index the exemption to inflation, something that should have been done a long time ago.

The current estate tax is an unfair double tax on assets generated through income that has already been taxed relative to saving, hard work and entrepreneurship. Current policy undermines everything that is great about America: family, ingenuity, hard work, and providing for the economic security of our children.

There are thousands of Americans across this country that play by the rules and work hard only to be faced with the prospect that their very success will saddle their children with a burden so great that it will force them to abandon the only livelihoods they have ever known.

According to the Congressional Research Service 70 percent of family owned businesses do not survive to the second generation and 87 percent do not survive to the third. This is wrong and it must stop. The Family Farm and Small Business Estate Tax Relief Act is good for our economy, is good for families and is good for America.

I would like to take this opportunity to thank the National Federation of Independent Business (NFIB) and the North Carolina Farm Bureau for their support of my legislation. NFIB and the NC Farm Bureau understand the importance of preserving family-owned businesses.

With the right policies we can strengthen and preserve the family owned business in America. I urge my colleagues to join me in support of this important legislation initiative.

ARMY BIRTHDAY TRIBUTE

HON. JOHN M. MCHUGH OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
TUESDAY, JUNE 10, 1997

Mr. MCHUGH. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in recognizing the birthday of the United States Army. June 14, 1997 marks the Army’s 222 years of service to the United States of America.

For 222 years, our Army’s purpose has been to fight and win our nation’s wars. America’s Army exists to give the nation decisive victory on the battlefield and wherever else the nation needs them. Decisive victory today means more than simply destroying the army of an opponent. It can take many forms: saving lives by producing and delivering clean water to Rwandan refugees, restoring democracy in Haiti, or keeping the peace in Bosnia. Whatever the mission, the nation turns to the Army for help during crises, and the Army delivers success.

The key to the Army’s success has been its willingness to change, to meet the world as it is, with determination, commitment, selfless service and its dedication to duty, honor and country. These are not mere words; they are codes by which the Army lives.

General Douglas MacArthur, in 1961, summed it up best...
when he said, “Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory—and that if we fail, the nation will be destroyed.”

But the world has changed, and it continues to change. For the Army, the 21st century began before we knew it. From 1989, almost 40 years, the United States of America used its military 10 times. Since 1989, we have used our military 25 times, a 15-fold increase. Let’s quickly review some of the major recent actions in which the U.S. Army played a critical role: in 1991, Operation Desert Storm in Southwest Asia and Provide Comfort in Turkey and Iraq; in 1992, relief efforts after Hurricane Andrew; in 1993, Restore Hope in Somalia; in 1994, fighting fires in the Western United States, Uphold Democracy in Haiti, and Support Hope in Rwanda; and in 1995 and 1996, Joint, Joint Endeavor and Joint Guard in Bosnia. Yes, during the past 7 years, the Army has done 70 to 80 percent of the heavy lifting, and they have done it for less than 24 percent of the budget given to the Department of Defense. The U.S. Army is indeed a cost-effective force.

The cold war may have been more dangerous, but today’s geopolitical environment is more complex. We must deal with the crumbling of the Soviet Union, an unprecedented breakup of states around the world. We must deal with the possibility of proliferation of weapons of mass destruction—a sure knowledge that any nation with resources can buy instant terror. We must deals with uncertainty throughout the world—where are we headed? We must deal with the explosive release of religious and racial tensions that have lain dormant in the global village for more than 50 years. We must deal with difficult, emotional issues that have been covered up since World War II.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.

They hadn’t even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It’s a tough mission, but they are good at it, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Storm. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—through the power projection. Yes, we clearly showed dam Hussein got the message, and the world found out what it meant when we talk about power projection. Yes, we clearly showed the physical ability and endurance they brought to the task.
In closing, let us all reflect for a moment that June 14, 1997, is Flag Day as well as the Army’s birthday. Like our Army, the American flag grew out of revolution. And like our Army, the design of our flag—Old Glory—has evolved over the years since 1777. The liberty is still there, though it remains constant. So does the Army’s vigil to protect that liberty, because, in the words of General Eisenhower, “A soldier’s pack is not so heavy a burden as a prisoner’s chains.”

Since 1775, more than 42 million Americans, in times of crisis as well as times of peace, have raised their right hands to take an oath, making America’s Army what it is: the premier fighting force in the world and a values-based institution closely bound to the Nation and the Nation’s people. They have taken that oath not to a king, and not to a flag alone, but to the ideals our flag represents.

Yesterday the Army was ready, from Lexington and Concord to Gettysburg, and from Normandy to Bosnia. Today they are ready to fight and win the Nation’s wars, and to keep the peace on human rights and freedom throughout the world. Tomorrow, too, they will be ready. Wherever the time, wherever the mission, whatever the challenge, American can count on its Army.

A TRIBUTE TO HELEN WHISTLER
HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor excellence with tribute to the Girl Scouts of America and recognize Helen Whistler as the San Fernando Valley Girl Scout Council Woman of the Year.

Girl Scouting is very important throughout our community and our Nation. The Girl Scout’s basic promise “To serve God and my country, To help people at all times” is no simple task. But each day women like Helen Whistler go out into the community and spread the Girl Scout promise.

The San Fernando Valley Girl Scout Council Woman of the Year Award is given to honor outstanding efforts in providing Girl Scouting throughout the San Fernando Valley. Their mission “to serve girls in a diverse environment by inspiring them to reach their full potential” can only be realized if someone makes an effort to attract and organize these young women.

Fortunately, there are women like Helen Whistler who excel in promoting the Girl Scout mission. Helen has worked tirelessly to bring Girl Scouting to every girl of our community. She has gathered and analyzed enormous amounts of data that have enabled the council to develop plans which would better serve our women of tomorrow. Helen’s research is pivotal to the success of the San Fernando Valley Girl Scout Council.

In addition to providing an extraordinary amount of time to this research, Helen serves as the 3d vice president and secretary of the Board of Directors and on the Executive Committee. Her dedication to the Girl Scout community is greatly appreciated.

Helen’s family, friends, the San Fernando Girl Scout Council and the women in our community in honoring Helen Whistler as Woman of the Year.

EMLOYMENT NON-DISCRIMINATION ACT

HON. RICHARD A. GEPHARDDT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. GEPHARDDT. Mr. Speaker, today, I am proud to be among 150 of my colleagues in the House of Representatives who have joined to introduce the Employment Non-Discrimination Act [ENDA] of 1997. This legislation will extend to gay and lesbian Americans the same employment protections guaranteed to all other Americans without creating special rights or quotas.

It is intolerable that in 39 States hard working young women and men can be fired or turned down for a job just because of their sexual orientation. No woman should have to worry about receiving a pink slip because she is gay. No man should be denied a position or a promotion simply because he is gay.

America is blessed with a diverse people and America works best when everyone is allowed to contribute to his or her fullest potential. As a nation, we take pride in our sense of fairness, and in fairness to all Americans it is time to put an end to employment discrimination. The time has come for the Congress of the United States to provide assurance to every American that his or her opportunity to get a job and to keep a job will be based on their abilities, not on their sexual orientation.

Almost 70 percent of American voters believe that is the right thing to do and Congress should act accordingly.

Last year, ENDA supporters were heartened by the near passage of the bill in the Senate. That the Senate vote on ENDA was 49–50, coupled with the fact that today there are 150 original ENDA cosponsors in the House—comparing to 139 cosponsors in the last Congress—is proof that progress is indeed being made.

Increasing support and for ultimately enacting ENDA will build upon our Nation’s legacy of ensuring fairness in the workplace. We have outlawed employment discrimination based on race, gender, age, religion, or disability. Let us now take the next important step. I urge my colleagues to lend their support to this legislation so we can make it law in the 105th Congress.

CONGRATULATIONS TO THE SOUTHERN EYE BANK

HON. JOHN COOKSEY
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 10, 1997

Mr. COOKSEY. Mr. Speaker, I rise today in recognition of the 50th anniversary of the Southern Eye Bank of New Orleans, LA, and to congratulate this eye-bank on its continued commitment to excel.

The Southern Eye Bank was incorporated on June 7, 1947 and opened its doors on July 30, 1947. It was founded under the auspices of the Eye Bank For Sight Restoration in New York City, which was the first eye bank in the United States. The Southern Eye Bank was organized by Dr. Townley Paton. Subsequently other eye banks were located in Boston and Chicago. The Southern Eye Bank was the first in the South.

The initial executive committee included Mr. Charles E. Fenner, as chairman of the board of trustees; Mr. John Reilly, as treasurer; Mr. John Sims, as secretary; Drs. George M. Haik and William B. Clark, as chairmen of the Medical Advisory Committee, and Mrs. Orville Ewing, as the volunteer executive director.

This first office was located in the Hutchinson Memorial Building of the Tulane Medical School at 1430 Tulane Avenue. Eventually, in 1948 it moved to the Eye, Ear, Nose and throat Hospital. The Southern Eye Bank functioned with the cooperation of LSU School of Medicine; the Tulane Medical Center, and various local hospitals—Charity, Hotel, Dieu, Flint Goodrich, Baptist and Lakeshore.

The original purposes of Southern Eye Bank were twofold: to secure corneas for transplant, and to establish a laboratory in which young eye surgeons could be trained to perform corneal transplants. Within the first few months of its opening, the Southern Eye Bank had a list of 3,000 donors. The public was instructed on how to become a donor as follows: Sign the donor card and return it to the Eye Bank Office; the signature must be witnessed, but need not be notarized; the donor card must be notified of these intentions; the gift should not be part of a will, since the eye must be used immediately before a will can be probated.

The first corneal transplant, performed under its auspices, was at the Eye, Ear, Nose and Throat Hospital. The patient was a 69-year-old female who had been blind for 7 years. The procedure was deemed a success, that is permanent vision was restored.

Today, the Southern Eye Bank provides approximately 800 corneas for transplantation a year.

Today, over 95 percent of corneal transplants are successful. This success rate reflects significant advances in the way donor corneas are processed.

In 1947 the eye had to be removed within 3 hours of time of death; the transplant had to be performed within 24 hours of recovery; only 50 percent of surgeries were deemed successful.

In 1997 the eye can be removed within 8 hours of the time of death; the transplant can be performed up to 14 days after recovery; about 95 percent of surgeries are successful.

One of the reasons for the increased rate of success was the ability to store corneal tissue in a liquid media so that it could be later used under optimal conditions. In the early days of corneal transplantation (i.e., in 1947), the patient had to wait (sometimes for a long time), for a telephone call to come to the hospital when tissue had become available. Then the transplantation was done as an emergency at a time when conditions in the operating room might not be optimal. A major breakthrough was the development of the M–K media by Drs. Bernard E. Carey, Ph.D. and Herbert E. Kaufman, MD in 1974. Thereafter, corneal tissue could be stored for up to 3 days and still be viable. This meant that surgery could be performed up to 14 days after recovery.

In 1997 the first office was moved from New Orleans to the Baptist Medical Center in New Orleans.

The Southern Eye Bank now provides corneas to 26 states and the District of Columbia as well as to Puerto Rico. Approximately 800 corneas are processed a year.

The success rate of corneal transplantation is now 95 percent. The Southern Eye Bank now serves approximately 26 states and the District of Columbia as well as to Puerto Rico.

The Southern Eye Bank is a non-profit, tax-exempt, non-political, non-sectarian, and non-competitive institution closely bound to the Nation and the Nation’s people. They have taken an oath not to a king, and not to a flag alone, but to the ideals our flag represents.

The Liberty is still there, though it remains constant. So does the Army’s vigil to protect that liberty, because in the words of General Eisenhower, “A soldier’s pack is not so heavy a burden as a prisoner’s chains.”
was a major breakthrough. Newer storage media have been developed, but the introduction of the M–K media made it possible for the concept of eye banking to attain the next level.

THE NEED FOR EYE BANKS

Over forty thousand Americans, and hundreds of thousands of others around the world suffer from corneal blindness each year. This visual loss which compromises their quality of life may result from cogenital corneal disease, infection, trauma, chemical burns, or corneal swelling.

Fortunately, through the medical miracle of corneal transplantation, sight restoration is possible. Since there is no substitute for human tissue, the transplant process depends on the priceless gift of corneal donation from one human to the next. The mission of Southern Eye Bank is to safely transfer corneas from the donor to the recipient.

Transplants bring light into the eyes of an infant only a few days old, and the great-grandfather in his eighties, and all those in between.

Donor ocular tissue is used for corneal transplant surgery and reconstructive ophthalmic surgery, and for research to find cures to diseases which cause blindness or visual deterioration. The Southern Eye Bank first meets the needs of those in the local community waiting for a corneal donor, and then provides other eye banks across the country with donor corneas for transplantation.

Today, the Southern Eye Bank provides safe, quality corneas for transplantation, research, and education. This New Orleans medical landmark has been saving vision for the last 50 years, and will continue to do so.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5431-S5483

Measures Introduced: Twelve bills were introduced as follows: S 863-874. Page S5444

Nominations Received: Senate received the following nominations:

- Patrick A. Shea, of Utah, to be Director of the Bureau of Land Management.
- 1 Marine Corps nomination in the rank of general.

Routine lists in the Army and Marine Corps.

Pages S5481-83

Motion to Adjourn: By 55 yeas to 37 nays (Vote No. 98), Senate agreed to a motion to adjourn.

Pages S5480-81

Measures Placed on Calendar:

Communications:

Statements on Introduced Bills:

Additional Cosponsors:

Additional Statements:

Record Votes: One record vote was taken today. (Total—98) Page S5481

Quorum Calls: One quorum call was taken today. (Total—3) Page S5480

Adjournment: Senate convened at 11 a.m., and adjourned at 4:40 p.m., until 12 noon, on Wednesday, June 11, 1997.

Committee Meetings

(Committees not listed did not meet)

BUDGET RECONCILIATION

Committee on Agriculture, Nutrition, and Forestry: Committee completed its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, and agreed on recommendations which it will make thereon to the Committee on the Budget.

APPROPRIATIONS—LEGISLATIVE BRANCH

Committee on Appropriations: Subcommittee on the Legislative Branch concluded hearings on proposed budget estimates for fiscal year 1998, after receiving testimony in behalf of funds for their respective activities from Glen Nager, Chairman of the Board, and Ricky Silberman, Executive Director, both of the Senate Office of Compliance; Gregory S. Casey, Senate Sergeant at Arms; Gary Sisco, Secretary of the Senate; and Alan M. Hantman, Architect of the Capitol.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on AirLand Forces met in closed session and approved for full committee consideration those provisions which fall within the jurisdiction of the subcommittee of S. 450, proposed National Defense Authorization Act for Fiscal Years 1998 and 1999.

WATER AND POWER PROJECTS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on the following measures:

- S. 439, to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, and to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, H.R. 651 and H.R. 652, bills to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and S. 846, to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii, after receiving testimony from Susan Tomasky, General Counsel, Federal Energy Regulatory Commission, Department of Energy; Percy Frisby, Alaska Division of Energy, Juneau; Robert S. Grimm, Alaska Power and Telephone Company, Port Townsend, Washington; Jack Hession, Sierra Club, and Charles Y. Walls, Alaska Village Electric Cooperative, both of Anchorage,
Alaska; and Mona Janopaul, Trout Unlimited, Arlington, Virginia, on behalf of the Hydropower Reform Coalition;

S. 736, to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District, and S. 744, to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, after receiving testimony from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; and Bruce C. Driver, Boulder, Colorado. Testimony was also received on S. 736 (listed above) from Tom Davis, Carlsbad Irrigation District, Carlsbad, New Mexico, and S. 744 (listed above) from Leonard Benson, Fall River Water Users District, Fall River, South Dakota; and

S. 538, to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project in Idaho to the Burley Irrigation District, after receiving testimony from Mr. Martinez (listed above); and Roger D. Ling, Ling, Nielsen and Robinson, Rupert, Idaho.

ENFORCEMENT OF ENVIRONMENTAL LAWS

Committee on Environment and Public Works: Committee concluded oversight hearings on the relationship between the Federal and State governments in the enforcement of environmental laws, after receiving testimony from Lois J. Schiffer, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Steven H. Herman, Assistant Administrator, Office of Enforcement and Compliance Assistance, and Nikki L. Tinsley, Acting Inspector General, both of the Environmental Protection Agency; Connecticut Assistant Attorney General Joseph Rubin, Hartford; Mark Coleman, Oklahoma Department of Environmental Quality, Oklahoma City, on behalf of the Environmental Council of States; Becky Norton Dunlop, Virginia Department of Natural Resources, Richmond; Patricia S. Bangert, Office of the Attorney General for the State of Colorado, Denver; Christophe A.G. Tulou, Delaware Department of Natural Resources and Environmental Control, Dover; Todd E. Robins, U.S. Public Interest Research Group, Washington, D.C.; Robert R. Kuehn, Tulane Law School, New Orleans, Louisiana; and Robert E. Harmon, Harmon Industries, Blue Springs, Missouri.

CHINA MFN TRADE STATUS

Committee on Finance: Committee held hearings on issues with regard to the Administration's renewal of the Most-Favored-Nation (MFN) trade status with China and U.S. trade policies with China, receiving testimony from Madeleine K. Albright, Secretary of State; Charlene Barshesky, United States Trade Representative; T. Kumar, Amnesty International USA, and Barbara Shailor, AFL-CIO, both of Washington, D.C.; Nick Liang, China Society, San Francisco, California; Lawrence Pemble, U.S.-China Industrial Exchange, Inc. (CHINDEX), Bethesda, Maryland; and Edvard P. Torjesen, Evergreen Family Foundation, Colorado Springs, Colorado.

Hearings were recessed subject to call.

NATIONAL LABOR RELATIONS

Committee on Labor and Human Resources: Committee concluded hearings to examine the impact of organized labor's technique of salting whereby union organizers apply for jobs while at the same time advising their prospective employers that they are union organizers and intend to organize the employer's employees, and S. 328, to amend the National Labor Relations Act to provide that nothing in specified prohibitions against unfair labor practices shall be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of the objectives of an organization other than the employer, after receiving testimony from George E. Smith, Little Rock Electrical Contractors, Inc., Little Rock, Arkansas; Don O. Mailman, Bay Electric Company, Inc., Cape Elizabeth, Maine; Roselyn F. Nyeholt, Nyeholt Steel Company, Holt, Michigan; Terrance G. Korthof, Wright Electric, Inc., Plymouth, Minnesota; Charles Fletcher, Corey Delta Constructors, Benicia, California, on behalf of the Associated General Contractors of America; Robert A. Georgine, Building and Construction Trades Department (AFL-CIO), and Clifford R. Oviatt, Jr., McGuire, Woods, Battle, and Boothe, both of Washington, D.C.; Michael T. Manley, Blake and Uhlig, Kansas City, Kansas, on behalf of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers (AFL-CIO); and Thomas J. Cook, Omega Electric Construction Company, Inc., Williston, Vermont.
House of Representatives

Chamber Action

Bills Introduced: 25 public bills, H.R. 1835-1859; 1 private bill, H.R. 1860; and 3 resolutions, H.J. Res. 80-81 and H. Con. Res. 95, were introduced.

Reports Filed: Reports were filed as follows:

- Filed on June 9, H.R. 1277, to authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, amended (H. Rept. 105-67 Part II);
- H.R. 378, a private bill (H. Rept. 105-125);
- H. Res. 163, providing for consideration of H.J. Res. 54, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (H. Rept. 105-126); and
- H. Res. 164, providing for consideration of H.R. 437, to reauthorize the National Sea Grant College Program Act (H. Rept. 105-127).

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Young of Florida to act as Speaker pro tempore for today.

Recess: The House recessed at 10:58 p.m. and reconvened at 12:00 p.m.

Suspensions: The House voted to suspend the rules and pass the following measures:

- AuSable Hydroelectric Project: H.R. 848, to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York;
- Bear Creek Hydroelectric Project: H.R. 1184, amended, to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington;
- Washington State Hydroelectric Project: H.R. 1217, to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington; and
- Reunification of the City of Jerusalem: H. Con. Res. 60, relating to the 30th anniversary of the reunification of the city of Jerusalem (agreed to by a yea-and-nay vote of 406 yeas to 17 nays with 1 voting "present", Roll No. 176).

Foreign Relations Authorization Act: The House resumed consideration of amendments to H.R. 1757, to consolidate international affairs agencies and to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999. The House considered amendments to the bill on Wednesday, June 4 and Thursday, June 5.

Agreed To:

- The Gilman amendment that removes the prohibition against foreign assistance for narcotics related purposes to countries that have been decertified for funding;
- The Ney amendment that prohibits assistance to any government that assists the Government of Libya in violating sanctions imposed by the United Nations and provides an exception for national security interests of the United States (agreed to by a recorded vote of 426 ayes with none voting "no", Roll No. 174);
- The Capps amendment that provides 30 scholarships to Tibetan students who are outside of Tibet and 15 scholarships to Burmese students who are outside of Burma;
- The Diaz-Balart amendment to the Miller of California amendment that additionally specifies that at such time as the government of Cuba has freed all political prisoners, legalized all political activity, and agreed to hold free and fair elections then it is the sense of Congress that the United States should allow the import of Cuban cigars;
- The Miller of California amendment, as amended by the Diaz-Balart amendment, that expresses the sense of Congress that the United States should allow the import of Cuban cigars at such time as the government of Cuba has freed all political prisoners, legalized all political activity, and agreed to hold free and fair elections (agreed to by a recorded vote of 375 ayes to 49 noes Roll No. 175);
- The Scarborough amendment debated on June 4, as modified, that applies to Sudan the provisions of the Anti-terrorism and Effective Death Penalty Act that restricts financial transactions until the President certifies that Sudan is no longer sponsoring or supporting terrorism and provides that this restriction shall not apply to humanitarian assistance (agreed to by a recorded vote of 415 ayes to 9 noes, Roll No. 171);
- The Engel amendment, debated on June 4, that expresses the sense of Congress that the United States should consider applying to Syria sanctions which are currently enforced against Iran and Libya...
(agreed to by a recorded vote of 410 ayes to 15 noes, Roll No. 172); Pages H3600–01

The Nethercutt amendment, debated on June 5, that expresses the sense of Congress that Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan should release immediately Donald Hutchings of the State of Washington and 3 Western Europeans from captivity and cease and desist from all acts of hostage-taking and other violent acts within the state of Jammu and Kashmir (agreed to by a recorded vote of 425 ayes with 1 voting "present" and none voting "no", Roll No. 173); Pages H3601–02

The Paxon amendment that condemns the Palestinian Authority policy and practice of imposing the death penalty on anyone who sells land to a Jew; Pages H3602–07

The Payne amendment that lifts the prohibition of assistance to the Democratic Republic of Congo formerly Zaire; Pages H3607–08

The Bereuter amendment to the Kennedy of Rhode Island amendment that adds findings and expresses the sense of Congress relating to attacks carried out by the East Timorese resistance forces and condemns these acts as they discredit the East Timorese cause and could result in violent reprisals; Pages H3609–13

The Kennedy of Rhode Island amendment as amended by the Bereuter amendment that expresses the sense of Congress that the United States should not provide military assistance to Indonesia unless it accredits independent election-monitoring organizations; insures that police or military do not confiscate materials from domestic or international nongovernmental organizations; investigates the attack on the headquarters of the Democratic Party of Indonesia; establishes a dialogue to resolve the conflict in East Timor; releases political prisoners; and expresses the sense of Congress relating to attacks carried out by the East Timorese resistance forces and condemns these acts as they discredit the East Timorese cause and could result in violent reprisals; Pages H3608–13

The Engel amendment that establishes the "MacBride Principles of Economic Justice Act of 1997" for all contributions made by the United States to Northern Ireland; Pages H3615–17

The Slaughter amendment that expresses the sense of Congress that adequate assistance be provided to Lithuania and Latvia; Pages H3617–18

The McKinney amendment that establishes the "Code of Conduct on Arms Transfers Act of 1997"; prohibits military assistance and arms transfers to foreign governments unless the government promotes democracy; respects human rights; is not engaged in certain acts of armed aggression; and participates in the U.N. and provides exemptions for national security interests of the United States; Pages H3618–26

The Hall of Ohio amendment that provides findings concerning the conflict in east Timor and affirms the support of Congress for a just and peaceful solution to it; Pages H3627–28

The Sanders amendment that expresses the sense of Congress regarding the imprisonment of Ngawang Choephel in China and that Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally; and Pages H3628–30

The Fox of Pennsylvania amendment that expresses the sense of Congress regarding the designation of Romania as eligible for assistance under the NATO Participation Act of 1994. Pages H3630–32

Rejected:

The Stearns amendment, debated on June 4, that sought to express the sense of Congress that the President and Permanent Representative of the United States to the United Nations should encourage the United Nations to commission a study concerning a revolving headquarters for the U.N. and establish the United Nations as a part-time body (rejected by a recorded vote of 108 ayes to 315 noes, Roll No. 170); Pages H3598–99

Vote Postponed:

The Rohrabacher amendment that seeks to restrict funding to the Russian Federation if the federation transfers an SS-N-22 missile system to the People's Republic of China was debated and the recorded vote was postponed.

On Wednesday, June 4, the House agreed to H. Res. 159, the rule that is providing for consideration of H.R. 1757.

Order of Business—Foreign Relations Authorization Act: It was made in order that during further consideration of H.R. 1757, in the Committee of the Whole, that no further amendment shall be in order except 1) amendments en bloc offered by the Chairman of the Committee on International Relations pursuant to the order of the House of June 5, 1997; and 2) an amendment offered by Representative Sanford regarding authorization levels which shall be debatable under the five-minute rule. The order of the House of June 5 provided that it shall be in order at any time for the Chairman of the Committee on International Relations or a designee, with the concurrence of the ranking minority member of that committee or a designee, to offer amendments en bloc. Amendments en bloc offered pursuant to this unanimous consent agreement shall be considered as read, shall not be subject to amendment, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole,
and may amend portions of the bill previously read for amendment. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

Page H3632

Presidential Veto Message—Emergency Supplemental Appropriations: Read a message from the President received by the Clerk on Monday, June 9, wherein he announces his veto of H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and explains his reasons therefor. The message was ordered printed (H. Doc. 105-96).

Page H3633

Subsequently, agreed to the motion to refer the bill and veto message to the Committee on Appropriations. Earlier, agreed to order the previous question by a yea-and-nay vote of 216 yeas to 205 nays, Roll No. 177.

Page H3634

Presidential Message—Cloning Prohibition: Read a message from the President received by the Clerk on Monday, June 9, wherein he transmits his proposed legislation titled the “Cloning Prohibition Act of 1997”—referred to the Committee on Commerce and ordered printed (H. Doc. 105-97).

Page H3634

Referral: S. 610, to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as “the Chemical Weapons Convention” and opened for signature and signed by the United States on January 13, 1993 was referred to the Committees on International Relations and the Judiciary.

Page H3656

Amendments: Amendments ordered printed pursuant to the rule appear on pages H 3661-63.

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H 3599, H 3599-3600, H 3600-01, H 3601-02, H 3613-14, H 3614-15, H 3632-33, and H 3637. There were no quorum calls.

Adjournment: Met at 10:30 a.m. and adjourned at 10:45 p.m.

**Committee Meetings**

**LABOR-HHS-EDUCATION APPROPRIATIONS**

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on National Institute of Health Priority-Setting. Testimony was heard from Harold Varmus, M.D., Director, NIH, Department of Health and Human Services.

**BUDGET RECONCILIATION**

Committee on Commerce Subcommittee on Health and Environment approved for full Committee action the following Budget Reconciliation recommendations: Title IV—Committee on Commerce-Medicare; Title III, Subtitle E—Medicaid; and Title III, Subtitle F—Child Health Assistance Programs.

**OVERSIGHT—FAMILY AND MEDICAL LEAVE ACT**

Committee on Education and the Workforce Subcommittee on Oversight and Investigations held an oversight hearing on the Family and Medical Leave Act. Testimony was heard from public witnesses.

**MISCELLANEOUS MEASURE; BUDGET RECONCILIATION**

Committee on Government Reform and Oversight: Subcommittee on Civil Service approved for full Committee action the following: H.R. 1316, to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits; and Budget Reconciliation recommendations.

**OVERSIGHT—DEPARTMENT OF LABOR’S: MISSION, MANAGEMENT AND PERFORMANCE**

Committee on Government Reform and Oversight: Subcommittee on Human Resources continued hearings on Department of Labor’s: Mission, Management, and Performance. Testimony was heard from Alexis M. Herman, Secretary of Labor.

**ADMINISTRATION’S—TRADE PRIORITIES**

Committee on International Relations: Held a hearing on Trade Priorities of the Administration. Testimony was heard from Charlene Barshefsky, U.S. Trade Representative.

**MISCELLANEOUS MEASURES**

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property approved for full Committee action the following bills: H.R. 567, Madrid Protocol Implementation Act; H.R. 1661, amended, to implement the provisions of the Trademark Law
Treaty; H.R. 1581, to reauthorize the program established under chapter 44 of title 28, United States Code, relating to arbitration; and H.R. 1252, amended, Judicial Reform Act of 1997.

PROHIBITION OF FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 748, Prohibition of Financial Transactions with Countries Supporting Terrorism Act of 1997. Testimony was heard from William C. Ramsay, Deputy Assistant Secretary, Energy, Sanctions, and Commodities, Bureau of Economic and Business Affairs, Department of State; R. Richard Newcomb, Director, Office of Foreign Assets Control, Department of the Treasury; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT


NATIONAL DEFENSE AUTHORIZATION ACT


AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Committee on Resources: Held a hearing on H.R. 901, American Land Sovereignty Protection Act. Testimony was heard from Rafe Pomerance, Deputy Assistant Secretary, Oceans and International Environmental and Scientific Affairs, Department of State; Denis P. Galvin, Acting Deputy Director, National Park Service, Department of the Interior; Charles P. Childers, Representative, State of Wyoming; Jeannette James, Representative, State of Alaska; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources; Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 588, National Discovery Trails Act of 1997; and H.R. 1513, to amend the National Trails System Act to designate the Lincoln National Historic Trail as a component of the National Trails System. Testimony was heard from Representative Bereuter; Katherine H. Stevenson, Associate Director, Cultural Resource Stewardship and Partnership, National Park Service, Department of the Interior; Robert C. Joslin, Deputy Chief, Forest Service, USDA; and public witnesses.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate, on H.R. 437, National Sea Grant College Program Reauthorization Act of 1997, with 40 minutes equally divided between the chairman and ranking minority member of the Committee on Resources and 20 minutes equally divided between the chairman and ranking minority member of the Committee on Science. The rule provides that, in lieu of the Science Committee amendment now printed in the bill, that the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 shall be considered as an original bill for the purpose of amendment, and provides that the amendment shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representative Saxton.

DESECRATION OF THE FLAG—CONSTITUTIONAL AMENDMENT

Committee on Rules: Granted, by voice vote, a closed rule providing 2 hours of debate on H.J. Res. 54, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The rule provides one motion to recommit which may include instructions only if offered by the Minority Leader or his designee, and if including instructions, shall be debateable for 1 hour equally divided between the proponent and an opponent. Testimony was heard from Chairman Hyde and Representative Canady.

BUDGET RECONCILIATION WELFARE RECOMMENDATIONS

Committee on Ways and Means: Approved welfare reconciliation recommendations to be transmitted to the Committee on the Budget for inclusion in Budget Reconciliation legislation.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 11, 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 the National Institutes of Health, Department of Health and Human Services, 2 p.m., SD–138.

Committee on Armed Services, closed business meeting, to mark up a proposed National Defense Authorization Act
for Fiscal Year 1998, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1998, 10 a.m., SR-222.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on automated teller machine fees and surcharges, 10 a.m., SD-538.

Committee on Commerce, Science, and Transportation, to hold hearings on S. 629, to declare that the Congress approve the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (Shipbuilding Agreement), a reciprocal trade agreement resulting from negotiations under the auspices of the Organization for Economic Cooperation and Development, entered into on December 21, 1994, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9 a.m., SD-366.

Full Committee, to hold oversight hearings on the State-side of the Land and Water Conservation Fund, 9:30 a.m., SD-366.

Committee on Governmental Affairs, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings on proliferation and United States export controls, 9:30 a.m., SD-342.

Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings to examine judicial activism and its impact on the court system, 10:30 a.m., SD-226.

Committee on Labor and Human Resources, business meeting, to mark up proposed legislation to reform the Food and Drug Administration, and to consider pending nominations, 9:30 a.m., SD-430.

House

Committee on Agriculture, to consider Budget Reconciliation recommendations, 2 p.m., 1300 Longworth.

Subcommittee on Forestry, Resource Conservation, and Research, hearing to review the 1997 Conservation Reserve Program contract announcement, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, hearing on National Education Goals Panel; National Mediation Board; and the Armed Forces Retirement Home, 10 a.m., 2358 Rayburn.

Subcommittee on National Security, executive, hearing on Future Bomber/Deep Attack Capabilities, 10 a.m., H-140 Capitol.

Committee on Banking and Financial Services, to consider the following: Budget Reconciliation recommendations; and other pending Committee business, 10 a.m., 2128 Rayburn.

Committee on Commerce, to mark up the following Budget Reconciliation recommendations: Title III, Subtitle A—Nuclear Regulatory Commission Annual Charges; Title III, Subtitle B—Lease of Excess Strategic Petroleum Reserve Capacity; Title III, Subtitle C—Sale of DOE Assets; Title III, Subtitle D—Communications; Title III, Subtitle E—Medicaid; Title III, Subtitle F—State Child Health Coverage Assistance; and Title IV—Committee on Commerce—Medicare, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, to mark up the following: Budget Reconciliation recommendations; and H.R. 1515, Expansion of Portability and Health Insurance Coverage Act of 1997, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, to consider pending business, 10:30 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Economic Policy and Trade, hearing on Fast Track NAFTA, Mercosur, and Beyond: Does the Road Lead to a Future Free Trade Area of the Americas? 2 p.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing on civil asset forfeiture reform, including discussion of H.R. 1835, Civil Asset Forfeiture Reform Act; and to mark up a private immigration bill, 10:00 a.m., 2141 Rayburn.


Committee on Resources, to mark up H.R. 1278, National Oceanic and Atmospheric Administration Authorization Act of 1997; and to hold an oversight hearing on the Administration's priorities with respect to the budget agreement's provision providing $700 million in additional budget authority for fiscal year 1998 for Federal land acquisitions and exchanges, 1:00 p.m., 1324 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, to mark up H.R. 1702, Commercial Space Act of 1997, 1 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: Budget Reconciliation recommendations; H.R. 849, to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; H.R. 1747, John F. Kennedy Center Parking Improvement Act of 1997; and other pending business, 10 a.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on International Aviation Bilaterals and Code Sharing Relationships, 2:00 p.m., 2167 Rayburn.

Committee on Ways and Means, to mark up Budget Reconciliation tax recommendations, 3 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Iran, 10 a.m., H-405 Capitol.
Congressional Record

The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶ Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about GPO Access, contact the GPO Access User Support Team by sending Internet e-mail to gpaccess@gpo.gov, or a fax to (202) 512-1262, or by calling Toll Free 1-888-293-6498 or (202) 512-1350 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶ The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.